CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
CERTAIN LANDS, et al	:	
Respondents	:	

FINAL DECREE

This cause coming on to be heard this the ____ day of March, 1956, is submitted for final decree upon complainant's verified bill of complaint and upon the decree pro confesso rendered therein, and the answer of the Guardian ad litem, and the testimony of Mrs. Clara W. Yohn, Miss Hazel Council and Mr. J. H. Arnold, taken orally before the commissioner duly appointed by the Register, and by order of the Court, and the certificate of the Register and the pleadings and proof, as noted by the Register, and it appearing to the satisfaction of the Court:

1. That the complainant, Clara W. Yohn, at the time of filing her bill of complaint in this cause, claimed in her own right a fee simple title to, and was in the actual, peaceful possession of the following described lands lying and being situated in the county of Baldwin, state of Alabama, more particularly described as follows:

> Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to the town of Fairhope, as per plat or map thereof recorded in Miscellaneous Book Number One (1), at Page 296 of the Probate Records of Baldwin County, Alabama.

2. That at the time of filing of said bill of complaint no suit was pending to test her title to, interest in, or her right to the possession of said lands.

3. That her 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 names of none of the parties defendants were known to the complainant, and that she exercised diligence to ascertain the

facts with regard thereto.

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 County Times , a newspaper published and having general circulation 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 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 complainant has established, as shown by legal evidence, that she is the owner of fee simple title to said lands.

11. That all of the allegations of fact contained in complainant's bill of complaint are true.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the complainant is entitled to the relief prayed for in her said bill of complaint, and that the fee simple title claimed by the complainant in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that complainant is the owner of said lands and has the fee simple title thereto, free from 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 name of Clara W. Yohn in both the direct index and the indirect index

of the record thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the complainant pay the costs of this proceeding, for which let execution issue.

DONE THIS THE 7th DAY OF MARCH, 1956.

Hubert M. Hall
Circuit Judge

CLARA W. YOHN,

Complainant

-vs-

CERTAIN LANDS, et al,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 3693

FINAL DECREE

This cause coming on to be heard this the 1 day of March, 1956, is submitted for final decree upon complainant's verified bill of Complaint and upon the decree pro confesso rendered therein, and the answer of the Guardian ad litem, and the testimony of Mrs. Clara W. Yohn, Miss Hazel Council and Mr. J. H. Arnold, taken orally before the commissioner duly appointed by the Register, and by order of the Court, and the certificate of the Register and the pleadings and proof, as noted by the Register, and it appearing to the satisfaction of the Court:

1. That the complainant, Clara W. Yohn, at the time of filing her bill of complaint in this cause, claimed in her own right a fee simple title to, and was in the actual, peaceful possession of the following described lands lying and being situated in the County of Baldwin, State of Alabama, more particularly described as follows:

> Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to the town of Fairhope, as per plat or map thereof recorded in Miscellaneous Book Number One (1) at Page 296 of the Probate Records of Baldwin County, Alabama.

2. That at the time of filing of said bill of complaint no suit was pending to test her title to, interest in, or her right to the possession of said lands.

3. That her 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 names of none of the parties defendants were known to the complainant, and that she exercised diligence to ascertain the facts with regard thereto.

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 County Times, a newspaper published and having general circulation 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 office of Judge of Probate of said county, and said notice being in strict accord and complian 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 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 complainant has established, as shown by legal evidence, that she is the owner of fee simple title to said lands.

11. That all of the allegations of fact contained in complainant's bill of complaint are true.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the complainant is entitled to the relief prayed for in her said bill of complaint, and that the fee simple title claimed by the complainant in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that complainant is the owner of the said lands and has the fee simple title thereto, free from all liens and encumbrances, and that all doubts and disputes converning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of the decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama and that it be indexed in the name of Clara W. Yohn in both the direct index and the indirect index of the record thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the complainant pay the costs of this proceedings, for which let execution issue.

DONE this the 7th day of March, 1956.

Hubert M. Hall
Circuit Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the 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 9 day of March 19 56

Alice J. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY
Filed 3-12-56 8 A.M.
Recorded Del book 236 page 397-8
M R Stuart
Judge of Probate

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
CERTAIN LANDS, et al	:	
Respondents	:	

TESTIMONY OF MR. JACK ARNOLD:

My name is J. H. (Jack) Arnold. I am a licensed Abstracter of Baldwin County, Alabama. I am a bona fide resident of Baldwin County, Alabama and am over the age of twenty-one years. I am personally acquainted with the land described in the Bill of Complaint. I know the Complainant in the above styled cause and she is a resident of Fairhope, Baldwin County, Alabama and over the age of twenty-one years.

I am well acquainted with the land described in the Bill of Complaint, and know of my own knowledge that D. Cook and E. M. Yohn went into possession of the said land under a tax deed from the state of Alabama, which deed was dated 20 July 1932 and filed for record in the records of the Probate office of Baldwin County, Alabama in Deed Book 52, page 400. I further know of my own knowledge that D. Cook, a single man, who received joint title to the property together with E. M. Yohn, conveyed his title to E. M. Yohn by Quit-claim deed, which deed was filed for record on 23 July 1937 and recorded in Deed Book 62, pages 411-12 in the records of the Probate office of Baldwin County, Alabama; that the said D. Cook and E. M. Yohn were in open, continuous, adverse, uninterrupted possession of the land; that following the conveyance of the land from D. Cook to E. M. Yohn, the said E. M. Yohn continued to remain in open, continuous, adverse, uninterrupted possession of the said land until his death on May,6, 1949.

