3733

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS: THOSE CERTAIN TRACTS OR PARCELS OF LAND IN SECTION 26, TOWNSHIP 7 SOUTH, RANGE 6 EAST, PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 30 FEET SOUTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SAID SECTION AND RUNNING THENCE WEST 30 FEET FOR A POINT OF BEGINNING: FROM THIS POINT OF BEGINNING RUN THENCE SOUTH 1380 FEET TO THE WATERS EDGE OF PERDIDO BAY, WHICH LINE IS THE EAST LINE OF THIS PARCEL; COMMENCING AGAIN AT THE POINT OF BEGINNING, RUN THENCE WEST 302 FEET; THENCE SOUTH 1400 FEET TO THE WATERS EDGE OF SAID BAY; THENCE IN AN EASTERLY DIRECTION AND ALONG THE WATERS EDGE OF SAID BAY TO THE POINT WHERE THE SAID EAST LINE TOUCHES THE WATERS EDGE; BEING OTHERWISE DESIGNATED AS LOT 1 OF BLOCK 54, ACCORDING TO THE PLAT OF PHILLIP ICKLER OF THE TOWN OF LILLIAN AND CONTAINING 10 ACRES, MORE OR LESS, SUCH PLAT NOW BEING RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA IN MAP BOOK 2, PAGE 128; ALSO COMMENCING AT A POINT 30 FEET SOUTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SAID SECTION AND RUN THENCE EAST 30 FEET, THENCE SOUTH 500 FEET FOR THE POINT OF BEGINNING; FROM THIS POINT OF BEGINNING RUN THENCE EAST TO THE WATERS EDGE OF PERDIDO BAY, WHICH LINE IS THE NORTH LINE OF THIS PARCEL; COMMENCING AGAIN AT THE POINT OF BEGINNING RUN THENCE SOUTH TO THE WATERS EDGE OF SAID BAY; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE WATERS EDGE OF SAID BAY TO THE POINT WHERE SAID LINE TOUCHES THE WATERS EDGE; BEING OTHERWISE KNOWN AS LOT 11 IN BLOCK 53 OF THE PLAT OF PHILLIP ICKLER OF THE TOWN OF LILLIAN AND CONTAINING 5 ACRES, MORE OR LESS, SUCH PLAT NOW OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, IN MAP BOOK 2, AT PAGE 128; ALSO BEGINNING AT THE CENTER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 6 EAST, RUN THENCE SOUTH 30 FEET, THENCE WEST 375.5 FEET FOR A BEGINNING CORNER, THENCE CONTINUE WEST 166 FEET, THENCE SOUTH 1358 FEET TO PERDIDO BAY, THENCE EASTWARDLY FOLLOWING THE MEANDERINGS OF

BOOK 020 PAGE 229

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

THE BAY TO A POINT SOUTH OF THE POINT OF BEGINNING, 166 FEET, THENCE NORTH TO THE POINT OF BEGINNING, BEING LOT 3, IN BLOCK 54, ACCORDING TO PLAT OF THE TOWN OF LILLIAN COMPILED BY R. J. GREENWOOD, APRIL 16, 1928, SUCH PLAT NOW RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA IN MAP BOOK 2, PAGE 128; AND AGAINST KARL PRELLWITZ, FRED HEINZ AND PHILLIP ICKLER, IF LIVING, AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED: AND AGAINST ANY AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON THE SAID LAND OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

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

Comes your complainant, Stapleton Insurance & Realty Corporation, and presents this its bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said Section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet, thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said east line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;

Also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning and run thence South to the waters edge of said bay; run thence in a northeasterly direction along the waters edge of said bay to the point where said line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128;

Also, beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128;

and against Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and against any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof and respectfully represents and shows unto your Honor as follows:

FIRST: That your complainant, Stapleton Insurance & Realty Corporation, is a corporation organized under the laws of the State of Alabama, with its principal place of business at Bay Minette, Baldwin County, Alabama; that the defendants, Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, are each over the age of twenty-one years, and their places of residence and post office addresses are unknown, and cannot be ascertained upon diligent search and inquiry; that the complainant has made diligent search and inquiry to ascertain the places of residence and post office addresses of the said Karl Prellwitz, Fred Heinz and Phillip Ickler, and to ascertain whether or not they, or any one of them are living, and upon such diligent search and inquiry have been unable to ascertain their places of residence and post office addresses and whether or not they or any one of them are living, but it is informed and believes, that if living, they are non-residents of the State of Alabama, and upon such information and belief allege that, if living, they are non-residents of the State of Alabama, and their place of residence and post office addresses are unknown; that it has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees,

personal representatives and assigns of the said Karl Prellwitz, Fred Heinz and Phillip Ickler, if dead, that it is informed and believes and upon such information and belief alleges that if the said Karl Prellwitz, Fred Heinz and Phillip Ickler are dead, then their heirs, devisees, personal representatives and assigns are over the age of twenty-one years and are non-residents of the State of Alabama, and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search and inquiry; complainant further says that in its search and inquiry to ascertain whether or not the said Karl Prellwitz, Fred Heinz and Phillip Ickler are living, and if living, their places of residence, and to ascertain the names, ages and places of residence of the heirs of the said Karl Prellwitz, Fred Heinz and Phillip Ickler, if they are dead, it has caused an abstract to be made of the said properties, it has made inquiry at the Tax and Probate offices of Bay Minette, Alabama, and has made inquiry of people living in the vicinity of the said lands, and of many other persons resident in Baldwin County, Alabama.

