(4333)

BOOK 155 PAGE 466

1,000—11-47

ORIGINAL

No. 14801

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 22 day of April, A. D. 19 29 the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from M. E. Russ the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 27 day of May, 19 29, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Three Hundred and No/100 ($300.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by Wm. J. Watson and Tilford Blackmon to purchase said lands, and said sum of Three Hundred and No/100 ($300.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Wm. J. Watson and Tilford Blackmon, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

Lots 20, 21 and 22, Block 5, Highland Grove Add. to Scherbendale.

STATE OF ALABAMA, BALDWIN CO.
Filed 2-1-50 ..... 10A.
Recorded Vol. ..... page 466
and I certify that the following Fees have been paid,
Deed Tax 75
Mortgage Tax .....
Judge of Probate
By ..... Clerk

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Wm. J. Watson and Tilford Blackmon and their heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 26 day of July, 19 50.

STATE LAND COMMISSIONER OF ALABAMA,

Approved: John Patterson
Governor

By ..... State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY,

I, Mary Slade, a Notary Public in and for said County, in said State, hereby certify that Roy E. Slade, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 26 day of July, 19 50

Mary Slade, Notary Public

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing One photostatic pages contain a full, true and complete copy of the Tax Deed from A.M. Russ to William J. Watson and Tilford Blackmon.

as the same appears of record in my office in Deed Book No. 155 page 466.

Given under my hand and seal of office, this 7th day of October, 1958

W. R. Stuart
Judge of Probate.

MOORE PRINTING CO., BAY MINETTE, ALA.

The United States of America

To all to whom these presents shall come Greeting:

Whereas, in pursuance of the Act of Congress approved March 3, 1855, entitled an Act in addition to certain Acts granting Bounty land to certain Officers and Soldiers who have been engaged in the Military Service of the United States," there has been deposited in the General Land Office Warrant No. 42,759 for 80 acres in favor of Zachariah D. Cross, Private, Captain Pettigrew's Company Georgia Militia, Chorokee Removal with evidence that the same has been duly located upon the East half of the South East quarter of Section 34 in Township 21 South of Range four East, in the district of lands subject to sale at St. Stephens Alabama, containing Eighty acres and fifteen hundredths of an acre, according to the Official Plat of the Survey of the said land returned to the General Land Office by the Surveyor General the said Warrant having been assigned by the said Zachariah D. Cross to Robert C. Baker and Stephen W. Potts, in whose favor said land has been located,

Now Know Ye that there is, therefore, granted by the United States unto the said Robert C. Baker and Stephen W. Potts as assignees as aforesaid and to their heirs the said tract of land above described: To Have and to hold the said tract of land, with the appurtenances thereof, unto the said Robert C. Baker and Stephen W. Potts as assignees as aforesaid and to their heirs and assigns forever.

In testimony whereof, I, James Buchanan, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the fifteenth day of August, in the year of our Lord one thousand eight hundred and sixty, and of the Independence of the United States the Eighty fifth.

By the President: James Buchanan

By J. C. E. Leonard, Secy.

J. M. Edwards, Recorder of the General Land Office.

Recorded Vol 6, Pat. Page 155

Warrant Volume

Filed for Record June 8th 1899

Recorded June 14th 1899

Chas. Hume Judge of Probate

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing one photostatic pages contain a full, true and complete copy of the Patent from the United States of America to Robert A. Baker and Stephen M. Potts.

as the same appears of record in my office in Deed Book No. Z page 181.

Given under my hand and seal of office, this 7th day of October, 19 58

W. R. Stuart
Judge of Probate.

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA)

COUNTY OF BALDWIN)

KNOW ALL MEN BY THESE PRESENTS that William J. Watson and Georgia M. Watson, his wife, and Tilford Blackmon and Voncile Blackmon, his wife, the grantors, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable considerations, hereby acknowledged to have been paid to the said grantors by Duncan Turnbull and Alice W. Turnbull, the grantees, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said grantees, and the survivor of them, all their right, title and interest in and to that real property in the County of Baldwin, State of Alabama, described as follows:

PARCEL "A"
Lot 23, Block 2, and Lot 27, Block 7, Palmetto Beach (Sub A), according to plat thereof recorded in Map Book 1, page 32, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "B"
Lots 10, 11, 12, 15 and 5, Block 6; Lot 5, Block 5; and Lot 16, Block 35, Perdido Beach, according to plat thereof recorded in Map Book 1, page 63, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "C"
Lot 6, Block 2, Dryers Subdivision to Daphne, according to plat thereof recorded in Map Book 1, page 98, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "D"
Lots 3 and 5 of M. Elizabeth Dunn Subdivision, according to plat thereof recorded in Map Book 1, page 99, of the records in the office of the Judge of Probate, Baldwin County, Alabama; LESS one-half interest in all gas, oil and mineral rights, together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "E"
Lot 12, Block 76, Park City Subdivision, according to plat thereof recorded in Miscellaneous Book 1, pages 230-287, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "F"
Lots 28 and 29, Block 2, Fifth Subdivision, Chicago Gulf Beach, according to plat thereof recorded in Miscellaneous Book 1, page 254, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "G"
Lots 6 and 7, Block "E", Fish River Shores, according to plat thereof recorded in Map Book 1, page 78, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "H"
Lots 20, 21 and 22, Block 5, Stoddard Grove Addition to Robertsdale, according to plat thereof recorded in Map Book 1, page 86, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "I"
Lot 6, Block 17, and Lot 23, Block 43, Summerdale, according to plat thereof recorded in Map Book 1, page 21, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "J"
Lot 2, Block 12, Lillian (Plat 1), according to plat thereof recorded in Miscellaneous Book 1, page 294, of the records in the office of the Judge of Probate, Baldwin County, Alabama.

PARCEL "K"
One-half interest in West one-half of Northwest Quarter of Northeast Quarter of Southwest Quarter, Section 23, Township 8 South, Range 4 East. Containing 5 acres.

PARCEL "L"
Fractional Northeast Quarter of Southwest Quarter, Section 33, Township 4 North, Range 4 East, containing 14 acres, more or less; LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "M"
Begin at a stake 1645 feet South and 98.7 feet West of Northwest corner of Northeast Quarter, Fractional Section 20, Township 6 South, Range 2 East, run West 209 feet, thence South 209 feet, East 209 feet, thence North 209 feet to point of beginning, Section 20, Township 6 South, Range 2 East. Containing 1 acre.

PARCEL "N"
Northeast Quarter of Northeast Quarter of Southwest Quarter, Section 12, Township 5 South, Range 2 East. Containing 10 acres.

PARCEL "O"
Begin at the Northwest corner of Northeast Quarter of Southeast Quarter, Section 26, Township 1 North, Range 4 East; run East 420 feet; South 420 feet; West 420 feet; North 420 feet to point of beginning, Section 26, Township 1 North, Range 4 East, containing 4 acres; LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "P"
Northeast Quarter of Southeast Quarter of Southeast Quarter, Section 6, Township 1 South, Range 4 East, containing 10 acres, LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "Q"
West one-half of Southwest Quarter of Northwest Quarter, Section 32, Township 1 North, Range 4 East, containing 20 acres; LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "R"
From center of Fractional Section 31, Township 6 South, Range 2 East, run East 840 feet for beginning corner; thence East 276 feet; thence North 210 feet; West 276 feet; South 210 feet to point of beginning, Section 31, Township 6 South, Range 2 East. Containing 1.30 acres.

PARCEL "S"
Begin at Southeast corner of Section 21, Township 1 North, Range 2 East, run West 18.96 chains; North 6.32 chains to a stake in middle of branch; thence East 18.96 chains to stake on South margin of said branch; thence South 6.32 chains to beginning, Section 21, Township 1 North, Range 2 East, containing 11.70 acres, more or less; LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "T"
North One-half of Northwest Quarter of Southwest Quarter of Southeast Quarter, Section 21, Township 6 South, Range 6 East, containing 5 acres; LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

PARCEL "U"
Begin at the Northeast corner of Southeast Quarter, Section 35, Township 4 South, Range 5 East, thence West 315 feet; North 315 feet; East 315 feet; South 315 feet to beginning, Section 35, Township 4 South, Range 5 East. Containing 2 acres.

PARCEL "V"
Commence at the Southwest corner of Northwest Quarter of Southwest Quarter, Section 4, Township 8 South, Range 5 East; run East 950 feet, North 600 feet; West 950 feet; South 600 feet to point of beginning, Section 4, Township 8 South, Range 5 East, containing 13 acres, more or less; LESS one-half interest in all gas, oil and mineral rights together with the privilege of ingress and egress for the purpose of exploring for, drilling and removal of same.

together with all and singular the rights, privileges, tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining;

TO HAVE AND TO HOLD the same unto the said grantees during their joint lives, and upon the death of either of them, then to the survivor of them in fee simple, and the the heirs and assigns of such survivor, forever.

