

4680

ROGER F. BARNHILL,
Complainant,
VS.
CERTAIN LANDS, BALDWIN LAND
HOLDING COMPANY, INC., ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard on December 11, 1959, was submitted for a final decree on behalf of the complainant upon the original verified bill of complaint; notice of pendency of bill of complaint; proof of publication of notice of pendency of bill of complaint; motion for decree pro confesso; decree pro confesso; motion of complainant for an order or decree setting cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the military service of the United States; decree setting this cause for hearing on December 11, 1959, appointing guardian ad litem to represent any unknown minor or person of unsound mind interested in this proceeding, and as attorney to represent any person interested in this proceeding who may be in the military service of the United States, and ordering that the testimony of the witnesses for the complainant be taken in open court and transcribed in the manner provided by Equity Rule Number 56, as amended; notice of appointment of guardian ad litem and attorney to represent parties in the military service and acceptance of such appointment; answer of guardian ad litem and attorney for unknown parties interested in this proceeding who may be in the military service of the United States; and the testimony of Roger F. Barnhill and Charles Barnhill, witnesses for the complainant, taken in open court on this date, and the exhibits to the testimony of the said witnesses, all of which has been noted by the Register, at which time the said cause was taken under submission, upon consideration of all of which, it appears to the court that all persons, firms or corporations named in the bill of complaint filed in this cause have permitted a decree pro confesso to be taken against them;

that the allegations of the said bill of complaint are true and that the complainant is entitled to a decree quieting title to the lands described in the said bill of complaint, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the complainant, Roger F. Barnhill, is the lawful owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

East Half of Section 33, Township 4 South, Range 4 East;
Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East,

SUBJECT to the following:

EXCEPTION NO. 1: Easement heretofore granted to Southern Bell Telephone and Telegraph Company across Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East, Baldwin County, Alabama, recorded in Deed Book 79, page 106, Baldwin County, Alabama Records.

EXCEPTION NO. 2: A one-half interest in and to all oil, gas and mineral rights in, on, under, or that which may be produced from the above described property, was reserved by E. Davidson and H. L. Taylor in the deed made by them to McCoy Timber Company dated January 18, 1949, which is recorded in Deed Book 138 at pages 103-4, Baldwin County, Alabama Records, and title to the mineral interest so reserved is not quieted against the said E. Davidson and H. L. Taylor.

EXCEPTION NO. 3: A one-fourth interest in and to all oil, gas and mineral rights in, on, under, or that which may be produced from the above described property, was reserved by McCoy Timber Company, Inc., in the deed to Roger F. Barnhill dated October 23, 1950, which is recorded in Deed Book 160 at pages 417-18, Baldwin County, Alabama Records, and title to the mineral interest so reserved is not quieted against the said McCoy Timber Company, Inc.

EXCEPTION NO. 4: All of the above described property is subject to oil, gas and mineral leases to Virgil W. Michael from the following named parties:

A. Roger F. Barnhill and wife, dated June 25, 1956, recorded in Deed Book 249 at pages 301-3, Baldwin County, Alabama Records.

B. E. Davidson and wife and H. L. Taylor and wife, dated July 3, 1956, recorded in Deed Book 249 at pages 387-9, Baldwin County, Alabama Records.

C. McCoy Timber Company, Inc., dated July 7, 1956, recorded in Deed Book 249 at page 371, Baldwin County, Alabama Records.

Complainant's title to the above described property is not quieted against the said lessees or any of them.

That the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the said complainant, Roger F. Barnhill, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said complainant has and is hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The complainant's title to the said lands is hereby quieted against Baldwin Land Holding Company, Inc., its unknown officers, directors and stockholders, Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and against the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the direct index in the names of Baldwin Land Holding Company, Inc., Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and shall index the same in the indirect or reverse index of said records in the name of Roger F. Barnhill.

5. The title hereby adjudged and decreed to be in said complainant, Roger F. Barnhill, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said complainant, and such title or interest shall be at all times to be and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said complainant.

