

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

Humbly complaining your Complainants, John Nitsos, Ted C. Tampary and Ellen Tampary, his wife, Philip D. Beall, and James J. Marks and Christine Tampary Marks, his wife, respectfully represent and show unto your Honor as follows:

1. That each of the Complainants is over the age of twenty-one (21) years, John Nitsos being a resident of the County of Mobile, State of Alabama, while each of the other Complainants is a resident of the County of Escambia, State of Florida. Complainants bring this Bill of Complaint to quiet title in themselves as tenants in common to the real property hereinafter described, each being seized of an indefeasible estate in fee simple in and to the following undivided fractional interest set opposite their respective names, to-wit:

- John Nitsos - an undivided 2/5 interest;
- Ted C. Tampary and Ellen Tampary (as tenants by the entirety between themselves) - an undivided 39/100 interest;
- Philip D. Beall - an undivided 1/5 interest;
- James J. Marks and Christine Tampary Marks (as tenants by the entirety between themselves) - an undivided 1/100 interest.

Complainants also bring their Bill of Complaint in this cause against the following persons as parties respondent, who claim or are reputed to claim some right, title to or interest in, or lien or encumbrance against said real property hereinafter described, to-wit: James C. Parker, John C. Pace, Jr., M. C. Farmer, Phillip N. Schock, Jr., Cecile Stapleton Schock, Wilmer W. Miller, Jr., Ted Childress, Amos Garrett, Sara Foshee Garrett and John W. Overton, each of whom is over the age of twenty-one (21) years; that the residence and post office address of the said John C. Pace, Jr. is c/o Henry Grady Hospital, Atlanta, Georgia; that the residence and post office address of said John W. Overton is c/o Johnson, Overton Company, Inc., 601-6 Jackson Building, Birmingham, Alabama; while the respondents, M. C. Farmer, Phillip N. Schock, Jr., Cecile Stapleton Schock, James C. Parker and Wilmer W. Miller, Jr., reside in the City and County of Mobile, State of Alabama,

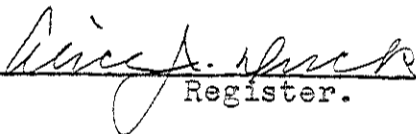
STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon James C. Parker, John C. Pace, Jr., M. C. Farmer, Phillip N. Schock, Jr., Cecile Stapleton Schock, Wilmer W. Miller, Jr., Ted Childress, Amos Garrett, Sara Foshee Garrett and John W. Overton, to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by John Nitsos, Ted C. Tampary and Ellen Tampary, his wife, Philip D. Beall, and James J. Marks and Christine Tampary Marks, his wife, as Complainants, against James C. Parker, John C. Pace, Jr., M. C. Farmer, Phillip N. Schock, Jr., Cecile Stapleton Schock, Wilmer W. Miller, Jr., Ted Childress, Amos Garrett, Sara Foshee Garrett and John W. Overton, as Respondents.

Witness my hand this 15 day of February, 1956.


Register.

and the respondents, Ted Childress, Amos Garrett and Sara Foshee Garrett are residents of the Town of Robertsdale, County of Baldwin, State of Alabama; that no other person, persons or corporation or parties are known to your Complainants to claim said real property, or any title to, interest in, lien or encumbrance thereon, or any part thereof, except the above respondents. Complainants have obtained an abstract of title to said real property which shows that the only possible claimants, according to said abstract, are the above named respondents.

2. That the real property involved in this cause and title to which is sought to be quieted in the Complainants herein and which is hereinafter described, was formerly included within the boundaries of the State of Florida but now lies within the boundaries of the State of Alabama and Baldwin County, Alabama, by virtue of relocation of the boundary line between the States of Alabama and Florida as established by Chapter 28141, Laws of Florida, Acts of 1953, and Act No. 440 adopted by the Legislature of the State of Alabama at the 1953 regular session thereof and which said relocation of said boundary line between said states was subsequently confirmed by appropriate Act of the Congress of the United States. That said real property against which your Complainants now bring their Bill of Complaint to quiet title in them is situated in the County of Baldwin, State of Alabama, and is more particularly described as follows:

All of Sections 2 and 3 and all that part of Section 1, lying West of the line of Longitude 87 degrees 31 minutes 6 seconds West, being approximately the West 600 feet thereof, all in Township 4 South, Range 33 West of the Tallahassee Meridian, and being All of Sections 2 and 3 and that part of Section 1 in Township 4 South, Range 32 West, lying within the State of Alabama according to the relocation of the boundary line between the States of Alabama and Florida at and adjacent to the mouth of Perdido River as defined and established by Act of the Legislature of Alabama, approved August 28, 1953 and Act of the Legislature of Florida, approved June 12, 1953,

and Complainants claim in said real property in their own right an indefeasible estate in fee simple, each of them being seized of the undivided fractional interest therein set opposite their respective names as shown by Paragraph 1 of this Bill of Complaint. Complainants are in actual and peaceable possession of the above described real property, and they and those through whom Complainants claim and derive their titles have been in such actual possession of said real property during their respective tenures of ownership continuously since, to-wit the 30th day of December, 1944.

3. Complainants deraign their title to their respective undivided interest in the real property aforesaid and have acquired title thereto and therein by, through and under the following instruments and matters, to-wit:

(a) That in August, 1941, the real property aforesaid was sold for the unpaid Escambia County, Florida ad valorem real property taxes for 1940 and Tax Certificate No. 1046 dated August 4, 1941 was issued to the State Treasurer of the State of Florida against the same. That in June, 1942 said parcel of real property was sold for the unpaid Escambia County, Florida ad valorem real property taxes for 1941. That in June, 1942 and while same was within the boundaries of and a part of the State of Florida, and while same was within and was a part of Escambia County, Florida, and subject to taxation by said County, the real property aforesaid was sold for the unpaid Escambia County, Florida ad valorem real property taxes for 1941 and Tax Certificate No. 1804, dated June 30, 1942, was sold to Escambia County, Florida against the same.

(b) That thereafter on July 31, 1944, Escambia County, Florida filed delinquent tax proceedings against the real property aforesaid in the Circuit Court of Escambia County, Florida, which said proceedings were instituted under Section 194, Florida Statutes of 1941, as amended, pursuant to which final decree was entered on December 30, 1944 adjudging that all rights, titles, interests in, or liens upon said property were cut off and extinguished and the fee simple title in the lands aforesaid were decreed to be absolutely vested in Escambia County, Florida, and title in such County was therein and

thereby forever quieted, confirmed and set at rest against the former owners of said land and in Escambia County, Florida.

(c) That Section 194.53, Florida Statutes of 1941, as amended, provides that upon the entry of the decree hereinbefore described that the fee simple title to the real property aforesaid was forever quieted in the County of Escambia and State of Florida and that a conveyance of title to said land so quieted by Escambia County, Florida, should be construed in all respects as a new and original title.

(d) That thereafter the County of Escambia, State of Florida, pursuant to authority of Section 194, Florida Statutes of 1941, conveyed the fee simple title to the real property aforesaid to the Complainant, John Nitsos, which deed was executed and delivered on October 16, 1944 and which is recorded in Deed Book 213 at page 145 of the public records of Escambia County, Florida, and in Deed Book 216 at page 449 of the Probate Court Records of Baldwin County, Alabama.

(e) That thereafter the said Complainant, John Nitsos, conveyed to Complainants, Ted C. Tampary and Ellen Tampary, husband and wife, an undivided 50/100 interest in and to the real property aforesaid, as tenants by the entireties, by quit-claim deed executed and delivered on March 26, 1946, which said deed is recorded in Deed Book 339 at page 423 of the public records of Escambia County, Florida, and which is recorded in Deed Book 232 at page 487-8 of the Probate Court Records of Baldwin County, Alabama.

(f) That thereafter the said Complainants, Ted C. Tampary and Ellen Tampary, husband and wife, conveyed an undivided 1/10 interest in the real property aforesaid to the Complainant, Philip D. Beall, by deed of realty executed and delivered on August 20, 1951, and recorded in Deed Book 339 at page 421 of the public records of Escambia County, Florida, and which is recorded in Deed Book 230 at page 470 of the Probate Court Records of Baldwin County, Alabama.

(g) That thereafter the said Complainant, John Nitsos, and Ruth Nitsos, his wife, conveyed an undivided 1/10 interest in and to the real property aforesaid to the Complainant, Philip D. Beall, by deed of realty executed and delivered on June 26, 1951 and which is recorded in Deed Book 337 at

page 476 of the public records of Escambia County, Florida, and which is recorded in Deed Book 230 at page 466 of the Probate Court Records of Baldwin County, Alabama.