IN WITNESS WHEREOF, the grantors have hereunto set their hands

and seals on this the 28th day of April, 1958.

Wm. J. Watson (SEAL)
William J. Watson

Georgia M. Watson (SEAL)
Georgia M. Watson

Tilford Blackmon (SEAL)
Tilford Blackmon

Voncile Blackmon (SEAL)
Voncile Blackmon

BOOK 265 PAGE 168

State of Alabama)
County of Butler)

I, the undersigned notary public in and for said state and county, hereby certify that William J. Watson, Georgia M. Watson, Tilford Blackmon and Voncile Blackmon, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same bears date.

Given under my hand and notarial seal this 28th day of April 1958.

Ike D. Lord
Notary Public, Butler County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-5-58 8 AM
Recorded _____ Book _____ Page _____
and I certify that the following Privilege Tax has been paid.
Deed Tax 50
Mortgage Tax _____
Judge of Probate
By _____

The State of Alabama,
Baldwin County

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify that the within and foregoing four photostatic pages contain a full, true and complete copy of the Deed from William J. Watson and Georgia M. Watson, his wife, and Tilford Blackmon and Voncile Blackmon, his wife, to Duncan Turnbull and Alice W. Turnbull.

as the same appears of record in my office in Deed Book No. 265 pages 165-168.

Given under my hand and seal of office, this 7th day of October, 19 58

W. R. Stuart
Judge of Probate.

MOORE PRINTING CO., BAY MINETTE, ALA.

The Fairhope Courier

Publishers and Printers

ESTABLISHED 1894 | E. B. GASTON ESTATE, PUBLISHERS | P. O. BOX 268 | PHONE WA 8-9188

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 July 3 - 10 - 17 - 24, 1958.

Frances H. Crawford

Editor

State of Alabama
County of Baldwin

Sworn to and subscribed this 1st day of Aug A. D. 1958, befofe me.

Notary Public, Baldwin County

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

versus

ROBERT A. BAKER, A. H. RUSS, FRANCES G. RUSS, KATHERINE S. HAYSELDON, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:

Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 86;

and any and all other persons or corporations claiming any title to or interest in the above described real property,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

LEGAL NOTICE

Notice if hereby given to Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon, if living, or their heirs and devisees, if deceased, and to all unknown persons, firms or corporations claiming any title to, interests in, lien or encumbrances upon the lands described above, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by Duncan Turnbull and Alice W. Turnbull against the following described lands:

> LOTS 20, 21 and 22 in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, page 86.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right of title to such lands and to clear up all doubts or disputes concerning the same.

The Complainants claim title to said lands under and by virtue of deed of conveyance executed in favor of the Complainants by William J. Watson and Georgia M. Watson, his wife, and Tilford Blackmon

and Voncile Blackmon, his wife, and dated April 28, 1958, filed for record May 5, 1958 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 265 at pages 165-68.

The Complainants allege that they know of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the term of ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainants and their predecessors in title within said period.

It is therefore ordered that publication of this notice be made in the Fairhope Courier, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest in, or lien or encumbrances upon the above described real estate, or any part thereof, be, and they are hereby requied to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice verified by the 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 this the 30th day of June, 1958 at my office.

/S/ Alice J. Duck
ALICE J. DUCK, REGISTER

Ernest M. Bailey
Attorney for Complainant

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-16-58 2:30 P.M
Recorded Lis Pend book 4 page 457-8
I M. P. Stuart
Judge of Probate

BOOK 004 PAGE 438

and Vonnie Blackmon, his wife, and dated April 28, 1958, filed for record May 3, 1958 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 265 at pages 165-66.

The Complainants allege that they know of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the term of ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainants and their predecessors in title during said period.

It is therefore ordered that publication of this notice be made in the Fairhope Courier, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and all and all persons claiming title, interest in, or lien or encumbrance upon the above described real estate or any part thereof, be, and they are hereby required to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice verified by the 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 this the 30th day of June, 1959 at my office.

