

3923

LEVIN S. KIMBLER

COMPLAINANT

VS

CERTAIN LANDS and PEOPLES  
FERTILIZER COMPANY, a  
corporation, et al

RESPONDENTS

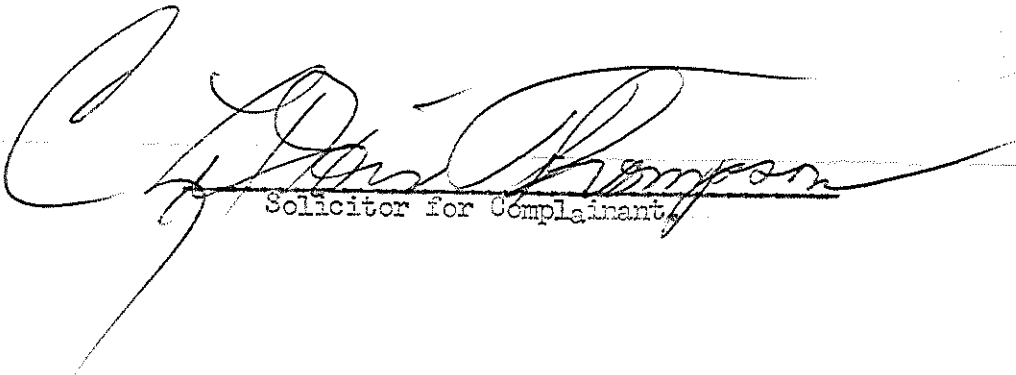
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the Complainant in the above styled cause and request the oral examination of L. S. Kimbler and Ira Minote, as witnesses for the Complainant, who reside in Baldwin County, State of Alabama, and suggest Lois Wilson of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 26th day of January, 1957.

  
Solicitor for Complainant.

LEVIN S. KIMBLER

COMPLAINANT

VS

CERTAIN LANDS, and PEOPLES  
FERTILIZER COMPANY, a  
corporation, et al

RESPONDENTS

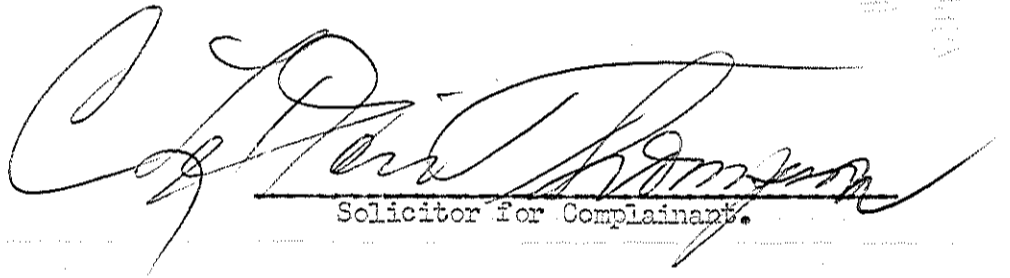
IN THE CIRCUIT COURT OF

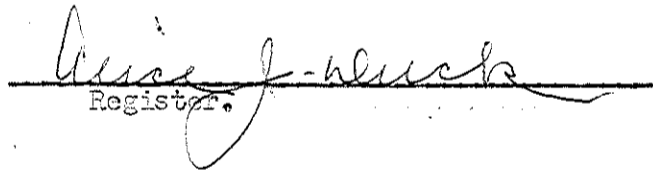
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

This cause is submitted for final decree upon bill of complaint, service by publication, decree pro confesso, appointment and acceptance of guardian ad litem, answer of guardian ad litem and deposition of Ira Hinote and Levin S. KIMBLER, witnesses for Complainant.

This the 27th day of February, 1957.

  
Solicitor for Complainant.

  
Register.

LEVIN S. KIMBLER

COMPLAINANT

VS

CERTAIN LANDS, and PEOPLES  
FERTILIZER COMPANY, a  
corporation, et al

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

Complainant having on the 26th day of January, 1957, filed his motion and request for oral examination of L. S. Kimbler and Ira Hinote witnesses for Complainant and due and proper notice thereof having been given as required by law on the order book of this court and to Wilson Hayes, guardian ad litem for the said unknown respondents, and Lois Wilson 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 L. S. Kimbler and Ira Hinote, witnesses for Complainant, be and is hereby granted.

And that Lois Wilson be and she is hereby appointed as commissioner to take the deposition of said witness.

Witness my hand this the 7 day of Feb, 1957.

Archie W. Dorch  
Register.

LEVIN S. KIMBLER

COMPLAINANT

VS

CERTAIN LANDS and PEOPLES  
FERTILIZER COMPANY, a  
corporation, et al

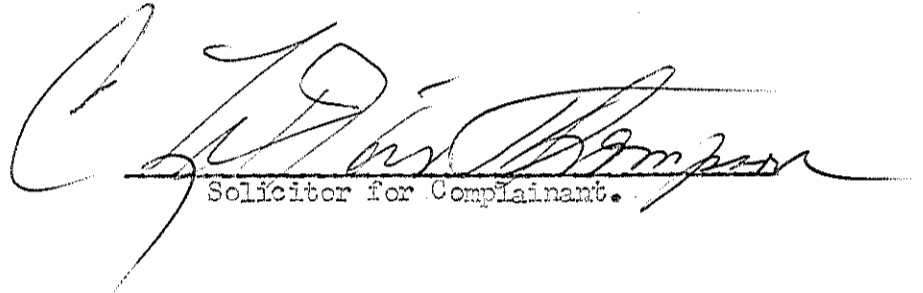
RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

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 7th day of February, 1957.

  
Solicitor for Complainant.

