

W. I. EZELL,

COMPLAINANT

-VS-

Tract Number 3, Section 35, Township 6 South, Range 2 East, according to plat of River Park Fruit Company, recorded in Deed Book "U" page 199 of Baldwin County Probate Records; and Robert Somerville and against the heirs and devisees of the said Robert Somerville if he be dead; and against any and all persons claiming or reputed to claim any title to, interest in, or lien or encumbrance upon said land, or any part thereof,

RESPONDENTS

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

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

Comes your Complainant, W. I. EZELL, and respectfully represents and shows unto this Honorable Court that:

ONE: Complainant is over the age of twenty-one years and bona fide resident of Baldwin County, Alabama.

TWO: That the land in controversy is situated in Baldwin County, Alabama and is more particularly described as follows, to-wit:

Tract Number 3, Section 35, Township 6 South Range 2 East, according to plat of the River Park Fruit Company, recorded in Deed Book "U" page 199 of Baldwin County Probate Records.

And the complainant of his own right, claims to own said land and to have possession of a fee simple title thereto, free of all liens and encumbrances. He further avers that he is in the actual peaceful possession of said land and has been in such possession since October, 1939.

THREE: Complainant alleges that he obtained said property and the title thereto under and by virtue of a Quit-claim deed from WM. STENZEL, dated 17 October, 1939 and recorded in Deed Book Seventy-nine, pages one hundred and sixty-five and six (165-6) of the Probate Records of Baldwin County, Alabama; the said WM. STENZEL having obtained deed to said land by Tax Deed from Henry S. Long, State Land Commissioner for the State of Alabama, which is recorded in Deed Book Sixty-Three, pages forty and forty-one (40-41) of the Probate Records of Baldwin County, Alabama, and

dated 17 August, 1937.

FOUR: The title to said land stands on the record of the Probate Court of this county in the name of W. I. EZELL, this complainant.

FIVE: No one except this complainant were known to have possession of said lands, or any part thereof, or were known to the complainant to claim said lands, or any part thereof, or any interest therein, whether such interest be present, future, contingent, reversionary or otherwise, and no one, except this complainant, has been known to assess said land or pay taxes upon said land, or any interest therein within ten years next preceding the filing of this bill.

SIX: The only person who could have possibly have any claim against said land is the Respondent, ROBERT SOMERVILLE, or his heirs and devisees, and complainant has made diligent search and inquiry, by making inquiries in the neighborhood and has been unable to ascertain the residence and address of said Robert Somerville, or determine whether he be living or dead, and if dead, who his heirs and devisees are, and complainant has procured an abstract of title on said land and has had searched to determine any other claimants to said land, but has been unable to find same.

SEVEN: Complainant further avers that there is no suit pending to test his interest in or title to or possession of said land.

THE PREMISES CONSIDERED, complainant files his verified complaint against said lands and ROBERT SOMERVILLE and the heirs and devisees of said ROBERT SOMERVILLE, if he be deceased, and against any and all persons claiming any title thereto, interest in, or lien or encumbrance upon said land, or any part thereof, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same and pray that said above named parties be made respondents to this bill of complaint and that process be served upon them, or publication be made requiring them to plead, answer or demur to the same

within the time required by law, or Decree Pro Confesso may be entered against them and complainant further prays that the Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and the complainant prays that upon a final hearing of this cause, the Court will decree that the complainant, W. I. EZELL, is the owner of said lands, and has fee simple title thereto, free of all liens and encumbrances and will grant to the complainant such other further or different relief as may be meet and proper in the premises.

\_\_\_\_\_  
E. C. RICKARBY,  
Solicitor for Complainant

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, a Notary Public, in and for said state and county, personally appeared W. I. EZELL, who being by me first duly sworn, deposes and says that he is the complainant in the above and foregoing Bill of Complaint and that the allegations and averments therein contained are true and correct.

\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me this the \_\_\_\_\_ day of \_\_\_\_\_, 1957.

\_\_\_\_\_  
Notary Public, Baldwin County, Ala.

*Handwritten notes:*  
442  
314  
4/11  
W. I. Ezell

*Stamp:*  
FILED  
APR 19 1957  
BALDWIN COUNTY, ALA.

# 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 Dec. 12 -  
19 - 24, Jan. 2, 1958.

*Thomas H. Crawford*

Editor

State of Alabama  
County of Baldwin

Sworn to and subscribed this 11

day of Feb A. D. 1958, before me.

*W. B. Beckwith*

Notary Public, Baldwin County

W. I. EZELL,  
COMPLAINANT  
VS.  
CERTAIN LANDS, et al.  
RESPONDENTS

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

TO THE HONORABLE ALICE DUCK, REGISTER:

The Complainant in the above styled cause requires and requests the oral examination of JAMES W. MCKENZIE and W. I. EZELL, the Complainant, as witnesses for the Complainant in support of said bill filed in the above cause, such examination to be before a special Commissioner appointed by you.