/s/ Alice J. Buck
ALICE J. BUCK, REGISTER

STATE OF ALABAMA, BALDWIN COUNTY
Filed 7-16-59 3:35 P.M.
Recorded Misc Book 4 page 432-3
Judge of Probate

Ernest M. Bailey
Attorney for Complainant

Notice
Duncan Alice M.
vs
Calvin Lane et al
Robert A. Bettersworth
Robert Reinhardt
Alan Russ
Francis G. Hall
Hugh Tilden
Vonnie Blackmon
Robert Owen
Mrs Owen

16

2-3-57

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	CASE NO. 4333
Respondents	)	

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of the Complaints upon the following:

1. Original verified Bill of Complaint.

2. Order designating newspaper in which notice of pendency of Bill of Complaint shall be published.

3. Notice of pendency of Bill of Complaint.

4. Proof of publication of notice of pendency of Bill of Complaint.

5. Motion for Decree Pro Confesso.

6. Decree Pro Confesso.

7. Motion of Complainants for an Order or Decree setting cause for hearing, appointing a Guardian Ad Litem to represent unknown minors and person of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the military services of the United States.

8. Decree dated Sept. 19th, 1958, setting this cause for hearing on this date, appointing John V. Duck as guardian ad litem to represent any unknown minors and persons of unsound mind interested in this proceeding, and as attorney to represent any persons interested in this proceeding who may be in the military services of the United States, and ordering that the testimony of the witnesses for the Complainants be taken before a commissioner as prescribed by Equity rules, as amended, and Order of the Court appointing Helen Bailey as commissioner to take such testimony.

9. Notice of appointment of Guardian Ad Litem and Attorney to represent parties in military service and acceptance of such appointment.

10. Answer of Guardian Ad Litem and Attorney for unknown parties interested in this proceeding who may be in the military services of the United States.

11. Testimony of Duncan Turnbull and Earl Pennington, witnesses for the Complainants, taken by commissioner as provided.

Exhibits numbered one, two and three to testimony of witnesses of the Complainants.

Dated this the 9th day of October, 1958.

REGISTER

SOLICITOR FOR COMPLAINANTS

GUARDIAN AD LITEM AND ATTORNEY FOR
UNKNOWN PARTIES WHO MAY BE IN THE
MILITARY SERVICE OF THE UNITED STATES.

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents

NOTE OF TESTIMONY

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER 4333

filed 10/3/58

COMMISSION TO TAKE DEPOSITIONS B.T.-500-11-54

THE STATE OF ALABAMA
Baldwin County } Circuit Court

TO: Helen Bailey

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Duncan Turnbull and Earl Pennington

a witnesses in behalf of Complainants in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Duncan Turnbull and Alice W. Turnbull

are the Complainants

and Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon

are the Respondents

on oath, to be by you administered, upon Duncan Turnbull and Earl Pennington to take and certify the depositions of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 2nd day of October, 1958

Alice J. Warick
Register.

Commissioner's Fee, $

Witness' Fees, $

No._____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

DUNCAN TURNBULL

and

ALICE W. TURNBULL

Complainant S

VS.

THE LANDS AND PARTIES

HEREINAFTER NAMED

Defendant S

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:
HELEN BAILEY

WITNESSES:
DUNCAN TURNBULL

EARL PENNINGTON

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

ROBERT A. BAKER, A. H.
RUSS, FRANCES G. RUSS,
KATHERINE S. HAYSELDON,
if living, or their heirs
and devisees, if deceased,
and the following described
property situated in Bald-
win County, Alabama, to-wit:

Lots numbered 20, 21 and 22,
in Block 5 of the Stoddard
Grove Addition to the Town
of Robertsdale, Alabama,
according to plat thereof
recorded in the office of the
Judge of Probate of Baldwin
County, Alabama, in Map Book
1, page 86;

and any and all other persons
or corporations claiming any
title to or interest in the
real property described above,

Respondents

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NO. 4333

BOOK 271 PAGE 86

FINAL DECREE

This cause coming on to be heard this the 9 day of October, 1958, is submitted for final decree upon Complainants' verified Bill of Complaint and upon the Decree Pro Confesso rendered therein against Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon after publication, and the answer of the guardian ad litem, and the testimony of Duncan Turnbull and Earl Pennington taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof as noted by the Register; and it appearing to the satisfaction of the Court:

1. That the Complainants, Duncan Turnbull and Alice W. Turnbull, at the time of their filing of their Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in actual, peaceful possession of the following described lands lying and being situated in the County of Baldwin, State of Alabama and more particularly described as follows:

Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, Page 86.

2. That at the time of the filing of the said Bill of Complaint no suit was pending to test their title to, interest in or their right to the possession of the said lands.