# The Fairhope Courier



ESTABLISHED 1894

E. B. GASTON ESTATE, PUBLISHERS

TELEPHONE WA-85201

FAIRHOPE, ALABAMA

*"On Mobile Bay"*

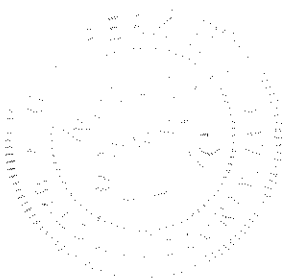
This is to certify that the attached legal notice appeared in The Fairhope Courier, a weekly newspaper published in the City of Fairhope, County of Baldwin, State of Alabama on the dates of Nov. 29 - Dec. 6 - 13 - 20 - 1956.

*Francis M. Crawford*  
Editor

State of Alabama  
County of Baldwin

Sworn to and subscribed this 19  
day of April A.D. 1957, before me.

*L. E. Perkins*  
Notary Public, Baldwin County



LEVIN S. KIMBLE

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LANDS: SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 1, SOUTH RANGE 5 EAST BEING THE LAND CONVEYED TO COMPLAINANT BY THE PEOPLES FERTILIZER COMPANY, A CORPORATION, ITS ALIENS, SUCCESSORS AND ASSIGNS: AND AGAINST S. J. IRWIN AND SALLIE IRWIN; C. W. HAMILTON AND MARY E. HAMILTON AND WILLIAM O. WATERS, J. C. PHILLIPS AND ESSIE PHILLIPS AND BERTHA HUGHEN, LIZZIE HILBURN, ROLIE ARI, LILLIE BELL WALLACE, ESTER PEIRCE, GERTRUDE SUNDIE, JOHNNIE PHILLIPS, THOMAS PHILLIPS, ROSA JOHNSTON, being dead dated June 18, 1913 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80 page 192; IF LIVING, AND IF DEAD 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;

RESPONDENTS

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

Comes your Complainant, Levin S. Kimble, and presents this his bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

South half of the Northwest quarter of Section 30 Township 1, South Range 5 East being deed dated June 18, 1913 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 192.

and against the Peoples Fertilizer Company, a corporation, its aliens, successors and assigns, and against S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Hilburn, Rolie Ari, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosa Johnston, 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 any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or

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

CASE NO. 3923

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 is over the age of 21 and is a resident of the County of Baldwin, State of Alabama; that the Peoples Fertilizer Company is a corporation organized under the laws of the State of Alabama with its principal place of business in Foley, Baldwin County, Alabama; that S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, their unknown heirs or assigns if living or unknown as to their whereabouts and can not be ascertained upon a diligent search and inquiry; that the Complainant has made diligent search and inquiry to ascertain the residents of individual respondents, their unknown heirs or assigns and upon such diligent search and inquiry has been unable to ascertain their places of residents and post office addresses, but he is informed and believes, that if living, they are non-residents of the State of Alabama and their places of residents and post office addresses are unknown; and he has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence of the heirs, devisees and personal representatives of the individual respondents named herein, and if dead, that he is informed and believes and upon such information and belief alleges that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence are unknown and can not be ascertained upon full diligent search and inquiry; Complainant further says that in his search and inquiry to ascertain whether or not the said respondents are living and to ascertain the names, ages and places of residence of the heirs of said respondents, if the respondents be dead, he has caused a search to be made of the Titles to the said properties and has made inquiry at the Tax and Probate office in Baldwin County, Alabama and has inquired of people in the or living in the vicinity of said lands and of many other persons residents in Baldwin County, Alabama.

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

South half of the Northwest quarter of Section 30 Township 4 South

Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492.

that he and those through whom he claims said land have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this bill of complaint and that he and those through whom he claims title to the said lands have 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 lands 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 his name on the records of Baldwin County, Alabama; that your Complainant acquired title to the said lands on May 3, 1935 from the State Tax Commissioner of Alabama by deed recorded in deed book 5 NS page 81 in the office of the Probate Judge of Baldwin County; That the State of Alabama acquired title to the said lands June 13, 1932 by sale for taxes under assessment to J. C. Phillips for the year 1931; that the said J. C. Phillips and wife Essie Phillips had mortgaged said property to the Peoples Fertilizer Company, a corporation, with its home office in Foley, Alabama which mortgage was duly recorded in the office of the Judge of Probate of Baldwin County, Alabama in mortgage book 50 page 150-1 and that said mortgage authorized and empowered the mortgagee, its successors, assigns, or attorney in the event of default in the payment of the indebtedness secured by the said mortgage, or any amount thereby to sell said property at auction in accordance with the terms of said mortgage and to execute a deed thereby. The said J. C. Phillips and Essie Phillips having defaulted on said mortgage the Peoples Fertilizer Company, a corporation after having given notice in all things in strict conformity with the terms of said mortgage sold the property at public outcry to your Petitioner, Levin S. Kimbler and executed a statutory warranty deed in accordance with the terms of said mortgage to your Petitioner Levin S. Kimbler on the 10th day of June 1935, all of which being more than ten years next preceding the filing of this bill of complaint, and no purchase other than those through whom he claims title of said land



or any portion thereof, have assessed or paid taxes thereon, that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said land and maintained fire trenches and lanes and cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this Bill of Complaint; that S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living, and if dead, their unknown heirs, devisees and personal representatives, claims, or is reputed to claim, some title to, interest in, lien or encumbrance upon the land, or some portion or parcel thereof.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make S. J. Irwin, and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living and if dead, then their unknown heirs, devisees and personal representatives, 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: The South half of the Northwest quarter of Section 30 Township 4, South Range 5 East being deed dated June 18, 1913 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 192, parties respondent 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, Levin S. Kimbler, as against the said S. J. Irwin, and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living, and if dead, against

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 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 respondents, Peoples Fertilizer Company, a corporation, its aliases, successors and assigns, S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Hilburn, Bella Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosa Johnston, 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