Both of said witnesses reside in Fairhope, Baldwin County, Alabama.

Respondents suggest Nadine M. Klumpp who resides in the City of Fairhope, Baldwin County, Alabama, and is a disinterested person, as the person to be appointed Special Commissioner and respondents request her appointment.

DATED this the 11 day of Feb, 1958.

BY: E. G. Rickarby  
E. G. RICKARBY  
Solicitor for Complainant

# The Fairhope Courier



ESTABLISHED 1894

E. B. GASTON ESTATE, PUBLISHERS

TELEPHONE 5201

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 Feb. 21 -  
Feb. 28 - Mar. 7.

*Francis G. Crawford*

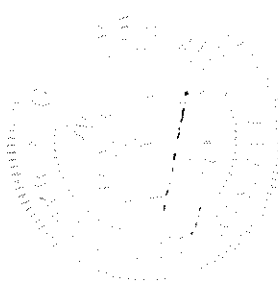
Editor

State of Alabama  
County of Baldwin

Sworn to and subscribed this 11  
day of March A.D. 1957, before me.

*L. E. Robinson*

Notary Public, Baldwin County





No. \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**CIRCUIT COURT**

W. I. Ezell

Complainant

VS.

Robert Somerville and  
unknown heirs.

Defendant

**COMMISSION TO TAKE DEPOSITION**

COMMISSIONER:

Nadine M. Klumpp

WITNESSES:

*[Faint, mostly illegible text in the body of the document, likely bleed-through from the reverse side. Some legible fragments include:]*

*... of the State of Alabama ...*

*... do hereby certify that ...*

*... in and for the County of Baldwin ...*

*... this 1st day of ...*

*... at the City of ...*

*... Nadine M. Klumpp ...*

*... [Signature] ...*

Approved: \_\_\_\_\_  
Commissioner for \_\_\_\_\_



W. I. EZELL,

COMPLAINANT

VS.

CERTAIN LANDS, et al.

RESPONDENTS

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TESTIMONY OF JAMES W. MCKENZIE:

My name is JAMES W. MCKENZIE and I live on the Greeno Rd., just outside of Fairhope, Baldwin County, Alabama, and I know and have been knowing Mr. W. I. EZELL, the complainant, in this suit for a long time.

I am familiar with the land that Mr. Ezell bought from Mr. Bill Stenzel; which land is described as Tract Number 3, of Section 35, Township 6 South, Range 2 East, Baldwin County, Alabama. I was not present when he bought it, but I knew when he entered the land and I know that he went on the land in about 1939, and started cutting timber a year or so after that. I know this because at that time Mr. Ezell's son, Buck Ezell, broke his leg while cutting the timber. Since that time Mr. Ezell cleared the land, farmed, and one of the boys lived on it for awhile and built a house on it, and then my brother, Melton McKenzie, has been renting it from Mr. Ezell for six (6) or eight (8) years.

The land has fences around three (3) sides of it and Mr. Ezell, the complainant in this cause, has been in possession of this land for the last ten (10) years; and the possession has been visible to anyone in the neighborhood.

I do not know of any other suit regarding this land. I do not know of any one other than Mr. Ezell, the complainant, who has been claiming this land for the last ten (10) years. I do not know of any one by the name of Robert Somerville, and I do not know of any one that has been disputing Mr. Ezell's title to this land.

Page 1 of 2 pages.

Subscribed and sworn to before me on this the 14<sup>th</sup> day of February, 1958.

*James W. McKenzie*  
*Hardin D. Klump*  
Commissioner

W. I. EZELL,  
COMPLAINANT  
VS.  
CERTAIN LANDS, et al.  
RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

CROSS-EXAMINATION OF JAMES W. MCKENZIE:

Cross Examination done by John Duck, Esquire, Guardian  
and Attorney, *ad litem*.

CROSS-EXAMINATION:

- Q. Mr. McKenzie do you know anyone at all who has made any claims on this property for the last ten (10) years?
- A. I do not.
- Q. Do you know of any one other than Mr. Ezell who has paid any taxes on this property in the last ten (10) years?
- A. I do not.
- Q. Has Mr. Ezell claim title to this property for the last ten (10) years?
- A. Yes, he has claimed it through this tax title.

NO FURTHER QUESTIONING:

James W. McKenzie

Subscribed and sworn to before me on this the 14<sup>th</sup> day of February, 1958.

Richard D. Thompson  
Commissioner

W. I. EZELL,

COMPLAINANT

VS.

CERTAIN LANDS, et al.

RESPONDENTS

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

TESTIMONY OF W. I. EZELL:

My name is W. I. EZELL and I am filing this suit to quiet title to Tract Number 3, of Section 35, Township 6 South, Range 2 East, according to the plat of the River Park Fruit Company, recorded in Deed Book "U", Page 199, of the Baldwin County Probate Records.

