

4547

LEWIS G. HERRINGTON)
 and)
 SARAH N. HERRINGTON)
 Complainants)
)
 ES.)
)
 HEIRS OF HENRY COOK, Deceased,)
 IRWIN COOK, alias, IRVIN COOK,)
 alias, ERWIN COOK, CARMILLIE)
 COOK THOMPSON, alias CARMILLA)
 COOK THOMPSON, MAUD COOK, Widow o)
 of Charles Cook, Deceased,)
 HAROLD COOK; EARL COOK, WILLIAM)
 EDWARD COOK, LUCILLE COOK and)
 EMILY COOK JORDAN, Heirs of)
 Charles Cook, Deceased.)
 Respondents)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

NO. _____

To the Honorable Hubert M. Hall, judge of the Circuit Court of Baldwin County, Alabama, sitting in Equity:

Your complainants Lewis G. Herrington and Sarah N. Herrington respectfully represents and show unto your Honor as follows:

1. That your complainants are each over the age of twenty-one years and are residents of Baldwin County, Alabama.

2. That the respondents are each over the age of twenty-one years and reside as follows: Irwin Cook, Cleveland Ohio; Carmillie Cook Thompson, Bon Secour, Baldwin County, Alabama; Maud Cook, Harold Cook, Earl Cook, William Edward Cook, Lucille Cook and Emily Cook Jordan all reside in Mobile County, Alabama, that the respondents are as a class the surviving heirs of Henry Cook, Deceased.

3. That your complainants are the owners of the following described tract of land which is situated in Baldwin County, Alabama, to-wit:

Commencing at the Northwest Corner of Section 25, Township 8 South, Range 3 East, run thence North eighty-nine degrees and fifty-three minutes East (89 -53') along the North boundry of section 25, 1330.43 feet to a point marked by a railroad rail; run thence South Zero degrees and two minutes (0 -2') East 2654.48 feet to a point marked by a railroad rail; the point of beginning: run thence North eighty-nine degrees and fifty-three minutes (89-53') East 282.30 feet to a point marked by a railroad rail; run thence South zero degrees and two minutes (0-2') East 138.87 feet to a point marked by an iron pipe; run thence South eighty-nine deggrees and fifty three minutes (89-53') West 282.30 feet to a point marked by an iron pipe; run thence North zero degrees and two minutes (0-2') West 138.87 feet to the point of beginning. Being in the Nicholas Cook Grant Section 39, Township Eight South, Range three East and containing nine tenths (.9) acre.

Complainants aver that they have been in actual peaceable possession of said land from April 10, 1954, and are now in actual peaceable possession of said land.

4. Complainants aver that there is no suit pending to test thier interest in, title to, or possession of said land.

5. Complainants further allege that J. W. Norrell and Fannie Mae Norrell were in actual peaceable possession of said lands from July 19, 1938 until April 10, 1954, said land having been conveyed to them by Warranty deed, dated July 18, 1938 , executed by William Cook, son of Henry Cook, Deceased, a copy of which is attached hereto as Exhibit "A" and that the said J. W. Norrell and Fannie Mae Norrell entered into actual peaceable possession of said land upon the date of said warranty deed and they have each year regularly assessed said land in the Office of the Tax Assessor of Baldwin County, Alabama, and have paid taxes the taxes theronthrough the years 1939 to 1954.

6. The title to said lands stand on the records of the Judge of Probate of Baldwin County, Alabama in the name of your complainants by virtue of the Warranty Deed from J. W. Norrell and Fannie Mae Norrell, executed on the 10th day of April, 1954 and recorded in Deed Book 207 page 563, a copy of which is attached hereto as Exhibit "B" and made a part hereof. Complainants aver that no one except J. W. Norrell and Fannie Mae Norrell and the Complainants have assessed or paid taxes on said land since 1939 or within ten years preceding the filing of this bill.

7. The complainants aver that the heirs of Henry Cook, Deceased are reputed to have or claims some right, title or interest in or to the lands described in this bill of complaint. Complainants avers that they do not know of anyone or any persons who claim said land, any title to, interest in, lien or encumbrance thereon, or any part thereof, except the above named respondents. Complainants have obtained an abstract which shows the only possible claimants according to said abstract are the above named respondents.

The Premises Considered, complainants file this their verified bill of complaint against the respondents Irwin Cook, Carmilla Cook Thompson, Maud Cook, Harold Cook, Earl Cook, William Edward Cook, Lucille Cook and Emily Cook Jordan and to establish the right or title to said land and to clear up al doubts and disputes concerning

the same and that the said parties herein above named be made parties respondents to this bill of complaint, and that process be served on them or publication be made requiring them to plead answer or demur to the same within the time allowed by law, or decree pro confesso may be entered against them.

Complainant further prays that this court will find that the rights and interests of all parties to this suit are before the Court and will be finally adjudicated by this Court's decree. Complainants pray that this court will make and enter all orders, judgments and decrees that may be meet and proper in the premises, and that upon final hearing of this cause will find and decide and decree that the complainants have an entire fee simple title to said land, free of all liens and encumbrances. Complainants further pray that if they be mistaken in the relief asked for that this Court grant such other, further, additional or different relief as may appear to the Court to be just and proper.