6. The costs of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 29th day of January, 1960.

Hubert M. Hall
Judge

FILED

FEB 22 1960

ALICE J. DUCK, CLERK
REGISTER

ROGER F. BARNHILL,
Complainant,
VS.
CERTAIN LANDS, BALDWIN LAND
HOLDING COMPANY, INC., ET AL.,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DECREE

This cause coming on to be heard on this date is submitted on the written motion of the complainant praying that a proper order be made or decree rendered setting this cause for hearing, that a guardian ad litem be appointed to represent any minor or person of unsound mind interested in this proceeding, and that an attorney be appointed to represent any person interested in this proceeding who may be in the military service, and prescribing the method of taking testimony in this cause; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. This said cause shall be and it is hereby set for hearing at 9:30 o'clock A. M. on the 11th day of December, 1959.
2. Telfair J. Mashburn, Jr., an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, who is in all respects a fit and proper person, shall be and he is hereby appointed as guardian ad litem to represent any minor or person of unsound mind interested in this proceeding, and shall be and he is hereby appointed as attorney to represent any person interested in this proceeding who may be in the military service of the United States.

3. Testimony of the witnesses for complainant shall be taken orally in open court and transcribed in the manner provided by Equity Rule No. 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 11 day of December, 1959.


Judge

W.R. Stuart
Judge of Probate

ROGER F. BARNHILL,

Complainant,

VS.

CERTAIN LANDS, BALDWIN LAND
HOLDING COMPANY, INC., ET AL.,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard on December 11, 1959, was submitted for a final decree on behalf of the complainant upon the original verified bill of complaint; notice of pendency of bill of complaint; proof of publication of notice of pendency of bill of complaint; motion for decree pro confesso; decree pro confesso; motion of complainant for an order or decree setting cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the military service of the United States; decree setting this cause for hearing on December 11, 1959, appointing guardian ad litem to represent any unknown minor or person of unsound mind interested in this proceeding, and as attorney to represent any person interested in this proceeding who may be in the military service of the United States, and ordering that the testimony of the witnesses for the complainant be taken in open court and transcribed in the manner provided by Equity Rule Number 56, as amended; notice of appointment of guardian ad litem and attorney to represent parties in the military service and acceptance of such appointment; answer of guardian ad litem and attorney for unknown parties interested in this proceeding who may be in the military service of the United States; and the testimony of Roger F. Barnhill and Charles Barnhill, witnesses for the complainant, taken in open court on this date, and the exhibits to the testimony of the said witnesses, all of which has been noted by the Register, at which time the said cause was taken under submission, upon consideration of all of which, it appears to the court that all persons, firms or corporations named in the bill of complaint filed in this cause have permitted a decree pro confesso to be taken against them;

that the allegations of the said bill of complaint are true and that the complainant is entitled to a decree quieting title to the lands described in the said bill of complaint, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the complainant, Roger F. Barnhill, is the lawful owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

East Half of Section 33, Township 4 South, Range 4 East;
Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East,

SUBJECT to the following:

EXCEPTION NO. 1: Easement heretofore granted to Southern Bell Telephone and Telegraph Company across Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East, Baldwin County, Alabama, recorded in Deed Book 79, page 106, Baldwin County, Alabama Records.

EXCEPTION NO. 2: A one-half interest in and to all oil, gas and mineral rights in, on, under, or that which may be produced from the above described property, was reserved by E. Davidson and H. L. Taylor in the deed made by them to McCoy Timber Company dated January 18, 1949, which is recorded in Deed Book 138 at pages 103-4, Baldwin County, Alabama Records, and title to the mineral interest so reserved is not quieted against the said E. Davidson and H. L. Taylor.

EXCEPTION NO. 3: A one-fourth interest in and to all oil, gas and mineral rights in, on, under, or that which may be produced from the above described property, was reserved by McCoy Timber Company, Inc., in the deed to Roger F. Barnhill dated October 23, 1950, which is recorded in Deed Book 160 at pages 417-18, Baldwin County, Alabama Records, and title to the mineral interest so reserved is not quieted against the said McCoy Timber Company, Inc.

EXCEPTION NO. 4: All of the above described property is subject to oil, gas and mineral leases to Virgil W. Michael from the following named parties:

A. Roger F. Barnhill and wife, dated June 25, 1956, recorded in Deed Book 249 at pages 301-3, Baldwin County, Alabama Records.

B. E. Davidson and wife and H. L. Taylor and wife, dated July 3, 1956, recorded in Deed Book 249 at pages 387-9, Baldwin County, Alabama Records.

C. McCoy Timber Company, Inc., dated July 7, 1956, recorded in Deed Book 249 at page 371, Baldwin County, Alabama Records.

Complainant's title to the above described property is not quieted against the said lessees or any of them.