I am over the age of 21 years, and have lived in Baldwin County all my life. I claim to own this land absolutely and I have occupied it since October, 1939; by occupying it, I mean I have farmed it. In October, 1939, the year that I bought it, I went on the land, looked at the timber, saw how it was getting on, saw that the land was not under fence but I saw that no trespassers came on the land. In about 1941 or 1942, I cut the timber off the land and in 42 or 43 I cleared the stumps off the land; shortly thereafter I farmed it for about two (2) years, then I let my son, JAMES EZELL, farm it for about four (4) years, then I took care of it for two (2) years and since that time I have been renting the farm out.

I bought this land from MR. WILLIAM STENZEL and took a deed on the 17th. of October, 1939; and since that time I have been paying taxes on it as they fell due and the title to the land now stands in my name on the records in Bay Minette.

Since 1939 no one except me and my tenants have had possession of this land, or have made any claims against this land. I bought an abstract for this property and the abstract showed that Mr. STENZEL had purchased Tax Title from one, ROBERT SOMERVILLE, and I have lived here all my life and have been unable to find anybody that knows of MR. ROBERT SOMERVILLE, and I made inquiries among the neighbors trying to find out something about him, but unable to find out anything.

Page 2 of 2 pages

Continuation of:

TESTIMONY OF W. I. EZELL:

There is no suit, except this suit, regarding this land pending in the Circuit Court of Baldwin County and I am asking for the Judge to say that I own this property.

W. I. Ezell

Subscribed and sworn to before me on this the 14<sup>th</sup> day of February, 1958.

Harold M. Klump  
Commissioner

W. I. EZELL,

COMPLAINANT

VS.

CERTAIN LANDS, et al.

RESPONDENTS

I  
I  
I  
I  
I  
I

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

CROSS-EXAMINATION OF MR. W. I. EZELL:

Cross-examination of Mr. W. I. Ezell by John Duck,  
Esquire, Guardian, and Attorney, ad litem.

CROSS-EXAMINATION:

Q. Mr. Ezell have you paid the taxes on this land  
from the time you purchased it, that year around  
1937?

A. Yes, I have.

Q. Have you exercised possession and ownership over  
this property for the last ten (10) years?

A. I have.

No FURTHER QUESTIONING:

W. I. Ezell

Subscribed and sworn to before me on this the 14<sup>th</sup> day of  
February, 1958.

John M. Klump

I, NADINE M. KLUMPP, the Commissioner named in the attached commission issued by the Circuit Court of Baldwin County, Alabama, do hereby certify that in a case pending in the Equity side of said Court, wherein W. I. EZELL is Complainant and Certain Lands, et al, is Defendant, under and by virtue of the power conferred upon me by said commission, I caused the witnesses named in the Commission, namely: JAMES W. MCKENZIE and W. I. EZELL, who were made known to me and known by me to be the identical witnesses named in the commission, to come to my office in the Bank Building in the City of Fairhope, Alabama, where the said witnesses after being first duly sworn by me, upon examination by E. G. Rickarby, Esquire, Solicitor for Complainant, and John Duck, Guardian Ad Litem, testified as hereinbefore written.

That their testimony was by me reduced to writing as given by them, as near as might be in their identical language and after being so reduced to writing, was read over by the said witnesses, who assented to and signed the same in my presence.

I further certify that I am not of counsel or of kin to either of the parties to the cause, or anywise interested in the results thereof.

IN WITNESS WHEREOF, I hereunto set my hand as Commissioner this 14<sup>th</sup> day of February, 1958.

  
NADINE M. KLUMPP  
Commissioner



BOOK 263 PAGE 229

allowed by law, and a decree pro confesso was taken against such parties on the 10th day of February 1958, and that this cause is now at issue.

The Court further finds that all persons who could possibly have a claim in or to the real estate described in the bill of complaint are before the Court, and that their interest therein, if any, will be finally and conclusively determined by this decree.

Upon consideration of all of the evidence presented in this cause, the Court is of the opinion that all of the averments of the bill of complaint are true, and that complainant is entitled to the relief prayed for in the said bill of complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That all persons who could possibly have a claim in or to the real estate described in the bill of complaint in this cause are before the Court and that their interests therein are finally and conclusively determined by this decree.

2. That the Complainant in this cause, W. I. EZELL, IS the owner of a fee simple title in and to the real estate described in the bill of complaint which real estate is located in Baldwin County, Alabama, and is more particularly described as follows:

Tract Number Three (3), Section Thirty-five (35), Township Six (6) South, Range Two (2) East, according to plat of the River Park Fruit Company, recorded in Deed Book "U" page 199 of Baldwin County Probate Records.

3. That none of the respondents in this cause have any right, title, interest, claim, or encumbrance upon the real estate described in the said bill of complaint and in the preceding paragraph.

4. That the guardian ad litem and attorney ad litem in this cause be and he is hereby awarded a fee in the amount of \_\_\_\_\_ (\$ ) dollars.