SECOND: That your complainant is the owner of in fee simple and in the actual possession of the lands in Baldwin County, Alabama, described as follows, to-wit:

> Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said Section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet, thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said east line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;
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> Also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of

beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning and run thence South to the waters edge of said bay; run thence in a northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128;

Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such platnow recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;

that the complainant has been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this complaint and that it has for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands and that during such period of time no other person has assessed the said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said land or claimed any right to possession thereof or any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD: That no suit is pending to test complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said land.

FOURTH: That the title to said lands stands in the name of complainant on the records of Baldwin County, Alabama; that your complainant acquired title to the lands above designated as Lot 3 in Block 54 in the Town of Lillian according to plat recorded in the office of the Judge of Probate of Baldwin County, in Map Book 2, page 128, on November 7, 1945, by deed from the State of Alabama

recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 195 at page 184; that the State of Alabama acquired the said land by tax sale April 10, 1939 under assessment against Fred Heinz; who acquired the same by mesne conveyances from the United States; that complainant acquired title to the lands hereinabove designated as Lot 1 in Block 54 and Lot 11 in Block 53 in the Town of Lillian according to plat recorded in the office of the Judge of Probate of Baldwin County in Map Book 2, page 128, November 3, 1943 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 81 at page 562-3; that the State of Alabama acquired the same at tax sale May 11, 1940 under assessment against Carl Prellwitz, who was the same person as Karl Prellwitz, defendant party hereto; who acquired the same by mesne conveyances from the United States; that for more than ten years next preceding the filing of this bill of complaint, no person other than complainant has assessed or paid taxes thereon; that immediately upon its purchase of the said lands it went into actual possession of the said lands, under color of title, claiming to own the same, and remained in continuous possession thereof until this date; and it has occupied and used the same and cut and removed the timber therefrom, and that it has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same from more than ten years next preceding the filing of this bill of complaint; that Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, claim or encumbrance upon theland, or some part or parcel thereof.

WHEREFORE, your complainant prays that this Honorable Court whill take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make Karl Prellwitz, Fred Heinz and

Phillip Ickler, if living, and if they or any of them are deceased, then their unknown heirs, devisees, personal representatives and assigns, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said Section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay , which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet, thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said east line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128; Also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning and run thence South to the waters edge of said bay; run thence in a northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128; Also, beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166

feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128; parties defendant to this bill of complaint and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands, and each part and parcel thereof, is vested in your complainant, Stapleton Insurance & Realty Corporation, a corporation, as against Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or any one of them be dead, against the unknown heirs, devisees, personal representatives and assigns of Karl Prellwitz, Fred Heinz and Phillip Ickler, and as against any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared up, and your complainant prays for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises.

BEEBE & SWEARINGEN

BY W. A. Beebe

Solicitors for complainants

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared W. C. Beebe, who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainant in the above styled cause, and that the facts alleged in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

W C Beebe

Sworn to and subscribed before me this the 28 day of February, 1956.

Madeline S. Bryars
Notary Public, State of Ala. at large.

STAPLETON INSURANCE & REALTY CORPORATION, a corporation, COMPLAINANT VS THE LAND DESCRIBED BELOW: AND AGAINST KARL PRELLWITZ, FRED HEINZ AND PHILLIP ICKLER, IF LIVING, AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND AGAINST ANY AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON THE SAID LAND OR ANY PART OR PARCEL THEREOF, DEFENDANTS	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY no. 3733.

Whereas, Stapleton Insurance & Realty Corporation has filed its bill of complaint on the 28 day of February, 1956, in this court on the equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

> Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning; from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said East line touches the Waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128;
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> Also, commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeasterly direction along the waters edge of said Bay to the point where said N.line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres,

more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, at page 128;

Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;

Complainant alleges in its bill of complaint that it holds title to the lands above designated as Lot 3 in Block 54 of the Town of Lillian according to plat recorded in the office of the Judge of Probate of Baldwin County in Map Book 2, page 128 on November 7, 1945 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 195 at page 184; that the State of Alabama acquired the said land by tax sale April 10, 1939 under assessment against Fred Heinz; who acquired the same by mesne conveyances from the United States; that complainant acquired title to the lands hereinabove designated as Lot 1 in Block 54 and Lot 11 in Block 53 in the Town of Lillian according to plat recorded in the office of the Judge of Probate of Baldwin County in Map Book 2, page 128, November 3, 1943 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 81 at page 562-3; that the State of Alabama acquired the same at tax sale May 11, 1940 under assessment against Carl Prellwitz, who was the same person as Karl Prellwitz, defendant party hereto; who acquired the same by mesne conveyances from the United States; that the title to the said lands stands on the records of the Probate Court of Baldwin County, in its, Stapleton Insurance & Realty Corporation's name; that Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the aforesaid lands, or some

portion thereof.

Complainant further alleges that it has for more than ten years next preceding the filing of its bill of complaint been in the actual peaceable adverse possession of the said lands and has annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any portion thereof or assessed or paid taxes on said lands or any portion thereof, and that the bill of complaint is filed for the purpose of establishing its title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from the said bill of complaint, the same being duly verified, that Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the names, ages and places of residence and post office addresses of the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained;

It is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama.

WITNESS my hand and seal this the 28th day of Feb., 1956.

Register

Stapleton Inv. & Realty Corp.

Complainant

vs

Karl Pulliuity et al. & Certain Lands

Order of Publication

FILED
FEB 28 1956
ALICE J. DUCK, Register

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	IN THE CIRCUIT COURT OF
COMPLAINANT	BALDWIN COUNTY, ALABAMA,
VS	
CERTAIN LANDS and KARL PRELLWITZ, et al	IN EQUITY
DEFENDANTS	NO. 3733

TO Wilson Hayes, Esquire

Under and by virtue of an order of the Honorable H. M. Hall, Judge of the Circuit Court of Baldwin County, rendered in the above styled cause on the __ day of May, 1956, you are hereby appointed as guardian ad litem for and to represent the unknown heirs of Karl Prellwitz, Fred Heinz and Phillip Ickler, if dead, defendants in the above styled cause.