That the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the said complainant, Roger F. Barnhill, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said complainant has and is hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The complainant's title to the said lands is hereby quieted against Baldwin Land Holding Company, Inc., its unknown officers, directors and stockholders, Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and against the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the direct index in the names of Baldwin Land Holding Company, Inc., Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and shall index the same in the indirect or reverse index of said records in the name of Roger F. Barnhill.

5. The title hereby adjudged and decreed to be in the said complainant, Roger F. Barnhill, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said complainant, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said complainant.

6. The costs of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 29th day of January, 1960.

(S) HUBERT M. HALL
Judge

Miss J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court of Baldwin County, Alabama, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 22 day of Feb, 1960

Debbie French
Register of Circuit Court, Baldwin County

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[Handwritten scribbles and signatures]

ROGER F. BARNHILL,)	
Complainant,)	
VS.)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS, BALDWIN LAND)	
HOLDING COMPANY, INC., ET)	IN EQUITY
AL.,)	
Respondents.)	

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against Baldwin Land Holding Company, Inc., its unknown officers, directors and stockholders, Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and against the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the following described property situated in Baldwin County, Alabama, to-wit:

East Half of Section 33, Township 4 South, Range 4 East;

Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East,

on the ground that the notice of pendency of the bill of complaint filed in this cause, dated August 18, 1959, was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the first publication of which said notice appeared in the August 20, 1959, edition of the said paper, and each and all of the said parties have to date hereof failed to appear and plead, answer or demur to the bill of complaint filed against them in this cause.

WHEREFORE, complainant moves the Register to make and enter a decree pro confesso against the above named respondents and each of them.

Dated this 10th day of December, 1959.

FILED
DEC 10 1959

ALICE J. DUCK, Register

J. B. Blackburn
Solicitor for Complainant

ROGER F. BARNHILL,
Complainant,
vs.
CERTAIN LANDS, ET AL.,
Respondents.

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

MR. BLACKBURN: The complainant offers in evidence, as his exhibit 1, certified copy of Patent from the U. S.A. to George W. Robinson, dated October 30, 1882, recorded in deed book 2, pages 250-53, which conveys the Southeast Quarter of Northwest quarter, Section 4, Township 5 South, Range 4 E.

Next we offer in evidence as Complainant's Exhibit 2, certified copy of a patent from the U.S.A. to Harriett E. Dearth, dated March 14, 1910 Recorded in deed book 16, pages 507-8. That covers part of $E\frac{1}{2}$ of Section 33, Township 4 South Range 4 East.

Next we offer in evidence as Complainant's Exhibit 3, patent from the U.S.A. to Osr F. Parker dated August 7, 1906, recorded in deed book 27 page 85 and ask leave ^{to} withdraw the original and substitute a copy.

Next we offer in evidence as Complainant's Exhibit 4, original deed from McCoy Timber Company, Inc. to Rogert F. Barnhill, dated October 23, 1950 recorded in deed book 160, at pages 417-18, with leave to withdraw the original and substitute a copy.

ROGER F. BARNHILL, THE COMPLAINANT, BEING FIRST DULY SWORN,
TESTIFIED AS FOLLOWS:

Examination by Mr. Blackburn.

Q. What is your name, please?

A. Roger F. Barnhill.

Q. You are the Complainant in this case, are you not?

A. Yes sir.

Q. You are over the age of 21 years and a resident of Baldwin County?

A. Yes sir.

Q. Mr. Barnhill, the land involved in this suit, which is the E $\frac{1}{2}$ of Section 33, Township 4 South, Range 4 East, and the Southeast Quarter of Northwest Quarter, Section 4, Townshup 5 South, Range 4 East, who did you acquire that from?

A. McCoy Timber Company.

Q. That was in 1950, I believe?

A. Yes sir.

Q. After you acquired this property what did you first do with it?

A. By way of possession, I fenced it and started claring it.

Q. How soon after you got your deed did you do that?

A. I fenced it either in '51 or '52 and started clearing in '52; it has been under fence since then.

Q. Been under fence since then?

A. Yes sir.

Q. Are you cultivating some of it?

A. Pasture.

Q. What did you do with the rest of it?

A. Planted it in timber.

Q. When did you plant it in timber?

A. Probably in about '56 I believe.

Q. At the time this suit was filed you were in the actual possession of all of this land claiming to own it?

A. Yes sir.

(page 2)

Q. There is no suit pending other than this suit to test the title to or the possession of this property?

A. No.

Q. You have regularly assessed and paid taxes on this property since acquiring it?

A. I have.

Q. You have had an abstract prepared and had me to examine the abstracts, did you not?

A. Yes sir.

Q. The facts set out in your bill of complaint as to ownership and possession of this property and all of the other allegations of the complaint are true?