3. That their said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest in and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainants executed diligent efforts to ascertain the facts with regard to the Respondents and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four consecutive weeks in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a Lis Pendens in the Office of the Judge of Probate of said County, and that said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said cause.

9. That a guardian ad litem and an attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainants have established, as shown by legal evidence, that they are the owners in fee simple title of said lands.

11. The Complainants' title to said lands is hereby quieted against Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon, if living, and against their heirs or devisees, if deceased, and against any and all persons, firms or corporations claim-

ing any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

12. That all the allegations of fact contained in the Complainants Bill of Complaint are true.

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are the owners of said lands and have the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of the Probate Court of Baldwin County, Alabama, and that it be indexed in the names of Duncan Turnbull and Alice W. Turnbull in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 9th day of October, 1958.

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 9 day of Oct, 1958

Alice J. Duck
Register of Circuit Court, in Equity

ALICE J. DUCK REGISTER CIRCUIT COURT SEAL BALDWIN COUNTY

STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-14-58 10 A.M.
Recorded Dud Book 271 Page 86-8
M E Stuart
Judge of Probate

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
ROBERT A. BAKER, A. H. RUSS, FRANCES G. RUSS, KATHERINE S. HAYSELDON, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:	)	CASE NO. 4333
Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 86;		
and any and all other persons or corporations claiming any title to or interest in the real property described above,		
Respondents		

FINAL DECREE

This cause coming on to be heard this the 9 day of October, 1958, is submitted for final decree upon Complainants' verified Bill of Complaint and upon the Decree Pro Confesso rendered therein against Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon after publication, and the answer of the guardian ad litem, and the testimony of Duncan Turnbull and Earl Pennington taken orally before the Commissioner duly appointed by the Register, and the pleadings and proof as noted by the Register; and it appearing to the satisfaction of the Court:

1. That the Complainants, Duncan Turnbull and Alice W. Turnbull, at the time of their filing of their Bill of Complaint in this cause, claimed in their own right a fee simple title to, and were, in actual, peaceful possession of the following described lands lying and being situated in the County of Baldwin, State of Alabama and more particularly described as follows:

Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, Page 86.

2. That at the time of the filing of the said Bill of Complaint no suit was pending to test their title to, interest in or their right to the possession of the said lands.

3. That their said Bill of Complaint was and is duly verified and was filed against said lands, and was to establish the right or title to such lands or interest in and to clear up all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of Article 2 of Title 7 of the 1940 Code of Alabama, as amended.

4. That the Complainants executed diligent efforts to ascertain the facts with regard to the Respondents and to give notice of the pendency of the said Bill of Complaint.

5. That notice of the pendency of said Bill of Complaint was drawn and signed by the Register of the Court and said Register did have said notice published once a week for four consecutive weeks in The Fairhope Courier, a newspaper having general circulation and published in the County of Baldwin, Alabama, and authorized by order made in this cause.

6. That a copy of said notice certified by the Register of this Court as being correct was recorded as a Lis Pendens in the Office of the Judge of Probate of said County, and that said notice being in strict accord and compliance with the law.

7. That it has been more than sixty (60) days since the first publication of said notice and the filing of a certified copy of said notice in the Office of the Judge of Probate of said County where the said lands lie.

8. That no person has intervened in said cause.

9. That a guardian ad litem and an attorney ad litem have been appointed and accepted service and filed an answer in said cause to protect the rights of appropriate parties in said matter.

10. That the Complainants have established, as shown by legal evidence, that they are the owners in fee simple title of said lands.

11. The Complainants' title to said lands is hereby quieted against Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon, if living, and against their heirs or devisees, if deceased, and against any and all persons, firms or corporations claim-

ing any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

12. That all the allegations of fact contained in the Complainants Bill of Complaint are true.

It is therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Complainants are the owners of said lands and have the fee simple title thereto, free of all liens and encumbrances, and that all doubts and disputes concerning the same are hereby cleared up.

It is further ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be renorded in the Office of the Judge of the Probate Court of Baldwin County, Alabama, and that it be indexed in the names of Duncan Turnbull and Alice W. Turnbull in both the Direct Index and the Indirect Index of the Records thereof.

DONE this the 9th day of October, 1958.