5. That the cost in this cause be taxed against the



Inre: Ezell vs. Certain Lands, et al  
FINAL DECREE continued:

BOOK 263 PAGE 230

complainant against whom let execution issue.

6. That the Register of this Court file a verified copy of this decree in the Probate Office of Baldwin County, Alabama, the county in which the real estate above described lies.

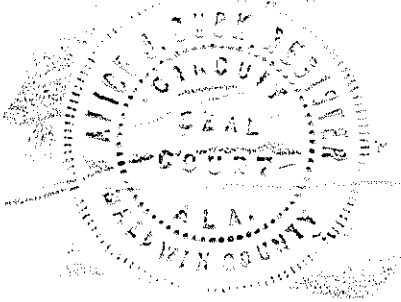
Done this the 27th day of February, 1958.

Hubert M. Hall  
Circuit 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 27 day of Feb, 1958

Alice J. Duck  
Register of Circuit Court, in Equity



LAW OFFICES  
**E. G. RICKARBY**  
BANK BUILDING  
FAIRHOPE, ALABAMA

February 26, 1958

Mrs. Alice Duck  
Clerk of Circuit Court  
Bay Minette, Ala.

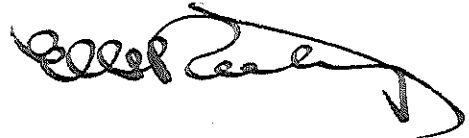
Dear Mrs. Duck:

Inre: W. I. Ezell  
vs: Certain Lands, et al.  
Our File: 4004

Enclosed find a motion for a Decree Pro Confesso,  
which I swore to Mrs. Dusenberry I filed yesterday.

Please put this in the Ezell file and oblige.

Yours very truly,



EGR/nmk  
Encl. 1

# 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 Dec. 12 - 19 - 24, 1957 - Jan. 2, 1958.

Thomas H. Crawford  
Editor

State of Alabama  
County of Baldwin

Sworn to and subscribed this 4<sup>th</sup>

day of Jan A. D. 1958, before me.

John V. Weik  
Notary Public, Baldwin County



W. I. EZELL,	I	
		IN THE CIRCUIT COURT OF
Complainant,	I	BALDWIN COUNTY, ALABAMA,
-VS-	I	IN EQUITY.
CERTAIN LANDS, et al,	I	
Respondents	I	

\_ \_ \_ F I N A L D E C R E E \_ \_ \_

This cause coming on to be heard is submitted to the Court or the verified bill of complaint, the answer of the Guardian ad Litem, the decree pro confesso against such parties to this cause who are not under the age of twenty-one (21) years, incompetent, or now in the armed forces of the United States of America, and the testimony taken by deposition, all as shown by the note of submission.

The Court finds that notice in this cause was published for four consecutive weeks, commencing December 12th, 1958, in the Fairhope Courier, a newspaper of general circulation published in the City of Fairhope, County of Baldwin, State of Alabama, and that notice was filed in the Office of Judge of Probate of Baldwin County, Alabama, on the 13 day of February, 1959 and appears of record therein.

The Court further finds that more than sixty (60) days have now elapsed since the first publication date described above, and since the filing of the notice in the Probate Office as described above.

The Court further finds that the guardian ad litem and attorney ad litem, heretofore appointed to represent such of the respondents to this cause who are now under the age of twenty-one (21) years, incompetent, or in the armed forces of the United States of America, has accepted the appointment and that the said guardian ad litem and attorney ad litem was present at the hearing of this cause and did represent the interest of all minors, incompetents and persons in the armed forces of the United States; and that the other respondents to this cause failed to demur, plead, or answer the bill of complaint within the time

allowed by law, and a decree pro confesso was taken against such parties on the 10th day of February 1958, and that this cause is now at issue.

The Court further finds that all persons who could possibly have a claim in or to the real estate described in the bill of complaint are before the Court, and that their interest therein, if any, will be finally and conclusively determined by this decree.

Upon consideration of all of the evidence presented in this cause, the Court is of the opinion that all of the averments of the bill of complaint are true, and that complainant is entitled to the relief prayed for in the said bill of complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That all persons who could possibly have a claim in or to the real estate described in the bill of complaint in this cause are before the Court and that their interests therein are finally and conclusively determined by this decree.

2. That the Complainant in this cause, W. I. EZELL, IS the owner of a fee simple title in and to the real estate described in the bill of complaint which real estate is located in Baldwin County, Alabama, and is more particularly described as follows:

Tract Number Three (3), Section Thirty-five (35), Township Six (6) South, Range Two (2) East, according to plat of the River Park Fruit Company, recorded in Deed Book "U" page 199 of Baldwin County Probate Records.

3. That none of the respondents in this cause have any right, title, interest, claim, or encumbrance upon the real estate described in the said bill of complaint and in the preceding paragraph.

4. That the guardian ad litem and attorney ad litem in this cause be and he is hereby awarded a fee in the amount of \_\_\_\_\_ (\$ ) dollars.