A. Yes sir.

Q. Have you ever been disturbed in your possession of this property in any way?

A. None what-ever.

Q. McCoy Timber Company acquired this property from Emanuel Davidson and H. L. Taylor?

A. Yes sir.

Q. Did they work it out for turpentine purposes?

A. Yes sir.

Q. The deed from McCoy Timber Company to you reserved an undivided 1/4th interest in the minerals?

A. Yes sir.

Q. Davidson and Taylor had previously reserved an undivided one-half interest in the minerals?

A. Yes sir.

Q. This suit is subject to an oil, gas and mineral lease recorded in deed book 249 at page 201-3 in the Probate Court of Baldwin County, Alabama?

A. Yes sir.

Q. And an oil, gas and mineral lease from McCoy Timber Company dated July 7, 1956, recorded in deed Book 279 at page 471?

A. Yes sir.

Q. Also, an oil, gas and mineral lease from Emanuel Davidson and

And wife and H. L. Taylor and wife, dated July 3, 1946, recorded in deed book 249 at page 387?

A. Yes sir.

Q. Now have you regularly assessed and paid taxes on this property since you acquired the same?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, BY GUARDIAN AD LITEM, HE TESTIFIED AS FOLLOWS:

Examination by Mr. Mashburn.

Q. The title out of the original owners into Davidson and Taylor was a tax title?

A. I don't know.

MR. BLACKBURN: It was.

Q. Have any of the people under whom that tax sale was made ever claimed that land from you?

A. No sir.

Q. Since you acquired title to it?

A. None whatever.

Q. Do you know of anybody around in the neighborhood who have made claim to this land during the time of you owned it?

A. No sir.

MR. CHARLES BARNHILL, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

EXAMINATION BY MR. BLACKBURN.

Q. You are familiar with the lands involved in this suit?

A. Yes sir.

Q. How long have you known these lands?

A. I have known this land for about 25 years.

Q. Were you familiar with Davidson & Taylor's turpentine operations on this land?

A. Yes sir, this land joined some we worked and I knew about it.

Q. They did work it?

A. Yes sir.

Q. McCoy Timber Company cut the timber off of it?

A. Yes sir.

Q. After Roger F. Barnhill bought this land he cleared and fenced it?

A. Yes sir.

Q. No one has made any claim to it in any shape, form or fashion since Roger has owned it?

A. None what-ever.

ON CROSS EXAMINATION OF THIS WITNESS BY GUARDIAN AD LITEM HE TESTIFIED

Examination by Mr. Mashburn.

Q. During all of that time, Roger has been in the open, notorious, exclusive and adverse possession of this land?

A. That is correct.

Q. He hasn't paid rent to any other person?

A. No sir.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 5, both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in this cause in open Court, before Hon. Hubert M. Hall, Judge of said Court on December 8, 1959.

This 14th day of December, 1959.

Laura Duseberry

THE UNITED STATES OF AMERICA.

Certificate }
No. 28035 } To all to whom these presents shall come, GREETING:

WHEREAS, Ozro F. Parker, of Baldwin County, Alabama has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Montgomery, Alabama, whereby it appears that full payment has been made by the said Azro F. Parker according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provisions for the sale of the Public Lands," and the acts supplemental thereto, for the West half of the Northeast Quarter the Northeast Quarter of the Southeast Quarter of Section thirty-three in Township four South of Range four East of St. Stephens Meridian in Alabama, containing one hundred and sixty acres and twenty hundredths of an acre according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said Ozro F. Parker.

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Ozro F. Parker and to his heirs, the said tract above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Ozro F. Parker and to his heirs and assigns forever.

IN TESTIMONY WHEREOF, I Theodore Roosevelt, PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the seventh day of August, in the year of our Lord one thousand nine hundred and six, and of the Independence of the United States the one hundred and thirty-first,

By The President: T. Roosevelt

By F. M. McKean, Secretary

C. H. Brush, Recorder of the
General Land Office.

(Seal affixed)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WASHINGTON 25 , D. C. FEB. 13, 1959

I hereby certify that this photograph is a true copy of the patent record, which is in my custody in this office.

/s/ Oscar E. Collins
Certifying Officer.