Arthur C. Epperson
Solicitor for the Complainants

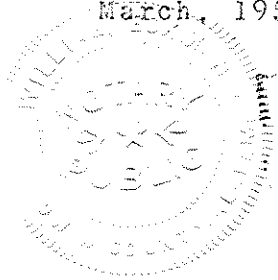
STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority personally appeared Lewis G. Herrington, who being by me first duly sworn, deposes and says on oath; that he is one of the complainants in the above and foregoing bill of complaint, that he has read the same, has knowledge of the facts stated therein and that the facts so stated are true.

Lewis G. Herrington
Complainant

Sworn to and subscribed before me this the 21st day of March, 1959.



FILED
APR 9 1959
ALICE J. DUCK, CLERK REGISTER

William Adams
NOTARY PUBLIC, BALDWIN CO., ALA.
MY COMMISSION EXPIRES JAN. 26, 1963

"EXHIBIT A"

STATE OF ALABAMA

WARRANTY DEED

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable considerations to me in hand paid by J. W. NORRELL and wife, FANNIE MAE NORRELL, the receipt of which is hereby acknowledged, I, WILLIAM COOK, a single man, do grant, bargain, sell and convey unto the said J. W. NORRELL and wife FANNIE MAE NORRELL, the following described lands situated in Baldwin County, Alabama, to-wit:

Starting at the North-east corner of, North-west Quarter (NW¹/₄) of Section Twenty-five (25), in Township Eight (8) South, of Range Three (3), East, thence run south one-half mile to a post for a BEGINNING CORNER: Thence run East Fifteen (15) rods to a stake; thence South Seven (7) rods to a stake; thence West Fifteen (15) rods to a stake; Thence North Seven rods to PLACE OF BEGINNING, and containing nine-tenths (9/10) acre, more or less, and being a part of lands of the Estate of Henry Cook, in Baldwin County, Alabama.

TO HAVE AND TO HOLD to the said J. W. NORRELL and wife FANNIE MAE NORRELL, their heirs and assigns forever.

And I do covenant with the said J. W. Norrell and wife Fannie Mae Norrell, that I am seized in fee of the above described premises; that I have the right to sell and convey the same, that the said premises are free from all encumbrances; and that I will and my heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said J. W. Norrell and wife Fannie Mae Norrell, their heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS my hand and seal this 19th day of July, 1938.

WILLIAM COOK L.S.

STATE OF ALABAMA

BALDWIN COUNTY

I, Claude Peteet, a Notary Public in and for said State and County, do hereby certify that William Cook, a single man, whose name is signed to the foregoing conveyance, and who is known to me, acknowledge before me on this day, that being informed of the contents of the said conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 19th day of July, 1938.

FILED

APR 9

ALICE J. DUCK, CLERK REGISTER

CLAUDE PETEET NOTARY PUBLIC, BALDWIN COUNTY

" EXHIBIT B"

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That we, J. W. NORRELL and wife, FANNIE MAE NORRELL, GRANTORS for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to us in hand paid by Lewis G. Herrington and Sarah N. Herrington, husband and wife, GRANTEES, the receipt of which is hereby acknowledged, have GRANTED, BARGAINED AND SOLD and by these presents do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said GRANTEES, THE their heirs and assigns, the following described real property, situated in the County of Baldwin, State of Alabama, to-wit:

Commencing at Northwest corner of Section 25, T8S, R3E, Baldwin County, Alabama: Thence North eighty nine degrees and fifty three minutes East (89-53'E) along North boundary of Section 25, one thousand three hundred thirty and forty three hundredths (1330.43) feet to a point marked by a railroad rail; thence South zero degrees and two minutes East (S00-02'E) two thousand six hundred fifty four and forty eight hundredths (2654.48) feet to a point marked by a railroad rail the point of beginning; thence North eighty nine degrees and fifty three minutes (N89-53'E) two hundred eighty two and thirty hundredths (282.30) feet to a point marked by a railroad rail; thence South zero degrees and two minutes East (S00-02'E) one hundred thirty eight and eighty seven hundredths (138.87) feet to a point marked by an iron pipe; thence South eighty nine degrees and fifty three minutes West (S00-53'W) two hundred eighty two and thirty hundredths (282.30) feet to a point marked by an iron pipe; thence North zero degrees and two minutes West (N00-02W) one hundred thirty eight and eighty seven hundredths (138.87) feet to the point of beginning.

Being in Nicholas Cook Grant, Section 39, T8S, R3E, Baldwin County, Alabama and containing nine tenths (0.9) acre.

Together with all and singular the tenements, heriditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the foregranted premises to the said GRANTEES, their heirs and assigns forever. And we do covenant with the said GRANTEES, their heirs and assigns that we are lawfully seized in fee simple to the aforementioned premises; that they are free from all liens and encumbrances; that we have a good right to sell and convey the same to the said GRANTEES, their heirs and assigns, and that we will WARRANT AND DEFEND the said premises to the said GRANTEES, their heirs and assigns against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 10th day of April, 1954.