E. M. Yohn died on May 6, 1949 without leaving a Last Will and Testament, to the best of my knowledge. The only surviving heirs of E. M. Yohn were his widow, the Complainant, Mrs. Clara W. Yohn, his daughter, Olivia Y. Brodbeck, and his son, Ernest M. Yohn, Jr. Of my own knowledge, the said Ernest M. Yohn, Jr. and his wife, Marie Pace Yohn, conveyed their interest in the described property to Clara W. Yohn by Quit-claim deed dated January 10, 1956 and the daughter, Olivia Y. Brodbeck, and her husband, Arnold M. Brodbeck, Jr., conveyed their

interest in the described property to Clara W. Yohn by Quit-claim deed dated January 10, 1956.

I know of my own personal knowledge that during the next ten years preceeding the filing of this Bill of Complaint no one except E. M. Yohn and Mrs. E. M. Yohn (the Complainant) have paid no taxes on the described property.

I know of my own knowledge that no other persons than those parties described in the Bill of Complaint could have any claim to the land described in the said Bill of Complaint.

Of my own personal knowledge, the said Clara W. Yohn and the two named children of E. M. Yohn, who are both over the age of twenty-one years, have remained in exclusive, open, notorious, hostile, continuous and uninterrupted adverse possession of the said land since the death of E. M. Yohn on May 6, 1949.

I do not know of any suit to test the title of this land nor do I know of anyone who is, or has in the past, pending any right or title to the property.

J. H. Arnold
J. H. Arnold

CROSS EXAMINATION BY GUARDIAN AD LITEM

Question. Are you personally acquainted with the land?

Answer. Yes, personally and through abstracting the land.

Question. Is your knowledge of the payment of taxes due to your abstracting knowledge of the land?

Answer. Yes, and I know that taxes have been paid for the past ten years by E. M. Yohn and later by his wife, the Complainant.

Question. Do you know of any person exerting a claim to the land?

Answer. No, none other than the Complainant, Mrs. Yohn.

NO FURTHER QUESTIONS.

J. H. Arnold
J. H. Arnold

Helen M. Bailey
Attorney for Complainant

E. G. Rickarby, Jr.
E. G. Rickarby, Jr., Guardian ad litem

Subscribed and sworn to before me this 6th day of March, 1956.

Helen M. Bailey
Helen M. Bailey, Commissioner

Legal Notice

NOTICE OF PENDENCY OF BILL OF COMPLAINT

In The Circuit Court of Baldwin County, Alabama in Equity

CLARA W. YOHN, Complainant
fs.
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,
vs.
Respondents

Notice is hereby given to each and all respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrances on the lands hereinafter described, or any part thereof, that Clara W. Yohn, did, on the 10th day of January, 1956, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to Town of Fairhope, as per map or Plat thereof recorded in Misc. Book number One (1), at Page 296 of the Probate Records of Baldwin County, Alabama, and D. Cook, Raymond T. Mallery, William Richard, Betty Richard, Bettie Richard, George A. Tonsmeire, D. H. Stewart, Marie R. Stewart, James A. Mackintosh, Lillias M. Mackintosh and E. R. Phillips, and their heirs and devisees, if deceased, and against any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land, or any part thereof.

The addresses of said respondents named above are unknown and cannot be ascertained after reasonable effort and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complaint to all of the said lands, for the purposes of quieting her title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee sinmple title to all of the lands under, from, by and through the deeds of conveyance from the sole heirs of E. M. Yohn, deceased.

The complainant in her bill of complaint alleges and avers peaceable possession of said lands under claim of ownership; that the title to said lands stands upon the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the complainant; that no suit is pending to test complainant's title to, interest in, or right of possession to said lands or any part thereof; that the complainant and those through whom she claims title have held color of title to and have regularly assessed and paid taxes on the lands and each and every part thereof for ten or more consecutive years next prior to the filing of the said Bill of Complaint; and that no persons, firms or corporations, other than the complainant and those through whom she claims title to have said lands, have paid any taxes on said lands, or any part thereof, or any interest thereon, and no persons, firms or corporations, other than the complainant and those through whom she claims title have had possession of said lands or any part thereof, within ten years next prior to the filing of the said Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before the 3rd day of February, 1956, or at the expiration of thirty days from said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, In Equity, and affixed the seal of the said court on this the 10th day of January, 1956.

ALICE J. DUCK, as Register of Circuit Court of Baldwin County, Alabama, In Equity.

Ernest M. Bailey

THE BALDWIN TIMES
BALDWIN COUNTY
Alabama's Best County's Best Newspaper

LABAMA

IDAVIT OF PUBLICATION

rsette, Jr., being duly sworn, deposes and says
HER of THE BALDWIN TIMES, a Weekly Newspaper pub-
Baldwin County, Alabama; that the notice hereto attached of

W. Yohn vs. Cer. Lands

COST STATEMENT

RDS @ 6½ cents — — — $ 44 85

is it correct, due and unpaid (paid).