WITNESS, this the 4 day of June, 1956.

Register

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I hereby accept the foregoing appointment as guardian ad litem for the unknown heirs of Karl Prellwitz, Fred Heinz and Phillip Ickler, if dead, and do hereby file this denial of the allegations made in the bill of complaint in the said cause and demand strict proof of the same.

This the 4th day of June, 1956.

Guardian ad litem

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,		IN THE CIRCUIT COURT OF
COMPLAINANT		BALDWIN COUNTY, ALABAMA,
VS		
THE LAND DESCRIBED BELOW: AND KARL PRELLWITZ, et al		IN EQUITY
DEFENDANTS		

Motion is hereby made for a decree pro confesso against Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased; and against any and all persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof; defendants in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said defendants are non-residents of the State of Alabama, and have failed to answer, plead or demur to the bill in this cause, to the date hereof.

This 10 day of May, 1956.

Beebe & Swearingen

By [signature]

Solicitors for complainant

Decree Pro Confesso of Publication. MPCO

THE STATE OF ALABAMA, } CIRCUIT COURT, IN EQUITY
BALDWIN COUNTY

No. _____ _____, Term, 19____

Stapleton Insurance & Realty Corp., A corporation Complainant
Vs.
Certain lands & Karl Prellwitz, 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 1st day of March, 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 28th day of February 1956 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Lis Pendens Book 4, pages 259-62

And it now further appearing to the Register Alice J. Duck, that the said Fred Heinz, Karl Prellwitz, and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any any all persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the lands described in the bill of complaint, or any part or parcel thereof

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 10 day of May 1956

Alice J. Duck Register.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

_____

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_____

Vs.

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_____

Decree Pro Confesso of Publication

Issued _____ 19____

_____
Register.

Recorded in _____ Record

Vol. _____ Page _____

_____
Register.

Moore Printing Co., Bay Minette, Ala.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Bryars

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 W. D. Stapleton, Jr., and W. D. Stapleton, Sr.,

as witnesses in behalf of complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Stapleton Insurance & Realty Corp., a corporation,

is, Complainant

and Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming lands described in the bill of complaint. Respondent

on oath, to be by you administered, upon oral examination

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

Witness 14 day of June, 1956.

Register.

Commissioner's Fee, $10.00

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Stapleton Trust
Poultry Corp.

Complainant—

vs.

Kane Prellwitz
et al

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Madeline Burgess

WITNESSES:

FILED

JUN 14 1956

ALICE J. DUCK, Register

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS AND KARL PRELLWITZ, et al,	)	
DEFENDANTS	)	IN EQUITY

TO: Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if dead, then their unknown heirs, devisees and personal representatives, and to Wilson Hayes, guardian ad litem, and to any and all other persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128; also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, at page 128; Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3 in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128.

Notice is hereby given that the testimony of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for the complainant in the

above styled cause will be taken orally before Madeline S. Bryars, commissioner, heretofore duly appointed, at the office of Beebe & Swearingen, attorneys for complainant, at 9:00 o'clock A.M. on the 18 day of June, 1956.

This the 14 day of June, 1956.

Madeline S. Bryars
Commissioner

Beebe & Swearingen
By T. L. Beebe
Solicitors for complainant

I, Wilson Hayes, guardian ad litem in the above styled cause, acknowledge service and receipt of the foregoing notice.

This the 14th day of June, 1956.

W. C. Hayes
Guardian ad Litem

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the time and place of taking deposition of complainant's witnesses was filed and entered on the order book of the Register on the 14 day of June, 1956.

Alice J. Duck
Register

Stapleton Inv & Realty Corp

Complainant

vs

Karl Prellwitz et al

Defendants

Notice of time & place of taking testimony

FILED
JUN 14 1956
ALICE J. DUCK, Register

STAPLETON INSURANCE & REALTY CORPORATION, a corporation, COMPLAINANT VS CERTAIN LANDS AND KARL PRELLWITZ, et al, DEFENDANTS	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY

TO: Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if dead, then their unknown heirs, devisees and personal representatives, and to Wilson Hayes, guardian ad litem, and to any and all other persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128; also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, at page 128; Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3 in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128.

Notice is hereby given that the testimony of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for the complainant in the

above styled cause will be taken orally before Madeline S. Bryars, commissioner, heretofore duly appointed, at the office of Beebe & Swearingen, attorneys for complainant, at 9:00 o'clock A.M. on the 18 day of June, 1956.

This the 12 day of June, 1956.

Madeline S. Bryars
Commissioner

Beebe & Swearingen
By T. C. Beebe
Solicitors for complainant

Short order

ORAL DEPOSITION

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Stapleton Insurance & Realty Corp. Complainant

VS.