Hubert M Hale
JUDGE

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREIN DESCRIBED,

Respondents

DECREE

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NUMBER 4333

FILED

OCT 9 1958

ALICE J. DUCK, ~~CLERK~~ REGISTER

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainant	)	BALDWIN COUNTY, ALABAMA
versus	)	IN EQUITY
ROBERT A. BAKER, A. H. RUSS, FRANCES G. RUSS, KATHERINE S. HAYSELDON, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:	)	
Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 86;		
and any and all other persons or corporations claiming any title to or interest in the above described real property,		
Respondents		

BILL OF COMPLAINT

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

Comes your Complainants, Duncan Turnbull and Alice W. Turnbull, and respectfully show unto the Court as follows:

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

2. That so far as your Complainants know the Respondents are over the ages of twenty-one years; that the addresses of the Respondents named in the Bill of Complaint are unknown to your Complainants and cannot be ascertained with reasonable and diligent efforts; that your Complainants, through their attorney, have examined an Abstract of Title relating to the said lands and these records indicate that the only possible claimants are the Respondents named in the Bill of Complaint or their heirs and devisees, if any. Complainants aver that they do not know of any other person, firm or corporation who claims the land that is the subject of this suit, or any title to, interest in, lien or encumbrances thereon or any

part thereof other than the within named Respondents.

3. That the lands in question are situated in Baldwin County, Alabama, and more particularly described as follows, to-wit:

Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, at page 86.

4. The Complainants claim in their own right the entire fee simple title in and to the above described real estate, and in support of such fee simple title, they aver that the property was purchased for a valuable consideration as evidenced by the following deed of conveyance:

a. Deed of Conveyance executed in favor of the Complainants by William J. Watson and Georgia M. Watson, his wife, and Tilford Blackmon and Voncile Blackmon, his wife, dated April 28, 1958 and filed for record May 5, 1958 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 265 at pages 165-68.

5. Complainants are now and have been, and their predecessors in title have been, in open, notorious, continuous, peaceable and adverse possession of the said lands for more than ten (10) years preceeding the filing of this Bill, and that for more than ten (10) years preceeding the filing of this Bill no one other than the Complainants or their predecessors in title have assessed or paid taxes on the said property.

6. Complainants further aver that there is no suit pending contesting the title to said real estate or their interest in or right of possession of the same.

The premises considered, the Complainants files this their verified Bill of Complaint against the lands herein described and against Robert A. Baker, A. H. Russ, Frances G. Russ, Katherine S. Hayseldon, if living, or against their heirs or devisees, if deceased, and against all other persons claiming any interest in, title to, lien or encumbrance upon said property or any part thereof, for the purpose of establishing Complainants right of title to said lands, and to clear up all doubts or disputes concerning the same, and Complainants further pray that process be served on the parties hereinabove named or publication be made, requiring them

to plead, answer or demur to the same within the time required by law, or a Decree Pro Confesso be entered against them, and Complainants further pray that notice be filed in the Lis Pendens records of the Probate Court Office as required by law, and Complainants pray that this Court forthwith appoint a Guardian Ad Litem to represent such of said Respondents who may at this time be under the age of twenty-one years, or who may be incompetent, or who may be in the Armed Services of the United States of America. Complainants further pray that the Court find that the rights or interest of all parties to this suit are before the Court, and will be finally adjudicated by this Court's decrees. Complainants further pray that the Court make and enter all decrees, orders, and judgments which may be meet and proper in the premises and that upon a hearing this Court will find, decide and decree that the Complainants are the owners in fee simple title in and to all the real estate hereinabove mentioned and described. Complainants further pray that if they are mistaken in the relief prayed for, this Court will grant such other, further , additional or different relief as may appear to the Court to be just and equitable.

Ernest M. Bailey
ATTORNEY FOR COMPLAINANT

STATE OF ALABAMA)
)
BALDWIN COUNTY)

Before me, the undersigned notary public in and for said State and County, personally appeared Duncan Turnbull and Alice W. Turnbull, who, being by me first duly sworn, depose and state that the facts alleged in the foregoing instrument are true.

Duncan Turnbull
DUNCAN TURNBULL

Alice W. Turnbull
ALICE W. TURNBULL

Subscribed and sworn to before me this the 30th day of June, 1958.

Ernest M. Bailey
NOTARY PUBLIC

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
ROBERT A. BAKER, et al, AND CERTAIN LANDS,	)	CASE NUMBER: 4333
Respondents	)	

CERTIFICATE

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify as follows:

1. The Notice of Pendency of Bill of Complaint in this cause was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on July 16 th, 1958.