J. W. NORRELL (SEAL)

FANNIE MAE NORRELL (SEAL)

STATE OF ALABAMA
BALDWIN COUNTY

I, Arthur C. Epperson, a Notary Public in and for said State of Alabama, at large, hereby certify that J. W. Norrell and wife, Fannie Mae Norrell, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me that being informed of the contents of said deed they executed the same voluntarily on the day the same bears date.
Given under my hand and seal this April 10, 1954.

ARTHUR C. EPPERSON
NOTARY PUBLIC,

STATE OF ALABAMA

BLADWIN COUNTY

Before me the undersigned authority personally appeared Carmillie Cook Thompson, alias Camilla Cook Thompson, who is known to me, Maud Cook, who is known to me to be the widow of Charles Cook, Deceased, Harold Cook, Earl Cook, William E. Cook, Lucille Cook and Emily Cook Jordan; all who were made known to me and who are all of the heirs and children of Charles Cook, Deceased and all of whom being duly sworn doth depose and say:

That they each are over the age of twenty-one years and of sound mind; that they are the respondents in the above-styled cause and in the foregoing disclaimer; that they signed the same voluntarily and that the facts contained therein or relating to the bill of complaint are true.



FILED

APR 3 1959

ALICE J. DUCK, CLERK
REGISTER

William E. Cook

NOTARY PUBLIC, BALDWIN CO., ALA.
MY COMMISSION EXPIRES JAN. 26, 1963

IN THE CIRCUIT COURT OF

BLADWIN COUNTY, ALABAMA

IN EQUITY

NO. 15747

LEWIS G. HERRINGTON
and
SARAH N. HERRINGTON
Complainants

VS.

Heirs of HENRY COOK, DEC.
IRWIN COOK, et al.

DISCLAIMER AND WAIVER

FILED

APR 9 1959

AUGUST J. DUCK,
CLERK,
REGISTER

LEWIS G. HERRINGTON)
 and)
 SARAH N. HERRINGTON)
 VS.)
 HEIRS OF HENRY COOK, Deceased,)
 IRWIN COOK, alias, IRVIN COOK)
 alias ERWIN COOK, CARMILLIE)
 COOK THOMPSON, alias CARMILLA)
 COOK THOMPSON, MAUD COOK, Widow)
 of CHARLES COOK, Deceased,)
 HAROLD COOK, EARL COOK, WILLIAM)
 EDWARD COOK, LUCILLE COOK and)
 EMILY COOK JORDAN, Heirs of)
 Charles Cook, Deceased.)

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

This cause is submitted in behalf of the complainants upon the verified bill of complaint, the respondents disclaimer and waiver, appointment of commissioner to take oral depositions and oral depositions of complainants witnesses.

I hereby certify that the above note of submission is correct.

Arthur C. Johnson
 Solicitor for the Complainants

Alice J. Duck
 Register of the Circuit Court

LEWIS G. HERRINGTON)
 and)
 SARAH N. HERRINGTON)
 Complainants)
 vs.)
 HEIRS OF HENRY COOK, Deceased,)
 IRWIN COOK, alias, IRVIN COOK)
 alias ERWIN COOK, CARMILLIE)
 COOK THOMPSON, alias CARMILLA)
 COOK THOMPSON, MAUD COOK, Widow)
 of CHARLES COOK, Deceased,)
 HAROLD COOK, EARL COOK, WILLIAM)
 EDWARD COOK, LUCILLE COOK and)
 EMILY COOK JORDAN, Heirs of)
 Charles Cook, Deceased.)
 Respondents)

IN THE CIRCUIT COURT
 OF BALDWIN COUNTY,
 ALABAMA, IN EQUITY.
 NUMBER _____
 FINAL DECREE

BOOK 278 PAGE 235

This cause coming on to be heard is submitted for final decree on the verified bill of complaint, disclaimer and waiver by the Respondents and testimony as noted by the Register; and upon consideration thereof, the court is satisfied from the testimony that the facts alleged in the bill of complaint are true and the court finds the facts to be:

1. That Henry Cook died intestate on the twelfth day of November, 1912, a widower, a resident of Baldwin County, Alabama, leaving surviving him as only heirs at law, Irwin Cook, Carmillie Cook Thompson, William Cook and Charles Cook, his children.

2. That Henry Cook owned at the time of his death the real property set out in the bill of complaint and hereinafter described.

3. That Charles Cook died intestate over five years ago, a resident of Mobile, County, Alabama, leaving surviving him as his only heirs at law and widow, Maud Cook, widow, Harold Cook, Earl Cook, William Edward Cook, Lucille Cook and Emily Cook Jordan, children, all were the age of twenty five years.

4. That William Cook conveyed the real property set out in the bill of complaint and hereinafter described to J. W. Norrell and Fanie Mae Norrell by Warranty Deed dated July 19th 1938.

5. That J. W. Norrell and Fannie Mae Norrell took actual Peaceful, notorious and exclusive possession of the real prop-

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-19-59 10:30 A.M.