E. R. Monnette Jr.
Editor Publisher.

newspaper for 4 consecutive weeks in the following issues:

on Jan 12, 1956 Vol. 67 No. 52
on Jan 19, 1956 Vol. 67 No. 1
on Jan 26, 1956 Vol. 67 No. 2
on Feb 2, 1956 Vol. 67 No. 3

n before the undersigned this 9 day of Feb, 1956.

utin

County.

E. R. Monnette Jr.
Editor Publisher.

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
CERTAIN LANDS, et al	:	
Defendants	:	

TESTIMONY OF MISS HAZEL COUNCIL:

My name is Hazel Council. I am over the age of twenty-one years and have been a bona fide resident of Baldwin County, Alabama for more than thirty years. I know the Complainant in the above styled cause and she is a resident of Fairhope, Baldwin County, Alabama and over the age of twenty-one years.

I am well acquainted with the land described in the Bill of Complaint, and know of my own knowledge that D. Cook and E. M. Yohn went into possession of the said land under a tax deed from the state of Alabama, which deed was dated 20 July 1932 and filed for record in the records of the Probate office of Baldwin County, Alabama in Deed Book 52, page 400. I further know of my own knowledge that D. Cook, a single man, who received joint title to the property together with E. M. Yohn, conveyed his title to E. M. Yohn by Quit-claim deed, which deed was filed for record on 23 July 1937 and recorded in Deed Book 62 at pages 411-12 in the records of the Probate office of Baldwin County, Alabama; that the said D. Cook and E. M. Yohn were in open, continuous, ADVERSe, uninterrupted possession of the land; that following the conveyance of the land from D. Cook to E. M. Yohn, the said E. M. Yohn continued to remain in open, continuous, adverse, uninterrupted possession of the said lands until his death on May 6, 1949.

E. M. Yohn died on May 6, 1949 without leaving a Last Will and Testament, to the best of my knowledge. The only surviving heirs of E. M. Yohn were his widow, the Complainant, Mrs. Clara W. Yohn, his daughter, Olivia Y. Brodbeck, and his son, Ernest M. Yohn, Jr. Of my own knowledge the said Ernest M. Yohn, Jr. and his wife, Marie Pace Yohn, conveyed their interest in the described property to Clara W. Yohn by Quit-claim deed dated January 10, 1956 and the daughter Olivia Y. Brodbeck and her husband, Arnold M. Brodbeck, Jr., conveyed their interest in the described property to Clara W. Yohn by Quit-claim deed dated January 10, 1956.

Of my own personal knowledge, the said Clara W. Yohn and the two named children of E. M. Yohn, who are both over the age of twenty-one years, have remained in exclusive, open, notorious, hostile, continuous and uninterrupted possession of the said land since the death of E. M. Yohn on May 6, 1949.

I do not know of any suit to test the title of this land nor do I know of anyone who is, or has in the past, pending any right or title to the property.

Hazel Council
Hazel Council

CROSS EXAMINATION OF MISS HAZEL COUNCIL BY GUARDIAN AD LITEM:

Question. What possession of this property did the Yohns' have?

Answer. Since about the year 1932 or 1933 I know that the Yohns' occupied the premises because I know there was a sign of E. M. Yohn on the premises and I knew it to be the Yohn home place. Until two or three years ago I know Mrs. Yohn moved to another location. After Mrs. Yohn moved, I know that the premises was occupied by tenants of Mrs. Yohn until she listed the property for sale with me about November, 1955.

Question. Do you know if any part of this lot has been sold?

Answer. No, it has not been sold. The property has been fenced all all these years.

Question. Is this the Yohn lot on Mobile Avenue facing the Bay?

Answer. Yes, it is the Yohn house and lot.

NO FURTHER QUESTIONS BY THE GUARDIAN AD LITEM:

Hazel Council
Hazel Council

Eugene K. Bailey
Attorney for Complainant

E. G. Rickarby, Jr.
E. G. Rickarby, Jr.
Guardian ad litem

Subscribed and sworn to before me this 2nd day of March, 1956.

Helen M. Bailey
Helen M. Bailey, Commissioner

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
CERTAIN LANDS, et al	:	
Respondents	:	

TESTIMONY OF MRS. CLARA W. YOHN:

My name is Clara W. Yohn and I am the Complainant in the above styled cause. I am over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama.

The land on which the proceedings to quiet title is land described in the Bill of Complaint. I claim ownership of this property through my husband, Ernest M. Yohn (E. M. Yohn), deceased, and the heirs of E. M. Yohn. The only surviving heirs of E. M. Yohn are myself, his widow, a daughter, Olivia Y. Brodbeck and a son, Ernest M. Yohn, Jr., who are both over the age of twenty-one years.

E. M. Yohn acquired joint title to the described premises together with D. Cook by tax deed from the state of Alabama, which deed is dated July 20, 1932 and filed for record in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 52, page 400. D. Cook, a single man, conveyed his interest in the property to my husband, E. M. Yohn by Quit-claim deed dated July 23, 1937 and recorded in Deed Book 62, at pages 411-12 of the records of the Probate office of Baldwin County, Alabama.