(h) That thereafter the said Complainants, Ted C. Tampary and Ellen Tampary, husband and wife, conveyed an undivided 1/100 interest in and to the real property aforesaid to the Complainants, James J. Marks and Christine Tampary Marks, husband and wife, who thereby acquired said undivided interest as tenants by the entireties, and the said deed was executed and delivered on August 13, 1952 and is recorded in Deed Book 427 at page 622 of the public records of Escambia County, Florida, and which is recorded in Deed Book 230 at page 65 of the Probate Court Records of Baldwin County, Alabama.

That by reason of the conveyances aforesaid, the Complainants have acquired title in themselves as tenants in common to the real property aforesaid and thereby each has become seized of indefeasible estate in fee simple in and to the respective undivided fractional interest hereinbefore set out in paragraph 1 hereof.

That Complainants have regularly assessed said real property in the Office of the Tax Assessor of Escambia County, Florida, and in the Office of the Tax Assessor of Baldwin County, Alabama, for taxes and have paid the taxes thereon through the years 1945 to 1955, both inclusive.

4. The title to the real property aforesaid stands upon the records of the Clerk of the Circuit Court of Escambia County, Florida in the names of the Complainants and the same was assessed for taxes upon the records of the Tax Assessor of Escambia County, Florida in the names of Complainants, John Nitsos, T. C. Tampary and Philip Beall, who were and are agents for tax purposes for the remaining Complainants and title to said real property stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of the Complainants and the same is assessed for taxes on the records of the Tax Assessor of Baldwin County, Alabama in the name of the Complainant, John Nitsos, who is agent for all of the Complainants herein named, and no one other than the Complainants and those through whom they claim has within ten (10) years next preceding the filing of the Bill of Complaint in this cause, assessed said real property or paid any taxes thereon, or had possession of

said real property or any part thereof, nor has anyone claimed or been reputed to claim an interest in said real property, contrary to the complainants and their predecessors in title, other than the possible claims of the above named respondents, and Complainants aver that they and those through whom Complainants claim have paid all taxes due on said real property for ten (10) years next preceding the filing of this Bill of Complaint.

5. Complainants further aver that no suit is pending to test their interest in, title to or possession of said lands.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, Complainants, John Nitsos, Ted C. Tampary and Ellen Tampary, his wife, Philip D. Beall, and James J. Marks and Christine Tampary Marks, his wife, bring this certified Bill of Complaint against the lands hereinabove described and against the respondents, James C. Parker, John C. Pace, Jr., M. C. Farmer, Phillip N. Schock, Jr., Cecile Stapleton Schock, Wilmer W. Miller, Jr., Ted Childress, Amos Garrett, Sara Foshee Garrett and John W. Overton, and Complainants pray that the said respondents, James C. Parker, John C. Pace, Jr., M. C. Farmer, Phillip N. Schock, Jr., Cecile Stapleton Schock, Wilmer W. Miller, Jr., Ted Childress, Amos Garrett, Sara Foshee Garrett and John W. Overton, be made parties respondent to this Bill of Complaint, and that process be served upon them as prescribed by law, directing said parties-respondent to plead, answer or demur to the Bill of Complaint within the time prescribed by law after the perfection of service or suffer decrees pro confesso to be rendered against said respondents.

PRAYER FOR RELIEF

And Complainants further pray that upon a final hearing of this cause, this Honorable Court will be pleased to decree and adjudicate the rights and interests of all parties to this suit, and will find and decree that the Complainants are seized of an indefeasible estate in fee simple of and to said real property herein described and Complainants further pray for such

other, further, additional, different or general relief as they, in equity and good conscience may be entitled to receive, the premises considered.

VAN ANTWERP & RECTOR
Attorneys at Law
354 1/2 St. Francis Street
Mobile, Alabama

CHASON & STONE
Attorneys at Law
Bay Minette, Alabama

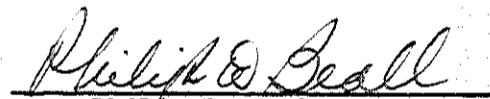
Attorneys for Complainants

By


John Chason

STATE OF FLORIDA,
COUNTY OF ESCAMBIA.