Recorded *Deed* book 278 page 235-6

J. P. Stewart
 Judge of Probate

erty set out in the bill of complaint and hereinafter described on the 19th day of July, 1938 and regularly assessed the property and paid taxes thereon each year including 1938 through 1953.

6. That J. W. Norrell and Fannie Mae Norrell conveyed the real property set out in the bill of complaint and hereinafter described by warranty deed to Lewis G. Herrington and Sarah N. Herrington, the complainants herein on the 10th day of April, 1954 and that the complainants took immediate actual, peaceful, notorious and exclusive possession of said real property on the 10th day of April, 1954 and have regularly assessed said real property and paid the taxes thereon since the 10th day of April, 1954.

and the Court is of the opinion that the complainants are entitled to the relief prayed for in their bill of complaint. It is therefore, ORDERED, ADJUDGED and DECREED by the COURT:

A. That the Complainants, LEWIS G. HERRINGTON AND SARAH N. HERRINGTON are the owners of the real property described in the original bill of complaint in this cause and which real estate is situated in the County of Baldwin, State of Alabama, and more particularly described as follows:

Commencing at the Northwest Corner of Section 25, Township Eight South, Range Three East, thence North 89 degrees and 53 minutes East along the North boundary line of Section 25, 1330.43 feet to a point marked by a railroad rail; thence South 00 degrees and 02 minutes East 2654.48 feet to a point marked by a railroad rail, the point of beginning; thence North 89 degrees and 53 minutes East 282.30 feet to a point marked by a railroad rail; thence South Zero degrees 02 minutes East 138.87 feet to a point marked by a iron pipe; thence South 89 degrees and 53 minutes West 282.30 feet to a point marked by an iron pipe; thence North 00 degrees and 02 minutes West 138.87 feet to the point of beginning, and being in the Nicholas Cook Grant Section 39, Township 8 South, Range 3 East.

B. That the heirs of Henry Cook, deceased, the respondents in this cause, have no right, title or interest in, or encumbrance upon said lands above described or any part thereof.

C. That the Register within thirty days from this date file a certified copy of this decree for record in the Probate Court of Baldwin County, Alabama and that the Probate Judge record and index said decree as provided by law.

Done this the 24th day of April, 1959.
Alice J. Duke, Register of the Circuit Court of Baldwin County,

Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above cause, which said decree is on file and enrolled in my office.

Hubert M. Hall
Circuit Judge

WITNESS MY HAND AND SEAL THIS THE 24th day of Apr, 1959
Alice J. Duke
Register

BOOK 278 PAGE 236

73471

THE STATE OF MISSISSIPPI
 DEPARTMENT OF REVENUE
 RECEIVED
 1938
 INDEXED
 FILED
 MISSISSIPPI DEPT. OF REVENUE
 RECEIVED
 1938
 INDEXED
 FILED

Circuit Judge
 Herbert W. Esji

Index said decree as provided by law.

of Baldwin County, Alabama and that the Probate Judge record and
 a certified copy of this decree for record in the Probate Court
 C. That the Register within thirty days from this date file
 upon said lands above described or any part thereof.
 in this case, have no right, title or interest in, or encumbrance

D. That the heirs of HENRY COOK, deceased, the respondents
 Grade 2 East.
 In the Nichols Cook Grant, Section 22, Township 8 South,
 Range West 120.01 feet to the point of beginning, and point
 being marked by an iron pipe; thence North 00 degrees and 05
 thence South 00 degrees and 05 minutes West 505.30 feet to a
 tree East 130.01 feet to a point marked by a iron pipe;
 marked by a rail road nail; thence South 70.00 degrees 05 min-
 utes 00 degrees and 05 minutes East 505.30 feet to a point
 marked by a rail road nail; the point of beginning; thence
 South 00 degrees and 05 minutes East 505.40 feet to a point
 1330.43 feet to a point marked by a rail road nail; thence
 23 minutes East along the North-South line of Section 22,
 Eight South, Range Thirtieth East, thence North 00 degrees and
 Commencing at the Northeast Corner of Section 22, Township

4549

particularly described as follows:
 as situated in the County of Baldwin, State of Alabama, and more
 original plat of complainant in this case and which real estate
 HERINGTON are the owners of the real property described in the
 A. That the complainants, LEMIS G. HERINGTON AND SARAH W.
 is therefore, ORDERED, ADJUDGED and DECREED BY THE COURT:
 rited to the relief prayed for in their bill of complainant. It
 and the Court is of the opinion that the complainants are en-
 1934.
 property and being the taxes thereon since the 10th day of April,
 10th day of April, 1934 and have reditarily assessed said real
 notions and exclusive possession of said real property by the
 1934 and that the complainants took immediate remedy, possession
 Herington, the complainants herein on the 10th day of April,
 described by warranty deed to Lewis G. Herington and Sarah W.
 real property set out in the bill of complainant and hereinafter
 G. That J. M. Norrell and family was Norrell conveyed the
 and said taxes thereon each year including 1938 through 1938.
 on the 10th day of July, 1938 and reditarily assessed the property
 only set out in the bill of complainant and hereinafter described