THE STATE OF ALABAMA)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of One dollar and other valuable considerations to McCoy Timber Co. Inc., Atmore, Alabama in hand paid by Roger F. Barnhill, the receipt whereof is hereby acknowledged and we do remise, release, quitclaim and convey to the said Roger F. Barnhill, all our right, title, interest and claim in or to the following described real estate, to-wit:

E $\frac{1}{2}$ Section 33 Township 4 S Range 4 East
SE $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 4 Township 5 South Range 4 East
containing three hundred and sixty (360) acres,
more or less

This deed conveys only one-fourth ($\frac{1}{4}$) oil and mineral rights; three-fourths ($\frac{3}{4}$) being reserved by the grantor.

TO HAVE AND TO HOLD, to the said Roger F. Barnhill and his heirs and assigns forever.

IN TESTIMONY WHEREOF, the said McCoy Timber Company has caused its corporate name to be hereto signed and its corporate seal to be hereto affixed by its President, thereunto duly authorized, this 23rd day of October, 1950.

McCoy Timber Company

By: /s/ L. B. McCoy
Its President

Witness:

/s/ Lucille L. Howell

/s/ R. B. Luttrell

STATE OF ALABAMA
ESCAMBIA COUNTY

I, Mildred S. McCoy, a Notary Public in and for said State and County, hereby certify that L. B. McCoy, whose name as President of McCoy Timber Company, a corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the said instrument, he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation. Given under my hand and official seal this 23rd day of October, 1950.

/s/ Mildred L. McCoy
Notary Public, Escambia County, Alabama.

(seal affixed)

My commission expires Oct. 14, 1953.

Filed: December 4, 1950
Recorded: Deed Book 160 pages 417-18.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

ROGER F. BARNHILL,)	
)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
VS.)	
)	IN EQUITY
THE LANDS AND PARTIES)	
HEREINAFTER DESCRIBED,)	
)	
Respondents.)	

Notice is hereby given to each and all of the respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on, the lands hereinafter described, or any part thereof, that Roger F. Barnhill did, on the 18th day of August, 1959, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified bill of complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

East Half of Section 33, Township 4 South, Range 4 East;

Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East;

and against Baldwin Land Holding Company, Inc., its officers, directors and stockholders, Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and against the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on, the said lands or any part thereof.

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

The said bill of complaint has been filed for the purpose of establishing the title of the said complainant to all of the said lands, for the purpose of quieting his title thereto, and to clear up all doubts and disputes concerning the title to the said property.

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 8-19-59 10:45 M
 Recorded 8-19-59 5 page 69-71
 W.R. Stuart
 Judge of Probate

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-19-59 11:45 M

Recorded _____ book _____ page _____

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W.R. Stuart
 Judge of Probate

Complainant has and claims to have the absolute, unencumbered, fee simple title to all of the real property hereinabove described (except outstanding mineral interests and oil, gas and mineral leases) by and through the following conveyance:

Deed from McCoy Timber Company, Inc., to Roger F. Barnhill, dated October 23, 1950, which is recorded in Deed Book 160 at pages 417-18, Baldwin County, Alabama Records.

Complainant, in and by his said bill of complaint, alleges and avers that he owns the said lands in his own right, absolutely and in fee simple; that he is in the actual, peaceable possession of the said lands under claim of ownership; that the title to the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of the complainant, subject, however, to existing oil, gas and mineral leases and to outstanding mineral interests; that no suit is pending to test complainant's title to, interest in, or right to the possession of the said lands, or any part thereof; that complainant and those through whom he claims title have held color of title to and have regularly paid taxes on the said lands for a period of ten (10) or more consecutive years next preceding the filing of the said bill of complaint; and that no persons, firms or corporations, other than the complainant and those through whom he claims title, have paid taxes on or have been in possession of the above described lands, or any part thereof, for a period of ten (10) or more consecutive years prior to the filing of the said bill of complaint, except the parties who own mineral interests or who have oil, gas or mineral leases on the said property, or parts thereof.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said bill of complaint before the 20th day of October, 1959, or at the expiration of

thirty days from the said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 18th day of August, 1959.



ALICE J. DUCK,
As Register of the Circuit Court
of Baldwin County, Alabama, in
Equity.

J. B. BLACKBURN,
Solicitor for complainant.

NOTICE OF PENDENCY
OF BILL OF COMPLAINT

ROGER F. BARNHILL,

Complainant,

VS.