RESPONDENTS

THE FOLLOWING DESCRIBED LAND: SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 4 SOUTH RANGE 5 EAST BEING THE LAND CONVEYED TO COMPLAINANT BY THE PEOPLES FERTILIZER COMPANY, A CORPORATION, ITS ALIENES, SUCCESSORS AND ASSIGNS: IRWIN AND SALLIE IRWIN; C. W. HAMILTON AND MARY E. HAMILTON AND WILLIAM O. WATERS, J. C. PHILLIPS AND ESSIE PHILLIPS AND BERTHA HUGHEN, LIZZIE HILBURN, BELLA ARD, LILLIE BELL WALLACE, ESTER PEIRCE, GERTRUDE SUNDIE, JOHNNIE PHILLIPS, THOMAS PHILLIPS, ROSA JOHNSTON, BEING DEED DATED JUNE 18, 1913 AND RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA IN DEED BOOK 80 PAGE 492; 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 OR CLAIM, LIEN OR ENCUMBRANCE ON THE SAID LAND OR ANY PART OR PART THEREOF;

AS

COMPLAINANT

IRWIN S. KIMBER

BALDWIN COUNTY, ALABAMA, IN EQUITY

IN THE CIRCUIT COURT OF

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 L. S. Kimbler, who is over the age of twenty-one years, 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:

South Half of the Northwest quarter of Section 30 Township 4 South Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492;

That the complainant obtained title to the said lands on May 3, 1955 from the State Tax Commissioner of Alabama by deed recorded in deed book 5 MS page 81 in the office of the Probate Judge of Baldwin County and by a Statutory

Warranty Deed from the Peoples Fertilizer Company, a corporation who conveyed title to the said L. S. Kimbler either having strictly followed the provisions of a mortgage executed by the said J. C. Phillips and Wessie Phillips who were in default under the terms of the said mortgage same being of record in the office of the Probate Judge of Baldwin County and the said Statutory Warranty Deed being of record in the office of the Probate Judge of Baldwin County,

Alabama in deed book 80 page 492; who acquired title by means conveyance from the United States Government; that complainant further hold 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 those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said L. S. Kimbler, at the time of the filing of the bill of complaint in this cause and at the time had and have the fee simple title to the above described lands, and to each and every part and parcel thereof, that neither of the respondents,

Peoples Fertilizer Company, a corporation, its aliences, successors and assigns, S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hugen, Lizzie Hilburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosia Johnston, 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 L. S. Kimbler, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said L. S. Kimbler, and the said title so quieted and established in them shall be treated and considered as established in favor of the said L. S. Kimbler and all persons deriving title through them.

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 L. S. Kimbler be and he is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 23 day of April, 1957.

Hubert M. Stace  
JUDGE.

LEVIN S. KIMBLER

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LAND: SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 4 SOUTH RANGE 5 EAST BEING THE LAND CONVEYED TO COMPLAINANT BY THE PEOPLES FERTILIZER COMPANY, A CORPORATION, ITS ALLENEES, SUCCESSORS AND ASSIGNS: AND AGAINST S. J. IRWIN AND SALLIE IRWIN; C. W. HAMILTON AND MARY E. HAMILTON AND WILLIAM O. WATERS, J. C. PHILLIPS AND ESSIE PHILLIPS AND BERTHA HUGHEN, LIZZIE HILBURN, RELIA ARD, LILLIE BELL WALLACE, ESTER PEIRCE, GERTRUDE SUNDLE, JOHNNIE PHILLIPS, THOMAS PHILLIPS, ROSIA JOHNSTON, being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80 page 492; 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;

RESPONDENTS

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

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

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FIRST: That your Complainant is over the age of 21 and is a resident of the County of Baldwin, State of Alabama; that the Peoples Fertilizer Company is a corporation organized under the laws of the State of Alabama with its principal place of business in Foley, Baldwin County, Alabama; that S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, their unknown heirs or assigns if living or unknown as to their whereabouts and can not be ascertained upon a diligent search and inquiry; that the Complainant has made diligent search and inquiry to ascertain the residents of individual respondents, their unknown heirs or assigns and upon such diligent search and inquiry has been unable to ascertain their places of residents and post office addresses, but he is informed and believes, that if living, they are non-residents of the State of Alabama and their places of residents and post office addresses are unknown; and he has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence of the heirs, devisees and personal representatives of the individual respondents named herein, and if dead, that he is informed and believes and upon such information and belief alleges that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residents are unknown and can not be ascertained upon full diligent search and inquiry; Complainant further says that in his search and inquiry to ascertain whether or not the said respondents are living and to ascertain the names, ages and places of residence of the heirs of said respondents, if the respondents be dead, he has caused a search to be made of the Titles to the said properties and has made inquiry at the Tax and Probate office in Baldwin County, Alabama and has inquired of people in the or living in the vicinity of said lands and of many other persons residents in Baldwin County, Alabama.

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

South half of the Northwest quarter of Section 30 Township 4 South

Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 192.

that he and those through whom he claims said land have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this bill of complaint and that he and those through whom he claims title to the said lands have 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 lands 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 his name on the records of Baldwin County, Alabama; that your Complainant acquired title to the said lands on May 3, 1935 from the State Tax Commissioner of Alabama by deed recorded in deed book 5 NS page 61 in the office of the Probate Judge of Baldwin County; That the State of Alabama acquired title to the said lands June 13, 1932 by sale for taxes under assessment to J. C. Phillips for the year 1931; that the said J. C. Phillips and wife Essie Phillips had mortgaged said property to the Peoples Fertilizer Company, a corporation, with its home office in Foley, Alabama which mortgage was duly recorded in the office of the Judge of Probate of Baldwin County, Alabama in mortgage book 50 page 150-1 and that said mortgage authorized and empowered the mortgagee, its successors, assigns, or attorney in the event of default in the payment of the indebtedness secured by the said mortgage, or any amount thereby to sell said property at auction in accordance with the terms of said mortgage and to execute a deed thereby. The said J. C. Phillips and Essie Phillips having defaulted on said mortgage the Peoples Fertilizer Company, a corporation after having given notice in all things in strict conformity with the terms of said mortgage sold the property at public outcry to your Petitioner, Levin S. Kinkler and executed a statutory warranty deed in accordance with the terms of said mortgage to your Petitioner Levin S. Kinkler on the 10th day of June 1935, all of which being more than ten years next preceding the filing of this bill of complaint, and no purchase other than those through whom he claims title of said land