E. M. Yohn died on May 6, 1949 without leaving a Last Will and Testament. The only surviving heirs are the above named heirs. I have acquired all interest to the property by Quit-claim deed from Olivia Y. Brodbeck and her husband, Arnold M. Brodbeck, Jr., which deed is dated January 10, 1956 and by Quit claim deed from Ernest M. Yohn, Jr. and his wife, Marie Pace Yohn, which deed is dated January 10, 1956.

My husband, E. M. Yohn, and D. Cook and subsequent thereto and to the time of his death my said husband, were in open, notorious, continuous, hostile, exclusive and uninterrupted adverse possession of the land described in the Bill of Complaint. Since the death of my said husband, his heirs have been in uninterrupted, open, notorious, continuous, exclusive and continuous possession of the said land.

During the ten years next preceeding the filing of the said Bill of Complaint, taxes to the described property was paid by my husband, E. M. Yohn, or by myself. I know of no other person who has paid taxes on the property. I know of no other person than those parties described in the Bill of Complaint who could have any possible claim to the property.

I do not know the addresses or residences of those parties named in the Bill of Complaint or whether they are living or dead , and I cannot, after reasonable efforts, determine their addresses or residences. I have retained Ernest M. Bailey as my attorney and he has made inquiry around the neighborhood for the addresses and residences of those parties. There is no suit other than this suit to quiet the title to the property described in the Bill of Complaint.

CROSS EXAMINATION BY GUARDIAN AD LITEM OF MRS. CLARA W. YOHN:

Question. Mrs. Yohn, the property involved in this suit was yours and your husband's home place?

Answer. Yes.

Question. And since 1932 you have lived there up until recently?

Answer. Yes.

Question. After you moved tenants of yours lived on the place?

Answer. Yes.

Question. During the past ten years has anyone made a claim to the property other than you, your husband, or your children?

Answer. No.

Question. Do you know the dimensions of the lot?

Answer. Yes, 60 x 160 feet.

Question. Is all of that lot enclosed under your fence?

Answer. Yes.

NO FURTHER QUESTIONS BY GUARDIAN AD LITEM

Ernest M. Bailey
Attorney for Complainant

Clara W. Yohn
Clara W. Yohn

E. G. Rickarby, Jr.
E. G. Rickarby, Jr.
Guardian ad litem

Subscribed to and sworn before me this 2nd day of March, 1956.

Helen M. Bailey
Helen M. Bailey, Commissioner

8581. NOTE OF TESTIMONY

Moore Printing Co.

CLARA W. YOHN
VS.
CERTAIN LANDS, et al

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Decree Pro Confesso and Testimony of Clara W. Yohn, Miss Hazel Council and Mr. J. H. Arnold

and in behalf of Defendant upon Guardian ad litem

Geo. W. Bailey
Attorney for Complainant
E. S. Redden Guardian ad litem

Register.

No.

The State of Alabama,

BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

CLARA W. YOHN

VS.

CERTAIN LANDS, et al

NOTE OF TESTIMONY

Filed in Open Court this 6th

day of March 1956

Register.

Moore Printing Co.

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
	:	IN EQUITY
-vs-	:	
CERTAIN LANDS, et al,		
Respondents	:	

REQUEST FOR A COMMISSIONER

TO THE HONORABLE ALICE J. DUCK, REGISTER IN CHANCERY:

Comes the Complainant, by her Solicitor, in the above styled cause and shows to the Court that the witnesses, Mrs. Clara W. Yohn, Miss Hazel Council and Mr. Jack Arnold, are material witnesses in said cause, and that Helen M. Bailey is a suitable person to act as such commissioner in said cause, she not being of counsel or kin to any of the parties in said cause.

THEREFORE, Complainant moves that Helen M. Bailey be appointed as Commissioner to take the testimony of the above mentioned witnesses, as witnesses for the Complainant in said cause.

Hugh M. Bailey
Solicitor for Complainant

Service accepted and consent that Commissioner be appointed.

T. G. Roberts
Guardian ad litem

CLARA W. YOHN,

Complainant

-vs-

CERTAIN LANDS, et al,

Respondents

REQUEST FOR COMMISSIONER

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
	:	
CERTAIN LANDS DESCRIBED AS LOT NUMBER THREE (3), BLOCK NUMBER THREE (3) of MAGNOLIA BEACH ADDITION TO TOWN OF FAIRHOPE, AS PER MAP OR PLAT THEREOF RECORDED IN MISC. BOOK NUMBER ONE (1), AT PAGE 296 OF THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA, AND D. COOK, RAYMOND T. MALLERY, WILLIAM RICHARD, BETTY RICHARD, BETTIE RICHARD, GEORGE A. TONSMEIRE, D. H. STEWART, MARIE R. STEWART, JAMES A. MACKINTOSH, LILLIAS M. MACKINTOSH AND E. R. PHILLIPS, AND THEIR HEIRS AND DEVISEES, IF DECEASED, AND AGAINST ANY AND ALL PERSONS CLAIMING OR REPUTED TO CLAIM ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON SAID LAND, OR ANY PART THEREOF,		
Respondents		

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

Comes the Complainant, CLARA W. YOHN, and respectfully shows unto the Court as follows:

1. That she is over the age of twenty-one years and a resident of Baldwin County, Alabama.

2. That the Complainant has procured an abstract of said lands in order to ascertain the name of any other person or persons who claim such land or any interest therein; that she has caused diligent inquiry of various sources seeking the whereabouts of such person but has failed to obtain the names of persons other than those named as Respondents in the Bill of Complaint; that the residences and addresses of the parties named as Respondents and whether they be living or dead, are unknown to your Complainant and cannot be ascertained after diligent search ; Complainant avers that she does not know of any other person, firm or corporation who claim 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.