Before me, the undersigned Notary Public in and for said State and County, Personally appeared Philip D. Beall, who, upon being first duly sworn, on oath, deposes and says: That he is one of the Complainants in the foregoing Bill of Complaint; that he has read the same; that he has knowledge of the facts stated therein and that the facts so stated are true and correct.


Philip D. Beall.

Sworn to and subscribed before me
this 9th day of February, 1956.


Hazel O. Britt
Notary Public

My commission expires: 8/22/59.

EXECUTED BY SERVING A COPY OF THE WITHIN

John W. Overton

3-28-56

M. S. Butler
Sheriff, Montgomery County

By Goodroy
Deputy Sheriff

Received _____ day of _____ 19____

and on 10 day of April 1956

I served a copy of the within Bill of C.

on Phillip N. Schock Jr.

Cecile Stapleton Schock

By service on _____

TAYLOR WILKINS, Sheriff

By Leleigh Stedman D. S.

Loyley, Ala

1581-1532
3721
Baldwin City

John Nitson et al.

vs.
James C. Parker et al.

EXECUTED

This 29 day of March, 1956

by serving a copy of the within on

M. C. Farmer, Wilmer W. Miller, James Parker

RAY D. BRIDGES, Sheriff

By W. C. Chatham D. S.

M. C. Farmer
Wilmer W. Miller
James Parker
Cecil Stapleton Schock
Phillip N. Schock Jr.

FILED

FEB 15 1956

ALICE A. BUCK, CLERK

BR

358

Received 15 day of Feb 1956

and on _____ day of _____ 19____

I served a copy of the within Bill of C.

on Amos Barrett 2/15/56

Sara Lashie Barrett 2/16/56

By service on Ed Childers 2/16/56

~~Arthur H. ...~~

TAYLOR WILKINS, Sheriff

By Leleigh Stedman D. S.

Robertsdale Ala

Sherry claim 250 at

Tax 23.00

BY Stedman

John W. Overton

NOT FOUND in Jefferson County this

on FEB 22 1956

HOLT A. DOWELL, Sheriff

Jefferson County, Alabama

By Sadie ...

RECEIVED IN OFFICE

MAR 26 1956

M. S. BUTLER, Sheriff

PHILIP BEALL, et al,
Complainants,

vs

AMOS GARRETT, et al
Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

In Equity.

Come, John W. Overton, James C. Parker, M. C. Farmer, Wilmer
W. Miller, Jr., Philip N. Schock, Jr., Cecile Stapleton Schock,
defendants in the above styled cause and demur to complainant's
bill of complaint, and as grounds therefor, assign those grounds
of demurrer heretofore filed in this cause by Amos Garrett and others.

Beebe & Swearingen

By *W. C. Beebe*
Solicitors for such Defendants.

filed 6/19/56

THE STATE OF ALABAMA,
Baldwin County

No. 3721 Circuit Court, In Equity.

John Nitsos Et Al.

Complainant S.

Vs.

James C. Parker Et Al.

Defendant S.

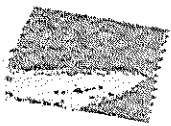
Motion is hereby made for a Decree Pro Confesso against James C. Parker, M. C. Farmer,
Wilmer W. Miller, Jr., Phillip N. Schock, Jr., Cecile Stapleton
Schock, and John W. Overton Defendant S.

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 Defendants S. have **ve** failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 29th day of May 1956

By:

John Chason
CHASON & STONE
Solicitor.



No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, In Equity

John Nitsos Et Al.

Vs.

James C. Parker Et Al.

Motion for Decree Pro Confesso on
Personal Service

Filed _____ May 29 _____ 19 56 _____

Alice J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

JOHN NITSOS, TED C. TAMPARY,
ELLEN TAMPARY, HIS WIFE, PHILLIP
D. BEALL, JAMES J. MARKS AND
CHRISTINE TAMPARY MARKS, HIS
WIFE,

COMPLAINANTS

VS

JAMES C. PARKER, JOHN C. FACE, JR.
M. C. FARMER, PHILLIP N. SCHOCK,
JR., CECILE STAPLETON SCHOCK,
WILMER W. MILLER, JR., TED CHILD-
RESS, AMOS GARRETT, SARA FOSBEE
GARRETT and JOHN W. OVERTON;