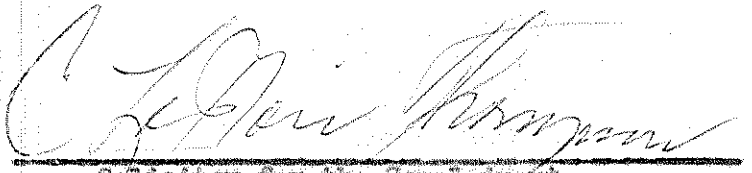
or any portion thereof, have assessed or paid taxes thereon, that each of the aforesaid persons through whom title is derived, immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said land and maintained fire trenches and lanes and cut and removed the timber therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this Bill of Complaint; that S. J. Irwin and Sallie Irwin, G. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living, and if dead, their unknown heirs, devisees and personal representatives, claim, or is reputed to claim, some title to, interest in, lien or encumbrance upon the land, or some portion or parcel thereof.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make S. J. Irwin, and Sallie Irwin, G. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living and if dead, then their unknown heirs, devisees and personal representatives, 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: The South half of the Northwest quarter of Section 30 Township 1, South Range 5 East being deed dated June 18, 1913 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 192, parties respondent 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, Levin S. Kimbler, as against the said S. J. Irwin, and Sallie Irwin, G. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living, and if dead, against

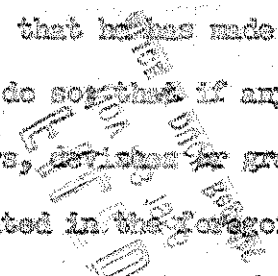


the unknown heirs, devisees and personal representatives of S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William C. Waters, and as against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, or encumbrance upon said lands or 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 most and proper in the premises. And further that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama; and Complainant further prays for such other, further, different and general relief as in equity may seem just and most as Complainant will ever pray.

  
Solicitor for the Complainant.

STATE OF ALABAMA  
BALDWIN COUNTY

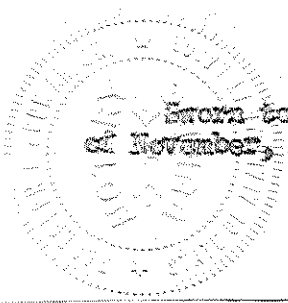
Before me, \_\_\_\_\_, a Notary Public, in and for said County in said State, personally appeared C. LeNair Thompson, who upon oath deposes and says that he is the agent of, and the attorney for the Complainant in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant, all of the defendants named in the foregoing Bill of Complaint are over the age of twenty-one years and all are non-residents of the State of Alabama, their places of residence and post office addresses being unknown to your affiant; that he has made a diligent inquiry to ascertain the same and has been unable to do so; that if any of the above named persons are dead, the names of their heirs, devisees or grantees are unknown and that all, other matters and facts stated in the foregoing Bill of Complaint are upon knowledge true; that he is informed as to the facts stated upon information and belief and verily believes and so states that the same are true.





Sworn to and subscribed before me, a Notary Public, on this, the 23 day of November, 1956.

  
Notary Public, Baldwin County, Alabama.



THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

LEVIN S. KIMBLER

Complainant

VS.

The following described lands: S $\frac{1}{2}$  of the NW $\frac{1}{4}$  Sec. 30 T  
4 SR 5 E, S. J. Irwin and Sallie Irwin et al.,

Respondent

I, Lois Wilson

as Register and Commissioner

have called and caused to come before me Levin S. Kimbler and Ira Hinote

witness es named in the Requirement for Oral Examination, on the 7th day of February  
1957, at the office of C. LeNoir Thompson

in Bay Minette, Alabama, and having first sworn said Witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Levin S. Kimbler and Ira Hinote

doth depose and say as follows:

EXAMINATION BY C. LeNOIR THOMPSON—ATTORNEY FOR COMPLAINANT:

Q. You are Levin S. Kimbler?  
A. Yes.  
Q. You are the Complainant in this cause?  
A. Yes.  
Q. The land described in this complaint is the S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of Sec.  
30 T 4 S R 5 E, do you know that land?

A. Yes sir.

Q. Who is in possession of that land?

A. Me.

Q. How long have you personally been in possession of that land?

A. I moved there in December 1st, 33.

Q. Did you obtain from anyone a deed to that property?

A. Yes, sure.

Q. Referring to this deed which I hand you and which will be replaced  
in the records by a certified copy, state from whom the deed was made.

A. Peoples Fertilizer Company.

Q. And the date it was made?

A. June 18, 1943.

Q. And to whom it was made?

A. Levin S. Kimbler.

Q. Are you that Levin S. Kimbler?

A. Yes.

I offer the deed in evidence and ask that it be marked exhibit one for complainant.

Q. Now I hand you a further deed from the State of Alabama dated May 3,  
1935, would you refer to that deed and state the description of the  
property covered by that deed.

A. S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of sec. 30 T 4 S R 5 E.

Q. And that is a tax deed?

A. Yes.

I offer this deed in evidence and ask that it be marked exhibit two for complainant.

Q. And the property was sold in whose name at the time of the sale?

A. J. C. Phillips.

Q. Were you in possession of the property at the time you purchased  
this deed?

A. Yes, I was living on the property.

Q. I hand you a mortgage signed by J. C. Phillips and Essie Phillips to  
Peoples Fertilizer Company dated January 29, 1931, I ask you does this  
mortgage cover the property, subject of this suit?

A. Yes, it covers the same property.

Q. I hand you a foreclosure deed against J. C. Phillips and Essie Phillips  
by the Peoples Fertilizer Company dated June 10th, 1935 and ask that  
you examine the description of the property covered by this deed and  
see if this deed covers the same property?