5. That the cost in this cause be taxed against the

Inre: Ezell vs. Certain Lands, et al  
FINAL DECREE continued:

complainant against whom let execution issue.

6. That the Register of this Court file a verified copy of this decree in the Probate Office of Baldwin County, Alabama, the county in which the real estate above described lies.

Done this the 27 day of February, 1958.

J Hubert M Hall  
Circuit Judge

W. I. EZELL,  
Complainant,

-VS-

CERTAIN LANDS, et al,  
Respondents.

FINAL DECREE

FILED

FEB 27 1958

ALICE J. BECK, Register

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

W. I. EZELL,

COMPLAINANT

-VS-

Tract Number 3, Section 35,  
Township 6 South, Range 2 East,  
according to plat of River Park  
Fruit Company, recorded in Deed  
Book "U" page 199 of Baldwin  
County Probate Records; and  
Robert Somerville and against  
the heirs and devisees of the  
said Robert Somerville if he be  
dead; and against any and all  
persons claiming or reputed to  
claim any title to, interest in,  
or lien or encumbrance upon  
said land, or any part thereof,

RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

3972

ORDER OF PUBLICATION

IT APPEARING that the residence of ROBERT SOMERVILLE, or the heirs and devisees of the said ROBERT SOMERVILLE, if he be dead, or any and all persons claiming or reputed to claim any title to, interest in, or lien or encumbrance upon said land, or any part thereof, the Respondents in the above styled cause, are unknown, and that the Complainant requests publication and has made proof by affidavit of such facts, it is therefore ordered that publication be made against said Respondents in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, and that a copy of said publication be posted up at the door of the court house of Baldwin County, Alabama, as required by Equity Rule Six, Paragraph (a).

Done this the 13<sup>th</sup> day of February, 1957.

Hubert M Hall  
ALICE DUCK, Register  
Circuit Judge



W. I. EZELL,

COMPLAINANT

-VS-

Tract Number 3, Section 35,  
Township 6 South, Range 2 East,  
according to plat of River Park  
Fruit Company, recorded in Deed  
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said land, or any part thereof,

RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER OF PUBLICATION

IT APPEARING that the residence of ROBERT SOMERVILLE, or  
the heirs and devisees of the said ROBERT SOMERVILLE, if he be  
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title to, interest in, or lien or encumbrance upon said land, or  
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week for four consecutive weeks, and that a copy of said publication  
be posted up at the door of the court house of Baldwin County, Ala-  
bama, as required by Equity Rule Six, Paragraph (a).

Done this the \_\_\_\_\_ day of \_\_\_\_\_, 1957.

ALICE DUCK, Register

W. I. EZELL,

COMPLAINANT

-VS-

Tract Number 3, Section 35,  
Township 6 South, Range 2 East,  
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or lien or encumbrance upon  
said land, or any part thereof,

RESPONDENTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER OF PUBLICATION

IT APPEARING that the residence of ROBERT SOMERVILLE, or  
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week for four consecutive weeks, and that a copy of said publication  
be posted up at the door of the court house of Baldwin County, Ala-  
bama, as required by Equity Rule Six, Paragraph (a).

Done this the \_\_\_\_\_ day of \_\_\_\_\_, 1957.

ALICE DUCK, Register

LAW OFFICES  
E. G. RICKARBY  
BANK BUILDING  
FAIRHOPE, ALABAMA

February 26, 1958

Mrs. Alice Duck  
Clerk of Circuit Court  
Bay Minette, Ala.

Dear Mrs. Duck:

Inre: W. I. Ezell  
vs: Certain Lands, et al.  
Our File: 4004

Enclosed find "Final Decree" in the case of W. I. EZELL  
vs. CERTAIN LANDS, et al.

Please put this with the rest of the papers and get this  
through as soon as possible.

Yours very truly,

*E. G. Rickarby*  
(E.G.)

EGR/nmk  
Encl. Final Decree

LAW OFFICES  
**E. G. RICKARBY**  
BANK BUILDING  
FAIRHOPE, ALABAMA

December 4, 1957

Mrs. Alice Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Look up case - Ezell vs. certain lands.

Here is a new ad that I have drawn up to be inserted in the Fairhope Courier. Remember running the old ad for only three weeks, so let us have this ad run for four weeks and have this case disposed of.

Yours very truly,



EGR/nmk

LAW OFFICES  
**E. G. RICKARBY**  
BANK BUILDING  
FAIRHOPE, ALABAMA  
February 6, 1957

Mrs. Alice Duck  
Clerk of Circuit Court  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: W. I. Ezell  
Vs: Tracts of lands, et al  
Our File: 4004

With this we are handing you original bill and two copies of Notice of Pendency. We ask that you send one to the Probate Court for record, and the other you keep for your file.

I am also enclosing my check for \$20.00 and ask that you let me know how much the costs will be for publication.