Karl Prellwitz et al Respondent

I, Madeline S. Bryars

as ~~Register and~~ Commissioner

have called and caused to come before me W. D. Stapleton, Jr.

witness named in the Requirement for Oral Examination, on the 18 day of June 1956, at the office of Beebe & Swearingen in Bay Minette, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said W. D. Stapleton, Jr. doth depose and say as follows:

My name is W. D. Stapleton, Jr., I am over the age of twenty-one years. I am the president and managing officer of Stapleton Insurance and Realty Corporation, complainant in that certain cause pending in the Circuit Court of Baldwin County in Equity against Karl Prellwitz and others quieting title to certain lands in Section 26, Township 7 South, Range 6 East, described in the bill of complaint, and have been such president and managing officer since prior to 1943. The Stapleton Insurance and Realty Corporation, is a corporation organized under the laws of the State of Alabama, with its principal place of business in Baldwin County at Bay Minette. The lands described in the bill of complaint lie at Lillian in Baldwin County. There is no suit pending other than this to try or test the validity of complainant's title to the property described in the bill of complaint. Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, or if dead then their heirs, devisees and personal representatives, claim or are reputed to claim some right, title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof. I have made diligent search and have caused others to make search and inquiry to ascertain the places of residence and post office address of Karl Prellwitz, Fred Heinz and Phillip Ickler and have been unable to do so. Diligent search and inquiry has also been made to ascertain whether or not they are living and who their heirs, devisees and personal representatives are if they are dead, and their place of residence and address and the same cannot be ascertained. In such search and inquiry I have examined and caused others to examine the records of Baldwin County and have inquired of the tax assessor, tax collector, Probate Judge and sherriff and have also inquired of numerous people who live at Lillian and ~~xxxxxxxxxxxxxxxxxx~~ have lived near the said land for a number of years all to no avail, but I am informed and believe that the said Karl Prellwitz, Fred Heinz and Phillip Ickler are non-residents of the State of Alabama, and are each over the age of twenty-one years and of sound mind, but their places of residence and post office address are unknown and cannot be ascertained.

The Stapleton Insurance & Realty Corporation owns the lands described in the bill of complaint and each and every part thereof and is in the actual peaceable possession of the same; It acquired the same from the State of Alabama November 7, 1945 by deed recorded in Deed Book 195 at page 184 and on November 3, 1943 by deed from the State of Alabama recorded in Deed Book 81 at page 562-3. The State of Alabama acquired the said lands under tax sales against Fred Heinz and Karl Prellwitz as owners. Immediately upon its purchase of the said lands and each parcel thereof the Stapleton Insurance & Realty Corporation went into possession of the said lands claiming to own the same and has remained in continuous possession of the same from the date of its purchase to and including the date this bill of complaint was filed. That commencing with the year during which it purchased the said property aforesaid the complainant assessed and paid taxes on the said lands each year to and including 1955 and the said lands are assessed to it for 1956. That during the time it has owned the said lands and each par thereof no person has assessed of paid taxes on the said lands

ORAL EXAMINATION.

I, Madeline S. Bryars, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness and read over to him and he signed the same in the presence of myself, Wilson Hayes, guardian ad litem, and W. C. Beebe at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or kin to any of the parties to said cause, or any manner interested in the result thereof I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 18 day of June, 1956.

Madeline S. Bryars (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Hayleton Irvin Heath
Comp. vs. Complainant

Paul Pullwitz et al
Respondent.

Oral Deposition

Filed June 12, 1956
Alice J. Burke, Jr. Register.

Recorded in _____ Record
Vol. _____ Page _____
_____, Register

or been in possession of the same or claimed any right to possession of the same. That the possession of the complainant to the said lands and each parcel thereof has been actual, peaceable, notorious, exclusive continuous, hostile, and adverse to the whole world.

Cross examination by Wilson Hayes, guardian ad litem.

Upon the purchase of each tract of the lands described in the bill of complaint, I, as managing officer of the corporation, went on them, cleaned them up, cut brush, marked corners and each year thereafter have kept the lots cleaned off, tresspassers off and exercised any and all acts of possession proper over and on lands of this character. I, cut some trees as well as shrubbery.

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS and KARL PRELLWITZ, et al.,	)	IN EQUITY
DEFENDANTS	)	

Testimony having been taken in this cause and the same being ready for final decree, motion is hereby made that the said cause be set down for final decree this the 19 day of June, 1956.

FILED
JUN 19 1956
ALICE J. DUCK, Register

Beebe & Swearingen

By W. A. Beebe
Solicitors for complainant.

Hagelton Inst
Realty Corp -
Complainant

vs

Karl Prellwitz
et al
Defendants

Motion for Decree

FILED
JUN 19 1956
ALICE J. DUCK, Register

3581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

Stapleton Insurance & Realty Corporation, a corporation

Complainant

vs.

Karl Prellwitz, et al & certain lands,

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, and upon the publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, testimony of W. D. Stapleton, Jr.

and in behalf of Defendant upon

Beebe & Swearingen
By W. O. Beebe

Alice J. Duck
WD Register.

No. .....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

Stapleton Industrial Corp

vs.

Karl Prellwitz et al

NOTE OF TESTIMONY

Filed in Open Court this 19th

day of June, 1956

Alice J. Hinck

Register.

Printed by the Baldwin Times

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA,
VS	)	
CERTAIN LANDS and KARL PRELLWITZ, et al,	)	IN EQUITY
DEFENDANT	)	

Complainant having on the 4th day of June, 1956, filed its motion and request for oral examination of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for complainant and due and proper notice thereof having been given as required by law on the order book of this court to Wilson Hayes, guardian ad litem for the said unknown defendants, and Madeline S. Bryars of the Town of Bay Minette being a suitable person to act as commissioner to take the deposition of said witness.

It is therefore ordered, adjudged and decreed that the said motion for the oral examination of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for complainant, be and is hereby granted.

And that Madeline S. Bryars be and she is hereby appointed as commissioner to take the deposition of said witness.

Witness my hand this the 14th day of June, 1956.

Register

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS and KARL PRELLWITZ, et al.,	)	
DEFENDANT	)	IN EQUITY

TO: Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if dead, then their unknown heirs, devisees and personal representatives, and to Wilson Hayes, guardian ad litem, and any and all other persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128; also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; comencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeastorly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, at page 128; Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3 in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128.