A. S $\frac{1}{2}$  of the NW $\frac{1}{4}$  of sec. 30 T 4 S R 5 E.

Q. And this is the property you purchased from the Peoples Fertilizer  
Company?

**ORAL EXAMINATION.**

I, Lois Wilson, 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<sup>es</sup> and read over to them and they signed the same in the presence of myself and C. LeNoir Thompson

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness<sup>es</sup> or had proom made before me of the identity of said witness<sup>es</sup>; 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 7th day of February, 1957

Lois Wilson (L. S.)

|                             |             |
|-----------------------------|-------------|
| NO                          | PAGE        |
| THE STATE OF ALABAMA        |             |
| BALDWIN COUNTY              |             |
| IN CIRCUIT COURT, IN EQUITY |             |
| vs.                         | Complainant |
| Respondent                  |             |
| Oral Deposition             |             |
| Filed                       | , 195       |
| Recorded in                 | Register.   |
| Record                      |             |
| Vol.                        | Page        |
| Register                    | Register    |

- A. That is the same property.  
I offer this mortgage in evidence and ask that it be marked exhibit three for complainant.  
I offer this foreclosure deed in evidence and ask that it be marked exhibit four for complainant.
- Q. I had you a deed signed by S. J. Irwin and Sallie Irwin dated December 1, 1913 to William O. Waters a respondent in this cause, and ask if this deed covers a part of the property subject of this suit?
- A. Yes, that is the same description covered by this suit.  
I offer this deed in evidence and ask that it be marked exhibit five for complainant.
- Q. I had you a deed dated May 30, 1914 from C. W. Hamilton and Mary E. Hamilton to William O. Waters and I ask does that cover the East 40 acres of the property subject of this suit?
- A. Yes thats the East 40.  
I offer this deed in evidence and ask that it be marked exhibit six for complainant.
- Q. Now with reference to the title owned by J. C. Phillips and Essie Phillips, of your own knowledged do you have a recollection of the approximate date on which they took possession?
- A. Approximately two years.
- Q. From the time you first knew this property until the present time has anyone had possession other than Mr. and Mrs. Phillips other than yourself?
- A. No.
- Q. Does anyone claim possession or claim the title during this period of time?
- A. State of Alabama by a tax sale dated May 9, 1932 and the Peoples Fertilizer Company under a mortgage and mortgage sale.
- Q. So far as you know do you know the exact location and address of the unknown heirs and assigns of S. J. Irwin and Sallie Irwin.?
- A. I don't know.
- Q. The assigns or unknown heirs of C. W. Hamilton and Mary E. Hamilton?
- A. I do not know.
- Q. The assigns or unknown heirs of William O. Waters?
- A. No sir, I don't know.

EXAMINATION BY HONORABLE WILSON HAYES, GUARDIAN AD LITEM:

- Q. Mr. Kimbler have you assessed and paid the taxes for ten years past?
- A. Every year.
- Q. Has anyone else since you have been in possession ever assessed or paid the taxes on this property?
- A. No sir.
- Q. No one has ever done it?
- A. No, sir.
- Q. You have been in actual, hostile, exclusive, notorious and adverse possession of this land described in the bill of complaint since the year 1933?
- A. Thats right.
- Q. Did you fence the land?
- A. Yes sir.
- Q. Did you live on the land?
- A. Yes sir.
- Q. Did you cultivate the land?
- A. Yes sir.
- Q. Is there any timber land?
- A. No sir.
- Q. Is there a house on it?
- A. Two houses.
- Q. Do you live in one of the houses?
- A. Yes sir.
- Q. Who lives in the other house?
- A. My son, N. O. Kimbler.
- Q. You have made, have you, in a deligent search for the unknown heirs and assigns named in the bill of complaint?
- A. Yes sir.
- Q. You have asked the people who live in the community where you live?
- A. Yes sir.
- Q. You have not discovered who or where they are.
- A. No sir.
- Q. When did you first fence the land, in the year 1933?
- A. Yes sir.
- Q. And you have maintained that fence until the present time?
- A. Yes sir.
- Q. You kept the house in repairs since 1933?
- A. Yes sir.

EXAMINATION BY C. LENOIR THOMPSON—ATTORNEY FOR COMPLAINANT:

- Q. You are Ira Hinote?  
A. Yes sir.  
Q. How long have you lived in that community?  
A. All my life.  
Q. Do you know this property subject of this suit?  
A. Yes sir.  
Q. Did you know that property when Mr. J. C. Phillips took possession and built the house?  
A. No sir.  
Q. You did not know when he built the house?  
A. No sir.  
Q. When did you first know that Mr. Kimbler had anything to do with this property?  
A. About six months.  
Q. And you have had occasion to see that property on regular and frequent occasions since Mr. Kimbler moved there?  
A. Yes sir.  
Q. Do you know whether or not Mr. Kimbler has claimed this property as his own against everybody?  
A. No sir.  
Q. Do you know of any body that has claimed the property other than Mr. Kimbler?  
A. No sir.  
Q. Do you know whether he has used the property?  
A. Yes sir.  
Q. What does he do with it?  
A. Farm.  
Q. He had it fenced?  
A. Yes sir.  
Q. What you could see was fenced?  
A. Yes sir.

EXAMINATION BY HONORABLE WILSON HAYES, GUARDIAN AD LITEM:

- Q. Mr. Hinote, did you pass this land every week?  
A. Most every week, I go and come by there a lot.  
Q. Do you pass this on your way to and from town?  
A. Part of the time I do and sometimes I don't.  
Q. They use a public road?  
A. Yes sir.  
Q. You are a frequent traveler on this road?  
A. Yes sir.  
Q. Do you know the only person who has claimed this property for the past twenty years was Mr. Kimbler?  
A. Far as I know, yes sir.  
Q. And no one else has claimed ownership or possession?  
A. No sir.  
Q. Mr. Kimbler has been in actual, open, hostile, notorious, continuous, exclusive and adverse possession since the year 1933?  
A. Yes sir.