BOOK 538
 PAGE 518
 Mrs. Duck
 185-

LEWIS G. HERRINGTON)	
and)	
SARAH N. HERRINGTON)	IN THE CIRCUIT COURT
Complainants)	
VS.)	OF BALDWIN COUNTY,
)	
HEIRS OF HENRY COOK, Deceased,)	ALABAMA, IN EQUITY.
IRWIN COOK, alias, IRVIN COOK)	
alias ERWIN COOK, CARMILLIE)	
COOK THOMPSON, alias CARMILLA)	NUMBER _____
COOK THOMPSON, MAUD COOK, Widow)	
of CHARLES COOK, Deceased,)	
HAROLD COOK, EARL COOK, WILLIAM)	
EDWARD COOK, LUCILLE COOK and)	FINAL DECREE
EMILY COOK JORDAN, Heirs of)	
Charles Cook, Deceased.)	
Respondents)	
*****)	

This cause coming on to be heard is submitted for final decree on the verified bill of complaint, disclaimer and waiver by the Respondents and testimony as noted by the Register; and upon consideration thereof, the court is satisfied from the testimony that the facts alleged in the bill of complaint are true and the court finds the facts to be:

1. That Henry Cook died intestate on the twelfth day of November, 1912, a widower, a resident of Baldwin County, Alabama, leaving surviving him as only heirs at law, Irwin Cook, Carmillie Cook Thompson, William Cook and Charles Cook, his children.

2. That Henry Cook owned at the time of his death the real property set out in the bill of complaint and hereinafter described.

3. That Charles Cook died intestate over five years ago, a resident of Mobile, County, Alabama, leaving surviving him as his only heirs at law and widow, Maud Cook, widow, Harold Cook, Earl Cook, William Edward Cook, Lucille Cook and Emily Cook Jordan, children, all over the age of twenty five years.

4. That William Cook conveyed the real property set out in the bill of complaint and hereinafter described to J. W. Norrell and Fanie Mae Norrell by Warranty Deed dated July 19th 1938.

5. That J. W. Norrell and Fannie Mae Norrell took actual Peaceful, notorious and exclusive possession of the real prop-

erty set out in the bill of complaint and hereinafter described on the 19th day of July, 1938 and regularly assessed the property and paid taxes thereon each year including 1938 through 1953.

6. That J. W. Norrell and Fannie Mae Norrell conveyed the real property set out in the bill of complaint and hereinafter described by warranty deed to Lewis G. Herrington and Sarah N. Herrington, the complainants herein on the 10th day of April, 1954 and that the complainants took immediate actual, peaceful, notorious and exclusive possession of said real property on the 10th day of April, 1954 and have regularly assessed said real property and paid the taxes thereon since the 10th day of April, 1954.

and the Court is of the opinion that the complainants are entitled to the relief prayed for in their bill of complaint. It is therefore, ORDERED, ADJUDGED and DECREED by the COURT:

A. That the Complainants, LEWIS G. HERRINGTON AND SARAH N. HERRINGTON are the owners of the real property described in the original bill of complaint in this cause and which real estate is situated in the County of Baldwin, State of Alabama, and more particularly described as follows:

Commencing at the Northwest Corner of Section 25, Township Eight South, Range Three East, thence North 89 degrees and 53 minutes East along the North boundary line of Section 25, 1330.43 feet to a point marked by a railroad rail; thence South 00 degrees and 02 minutes East 2654.48 feet to a point marked by a railroad rail, the point of beginning; thence North 89 degrees and 53 minutes East 282.30 feet to a point marked by a railroad rail; thence South Zero degrees 02 minutes East 138.87 feet to a point marked by a iron pipe; thence South 89 degrees and 53 minutes West 282.30 feet to a point marked by an iron pipe; thence North 00 degrees and 02 minutes West 138.87 feet to the point of beginning, and being in the Nicholas Cook Grant Section 39, Township 8 South, Range 3 East.

B. That the heirs of Henry Cook, deceased, the respondents in this cause, have no right, title or interest in, or encumbrance upon said lands above described or any part thereof.

C. That the Register within thirty days from this date file a certified copy of this decree for record in the Probate Court of Baldwin County, Alabama and that the Probate Judge record and index said decree as provided by law.

Done this the 24th day of April, 1959.

Robert M. Hall
Circuit Judge

FOLEY, ALA. Oct 21 1958

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J Duck

Register

Bay Minette, Ala.

BROUGHT FORWARD

Sep.	25	Lewis G		
Oct	2	Herrington		
"	9	vs		
"	16	Sarah Herrington		
				\$ 67 60

AFFIDAVIT OF PUBLICATION

I, E. M. Howell

Publisher of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-
mencing with the issue dated September 25, 1958, and
ending with the issue dated October 16, 1958.

E. M. Howell

Subscribed and sworn to before me this 21st day
of October, 1958.

[Signature]

NOTARY COMMISSION EXPIRES JULY 18, 1959. Notary Public.