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for the

complainants in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witnesses.

Witness this the 4 day of June, 1956.

BEEBE & SWEARINGEN

BY W. P. Beebe

Solicitors for complainant

Register

FILED

JUN 4 1956

complainants in the above styled cause and has suggested Madelina S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witnesses.

Witness this the 4 day of June, 1956.

BEERS & SWARTWOOD

BY [signature]
Solicitors for complainant

[signature]
Register

Patrick J. Walton
for dual examination

FILED
JUN 4 1956
MAE I. ROSS, CR

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS AND KARL PRELLWITZ, ET AL,	)	IN EQUITY
DEFENDANTS	)	

It appearing in the above styled cause that Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if dead, then their unknown heirs, devisees and personal representatives, are parties defendant, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that guardian ad litem be appointed to represent the said unknown heirs of Karl Prellwitz, Fred Heinz and Phillip Ickler if dead;

Now Therefore, it is ordered, adjudged and decreed that Wilson Hayes, esquire, who is learned in the law and a practicing lawyer at this bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs of Karl Prellwitz, Fred Heinz and Phillip Ickler, if dead, in the said cause.

Done this the 4 day of June, 1956.

Hubert M. Hall
Judge

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS and KARL PRELLWITZ, et al.,	)	IN EQUITY
DEFENDANT	)	

TO: Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if dead, then their unknown heirs, devisees and personal representatives, and to Wilson Hayes, guardian ad litem, and any and all other persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128; also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; comencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, at page 128; Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3 in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128.

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for the

complainants in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witnesses.

Witness this the 4 day of June, 1956.

BEEBE & SWEARINGEN

BY W. P. Beebe

Solicitors for complainant

Register

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	
VS	)	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS and KARL PRELLWITZ, et al.,	)	IN EQUITY
DEFENDANT	)	

TO: Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if dead, then their unknown heirs, devisees and personal representatives, and to Wilson Hayes, guardian ad litem, and any and all other persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an Easterly direction and along the waters edge of said bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128; also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; comencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, at page 128; Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3 in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128.

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., witnesses for the

complainants in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witnesses.

Witness this the 4 day of June, 1956.

BEEBE & SWEARINGEN

BY W. C. Beebe

Solicitors for complainant

Alice J. Veck

Register

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the motion for oral examindation of complainant's witnesses was filed and entered on the order book of the Register on the 4 day of June, 1956.

Alice J. Duck
Register

Notice of Motion
for oral examination

BOOK 004 PAGE 259

STAPLETON INSURANCE & REALTY CORPORATION, a corporation, COMPLAINANT VS THE LAND DESCRIBED BELOW; AND AGAINST KARL PRELLWITZ, FRED HEINZ AND PHILLIP ICKLER, IF LIVING, AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND AGAINST ANY AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATION, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON THE SAID LAND OR ANY PART OR PARCEL THEREOF, DEFENDANTS	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY No. 3733

Notice is hereby given to Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns, of such of them as are deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said Section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said Bay; thence in an Easterly direction and along the waters edge of said Bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128; Also, commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of the Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128; Also, beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128;

That Stapleton Insurance & Realty Corporation, a corporation, has filed its bill of complaint on the 28 day of Feb, 1956, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described above, complainant alleges that it acquired title to the lands above designated as Lot 3 in Block 54 in the Town of Lillian on November 7, 1945 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County in Deed Book 195 at page 184; who acquired the same by tax sale April 10, 1939 under assessment against Fred Heinz; who acquired the same by mesne conveyances from the United States; that complainant acquired title to lands above designated as Lot 1 in Block 54 and Lot 11 in Block 53 in the Town of Lillian on November 3, 1943 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 81 at pages 562-3; who acquired the same at tax sale May 11, 1940 under assessment against Carl Prellwitz, who was the same person as Karl Prellwitz, defendant party hereto; who acquired the same by mesne conveyances from the United States; immediately upon its purchase of the said lands, it went into actual possession of the land, under color of title, claiming to own the same, and has remained in continuous possession thereof until this date, and has from time to time cut timbers on said lands, and that it has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of tiele claiming to own the same for more than ten years next preceding the filing of this bill of complaint; that Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the said lands.

Complainant further alleges that it has annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the

bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up all doubts and disputes concerning the same;

And it appearing from said bill of complaint, the same being verified, that the places of residence and post office addresses of the said Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, the names, ages and places of residence of their heirs, devisees, and personal representatives and assigns, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained;

And an order having been made and entered that notice of pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the lands above described appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 1st day of March, 1956, at which time the said cause shall stand at issue.

Witness my hand this the 28 day of February, 1956.

Renie J. Inch
Register, Circuit Court, Baldwin County, Alabama, in equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Stapleton Insurance & Realty Corporation, a corporation, is complainant, and Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and the lands described in the foregoing notice, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the ___ day of Feb. 1956.

Witness my hand this the 28 day of Feb., 1956.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY
Filed 2-28-56 11:30 A.M.
Recorded Lisa Pond book 4 page 259-60
M. Stuart
Judge of Probate

BOOK 004 PAGE 262

FILED
FEB 28 1956

STAPLETON INSURANCE & REALTY CORPORATION, a corporation, COMPLAINANT VS CERTAIN LANDS and KARL PRELLWITZ, et al, DEFENDANT	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY

Comes the complainant in the above styled cause and requests the oral examination of W. D. Stapleton, Sr., and W. D. Stapleton, Jr., as witnesses for the complainant, who reside in Baldwin County, State of Alabama, and suggest Madeline S. Bryars of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witnesses.