Mr. THOMPSON: The original deeds will be withdrawn and replaced with certified copies.

Levin S. Kimbler

Ira Hinote

LEVIN S. KIMBLER

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LAND: SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 4 SOUTH RANGE 5 EAST BEING THE LAND CONVEYED TO COMPLAINANT BY THE PEOPLES FERTILIZER COMPANY, A CORPORATION, ITS ALIENEES, SUCCESSORS AND ASSIGNS: AND AGAINST S. J. IRWIN AND SALLIE IRWIN: C. W. HAMILTON AND MARY E. HAMILTON AND WILLIAM O. WATERS, J. C. PHILLIPS AND ESSIE PHILLIPS AND BERTHA HUGHEN, LIZZIE HILBURN, RELIA ARD, LILLIE BELL WALLACE, ESTER PEIRCE, GERTRUDE SUNDIE, JOHNNIE PHILLIPS, THOMAS PHILLIPS, ROSIA JOHNSTON, being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80 page 492; 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;

RESPONDENTS

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

CASE NO. 3923

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

Comes your Complainant, Levin S. Kimbler, and presents this his bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

South half of the Northwest quarter of Section 30 Township 4 South Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492.

and against the Peoples Fertilizer Company, a corporation, its alienees, successors and assigns, and against S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Hilburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosia Johnston, 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 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 and respectfully represents and shows unto your Honor as follows:

FIRST: That your Complainant is over the age of 21 and is a resident of the County of Baldwin, State of Alabama; that the Peoples Fertilizer Company is a corporation organized under the laws of the State of Alabama with its principal place of business in Foley, Baldwin County, Alabama; that S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, their unknown heirs or assigns if living or unknown as to their whereabouts and can not be ascertained upon a diligent search and inquiry; that the Complainant has made diligent search and inquiry to ascertain the residents of individual respondents, their unknown heirs or assigns and upon such diligent search and inquiry has been unable to ascertain their places of residents and post office addresses, but he is informed and believes, that if living, they are non-resident of the State of Alabama and their places of residents and post office addresses are unknown; and he has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence of the heirs, devisees and personal representatives of the individual respondents named herein, and if dead, that he is informed and believes and upon such information and belief alleges that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence are unknown and can not be ascertained upon full diligent search and inquiry; Complainant further says that in his search and inquiry to ascertain whether or not the said respondents are living and to ascertain the names, ages and places of residence of the heirs of said respondents, if the respondents be dead, he has caused a search to be made of the Titles to the said properties and has made inquiry at the Tax and Probate office in Baldwin County, Alabama and has inquired of people in the or living in the vicinity of said lands and of many other persons residents in Baldwin County, Alabama.

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

South half of the Northwest quarter of Section 30 Township 4 South

Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492.

that he and those through whom he claims said land have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this bill of complaint and that he and those through whom he claims title to the said lands have 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 lands 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 of said lands stands in his name on the records of Baldwin County, Alabama; that your Complainant acquired title to the said lands on May 3, 1935 from the State Tax Commissioner of Alabama by deed recorded in deed book 5 NS page 81 in the office of the Probate Judge of Baldwin County; That the State of Alabama acquired title to the said lands June 13, 1932 by sale for taxes under assessment to J. C. Phillips for the year 1931; that the said J. C. Phillips and wife Essie Phillips had mortgaged said property to the Peoples Fertilizer Company, a corporation, with its home office in Foley, Alabama which mortgage was duly recorded in the office of the Judge of Probate of Baldwin County, Alabama in mortgage book 50 page 150-1 and that said mortgage authorized and empowered the mortgagee, its successors, assigns, or attorney in the event of default in the payment of the indebtedness secured by the said mortgage, or any amount thereby to sell said property at auction in accordance with the terms of said mortgage and to execute a deed thereby. The said J. C. Phillips and Essie Phillips having defaulted on said mortgage the Peoples Fertilizer Company, a corporation after having given notice in all things in strict conformity with the terms of said mortgage sold the property at public outcry to your Petitioner, Levin S. Kimbler and executed a statutory warranty deed in accordance with the terms of said mortgage to your Petitioner Levin S. Kimbler on the 10th day of June 1935, all of which being more than ten years next preceding the filing of this bill of complaint, and no purchase other than those through whom he claims title of said land



or any portion thereof, have assessed or paid taxes thereon, that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said land and maintained fire trenches and lanes and cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this Bill of Complaint; that S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living, and if dead, their unknown heirs, devisees and personal representatives, claims, or is reputed to claim, some title to, interest in, lien or encumbrance upon the land, or some portion or parcel thereof.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make S. J. Irwin, and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living and if dead, then their unknown heirs, devisees and personal representatives, 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: The South half of the Northwest quarter of Section 30 Township 4, South Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492, parties respondent 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, Levin S. Kimbler, as against the said S. J. Irwin, and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, if living, and if dead, against

the unknown heirs, devisees and personal representatives of S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton, and William O. Waters, and as against any and all 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. And further that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama; and Complainant further prays for such other, further, different and general relief as in equity may seem just and meet as Complainant will ever pray.

*C. LeNoir Thompson*  
Solicitor for the Complainant.

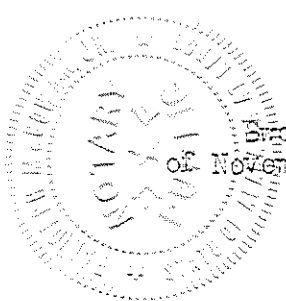
STATE OF ALABAMA  
BALDWIN COUNTY

Before me, \_\_\_\_\_, a Notary Public, in and for said County in said State, personally appeared C. LeNoir Thompson, who upon oath deposes and says that he is the agent of, and the attorney for the Complainant in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant, all of the defendants named in the foregoing Bill of Complaint are over the age of twenty-one years and all are non-residents of the State of Alabama, their places of residence and post office addresses being unknown to your affiant; that he has made a diligent inquiry to ascertain the same and has been unable to do so; that if any of the above named persons are dead, the names of their heirs, devisees or grantees are unknown and that all, other matters and facts stated in the foregoing Bill of Complaint are upon knowledge true; that he is informed as to the facts stated upon information and belief and verily believes and so states that the same are true.