FILED

OCT 22 1958

ALICE J. DUCK, CLERK
REGISTER

Commencing at the Northwest Corner of Section 25, Township 8 South, Range 3, East Baldwin County, Alabama, thence North 89 degrees 53 minutes East along the North boundary line of said section 25, 1330.43 feet to a point marked by a railroad rail; thence South 0 degrees 2 minutes East 2654.48 feet to a point marked by a railroad rail, the point of beginning; thence North 89 degrees 53 minutes East 282.30 feet to a point marked by a railroad rail; thence South 0 degrees 2 minutes East 138.87 feet to a point marked by an iron pipe; thence South 89 degrees 53 minutes West 282.30 feet to a point marked by an iron pipe; thence North 0 degrees 2 minutes West 138.87 feet to the point of beginning.

Take notice that Lewis G. Herrington and Sarah N. Herrington have this day filed their verified bill of complaint in the Circuit Court of Baldwin County, Alabama, against the above named respondents, and against any and all persons, firms or corporations claiming any title to, interest in, encumbrance upon the above described real property or any part thereof, or interest therein, and against all other persons, firms or corporations and against the described lands for the purpose of establishing title of said lands in the said Lewis G. Herrington and Sarah N. Herrington, and to clear up all doubts and disputes concerning the same that said suit is now pending in said court.

Complainants allege in said bill of complaint that title to said lands stand in the names of the complainants on the records of the Judge of Probate, Baldwin County, Alabama, and said Bill of complaint further alleges that Lewis G. Herrington and Sarah N. Herrington claim title to said land by and through conveyance by Warranty Deed from J. W. Norrell and Fanny Mae Norrell executed on the 10th day of April, 1954 and recorded in the Office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 207 page 563, and being given possession of said property by the said J. W. Norrell and Fannie Mae Norrell on the 10th day of April, 1954, and who held record title to said property at that time by virtue of a Warranty Deed executed to them by William Cook on July 10, 1938 and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 65 page 441, and further that said J. W. Norrell and Fannie Mae Norrell took peaceable, quiet and exclusive possession of said real property on July 10, 1938.

Complainants further allege that William Cook claimed title to said property by virtue of a property settlement as a heir and between the heirs of Henry Cook, deceased, who died intestate, and further that no one except the complainants and J. W. Norrell and Fannie Mae Norrell have annually assessed and paid taxes on said real property for the preceding ten

years or had possession of said property or any part thereof, for the preceding ten years.

It is ordered by the undersigned Register that publication of this notice be made in the Onlooker, a Newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons, firms or corporations claiming title to, interest in, or lien or encumbrance upon the above described real property, or any part thereof, or any interest therein, be and they are hereby notified and required to plead, answer or demure to the bill of complaint in this cause on or before the Fifteenth day of October, 1958, or thirty days thereafter a decree pro confesso may be entered against them.

It is further ordered that a copy of this notice certified by the undersigned Register at being correct, shall also be recorded as a lis pendan in the Office of the Judge of Probate of Baldwin County, Alabama.

Done at office this the 25th day of September, 1958.

Alice J. Duck, Register.

State of Alabama, Baldwin County.

I, the undersigned Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true and correct copy of the notice to be published to the respondents in the above and foregoing cause.

Witness my hand and seal of office this the 25th day of September, 1958. Alice J. Duck, Register.

Arthur C. Epperson, Foley, Alabama, Attorney for the complainants.

(4t. Sept. 25, Oct. 2, 9, 16)

LEGAL NOTICE

In the Circuit Court of Baldwin County, Alabama In Equity

Lewis G. Herrington and Sarah N. Herrington, Complainants vs. Ervin Cook, Camellia Cook Thompson, Mrs. Charles A. Cook, Harold Cook, Emily Louise Cook, Lucille Cook, Henry Cook, Deceased, Charles A. Cook, deceased, and/or their heirs and devisees, and any and all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance against or upon the hereinafter described real estate, or any part thereof, in the following described real property situated in Baldwin County, Alabama, to-wit:

Commencing at the Northwest Corner of Section 25, Township 8, South Range 3, East, Baldwin County, Alabama, thence North 89 degrees, 53 minutes East along the North boundary of Section 25, 1330.43 feet to a point marked by a railroad rail; thence South Zero (0) degrees 2 minutes East 2654.48 feet to point marked by a railroad rail the point of beginning; thence North 89 degrees 53 minutes, East 282.30 feet to a point marked by a railroad rail; thence South Zero (0) degrees and 2 minutes East 138.87 feet to a point marked by an iron pipe; thence South 89 degrees 53 minutes West 282.30 feet to point marked by an iron pipe; thence North 0 degrees and 2 minutes West 138.87 feet to the point of beginning.