Yours very truly,



EGR/ts  
Encl.  
2-16-57

W. I. EZELL,

COMPLAINANT

-VS-

Tract Number 3, Section 35, Township 6 South, Range 2 East, according to plat of River Park Fruit Company, recorded in Deed Book "U" page 199 of Baldwin County Probate Records; and Robert Somerville and against the heirs and devisees of the said Robert Somerville if he be dead; and against any and all persons claiming or reputed to claim any title to, interest in, or lien or encumbrance upon said land, or any part thereof,

RESPONDENTS

IN THE CIRCUIT COURT  
OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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

Comes your Complainant, W. I. EZELL, and respectfully represents and shows unto this Honorable Court that:

ONE: Complainant is over the age of twenty-one years and bona fide resident of Baldwin County, Alabama.

TWO: That the land in controversy is situated in Baldwin County, Alabama and is more particularly described as follows, to-wit:

Tract Number 3, Section 35, Township 6 South Range 2 East, according to plat of the River Park Fruit Company, recorded in Deed Book "U" page 199 of Baldwin County Probate Records.

And the complainant of his own right, claims to own said land and to have possession of a fee simple title thereto, free of all liens and encumbrances. He further avers that he is in the actual peaceful possession of said land and has been in such possession since October, 1939.

THREE: Complainant alleges that he obtained said property and the title thereto under and by virtue of a Quit-claim deed from WM. STENZEL, dated 17 October, 1939 and recorded in Deed Book Seventy-nine, pages one hundred and sixty-five and six (165-6) of the Probate Records of Baldwin County, Alabama; the said WM. STENZEL having obtained deed to said land by Tax Deed from Henry S. Long, State Land Commissioner for the State of Alabama, which is recorded in Deed Book Sixty-Three, pages forty and forty-one (40-41) of the Probate Records of Baldwin County, Alabama, and

dated 17 August, 1937.

FOUR: The title to said land stands on the record of the Probate Court of this county in the name of W. I. EZELL, this complainant.

FIVE: No one except this complainant were known to have possession of said lands, or any part thereof, or were known to the complainant to claim said lands, or any part thereof, or any interest therein, whether such interest be present, future, contingent, reversionary or otherwise, and no one, except this complainant, has been known to assess said land or pay taxes upon said land, or any interest therein within ten years next preceding the filing of this bill.

SIX: The only person who could have possibly have any claim against said land is the Respondent, ROBERT SOMERVILLE, or his heirs and devisees, and complainant has made diligent search and inquiry, by making inquiries in the neighborhood and has been unable to ascertain the residence and address of said Robert Somerville, or determine whether he be living or dead, and if dead, who his heirs and devisees are, and complainant has procured an abstract of title on said land and has had searched to determine any other claimants to said land, but has been unable to find same.

SEVEN: Complainant further avers that there is no suit pending to test his interest in or title to or possession of said land.

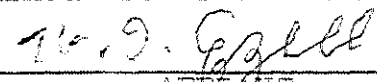
THE PREMISES CONSIDERED, complainant files his verified complaint against said lands and ROBERT SOMERVILLE and the heirs and devisees of said ROBERT SOMERVILLE, if he be deceased, and against any and all persons claiming any title thereto, interest in, or lien or encumbrance upon said land, or any part thereof, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same and pray that said above named parties be made respondents to this bill of complaint and that process be served upon them, or publication be made requiring them to plead, answer or demur to the same

within the time required by law, or Decree Pro Confesso may be entered against them and complainant further prays that the Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and the complainant prays that upon a final hearing of this cause, the Court will decree that the complainant, W. I. EZELL, is the owner of said lands, and has fee simple title thereto, free of all liens and encumbrances and will grant to the complainant such other further or different relief as may be meet and proper in the premises.

  
\_\_\_\_\_  
E. G. RICKARBY,  
Solicitor for Complainant

STATE OF ALABAMA, )  
                          )  
BALDWIN COUNTY.  )

Before me, a Notary Public, in and for said state and county, personally appeared W. I. EZELL, who being by me first duly sworn, deposes and says that he is the complainant in the above and foregoing Bill of Complaint and that the allegations and averments therein contained are true and correct.

  
\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me this the 9 day of February, 1957.

  
\_\_\_\_\_  
Notary Public, Baldwin County, Ala.

*Filed Feb. 13, 1957  
Alice J. Luck, Reg.*



W. I. EZELL,

COMPLAINANT

-VS-

Tract Number 3, Section 35,  
Township 6 South, Range 2 East,  
according to plat of River Park  
Fruit Company, recorded in Deed  
Book "U" page 199 of Baldwin  
County Probate Records; and  
Robert Somerville and against  
the heirs and devisees of the  
said Robert Somerville if he be  
dead; and against any and all  
persons claiming or reputed to  
claim any title to, interest in,  
or lien or encumbrance upon said  
land, or any part thereof,

RESPONDENTS.