WITNESS my hand this the 4 day of June, 1956.

Beebe & Swearingen

By W. P. Beebe 6

Solicitors for complainant.

STAPLETON INSURANCE & REALTY CORPORATION, a corporation, COMPLAINANT VS THE LAND DESCRIBED BELOW; AND AGAINST KARL PRELLWITZ, FRED HEINZ AND PHILLIP ICKLER, IF LIVING, AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND AGAINST ANY AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATION, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON THE SAID LAND OR ANY PART OR PARCEL THEREOF, DEFENDANTS	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY No. 3733

Notice is hereby given to Karl Prellwitz, Fred Heinz and Phillip Ickler, if living and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns, of such of them as are deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East, particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said Section and running thence West 30 feet for a point of beginning, from this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said Bay; thence in an Easterly direction and along the waters edge of said Bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128; Also, commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of the Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a northeasterly direction along the waters edge of said bay to the point where said North line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128; Also, beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 2, page 128;

That Stapleton Insurance & Realty Corporation, a corporation, has filed its bill of complaint on the 28 day of Feb., 1956, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described above, complainant alleges that it acquired title to the lands above designated as Lot 3 in Block 54 in the Town of Lillian on November 7, 1945 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County in Deed Book 195 at page 184; who acquired the same by tax sale April 10, 1939 under assessment against Fred Heinz; who acquired the same by mesne conveyances from the United States; that complainant acquired title to lands above designated as Lot 1 in Block 54 and Lot 11 in Block 53 in the Town of Lillian on November 3, 1943 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 81 at pages 562-3; who acquired the same at tax sale May 11, 1940 under assessment against Carl Prellwitz, who was the same person as Karl Prellwitz, defendant party hereto; who acquired the same by mesne conveyances from the United States; immediately upon its purchase of the said lands, it went into actual possession of the land, under color of title, claiming to own the same, and has remained in continuous possession thereof until this date, and has from time to time cut timbers on said lands, and that it has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of tiele claiming to own the same for more than ten years next preceding the filing of this bill of complaint; that Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the said lands.

Complainant further alleges that it has annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the

bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up all doubts and disputes concerning the same;

And it appearing from said bill of complaint, the same being verified, that the places of residence and post office addresses of the said Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, the names, ages and places of residence of their heirs, devisees, and personal representatives and assigns, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained;

And an order having been made and entered that notice of pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the lands above described appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 1st day of March, 1956, at which time the said cause shall stand at issue.

Witness my hand this the 28 day of Feb, 1956.

Alice J. Dasch
Register, Circuit Court, Baldwin County, Alabama, in equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Stapleton Insurance & Realty Corporation, a corporation, is complainant, and Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and the lands described in the foregoing notice, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the ___ day of Feb. 1956.

Witness my hand this the 28 day of Feb., 1956.

Alice J. Duck
Register

Stapleton Inv. &
Realty Corp
Complainant

vs

Karl Pellnitz
et as & Certain
lands.

Defendants

Notice

FILED
FEB 28 1956
ALICE L. DOCK, Register

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein, Stapleton Insurance & Realty Corporation, a corporation, is complainant, and Karl Prellwitz, Fred Heinz and Philli p Ickler, if living and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns, of such of them as are deceased, and the lands described in the foregoing notice, and any and all persons, firms, corporations or associations claiming any title to, interest in, claim, lien or encumbrance on the said land are defendants, as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 28th day of February, 1956, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein in its issues of March 1, March 8, March 15, and March 22, 1956, and posted at the front door of the courthouse of Baldwin County, Alabama, for thirty days commencing February 28, 1956.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, and recorded by the said Judge of Probate in Lis Pendens 4, page 259-62, on the 28th day of February, 1956.

Witness my hand this the 4 day of June, 1956.

Alice J. Duck
Register

STAPLETON INSURANCE & REALTY CORPORATION, a corporation,

COMPLAINANTS

VS

THE FOLLOWING DESCRIBED LANDS: THOSE CERTAIN TRACTS OR PARCELS OF LAND IN SECTION 26, TOWNSHIP 7 SOUTH, RANGE 6 EAST, PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 30 FEET SOUTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SAID SECTION AND RUNNING THENCE WEST 30 FEET FOR A POINT OF BEGINNING: FROM THIS POINT OF BEGINNING RUN THENCE SOUTH 1380 FEET TO THE WATERS EDGE OF PERDIDO BAY, WHICH LINE IS THE EAST LINE OF THIS PARCEL; COMMENCING AGAIN AT THE POINT OF BEGINNING, RUN THENCE WEST 302 FEET; THENCE SOUTH 1400 FEET TO THE WATERS EDGE OF SAID BAY; THENCE IN AN EASTERLY DIRECTION AND ALONG THE WATERS EDGE OF SAID BAY TO THE POINT WHERE THE SAID EAST LINE TOUCHES THE WATERS EDGE; BEING OTHERWISE DESIGNATED AS LOT 1 OF BLOCK 54, ACCORDING TO THE PLAT OF PHILLIP ICKLER OF THE TOWN OF LILLIAN AND CONTAINING 10 ACRES, MORE OR LESS, SUCH PLAT NOW BEING RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA in MAP BOOK 2, PAGE 128; ALSO COMMENCING AT A POINT 30 FEET SOUTH OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF NORTHWEST QUARTER OF SAID SECTION AND RUN THENCE EAST 30 FEET, THENCE SOUTH 500 FEET FOR THE POINT OF BEGINNING; FROM THIS POINT OF BEGINNING RUN THENCE EAST TO THE WATERS EDGE OF PERDIDO BAY, WHICH LINE IS THE NORTH LINE OF THIS PARCEL; COMMENCING AGAIN AT THE POINT OF BEGINNING RUN THENCE SOUTH TO THE WATERS EDGE OF SAID BAY; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE WATERS EDGE OF SAID BAY TO THE POINT WHERE SAID NORTH LINE TOUCHES THE WATERS EDGE; BEING OTHERWISE KNOWN AS LOT 11 IN BLOCK 53 OF THE PLAT OF PHILLIP ICKLER OF THE TOWN OF LILLIAN AND CONTAINING 5 ACRES, MORE OR LESS, SUCH PLAT NOW OF RECORD IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA, IN AMP BOOK 2, AT PAGE 128; ALSO BEGINNING AT THE CENTER OF SECTION 26, TOWNSHIP 7 SOUTH, RANGE 6 EAST, RUN THENCE SOUTH 30 FEET, THENCE WEST 375.5 FEET FOR A BEGINNING CORNER, THENCE CONTINUE WEST 166 FEET, THENCE SOUTH 1358 FEET TO PERDIDO BAY, THENCE EASTWARDLY FOLLOWING THE MEANDERINGS OF