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 3721

Come the defendants, Amos Garrett, Sara Fosbee Garrett,
Ted Childress and John C. Face, Jr., and demurring to complainants
bill of complaint in the above styled cause say:

1. There is no equity in the bill.
2. It does not appear from the bill of complaint that title
to the property has left the United States Government.
3. It does not appear from the said bill of complaint that
the lands described in the bill of complaint were subject to taxes
for the years for which the same were alleged to have been sold.
4. The bill of complaint sets out the source of its title
but does not deraign title from the United States Government.
5. Complainants claim title to said property under sale of
the land for taxes assessed against certain named persons and for
the years alleged in said complaint, but do not show that the said
lands were subject to the taxes for which the same were sold.

Beebe & Swearingen

By W. C. Beebe
Solicitors for above defend-
ants.

filed March 9, 1956
Alice J. Luck, Register

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

John Nitsos Et Al.
Complainant, s
Vs.
James C. Parker Et Al.
Respondent.S

In the Circuit Court.
In Equity No. 3721.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent
John W. Overton

by the Sheriff of Montgomery County, on the 28 day of March,
1956

And it further appears to the Register, that that the said
John W. Overton

John W. Overton the Respondent, 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 CHASON & STONE 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

John W. Overton

This 29th day of May, 1956.

David J. Duck
Register.

No. 3721

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

John Nitsos Et Al.

Complainant, s

Vs.

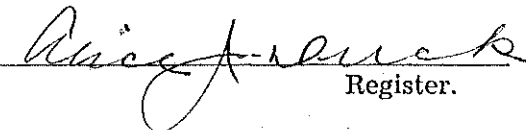
James C. Parker Et Al.

Respondent. s

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 29 day of May

1945


Register.

PHILIP BEALL, et al,
Complainants,
VS
AMOS GARRETT, et al,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

In Equity.

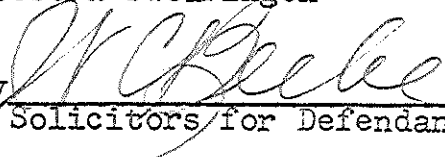
Come the defendants, John W. Overton, James C. Parker, M. C. Farmer, Wilmer W. Miller, Jr., Philip N. Schock, Jr., Cecile Stapleton Schock and move this Honorable Court to vacate and set aside decree pro confesso heretofore rendered against them and as grounds therefor say:


FIRST: That they have a full and complete answer and defense to the bill of complaint;

SECOND: That they had not been apprised that an answer has not been filed for them.

Beebe & Swearingen

By


Solicitors for Defendants.

 filed 6/19/56

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

John Nitsos Et Al.

Complainants

Vs.

James C. Parker Et. Al.

Respondents

In the Circuit Court.

In Equity No. 3721.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

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

James C. Parker, M. C. Farmer and Wilmer W. Miller, Jr.

by the Sheriff of Mobile County, on the 29 day of February,
19456.

And it further appears to the Register, that that the said _____

James C. Parker, M. C. Farmer and Wilmer W. Miller, Jr.

_____ 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 CHASON & STONE 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 _____

James C. Parker, M. C. Farmer and Wilmer W. Miller, Jr.

This 29th day of May, 19456.

Alvin J. Duck
Register.

No. 3721

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

John Nitsos Et Al.

Complainant,s

Vs.

James C. Parker Et Al.

Respondent,s

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 29 day of May

19456

Alice J. Duck
Register.

CIRCUIT COURT COMPLAINT

Printed by the Baldwin Times, Bay Minette, Alabama.

John Nitsos Et Al.
Complainant^s
Vs.
James C. Parker Et Al.
Respondent^s

In the Circuit Court.
In Equity No. 3721

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent s
Philip N. Schock, Jr., and Cecile Stapleton Schock

by the Sheriff of Baldwin County, on the 10 day of April,
19456

And it further appears to the Register, that that the said _____
Philip N. Schock, Jr., and Cecile Stapleton Schock

_____ 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 CHASON & STONE 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 _____

Philip N. Schock, Jr., and Cecile Stapleton Schock

This 29th day of May, 19456


Register.

No. 3721

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

John Nitsos Et Al.

Complainant s

Vs.

James C. Parker Et Al.
Respondent s

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 29 day of May

1956

Alice J. Durr
Register.