3. That the land in question is situated in Baldwin County, Alabama, and is described as follows, to-wit:

Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to Twwn of Fairhope, as per map or plat thereof recorded in Misc. Book Number One (1) at page 296 of the Probate Records of Baldwin County, Alabama.

Complainant claims in her own right the entire fee simple title in and to the above described real property and in support of such fee simple title, she avers that she is the widow of E. M. YOHN who received title to the property by tax deed as co-tenant with D. COOK on July 20, 1932, which deed is filed for record in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 52, Page 400, which co-tenancy was subsequently conveyed to the said E. M. YOHN as the sole owner by quit-claim deed from D. Cook, a single man, to E. M. YOHN dated July 14, 1937 and recorded in Deed Book 62, pages 411-12; your Complainant further avers that she acquired sole title to the property from all the remaining heirs of E. M. Yohn, which heirs were Olivia Y. Brodbeck, a daughter of E. M. Yohn, and her husband, Arnold M. Brodbeck, and Ernest M. Yohn, Jr., a son of E. M. Yohn, and Marie Pace Yohn, his wife.

4. Complainant further avers that she is now and has been and her predecessors in title have been in open, notorious, continuous, peaceable and adverse possession for more than ten years next preceding the filing of the Bill of Complaint, and for more than ten years next preceding the filing of this Bill, no one other than the Complainant and her predecessors in title has assessed or paid any taxes on said property.

5. Complainant further avers that there is no suit pending to test the title to said lands or her interest in or right of possession of the same.

The premises considered, the Complainant files this her verified Bill of Complaint against the land hereinabove described and against D. Cook, Raymond T. Mallery, William Richard, Betty Richard, Bettie Richard, George A. Tonsmeire, D. H. Stewart, Marie R. Stewart, James A. Mackintosh, Lillias M. Mackintosh and E. R. Phillips, and their heirs and devisees, if deceased, and against any and all person claiming or reputed to claim any title to, interest in, lien or encumbrance on said land, or any part thereof, for the purpose of establishing Complainant's right of title to said land, and to clear up all doubts or disputes doncerning the same, and Complainant further prays 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 Complainant further prays that notice be filed in the Lis Pendens records in the Probate Office as required by law, and Complainant further prays that this Court forthwith appoint a Guardian Ad Litem to respresent such of said Respondents as may be at the time 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. Complainant further prays 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. Complainant further prays that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a final hearing this Court will find, decide and decree that the Complainant is the owner of a fee simple title in and to all of the real estate hereinabove described. Complainant further prays that if she is 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.

Clara W. Yohn
Clara W. Yohn
Complainant

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me, the undersigned notary public in and for the state of Alabama at Large, personally appeared Clara W. Yohn, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing Bill of Complaint are true.

Clara W. Yohn

Sworn to and subscribed before me this 18th day of January, 1956.

Ernest M. Bailey
Notary Public

Ernest M. Bailey
Ernest M. Bailey
Solicitor for Complainant

BILL OF COMPLAINT

CLARA W. YOHN,
Complainant

-vs-

THAT CERTAIN LAND DESCRIBED AS LOT THREE (3), BLOCK THREE (3) of MAGNOLIA BEACH ADDITION TO TOWN (FAIRHOPE, AS PER MAP OR PLAT THEI OF RECORDED IN MISC. BOOK ONE AT PAGE 296 OF PROBATE RECORDS OF BALDWIN COUNTY, ALA. AND D. COOK, RAYMOND T. HALLERY, WILLIAM RICH- ARD, BETTY RICHARD, BETTIE RICH- ARD, GEORGE A. TONSMEIRE, D. H. STEWART, MARIE R. STEWART, JAMES A. MACKINTOSH, LILLIAS M. MACKIN- TOSH AND E. R. PHIBBIPS, THEIR HEIRS AND DEVISEES, IF DECEASED, AND AGAINST ANY AND ALL PERSONS CLAIMING OR REPUTED TO CLAIM ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON SAID LAND, OR ANY PART THEREOF.

Clara W. Yohn
Complainant

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public in and for the state of Alabama at Large, personally appeared Clara W. Yohn, who, being duly sworn, deposes and says that the allegations in the foregoing Bill of Complaint are true.

Notary Public

Sworn to and subscribed before me this the day of January, 1958.