THE LANDS AND PARTIES HEREINAFTER
DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

R-2 ⁰⁰

J. B. Blackman
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ALICE J. DUCK, CLERK
REGISTER

BILL OF COMPLAINT

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

Roger F. Barnhill, as complainant, presents this bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

East Half of Section 33, Township 4 South,
Range 4 East;

Southeast Quarter of Northwest Quarter, Section
4, Township 5 South, Range 4 East;

and against Baldwin Land Holding Company, Inc., its unknown officers, directors and stockholders, Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, and against the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on, the said lands or any part thereof, and, thereupon, the complainant complains and shows unto the court and your Honor as follows:

1. The complainant, Roger F. Barnhill, is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. The individual respondents named above are each, if living, over twenty-one years of age but their respective places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

Baldwin Land Holding Company, Inc., is a corporation which was organized under the laws of Alabama and formerly did business in Alabama, but complainant alleges on information and belief that the said corporation is not now in business. If in business, its place of business and post office address is unknown, the names of its officers, directors and stockholders are unknown and it has no known agent in the State of Alabama.

3. The complainant, Roger F. Barnhill, is in the actual, peaceable possession of all of the above described lands and claims to own the said lands in his own right, absolutely and in fee simple.

4. The complainant, Roger F. Barnhill, holds color of title to, and he and those through whom he claims title to, the said lands have paid taxes thereon for a period of ten (10) or more consecutive years next preceding the filing of this bill of complaint, and no other persons, firms or corporations, other than the complainant and those through whom he claims title, have paid taxes on or have been in possession of the above described lands or any part thereof for a period of ten (10) or more consecutive years prior to the filing of this bill of complaint, except the parties who own mineral interests or who have oil, gas or mineral leases on the said property, or parts thereof.

5. Title to all of the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of the complainant, subject, however, to existing oil, gas and mineral leases and to outstanding mineral interests.

6. No suit is pending to test the complainant's title to or right to possession of the said lands or any part thereof.

7. Complainant has and claims to have the absolute, unencumbered, fee simple title to all of the real property hereinabove described (except outstanding mineral interests and oil, gas and mineral leases hereinabove referred to) by and through the following deed, which is recorded in the office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

Deed from McCoy Timber Company, Inc., to Roger F. Barnhill, dated October 23, 1950, which is recorded in Deed Book 160 at pages 417-18, Baldwin County, Alabama Records.

The complainant has made a diligent search and has caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporations who might make or who are making any claim to the said lands, or any part thereof, or any interest therein, or any encumbrance thereon. Complainant further avers that these inquiries have continued faithfully and diligently for the past few years; that he has employed an abstract company to make an examination of the records of Baldwin County, Alabama, and prepare abstracts to all of the above described lands; that he has employed an attorney to examine the said abstracts and the records in the courthouse in Bay Minette, Alabama, and that he has made and caused his said attorney to make inquiry about the ages, addresses and heirs of any persons interested or who may be interested in the said property; that he has made and caused a thorough inquiry to be made in the community where the said property is situated for the purpose of ascertaining any claimant or claimants to it and for any other information having any bearing on the title to the said property; that these efforts by the complainant and his agents, servants and employees have continued faithfully and diligently for the full period of time that he has owned the property and that all of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein and the status of all of the said firms or companies is as hereinabove set out.

PRAYER FOR PROCESS

Complainant prays that the lands hereinabove described, the respondents named herein and their heirs and devisees, if deceased, and the unknown heirs, devisees and personal representatives of the next of kin of the respondents named above who are dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof be made parties respondent to this bill of complaint and be brought into court by the usual and proper process.

PRAYER FOR RELIEF

Complainant prays that each and all of the respondents named herein, their heirs and devisees, if deceased, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein who are dead, and any and all persons, firms or corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance, and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors or insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the military service; that upon a final hearing of this cause it be Ordered, Adjudged and Decreed that the complainant, at the time of the filing of this bill of complaint, had the fee simple title to all of the above described lands, except the outstanding mineral interests and the oil, gas and mineral leases, and that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up, and that complainant's title to the said lands be fully and completely quieted. Complainant further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blackburn
Solicitor for complainant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared Roger F. Barnhill, who, after being by me first duly and legally sworn, deposes and says: That he is the complainant named in the above entitled cause; that he has read over the foregoing bill of complaint and that the facts stated therein are true.