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

THE BAY TO A POINT SOUTH OF THE POINT OF BEGINNING, 166 FEET, THENCE NORTH TO THE POINT OF BEGINNING, BEING LOT 3, IN BLOCK 54 ACCORDING TO PLAT OF THE TOWN OF LILLIAN COMPILED BY R. J. GREENWOOD, APRIL 16, 1928, SUCH PLAT NOW RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA IN MAP BOOK 2, PAGE 128; AND AGAINST KARL PRELLWITZ, FRED HEINZ AND PHILLIP ICKLER, IF LIVING , AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED: AND AGAINST ANY AND ALL PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS, CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON THE SAID LAND OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint, and upon the publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleading and proof as noted by the register; and the same being considered by the court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, Karl Prellwitz, Fred Heinz and Phillip Ickler if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED and DECREED by the court that the said complainant, STAPLETON INSURANCE & REALTY CORPORATION, is a corporation organized under the laws of the State of Alabama, with its principal place of business at Bay Minette, Baldwin County, Alabama, at the time of the filing of the said bill of complaint and at the time of the submission of this cause for

final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

> Those certain tracts or parcels of land in Section 26, Township 7 South, Range 6 East particularly described as follows: Commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and running thence West 30 feet for a point of beginning: From this point of beginning run thence South 1380 feet to the waters edge of Perdido Bay, which line is the East line of this parcel; commencing again at the point of beginning, run thence West 302 feet; thence South 1400 feet to the waters edge of said bay; thence in an easterly direction and along the waters edge of said bay to the point where the said East line touches the waters edge; being otherwise designated as Lot 1 of Block 54, according to the plat of Phillip Ickler of the Town of Lillian and containing 10 acres, more or less, such plat now being recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;
>
> Also commencing at a point 30 feet South of the Southeast corner of the Southeast quarter of Northwest quarter of said section and run thence East 30 feet, thence South 500 feet for the point of beginning; from this point of beginning run thence East to the waters edge of Perdido Bay, which line is the North line of this parcel; commencing again at the point of beginning run thence South to the waters edge of said bay; run thence in a Northeasterly direction along the waters edge of said bay to the point where said north line touches the waters edge; being otherwise known as Lot 11 in Block 53 of the plat of Phillip Ickler of the Town of Lillian and containing 5 acres, more or less, such plat now of record in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;
>
> Also beginning at the center of Section 26, Township 7 South, Range 6 East, run thence South 30 feet, thence West 375.5 feet for a beginning corner, thence continue West 166 feet, thence South 1358 feet to Perdido Bay, thence Eastwardly following the meanderings of the Bay to a point South of the point of beginning, 166 feet, thence North to the point of beginning, being Lot 3, in Block 54, according to plat of the Town of Lillian compiled by R. J. Greenwood, April 16, 1928, such plat now recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 2, page 128;

That the complainant acquired title to the lands above designated as Lot 3 in Block 54 in the Town of Lillian according to plat recorded in the office of the Judge of Probate of Baldwin County, in Map Book 2, page 128, on November 7, 1945, by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 195 at page 184; that the State of Alabama acquired the said land by tax sale April 10, 1939 under assessment against Fred Heinz; who acquired the same by mesne conveyances from the United States; that complainant acquired title to the lands herein-

above designated as Lot 1 in Block 54 and Lot 11 in Block 53 in the Town of Lillian according to plat recorded in the office of the Judge of Probate of Baldwin County in Map Book 2, page 128, November 3, 1943 by deed from the State of Alabama recorded in the office of the Judge of Probate of Baldwin County in Deed Book 81 at page 562-3; that the State of Alabama acquired the same at tax sale May 11, 1940 under assessment against Carl Prellwitz, who was the same person as Karl Prellwitz, party defendant thereto; who acquired the same by mesne conveyances from the United States; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than complainant has assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Stapleton Insurance & Realty Corporation, a corporation, at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, Karl Prellwitz, Fred Heinz and Phillip Ickler, if living, and if dead, their unknown heirs, devisees, personal representatives and assigns, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Stapleton Insurance & Realty Corporation, a corporation, shall inure to the benefit of all persons deriving title to said lands or any part thereof from or through the said Stapleton Insurance & Realty Corporation, a corporation, and the said title so quieted and established in it shall be treated and considered as established in favor of the said Stapleton Insurance & Realty Corporation, a corporation, and all persons deriving title through it.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which county the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Stapleton Insurance & Realty Corporation, a corporation, be and it is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 19th day of June, 1956.