Notary Public
State of Alabama at Large

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
	:	IN EQUITY
-vs-	:	
	:	

CERTAIN LANDS DESCRIBED AS LOT NUMBER THREE (3), BLOCK NUMBER THREE (3) of MAGNOLIA BEACH ADDITION TO TOWN OF FAIRHOPE, AS PER MAP OR PLAT THEREOF RECORDED IN MISC. BOOK NUMBER ONE (1), AT PAGE 296 OF THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA, AND D. COOK, RAYMOND T. MALLERY, WILLIAM RICHARD, BETTY RICHARD, BETTIE RICHARD, GEORGE A. TONSMEIRE, D. H. STEWART, MARIE R. STEWART, JAMES A. MACKINTOSH, LILLIAS M. MACKINTOSH AND E. R. PHILLIPS, AND THEIR HEIRS AND DEVISEES, IF DECEASED, AND AGAINST ANY AND ALL PERSONS CLAIMING OR REPUTED TO CLAIM ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON SAID LAND, OR ANY PART THEREOF,

Respondents

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

Comes the Complainant, CLARA W. YOHN, and respectfully shows unto the Court as follows:

1. That she is over the age of twenty-one years and a resident of Baldwin County, Alabama.

2. That the Complainant has procured an abstract of said lands in order to ascertain the name of any other person or persons who claim such land or any interest therein; that she has caused diligent inquiry of various sources seeking the whereabouts of such person but has failed to obtain the names of persons other than those named as Respondents in the Bill of Complaint; that the residences and addresses of the parties named as Respondents and whether they be living or dead, are unknown to your Complainant and cannot be ascertained after diligent search ; Complainant avers that she does not know of any other person, firm or corporation who claim 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.

3. That the land in question is situated in Baldwin County, Alabama, and is described as follows, to-wit:

Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to Town of Fairhope, as per map or plat thereof recorded in Misc. Book Number One (1) at page 296 of the Probate Records of Baldwin County, Alabama.

Complainant claims in her own right the entire fee simple title in and to the above described real property and in support of such fee simple title, she avers that she is the widow of E. M. YOHN who received title to the property by tax deed as co-tenant with D. COOK on July 20, 1932, which deed is filed for record in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 52, Page 400, which co-tenancy was subsequently conveyed to the said E. M. YOHN as the sole owner by quit-claim deed from D. Cook, a single man, to E. M. YOHN dated July 14, 1937 and recorded in Deed Book 62, pages 411-12; your Complainant further avers that she acquired sole title to the property from all the remaining heirs of E. M. Yohn, which heirs were Olivia Y. Brodbeck, a daughter of E. M. Yohn, and her husband, Arnold M. Brodbeck, and Ernest M. Yohn, Jr., a son of E. M. Yohn, and Marie Pace Yohn, his wife.

4. Complainant further avers that she is now and has been and her predecessors in title have been in open, notorious, continuous, peaceable and adverse possession for more than ten years next preceding the filing of the Bill of Complaint, and for more than ten years next preceding the filing of this Bill, no one other than the Complainant and her predecessors in title has assessed or paid any taxes on said property.

5. Complainant further avers that there is no suit pending to test the title to said lands or her interest in or right of possession of the same.

The premises considered, the Complainant files this her verified Bill of Complaint against the land hereinabove described and against D. Cook, Raymond T. Mallery, William Richard, Betty Richard, Bettie Richard, George A. Tonsmeire, D. H. Stewart, Marie R. Stewart, James A. Mackintosh, Lillias M. Mackintosh and E. R. Phillips, and their heirs and devisees, if deceased, and against any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land, or any part thereof, for the purpose of establishing Complainant's right of title to said land, and to clear up all doubts or disputes doncerning the same, and Complainant further prays 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 Complainant further prays that notice be filed in the Lis Pendens records in the Probate Office as required by law, and Complainant further prays that this Court forthwith appoint a Guardian Ad Litem to respresent such of said Respondents as may be at the time 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. Complainant further prays 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. Complainant further prays that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a final hearing this Court will find, decide and decree that the Complainant is the owner of a fee simple title in and to all of the real estate hereinabove described. Complainant further prays that if she is 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.

Clara W. Yohn
Clara W. Yohn
Complainant

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me, the undersigned notary public in and for the state of Alabama at Large, personally appeared Clara W. Yohn, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing Bill of Complaint are true.

~~Clara W. Yohn~~

Sworn to and subscribed before me this 4th day of January, 1956.

Ernest M. Bailey
Notary Public

Ernest M. Bailey
Ernest M. Bailey
Solicitor for Complainant

BILL OF COMPLAINT

CLARA W. YOUN,
Complainant

-vs-

THAT CERTAIN LAND DESCRIBED AS LOT THREE (3), BLOCK THREE (3) OF MAGNOLIA BEACH ADDITION TO TOWN OF FAIRHOPE, AS PER MAP OR PLAT THEREOF RECORDED IN MISC. BOOK ONE AT PAGE 296 OF PROBATE RECORDS OF BALDWIN COUNTY, ALA. AND D. COOK; RAYMOND T. MALLERY; WILLIAM RICHARD, BETTY RICHARD, BETTIE RICHARD, GEORGE A. TONSMEIRE, D. R. STEWART, MARIE H. STEWART, JAMES A. MACKINTOSH, WILLIAM H. MACKINTOSH AND E. R. PHIBBIPS, THEIR HEIRS AND DEVISEES, IF DECEASED, AND AGAINST ANY AND ALL PERSONS CLAIMING OR REPUTED TO CLAIM ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON SAID LAND, OR ANY PART THEREOF.

Clara W. Youn
Complainant

STATE OF ALABAMA
BALDWIN COUNTY } ss.

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared Clara W. Youn, who being duly sworn to me that the allegations of the foregoing Bill of Complaint are true.

Notary Public

Filed in my office this the 1st day of January, 1966.