Respondents

To: the above named respondents, and/or to their heirs, distributees, devisees, respectively, and to any and all persons claiming any title to; interest in, lien or encumbrance upon the following described real estate or any part thereof and to all other persons, firms or corporations; said real estate being situated in Baldwin County, Alabama and described as follows:

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: GLENDA SWITZER

FOLEY, ALA.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Lewis G. Herrington, J. W. Norrell Carmillie Cook Thompson and Mrs. Maud Cook.

a witnesses in behalf of Lewis G. & Sarah N. Herrington in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Lewis G. Herrington and Sarah N. Herrington

are Complainant S and Heirs of Henry Cook, Deceased, Irwin Cook, Carmillie Cook, Thompson, Maud Cook, Widow of Charles Cook, Dec. Harold Cook, William Edward Cook, Earl Cook, Lucille Cook and Emily Cook, Jordan, heirs of Charles Cook, Dec. are Respondent on oath, to be by you administered, upon them to take and certify the deposition S of the witness S and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of April, 1959, 195

Register.

Commissioner's Fee, \$

Witness' Fees, \$

LEWIS G. HERRINGTON)
 and)
 SARAH N. HERRINGTON)
 Complainants)
 vs.)
 IRWIN COOK, Alias, Erwin Cook,)
 Alias, Irvin Cook, Carmillie Cook)
 Thompson, Alias, Camilla Cook Thom-)
 pson, Maud Cook, Widow of Charles)
 Cook, Deceased, Harold Cook, Earl)
 Cook, William Edward Cook, Lucille)
 Cook and Emily Cook Jordan, heirs)
 of Charles Cook, Deceased.)
 Respondents)

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN EQUITY

NO. _____

STATE OF ALABAMA)
)
 BALDWIN COUNTY)

ORAL DEPOSITION

I, Glenda Switzer, as register and Commissioner have called and caused to come before me Lewis G. Herrington, J. W. Norrell, Carmillie Cook Thompson and Maud Cook, witnesses named in the requirement for oral examination, on the ----9th day of April, 1959, at the office of Glenda Switzer, in Foley, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said Lewis G. Herrington, J. W. Norrell, Carmillie Cook Thompson and Maud Cook, doth depose and say as follows:

My name is Lewis G. Herrington. I am a resident of Baldwin County, Alabama. I am one of the complainants in this case, the other is my wife Sarah G. Herrington who is also a resident of Baldwin County, Alabama and we both are over the ages of twenty-one years.

The Respondent Irwin Cook, also known as Irvin Cook and Erwin Cook, is over the age of twenty-one years and resides in Cleveland Ohio. Carmillie Cook Thompson is over the age of twenty one years and resides in Bon Secour, Baldwin County, Alabama. Maud Cook, Harold Cook, Earl Cook, William Edward Cook, Lucille Cook and Emily Cook Jordan are each over the age of twenty-one years and reside in Mobile County, Alabama.

I and my wife are the owners of the piece of property for which we are bringing this suit to quiet title and which is described as follows: Commencing at the Northwest Corner of Section 25, Township 8 South, Range 3, East, run thence North 89 degrees

and 53 minutes ~~XXXX~~ East along the North Boundry line of Section 35, 1330.43 feet to a point marked by a railroad rail; run thence South Zero Degrees and 2 minutes East, 2654.48 feet to a point marked by a railroad rail, the point of beginning: run thence North 89 deg. 53 minutes East 282.30 feet to a point marked by a railroad rail; run thence South Zero degrees and two minutes East 138.87 feet to a point marked by an iron pipe; run thence South 89 degrees 53 minutes West 282.30 feet to a point marked by an iron pipe; run thence Zero degrees and 2 minutes West 138.87 feet to thte point of beginning, being in the Nicholas Cook Grant Section 39, Township 8 South, Range 3 East, and Containing nine tenths of an acre.

There is no suit pending to test my and my wife's interest in, title to or possession of this property.

I and my wife are in the actual peaceful and quiet possession of the property and have been every since our purchase of said property from J. W. Norrell and Fannie Mae Norrell on the 10th day of April, 1954 and the title on said property stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama in my and my wife's names by virtue of the Warranty Deed from J. W. Norrell and Fannei Mae Norrell recorded in Deed Book 207 page 563/ a copy of which is made a part of the bill of complaint Ex.B We have regularly assessed and paid the taxes on this property since 1954 and no one else has assessed it or paid taxes on it since we bought it in 1954.

We had an abstract prepared on this property which showed there was no conveyance to the property from Henry Cook or his heirs to William Cook who conveyed it to J. W. Norrell and Fannie Mae Norrell by Warranty Deed on the 19th day of July, 1938 and which deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 65 page 441, a copy of which is attached to the bill of complaint as Exhibit "A" and made a part thereof and a part of my testimony.