*C. LeNoir Thompson*

Subscribed before me, a Notary Public, on this, the 23 day of November, 1956.

*Randolph M. Lewis*  
Notary Public, Baldwin County, Alabama.



LEVIN S. KIMBLER

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LAND: SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 4 SOUTH RANGE 5 EAST BEING THE LAND CONVEYED TO COMPLAINANT BY THE PEOPLES FERTILIZER COMPANY, A CORPORATION, ITS ALIENEES, SUCCESSORS AND ASSIGNS: AND AGAINST S. J. IRWIN AND SALLIE IRWIN: C. W. HAMILTON AND MARY E. HAMILTON AND WILLIAM O. WATERS, J. C. PHILLIPS AND ESSIE PHILLIPS AND BERTHA HUGHEN, LIZZIE HILBURN, RELIA ARD, LILLIE BELL WALLACE, ESTER PEIRCE, GERTRUDE SUNDIE, JOHNNIE PHILLIPS, THOMAS PHILLIPS, ROSIA JOHNSTON, being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80 page 492; 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;

RESPONDENTS

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

CASE NO. 3923

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 12-1-56 10:00 A.M.  
Recorded Li and book 4 page 322-3  
W. R. Stuart  
Judge of Probate

It having been made to appear in the above styled cause from the affidavit of C. LeNoir Thompson, the solicitor of record for the Complainant in said cause, that the Defendants above named, or their heirs or devisees are non-residents of the State of Alabama, their residences and post office addresses being unknown to Complainant,

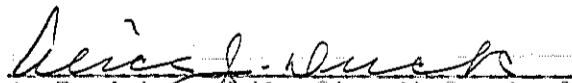
NOTICE IS HEREBY GIVEN TO S. J. Irwin and Sallie Irwin, C. W. Hamilton and Mary E. Hamilton and William C. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Hilburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosia Johnston, if they be living, and if they be dead, their unknown heirs, devisees or personal representative or successors of them and each of them, and any and all persons, firms or corporations claiming any interest in or title to the above described lands, that on the 23 day of November, 1956, L. S. Kimbler filed in the equity side of the Circuit Court of Baldwin County, Alabama, his bill of complaint against the following described lands in Baldwin County, Alabama, viz:

South half of the Northwest quarter of Section 30 Township

4 South Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492.

and against the defendants hereinabove named and all persons, firms, or corporations claiming any interest in, lien or encumbrance upon said land, and you are hereby notified to appear and plead, answer or demur within thirty (30) days of the \_\_\_\_\_ day of November, 1956, or a decree pro confesso will be rendered against you; that said bill of complaint was and is filed for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same; that title to said lands stands in the name of complainant on the records of the office of the Judge of Probate of Baldwin County, Alabama; that the complainant acquired title to South half of the Northwest quarter of Section 30 Township 4, South Range 5 East being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80, page 492, by Deed from Peoples Fertilizer Company, a corporation, dated June 10, 1935, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 57 NS, Page 130; Complainant further alleges that the said property sold in the name of J. C. Phillips and was purchased by your Petitioner at the tax sale under the name of Levin S. Kimbler and that a tax deed was issued to your Petitioner, Levin S. Kimbler on the 3rd day of May, 1935 which deed was recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 57 NS, page 81; and that since purchasing title as set forth, supra, your complainant has assessed and paid taxes on the same, and that he is in the quiet, peaceable, open, notorious possession of said land, claiming to own the same absolutely and in fee simple.

WITNESS my hand this the 23 day of November, 1956.

  
 As Register of the Circuit Court of  
 Baldwin County, Alabama.

C. LENOIR THOMPSON  
 Solicitor for Complainant.

FILED  
 NOV 23 1956  
 ALICE J. DUCK, Register

LEVIN S. KIMBLER

COMPLAINANT

VS

CERTAIN LANDS and PEOPLES  
FERTILIZER COMPANY, a  
corporation, et al

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

To the unknown heirs, devisees and personal representatives of S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Milburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosia Johnston, if dead, and to Wilson Hayes, guardian ad litem for them, and Peoples Fertilizer Company, a corporation,

Notice is hereby given that the testimony of L. S. Kimbler and Ira Minote, witnesses for the Complainant in the above styled cause will be taken orally before Lois Wilson, commissioner, heretofore duly appointed, at the office of C. LeNoir Thompson, Attorney for Complainant, at 9:00 o'clock A.M., on the 7th day of February, 1957.

This the 26th day of January, 1957.

*Lois Wilson*  
Commissioner.

*C. LeNoir Thompson*  
Solicitor for Complainant.

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 21<sup>st</sup> day of Jan, 1957.

Alice J. Duck  
Register.