Clerk

Solicitor for Complainant

COMMISSION TO TAKE DEPOSITIONS B.T.-2-49-200

THE STATE OF ALABAMA
Baldwin County } Circuit Court

TO: Helen M. Bailey
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, at such time and place as you may appoint, to call before you and examine Mrs. Clara W. Yohn, Miss Hazel Council, and Mr. J. H. (Jack) Arnold

as witnesses in behalf of Mrs. Clara W. Yohn in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Clara W. Yohn

as, Complainant

and Certain Lands, et al,

as Respondents

on oath, to be by you administered, upon them

to take and certify the depositions of the witnesses and return the same to our Court, with all convenient speed, under your hand.

Witness 6 day of March, 1956

Register.

Commissioner's Fee, $

Witness' Fees, $

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

CLARA W. YOHN
Complainant

VS.

CERTAIN LANDS, et al

Defendant s

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Helen M. Bailey

WITNESSES:

Mrs. Clara W. Yohn

Miss Hazel Council

Mr. J. H. Arnold

NOTICE OF PENDENCY OF BILL OF COMPLAINT

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

CLARA W. YOHN,

Complainant

No. 3693.

vs.

THE LANDS AND PARTIES HEREINAFTER DESCRIBED, et al

Respondents

BOOK 104 PAGE 243

Notice is hereby given to each and all respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrances on the lands hereinafter described, or any part thereof, that Clara W. Yohn, did, on the ____ day of January, 1956, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

> Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to Town of Fairhope, as per map or Plat thereof recorded in Misc. Book Number One (1), at Page 296 of the Probate Records of Baldwin County, Alabama, and D. Cook, Raymond T. Mallery, William Richard, Betty Richard, Bettie Richard, George A. Tonsmeire, D. H. Stewart, Marie R. Stewart, James A. Mackintosh, Lillias M. Mackintosh and E. R. Phillips, and their heirs and devisees, if deceased, and against any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land, or any part thereof.

The addresses of said respondents named above are unknown and cannot be ascertained after reasonable effort and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complaint to all of the said lands, for the purposes of quieting her title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the deeds of conveyance from the sole heirs of E. M. Yohn, deceased.

The complainant in her bill of complaint alleges and avers that she owns said lands in her own right, absolutely and in fee simple; that she is in the actual peaceable possession of said lands under claim of ownership; that the title to said lands stands upon the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the complainant; that so suit is pending to test com-

plainant's title to, interest in, or right of possession to said lands or any part thereof; that the complainant and those through whom she claims title have held color of title to and have regularly assessed and paid taxes on the lands and each and every part thereof for ten or more consecutive years next prior to the filing of the said Bill of Complaint; and that no persons, firms or corporations, other than the complainant and those through whom she claims title to have said lands, have paid any taxes on said lands, or any part thereof, or any interest thereon, and no persons, firms or corporations, other than the complainant and those through whom she claims title have had possession of said lands or any part thereof, within ten years next prior to the filing of the said Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before the 3rd day of February, 1956, or at the expiration of thirty days from said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, In Equity, and affixed the seal of the said court on this the 10th day of January, 1956.

Alice J. Duck

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

Ernest M. Bailey

Ernest M. Bailey
Solicitor for Complainant

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-10-56 3 P.M.
Recorded Lis Pens Book 4 Page 243-4
M. L. Stuart
Judge of Probate

BOOK 004 PAGE 244

8601. Motion for Decree Pro Confesso on Publication. MPCO

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 3693 March, Term, 19 56

Clara W. Yohn Complainant

Vs.

Certain Lands, et al Defendant

Motion is hereby made for a Decree Pro Confesso against Certain Lands, et al

Defendant

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

This 5th day of March 19 56

746 Code

Edmund Bo Bailey Solicitor.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Clara W. Yohn

Complainant

Vs.

Certain Lands, et al

Defendant

Motion for Decree Pro Confesso on Publication

Filed 3-5 1956

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

RECORDED

Decree Pro Confesso of Publication.

MPCO

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 3693 March, Term, 1956

Clara W. Yohn Complainant

Vs.

Certain Lands, 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 Jan. 12 th day of Janurary, 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 Bay Minette County, on the 12 th day of January 1956 and

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

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, 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 defendants

This 5th day of March 1956

Alice J. Duck Register.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

_____

_____

_____

Vs.

_____

_____

_____

Decree Pro Confesso of Publication

Issued _____ 19____

_____
Register.

Recorded in _____ Record

Vol. _____ Page _____

_____
Register.

Moore Printing Co., Bay Minette, Ala.

RECORDED

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
CERTAIN LANDS, et al,	:	
Respondents	:	

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainant, Clara W. Yohn, that the Respondents may be unknown minors, insane persons or parties in the military service; and it further appearing that E. G. Rickarby, Jr., 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. Jr., 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, Jr. be and he is hereby appointed Guardian ad litem in this cause for the said parties.

Witness my hand this 29 day of February, 1956.

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 29 day of February, 1956.

Guardian ad litem

RECORDED

CLARA W. YOHN,
Complainant

-vs-

CERTAIN LANDS, et al,
Respondents

APPOINTMENT OF
GUARDIAN AD LITEM

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
-vs-	:	IN EQUITY
CERTAIN LANDS, et al	:	
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, E. 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.