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

NO. 3972

NOTICE BY PUBLICATION

TO: ROBERT SOMERVILLE and/or his heirs, devisees and  
respectively, and to any and all persons claiming  
any title to, interest in, or lien or encumbrance  
upon the following described real estate or any  
part thereof and to all other persons; said real  
estate being situated in Baldwin County, State of  
Alabama, and described as follows:

Tract Number 3, Section 35, Township 6 South,  
Range 2 East, according to plat of the River Park  
Fruit Company, recorded in Deed Book "U" page 199  
of Baldwin County Probate Records.

TAKE NOTICE, that W. I. EZELL, has this the 13th day of  
February, 1957, filed his verified bill of complaint in said Court  
against the above named ROBERT SOMERVILLE and against any and all  
persons claiming any title to, interest, in, encumbrance upon the  
above described real estate or any part thereof or interest there-  
in, and against all other persons, and against said lands for the  
purpose of establishing the title of said lands in the said W. I.  
EZELL and to clear up all doubts and disputes concerning the same  
and that said suit is now pending in said Court.

Complainant alleges in said bill of complaint that the title  
to said lands stands in the name of W. I. EZELL on the records in  
the office of the Judge of Probate of Baldwin County, Alabama, and  
said bill of complaint further alleges that W. I. EZELL claims  
title to said lands through and by virtue of a Quit-claim deed from  
WM. STENZEL, dated 17 October, 1939, and recorded in Deed Book 79,

Pages 165-166 of the Probate Records of Baldwin County, Alabama; the said WM. STENZEL having obtained a deed to said lands by Tax Deed from Henry S. Long, State Land Commissioner for the State of Alabama, which deed is recorded in Deed Book 63, pages 40-41 of the Probate Records of Baldwin County, Alabama, and dated 17 August, 1937, and that said W. I. EZELL had owned said lands continuously for more than ten years prior to date of filing the bill, and that complainant has assessed said property for taxes in the office of the County Tax Assessor each year to and including the year 1956 and that the complainant in this cause has each year, since the year 1939, paid the taxes on said real estate and that no one else has paid the taxes on said real estate for said period of time except the complainant and that no one has been in possession of said lands or any part thereof for ten years next before the filing of this bill of complaint, except the complainant in this cause.

The only person who could possibly have had any claim against said land is the Respondent, ROBERT SOMERVILLE, or his heirs and devisees, and complainant has made diligent search and inquiry, by making inquiries in the neighborhood and has been unable to ascertain the residence and address of said ROBERT SOMERVILLE, or determine whether he be living or dead, and if dead, who his heirs and devisees are, and complainant has procured an abstract of title on said land and has had it searched to determine any other claimants to said land, but has been unable to find same.

Complainant further avers that there is no suit pending to test his interest in or title to or possession of said land.

It is, therefore, ordered that the above mentioned Respondents plead, answer or demur to the bill of complaint by the 15<sup>th</sup> day of March, 1957, or suffer a decree pro confesso to be rendered against them.

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

Done at office this the 13<sup>th</sup> day of Feb, 1957.

Alice Duck  
ALICE DUCK, Register

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

I, the undersigned Alice Dock, 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 13  
day of Feb, 1957.

Alice Dock  
ALICE DOCK, Register

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 2-13-57 3 P. M  
Recorded L. P. book 4 page 341-3  
Mr. Stuart  
Judge of Probate  
2

W. I. EZELL,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Tract Number 3, Section 35,  
Township 6 South, Range 2 East,  
according to plat of River Park  
Fruit Company, recorded in Deed  
Book "U" page 199 of Baldwin  
County Probate Records; and  
Robert Somerville and against  
the heirs and devisees of the  
said Robert Somerville if he be  
dead; and against any and all  
persons claiming or reputed to  
claim any title to, interest in,  
or lien or encumbrance upon said  
land, or any part thereof,

RESPONDENTS .

NOTICE BY PUBLICATION

TO: ROBERT SOMERVILLE and/or his heirs, devisees and  
respectively, and to any and all persons claiming  
any title to, interest in, or lien or encumbrance  
upon the following described real estate or any  
part thereof and to all other persons; said real  
estate being situated in Baldwin County, State of  
Alabama, and described as follows;

Tract Number 3, Section 35, Township 6 South,  
Range 2 East, according to plat of the River Park  
Fruit Company, recorded in Deed Book "U" page 199  
of Baldwin County Probate Records.

TAKE NOTICE, that W. I. EZELL, has this the 8th day of  
~~January~~  
February, 1957, filed his verified bill of complaint in said Court  
against the above named ROBERT SOMERVILLE and against any and all  
persons claiming any title to, interest, in, encumbrance upon the  
above described real estate or any part thereof or interest there-  
in, and against all other persons, and against said lands for the  
purpose of establishing the title of said lands in the said W. I.  
EZELL and to clear up all doubts and disputes concerning the same  
and that said suit is now pending in said Court.