LEVIN S. KIMBLER

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

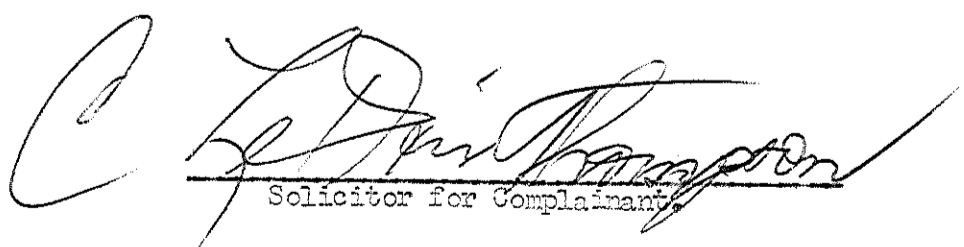
The following described land:  
S $\frac{1}{2}$  of NW $\frac{1}{4}$  of Sec. 30 T 4 S R  
5 E, being the land conveyed to  
Complainant by the Peoples  
Fertilizer Co., a Corp., its  
Alienees, Successors and Assigns:  
and against S. J. Irwin and Sallie  
Irwin; C. W. Hamilton and Mary E.  
Hamilton and William O. Waters, J.  
C. Phillips and Essie Phillips and  
Bertha Hughen, Lizzie Hilburn,  
Relia Ard, Lillie Bell Wallace,  
Ester Peirce, Gertrude Sundie,  
Johnnie Phillips, Thomas Phillips,  
Rosia Johnston,

IN EQUITY.

RESPONDENTS

Motion is hereby made for a decree pro confesso against the unknown heirs, devisees, personal representatives and assigns of S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Hilburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips and Rosia Johnston and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the lands described in the bill of complaint, respondents 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 respondents 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 the 26 day of January, 1957.

  
Solicitor for Complainant

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY  
No. 2923  
Term, 19

Complainant: *James Knight*  
Defendant: *Centaine's Journal et al*

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the *29th* day of *Nov*, 19*56*, in the *Exchange Journal* a newspaper published in *Tallahassee*, Alabama, that a copy of said order was posted at the Court House door in *Baldwin* County, on the *13th* day of *Nov*, 19*56*, and

And it now further appearing to the Register, that the said

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, *Henry J. Smith*

that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said *Respondents*

This *16th* day of *January*, 19*57*

Register: *Henry J. Smith*



No. 3923 Page \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**Circuit Court, In Equity**

Vs.

**Decree Pro Confesso of Publication**

Issued \_\_\_\_\_ 19\_\_\_\_

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

DEVIN S. KIMBLER

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LAND: SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 30 TOWNSHIP 4, SOUTH RANGE 5 EAST BEING THE LAND CONVEYED TO COMPLAINANT BY THE PEOPLES FERTILIZER COMPANY, A CORPORATION, ITS ALIENNEES, SUCCESSORS AND ASSIGNS: AND AGAINST S. J. IRWIN AND SALLIE IRWIN; C. W. HAMILTON AND MARY E. HAMILTON AND WILLIAM O. WATERS, J. C. PHILLIPS AND ESSIE PHILLIPS AND BERTHA HUGHEN, LIZZIE HILBURN, RELIA ARD, LILLIE BELL WALLACE, ESTER PEIRCE, GERTRUDE SUNDIE, JOHNNIE PHILLIPS, THOMAS PHILLIPS, ROSIA JOHNSTON, being deed dated June 18, 1943 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 80 page 492; 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;

RESPONDENTS

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 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 respondents, Peoples Fertilizer Company, a corporation, its alienees, successors and assigns, S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Essie Phillips and Bertha Hughen, Lizzie Hilburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosia Johnston, 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

STATE OF ALABAMA, BALDWIN COUNTY

Filed 5-8-57 8 A.M

Recorded deed book 251 page 569-71

W. D. Stuart  
Judge of Probate 5

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AGAINST IN EQUITY

BOOK 251 PAGE 569

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 L. S. Kimbler, who is over the age of twenty-one years, 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:

South Half of the Northwest quarter of Section 30  
Township 4 South Range 5 East being deed dated June  
18, 1943 and recorded in the office of the Judge  
of Probate of Baldwin County, Alabama in deed book  
80, page 492;

That the Complainant obtained title to the said lands on May 3, 1955 from the State Tax Commissioner of Alabama by deed recorded in deed book 5 NS page 81 in the office of the Probate Judge of Baldwin County and by a Statutory Warranty Deed from The Peoples Fertilizer Company, a corporation who conveyed title to the said L. S. Kimbler after having strictly followed the provisions of a mortgage executed by the said J. C. Phillips and Essie Phillips who were in default under the terms of the said mortgage same being of record in the office of the Probate Judge of Baldwin County and the said Statutory Warranty Deed being of record in the office of the Probate Judge of Baldwin County, Alabama in deed book 80 page 492; who acquired title by mesne conveyance from the United States Government; that Complainant further hold 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 those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said L. S. Kimbler, at the time of the filing of the bill of complaint in this cause and at this time had and have the fee simple title to the above described lands, and to each and every part and parcel thereof, that neither of the respondents,

BOOK 201 PAGE 070

Peoples Fertilizer Company, a corporation, its aliases, successors and assigns, S. J. Irwin and Sallie Irwin; C. W. Hamilton and Mary E. Hamilton and William O. Waters, J. C. Phillips and Rosie Phillips and Bertha Hughen, Lizzie Milburn, Relia Ard, Lillie Bell Wallace, Ester Peirce, Gertrude Sundie, Johnnie Phillips, Thomas Phillips, Rosia Johnston, 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 L. S. Kimbler, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said L. S. Kimbler, and the said title so quieted and established in them shall be treated and considered as established in favor of the said L. S. Kimbler and all persons deriving title through them.

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 L. S. Kimbler be and he is hereby taxed with the cost of this proceeding for which let execution issue.

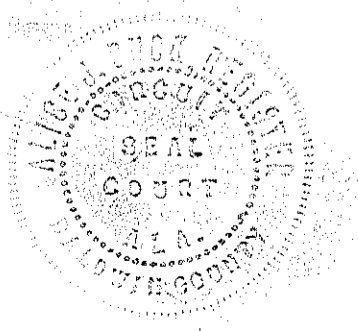
Done at Bay Minette, Alabama, this the 23rd day of April 1957.

Hubert M. Hall

JUDGE.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.  
WITNESS MY HAND AND SEAL THIS THE 23 day of April 1957

*Alice J. Duck*  
Register of Circuit Court, in Equity



BOOK 201 PAGE 107

decrees