E. 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 29 day of February, 1956.

E. G. Rickarby, Jr.
Guardian ad litem

RECORDED

CLARA W. YOHN,

Complainant

-vs-

CERTAIN LANDS, et al,

Respondents

ANSWER OF GUARDIAN
AD LITEM

FILED
MAR 6 1956
ALICE J. BECK, Register

CLARA W. YOHN,	:	IN THE CIRCUIT COURT OF
Complainant	:	BALDWIN COUNTY, ALABAMA
	:	IN EQUITY
-vs-	:	
	:	

CERTAIN LANDS DESCRIBED AS LOT NUMBER THREE (3), BLOCK NUMBER THREE (3) of MAGNOLIA BEACH ADDITION TO TOWN OF FAIRHOPE, AS PER MAP OR PLAT THEREOF RECORDED IN MISC. BOOK NUMBER ONE (1), AT PAGE 296 OF THE PROBATE RECORDS OF BALDWIN COUNTY, ALABAMA, AND D. COOK, RAYMOND T. MALLERY, WILLIAM RICHARD, BETTY RICHARD, BETTIE RICHARD, GEORGE A. TONSMEIRE, D. H. STEWART, MARIE R. STEWART, JAMES A. MACKINTOSH, LILLIAS M. MACKINTOSH AND E. R. PHILLIPS, AND THEIR HEIRS AND DEVISEES, IF DECEASED, AND AGAINST ANY AND ALL PERSONS CLAIMING OR REPUTED TO CLAIM ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON SAID LAND, OR ANY PART THEREOF,

Respondents

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

Comes the Complainant, CLARA W. YOHN, and respectfully shows unto the Court as follows:

1. That she is over the age of twenty-one years and a resident of Baldwin County, Alabama.

2. That the Complainant has procured an abstract of said lands in order to ascertain the name of any other person or persons who claim such land or any interest therein; that she has caused diligent inquiry of various sources seeking the whereabouts of such person but has failed to obtain the names of persons other than those named as Respondents in the Bill of Complaint; that the residences and addresses of the parties named as Respondents and whether they be living or dead, are unknown to your Complainant and cannot be ascertained after diligent search ; Complainant avers that she does not know of any other person, firm or corporation who claim 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.

3. That the land in question is situated in Baldwin County, Alabama, and is described as follows, to-wit:

Lot Number Three (3), Block Number Three (3) of Magnolia Beach Addition to Town of Fairhope, as per map or plat thereof recorded in Misc. Book Number One (1) at page 296 of the Probate Records of Baldwin County, Alabama.

Complainant claims in her own right the entire fee simple title in and to the above described real property and in support of such fee simple title, she avers that she is the widow of E. M. YOHN who received title to the property by tax deed as co-tenant with D. COOK on July 20, 1932, which deed is filed for record in the Office of the Judge of Probate of Baldwin County, Alabama in Deed Book 52, Page 400, which co-tenancy was subsequently conveyed to the said E. M. YOHN as the sole owner by quit-claim deed from D. Cook, a single man, to E. M. YOHN dated July 14, 1937 and recorded in Deed Book 62, pages 411-12; your Complainant further avers that she acquired sole title to the property from all the remaining heirs of E. M. Yohn, which heirs were Olivia Y. Brodbeck, a daughter of E. M. Yohn, and her husband, Arnold M. Brodbeck, and Ernest M. Yohn, Jr., a son of E. M. Yohn, and Marie Pace Yohn, his wife.

4. Complainant further avers that she is now and has been and her predecessors in title have been in open, notorious, continuous, peaceable and adverse possession for more than ten years next preceding the filing of the Bill of Complaint, and for more than ten years next preceding the filing of this Bill, no one other than the Complainant and her predecessors in title has assessed or paid any taxes on said property.

5. Complainant further avers that there is no suit pending to test the title to said lands or her interest in or right of possession of the same.

The premises considered, the Complainant files this her verified Bill of Complaint against the land hereinabove described and against D. Cook, Raymond T. Mallery, William Richard, Betty Richard, Bettie Richard, George A. Tonsmeire, D. H. Stewart, Marie R. Stewart, James A. Mackintosh, Lillias M. Mackintosh and E. R. Phillips, and their heirs and devisees, if deceased, and against any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land, or any part thereof, for the purpose of establishing Complainant's right of title to said land, and to clear up all doubts or disputes concerning the same, and Complainant further prays 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 Complainant further prays that notice be filed in the Lis Pendens records in the Probate Office as required by law, and Complainant further prays that this Court forthwith appoint a Guardian Ad Litem to respresent such of said Respondents as may be at the time 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. Complainant further prays 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. Complainant further prays that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a final hearing this Court will find, decide and decree that the Complainant is the owner of a fee simple title in and to all of the real estate hereinabove described. Complainant further prays that if she is 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.

Clara W. Yohn

Clara W. Yohn
Complainant

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me, the undersigned notary public in and for the state of Alabama at Large, personally appeared Clara W. Yohn, who, being by me first duly sworn, deposes and says that the facts alleged in the foregoing Bill of Complaint are true.

~~Clara W. Yohn~~

Sworn to and subscribed before me this 11th day of January, 1956.

Ernest M. Bailey
Notary Public

Ernest M. Bailey
Ernest M. Bailey
Solicitor for Complainant