Complainant alleges in said bill of complaint that the title  
to said lands stands in the name of W. I. EZELL on the records in  
the office of the Judge of Probate of Baldwin County, Alabama, and  
said bill of complaint further alleges that W. I. EZELL claims  
title to said lands through and by virtue of a Quit-claim deed from  
WM. STENZEL, dated 17 October, 1939, and recorded in Deed Book 79,

Pages 165-166 of the Probate Records of Baldwin County, Alabama; the said WM. STENZEL having obtained a deed to said lands by Tax Deed from Henry S. Long, State Land Commissioner for the State of Alabama, which deed is recorded in Deed Book 63, pages 40-41 of the Probate Records of Baldwin County, Alabama, and dated 17 August, 1937, and that said W. I. Ezell had owned said lands continuously for more than ten years prior to date of filing the bill, and that complainant has assessed said property for taxes in the office of the County Tax Assessor each year to and including the year 1956 and that the complainant in this cause has each year, since the year 1939, paid the taxes on said real estate and that no one else has paid the taxes on said real estate for said period of time except the complainant and that no one has been in possession of said lands or any part thereof for ten years next before the filing of this bill of complaint, except the complainant in this cause.

The only person who could possibly have had any claim against said land is the Respondent, ROBERT SOMERVILLE, or his heirs and devisees, and complainant has made diligent search and inquiry, by making inquiries in the neighborhood and has been unable to ascertain the residence and address of said ROBERT SOMERVILLE, or determine whether he be living or dead, and if dead, who his heirs and devisees are, and complainant has procured an abstract of title on said land and has had it searched to determine any other claimants to said land, but has been unable to find same.

Complainant further avers that there is no suit pending to test his interest in or title to or possession of said land.

It is, therefore, ordered that the above mentioned Respondents plead, answer or demur to the bill of complaint by the 2nd. day of February, 1958, or suffer a decree pro confesso to be rendered against them.

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

Done at office this the 6<sup>th</sup> day of Dec 1957.

  
ALICE DUCK, Register

To be published once a week for 4 weeks on the 12th, 19th, 26th, of December, 1957 and the 2nd of January, 1958.

W. I. EZELL,

COMPLAINANT

VS.

CERTAIN LANDS, et al,

RESPONDENTS

I  
I  
I  
I  
I

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


It appearing to the Complainant that there are unknown heirs that may be under the age of twenty-one (21) years, or in the Armed Forces of the United States, and that their interests should be represented by a guardian ad litem and an attorney ad litem;

It is therefore, ORDERED, ADJUDGED and DECREED that JOHN V. DUCK, Esquire, Attorney-at-Law, Fairhope, Alabama, be appointed as such guardian ad litem and attorney ad litem to represent the interests of such unknown heirs.

Done this the 11 day of Feb, 1958.

  
ALICE DUCK, Register.

I, JOHN V. DUCK, Attorney-at-Law, hereby consent to act as guardian ad litem and attorney ad litem in the above styled cause.

  
JOHN V. DUCK,  
Attorney-at-Law.

W. I. EZELL,

Complainant,

-VS-

CERTAIN LANDS, et al,

Respondent.

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

W. I. EZELL,

COMPLAINANT

VS.

CERTAIN LANDS, et al.

RESPONDENTS

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

Comes the complaintant, W. I. EZELL, and shows to the Court that publication has been completed, in accordance with the certificate of the Fairhope Courier filed in this cause and that the time for pleading has elapsed; therefore, plaintiff moved that a Decree Pro Confesso in this cause be rendered against the land, and the defendants, ROBERT SOMERVILLE, then known as the ROBERT SOMERVILLE, if deceased, and any and all persons claiming any title thereto, interest therein, or lien, or encumbrance upon said lands or any part thereof.

  
\_\_\_\_\_  
E. G. RICKARBY  
Attorney for Complainant

*filed 2-11-58*  
*Alice J. Luck, Reg*



W. I. EZELL,

Complainant,

-VS-

CERTAIN LANDS, et al,

Respondents

MOTION FOR DECREE PRO CON-  
FESSO

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*Ezell*  
*2-11-58 of W.I. Ezell*  
*W.I. Ezell*

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

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

W. I. EZELL

Complainant

Vs.

CERTAIN LANDS, et al.

Defendant

In this cause it appears to the Register Alice Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 12th. day of December, 1958, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the \_\_\_\_\_ day of \_\_\_\_\_ 1958 and recorded at Office of Judge of Probate, Baldwin County, Alabama on the 6th day of December, 1957.

And it now further appearing to the Register Alice Duck that the said ROBERT SOMERVILLE and UNKNOWN HEIRS

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant \_\_\_\_\_, ordered and decreed by the Register Alice Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said ROBERT SOMERVILLE and UNKNOWN HEIRS

This 11 day of Feb 1958

Alice Duck Register.

No. \_\_\_\_\_ 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.

3912