Hubert M Hall
Judge

3734

SUMMONS

THE STATE OF ALABAMA,)
)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon JOHN D. FOX, JR. and J. C. WEBB, 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, Alabama, at Bay Minette, against JOHN D. FOX., JR. and J. C. WEBB, by REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS.

Witness my hand this the 30 day of January, 1956.

Alice J. Duck
Clerk

§§§

COMPLAINT

REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS,
PLAINTIFF

VS:

JOHN D. FOX, JR. and J. C. WEBB,
DEFENDANTS

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

COUNT I:

The plaintiff claims of the defendants THREE HUNDRED TWENTY SEVEN & 63/100 DOLLARS ($327.63) for merchandise, goods and chattels sold by the plaintiff to the defendants on, to wit: the 5th day of October, 1955, which sum of money, with interest thereon, is still unpaid.

Plaintiff further avers that on the 16th day of January, they filed in the probate court of Baldwin County, Alabama, where defendants' land, on which said improvements were erected, is located, plaintiff's verified statement of account with defendants, which is in words and figures as set out in Exhibit "A" and prays that it be established.

There is attached hereto and made a part of the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 28th day of January, 1956.

Attorney for Plaintiff

John D. Fox, Jr. resides at
Fairhope, Alabama

J. C. Webb resides at Daphne, Ala.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-16-56 11:A M
Recorded book 9 page 181
W. R. Stuart
Judge of Probate

BOOK 005 PAGE 181

BOOK 021 PAGE 271

THE STATE STATE ALABAMA,)

BALDWIN COUNTY.)

Exhibit "A"

REYNOLDS BROTHERS LUMBER COMPANY, files this statement in writing, verified by the oath of ROY L. CLIPPER, who has personal knowledge of the facts herein set forth.

The said REYNOLDS BROTHERS LUMBER COMPANY claims a lien upon the following described property, situated in Baldwin County, Alabama, to wit:

A newly constructed house on a lot on College Street in Daphne, Alabama, more particularly described as follows:

From the NW corner Sec 20, T 5 S, R 2 E, run south on west line Sec. 20, 265.7 ft to a point; thence westward 422.4 ft to NE corner Dryer Sub.; thence westwardly on N. line said Subd. 162 ft. to a point; thence southwardly to and along west side 6th St. 1351 ft. to N. side College St; thence Westwardly along street 513.33 ft. to pt. of beginning; thence continue west along St. 94.66 ft. to east line 4th St; thence N. along 4th St. 150 ft; thence E. 94.66 ft; S. 150 ft to beginning.

This lien is claimed, separately and severally, as to both the building and improvements thereon and the said land.

The said lien is claimed to secure an indebtedness of THREE HUNDRED TWENTY SEVEN & 63/100 DOLLARS ($327.63), with interest thereon from the 5th day of October, 1955, for lumber furnished and used in the construction of the building situated on said property.

The name of the owner or proprietor of the said property is J. C. WEBB.

REYNOLDS BROTHERS LUMBER COMPANY
BY: Roy L. Clipper
Roy L. Clipper, Bookkeeper

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

Before me, Forest A. Christian, a Notary Public in and for said County and State, personally appeared Roy L. Clipper, who, being duly sworn, doth depose and say: That he has personal knowledge of the facts set forth in the foregoing statement of lien, and that the same are true and correct to the best of his knowledge and belief.

Roy L. Clipper
Roy L. Clipper

Sworn to and subscribed before me on this the 12th day of January, 1956.

Notary Public, Baldwin County, Ala.

AFFIDAVIT OF ROY CLIPPER

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

ROY CLIPPER, first being duly sworn, deposes and says as follows:

I am the office manager, credit manager and bookkeeper for REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS, Foley, Alabama, and as such know that my records are correct. We have delivered to JOHN D. FOX, JR. for J. C. WEBB, at Daphne, Alabama, materials in the amount of THREE HUNDRED TWENTY SEVEN & 63/100 DOLLARS ($327.63), as shown by the attached itemized statement.

No payments have been made on this account, and after allowing all just credits the amount remaining due on this account is THREE HUNDRED TWENTY SEVEN & 63/100 DOLLARS ($327.63).

Roy Clipper
Affiant

Sworn to and subscribed before me,
a Notary Public in and for Baldwin
County, Alabama, this the 28th day
of January, 1956.

Notary Public

REYNOLDS BROTHERS LUMBER COMPANY a partnership composed of J. B. REYNOLDS AND M. S. REYNOLDS Plaintiff VS JOHN D. FOX, JR, AND J. C. WEBB Defendants	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

Comes the respondent, J. C. Webb, in said cause and demurs to the complaint's bill of complaint filed herein, and for grounds of demurrer, sets out the following, separately and severally, to-wit:

1. The bill of complaint is without equity.
2. The bill of complaint fails to state a cause of action.
3. The bill of complaint fails to state any ground for equitable relief.
4. For aught that appears in said bill of complaint, the complainant has an adequate remedy at law.
5. The bill of complaint is a misjoinder of party defendants.
6. No privity of contract existed or exists between the plaintiff and the defendant, J. C. Webb.
7. For aught that appears the plaintiff has failed to include a prayer for relief.
8. For aught that appears the court is without jurisdiction to grant any relief because plaintiff has failed to aver jurisdiction.
9. Said bill avers conclusions of the pleader and not facts.
10. For aught that appears no itemized statement of account is attached to said complaint as alleged.
11. Plaintiff fails to allege willingness to do equity.

W. O. MacMahon III
W.O. MACMAHON III
Attorney for respondent,
J. C. WEBB.