Roger F. Barnhill
Roger F. Barnhill

Sworn to and subscribed before me on this the 18th day of August, 1959.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama

FILED
AUG 19 1959
ALICE L. DICK, CLERK
REGISTER

ROGER F. BARNHILL,)	
)	
Complainant,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
)	IN EQUITY
CERTAIN LANDS, BALDWIN LAND)	
HOLDING COMPANY, INC., ET AL.,)	
)	
Respondents.)	

DECREE PRO CONFESSO

In this cause it being made to appear to the Register that the respondents, Alexander Blount, Jr., Harriet E. Dearth, Abraham Edwards, Harriet E. Hunter, George E. McEwen, Ozro F. Parker, O. F. Parker, George Boseman Poole, William B. Roberts and Josiah V. Thompson, are, if living, over twenty-one years of age and that their respective places of residence and post office addresses are unknown and cannot be ascertained after diligent inquiry; that the respondent, Baldwin Land Holding Company, Inc., is a corporation which was organized under the laws of Alabama and formerly did business in Alabama, but if it is in business now its place of business and post office address is unknown, the names of its officers, directors and stockholders are unknown and it has no known agent in the State of Alabama; that a copy of the Notice of Pendency of Bill of Complaint filed in this cause, dated August 18, 1959, was published once a week for four consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, the first publication of said notice being in the August 20, 1959, edition of the said paper, and that copies thereof were on the said date posted at the front door of the courthouse of Baldwin County, Alabama, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, and that to date hereof each of the said respondents and the heirs, devisees and personal representatives of such of said parties as may be dead and any or all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on, the following described property situated in Baldwin County, Alabama, to-wit:

East Half of Section 33, Township 4 South, Range 4 East;

Southeast Quarter of Northwest Quarter, Section 4, Township 5 South, Range 4 East,

have failed to appear and plead, answer or demur to the bill of complaint filed against them in this cause.

It is, therefore, on motion of the complainant, ORDERED, ADJUDGED AND DECREED by the Register that the said bill of complaint be and it hereby is in all things taken as confessed against each and all of the above named respondents and the heirs, devisees and personal representatives of such said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands above described or any part thereof.

ORDERED, ADJUDGED AND DECREED this 10 day of December, 1959.



Register

ROGER F. BARNHILL,
 Complainant,
 VS.
 CERTAIN LANDS, BALDWIN LAND
 HOLDING COMPANY, INC., ET AL.,
 Respondents.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM AND
 ATTORNEY TO REPRESENT PARTIES IN MILITARY SER-
 VICE.

TO: TELFAIR J. MASHBURN, JR.:

You are hereby notified that by a decree of this court heretofore rendered in this cause you have been appointed as guardian ad litem to represent any unknown minors or insane persons interested in this proceeding and as attorney to represent any unknown parties interested in this proceeding who may be in the military service of the United States.

Dated this 11th day of December, 1959.

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

* * * * *

STATE OF ALABAMA)
 *
 BALDWIN COUNTY)

I, the undersigned Telfair J. Mashburn, Jr.,
 do hereby accept appointment as guardian ad litem and as attorney
 to represent any unknown parties interested in this proceeding who
 may be in the military service of the United States.

Dated this 17th day of December, 1959.

Telfair J. Mashburn, Jr.
 As guardian ad litem and as attorney
 representing parties in military service

ROGER F. BARNHILL,)
 Complainant,)
 VS.)
 CERTAIN LANDS, BALDWIN LAND)
 HOLDING COMPANY, INC., ET AL.,)
 Respondents.)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

ANSWER OF GUARDIAN AD LITEM FOR UNKNOWN MINORS
 AND INSANE PERSONS, AND AS ATTORNEY FOR ANY UN-
 KNOWN PERSONS INTERESTED IN THIS PROCEEDING WHO
 MAY BE IN THE MILITARY SERVICE OF THE UNITED
 STATES.

I, Telfair J. Mashburn, Jr., having been heretofore
 appointed as guardian ad litem to represent any unknown minors or
 insane persons interested in this proceeding, and as attorney to
 represent any unknown parties interested in this proceeding who
 may be in the military service of the United States, for answer
 to the bill of complaint filed in this cause, hereby deny each and
 all of the allegations thereof and demand strict proof of same.

Dated this 11th day of December, 1959.

Telfair J. Mashburn, Jr.

As guardian ad litem as aforesaid,
 and as attorney aforesaid.