Lewis G. Harrington

My name is J. W. Norrell. I am a resident of Baldwin County, Alabama. I and my wife Fannie Mae Norrell purchased the land des-

cribed as follows:

Starting at the North--east corner of, North-west Quarter (NW $\frac{1}{4}$) of Section Twenty-five (25), in Township Eight (8), South, of Range Three (3), East, thence run south one-half mile to a post for a BEGINNING CORNER: Thence run East Fifteen (15) rods to a stake; thence run South Seven (7) rods to a stake; thence run West Fifteen (15) rods to a stake; thence North seven (7) rods to PLACE OF BEGINNING, and containing nine-tenths (9/10) acre, more or less, and being a part of lands of Estate of Henry Cook, in Baldwin County, Alabama.

from William Cook on the 19th day of July, 1938 who conveyed it to us by Warranty Deed which is recorded in the Office of the Judge of Probate in Baldwin County, Alabama in Deed Book 65 page 441. We had this property surveyed in February of 1946 by R. H. Alcorn a registered surveyor who rewrote the description of the property as follows:

Commencing at the Northwest corner of Section 25, T8S, R3E, Baldwin County, Alabama; thence North 89 degrees and 53° East along the North Boundry line of Section ~~XX~~ 25, 1330.43 feet to a point marked by a railroad rail; thence South Zero degrees 2° East 2654.48 feet to a point marked by a railroad rail the point of beginning; thence North 89 Deg. 53° East 282.30 feet to a point marked by a railroad rail; thence South Zero Degrees and 2° ~~XX~~ East 138.87 feet to a point marked by an iron pipe; thence South 89 deg. 53° West 282.30 feet to a point marked by an iron pipe; thence North Zero Degrees and two minutes (0Deg. 2°) West 138.87 feet to the point of beginning. Being in the Nicholas Cook Grant Section 39, T8S, R3E, Baldwin County, Alabama and containing nine tenths acre.

My wife and I took immediate peacefull posession of this property on the 19th day of July, 1938 when the same was conveyed to us by William Cook. We had the actual peaceful, open, notorious and complete possession of the property from that date until we conveyed the property to Lewis G. Herrington and Sarah N. Herrington on the 10th day of April, 1954, at which time we gave up the possession to them. No one but myself and my wife together assessed or paid the taxes on this property from July 19, 1938 through April 10, 1954.

J W Korrell

My name is Carmellie Cook Thompson. I have lived in Baldwin County, Alabama all of my life. My father was Henry Cook who received Lot number 7 of the Division of John Cook Estate, as shown by the map

recorded in the Office of the Judge of Probate, Baldwin County, Alabama, in Book N page 177 and included in this Lot 7 was the property now owned by Mr. and Mrs. Lewis G. Herrington and described as follows:

Commencing at the Northwest Corner of Section 25, Township 8 South, Range 3 East, Baldwin County, Alabama; thence North 89 deg. 53° East along the North boundry line of Section 25, 1330.43 feet to a point marked by a railroad rail; thence South 0 deg. 2° East 2654.48 feet to a point marked by a railroad rail the point of beginning; thence North 89 deg. 53° East 282.30 feet to a point marked by a railroad rail; thence South 0 deg. 2° East 138.87 feet to a point marked by an iron pipe; thence South 89 deg. 53° West 282.30 feet to a point marked by an iron pipe; thence North 0 deg. 2° West 138.87 feet to the point of beginning and being in the Nicholas Cook Grant Section 39, Township 8 South, Range 3 East.

My father Henry Cook who inheireded this property just described from his father John Cook was a life long resident of Baldwin County, Alabama, and died intestate on the 12th day of November, 1910 a widower. His only surviving heirs was myself, William Cook, Irwin Cook and Charles Cook, all of whom were his children and over twenty one years of age at the time of his death. My father's estate was never probated and the four of us children divided the property between us. The property as I described it a moment ago was supposed to go to William but I do not recall whether he ever received a deed for it. William Cook was living with me and my husband at the time he sold it to Mr. and Mrs. J. W. Norrell in July of 1938. Mr. and Mrs. J. W. Norrell took actual peaceful possession of the property when William Cook conveyed it to them and they and Mr and Mrs Lewis Herrington have had the peaceful, exclusive, continuous and absolute possession of the property since July of 1938. Mr. and Mrs. Norrell since July of 1938 until they sold it in 1954 to Mr. and Mrs. Herrington and Mr. and Mrs. Herrington since that time.

My brother Charles Cook died more than five years ago intestate and a resident of Mobile County, Alabama. He left surviving him a widow and five children all of whom were over the age of twenty-one years at the time of his death. His widow is Maud Cook and the children are Harold Cook, Earl Cook, William Edward Cook, Emily Cook Jordan and Lucille Cook and all are of sound mind. and reside in Mobile, Alabama. These were all of the heirs of Charles Cook at the time of his death.

Camille Cook Thompson

My name is Maud Cook. I am a resident of Mobile County, Alabama. I am the Widow of Charles Cook Who was the son of Henry Cook, and who was brother to William Cook, Irwin Cook and Carmillie Cook Thompson. Charles Cook died over five years ago intestate and the only surviving heirs were our five children, Harold Cook, Earl Cook, William Edward Cook, Emily Cook Jordan and Lucille Cook. All of our children were over the age of twenty-one years at the time of Charles Cook's death. There has been no probate of Charles Cook's Estate in Mobile County, Ala. or any other place. Charles Cook died a resident of Mobile County, Alabama.

Maud Cook

I Glenda Switzer as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and at the time and place herein mentioned; that I have personal indentity of said witnesses; that I am not of counsel or kin to any of the parties to said cause, or in any manner interested in the results thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal this 9th day of April, 1959.

Glenda Switzer