2. Notice of Pendency of Bill of Complaint in this cause was published once a week for four consecutive weeks in the Fairhope Courier, a newspaper published in Fairhope in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on July 3- 10- 17- 24, 1958, 1958.

3. A copy of the Notice of Pendency of Bill of Complaint was posted at the front door of the courthouse of Baldwin County, Alabama, on June 30, 1958.

Dated this the 19 th day of September, 1958.

Alice J. Duck
REGISTER

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED

CERTIFICATE

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER 4333

DECREE PRO CONFESSO OF PUBLICATION B.T.-10-46-200

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. 4333 _____, Term, 1958

DUNCAN TURNBULL and ALICE W. TURNBULL Complainants

Vs.

ROBERT A. BAKER, A. H. RUSS, FRANCES G. RUSS and KATHERINE S. HAYSELDON Defendants

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 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 _____

And it now further appearing to the Register Alice J. Duck, that the said

ROBERT A. BAKER
A. H. RUSS
FRANCES G. RUSS
KATHERINE S. HAYSELDON

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 Complainants, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon

This 19th day of September, 1958.

Alice J. Duck, Register.

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER NAMED,	)	CASE NUMBER 4333
Respondents		

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon, if living, and against their heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, on the grounds that Notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in The Fairhope Courier, a newspaper published in said County, which notice appeared in the issues of said paper which was published July 3- 10- 17- 24, 1958, and which notice contained a provision requiring all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in said notice, or any part thereof, which are the lands described in said Bill of Complaint, which was filed in this cause, must appear in this Court and plead, answer or demur to the Bill of Complaint before the legal time or at the expiration of thirty days from said date decrees pro confesso would be taken against them, and thirty days having expired since July 25 th 1958, and no person, firm or corporation named above has appeared in this cause, the Complainants are entitled to a decree pro confesso against all persons, firms or corporation named above. Complainants further show unto Register that a copy of Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the courthouse of Baldwin County, Alabama on the 30th day of June, 1958.

WHEREFORE, the Complainants move the Register to make and enter a Decree Pro Confesso against the above named Respondents and each of them.

DATED this the 19th day of September, 1958.

Edmund W. Boykin

SOLICITOR FOR COMPLAINANTS

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER NAMED,

Respondents

MOTION FOR DECREE PRO
CONFESSO

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER 4333

filed 9-19-58
Alice J. Welch
Register

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
Complainants	)	IN EQUITY
versus		
ROBERT A. BAKER, A. H. RUSS, FRANCES G. RUSS, KATHERINE S. HAYSELDON, if living, or their heirs and devisees, if deceased, and the following described property situated in Baldwin County, Alabama, to-wit:		

Lots numbered 20, 21 and 22, in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 86;

and any and all other persons or corporations claiming any title to or interest in the above described real property,

Respondents

LEGAL NOTICE

Notice if hereby given to Robert A. Baker, A. H. Russ, Frances G. Russ and Katherine S. Hayseldon, if living, or their heirs and devisees, if deceased, and to all unknown persons, firms or corporations claiming any title to, interests in, lien or encumbrances upon the lands described above, or any part thereof, that in the Circuit Court of Baldwin County, Alabama, in Equity, there is pending a verified Bill of Complaint filed by Duncan Turnbull and Alice W. Turnbull against the following described lands:

> LOTS 20, 21 and 22 in Block 5 of the Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama in Map Book 1, page 86.

And against any and all persons claiming any title thereto or interest therein or lien or encumbrance upon the said lands or any part thereof, said Bill being filed to establish the right of title to such lands and to clear up all doubts or disputes concerning the same.

The Complainants claim title to said lands under and by virtue of deed of conveyance executed in favor of the Complainants by William J. Watson and Georgia M. Watson, his wife, and Tilford Blackmon

and Voncile Blackmon, his wife, and dated April 28, 1958, filed for record May 5, 1958 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 265 at pages 165-68.

The Complainants allege that they know of no one who has paid taxes on said lands, or who has been in possession of the same or any part thereof within the term of ten (10) years next preceding the filing of the Bill of Complaint, excepting Complainants and their predecessors in title within said period.

It is therefore ordered that publication of this notice be made in the Fairhope Courier, a newspaper of general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons claiming title to, interest in, or lien or encumbrances upon the above described real estate, or any part thereof, be, and they are hereby requied to plead, answer or demur to the Bill of Complaint within the time required by law in this cause.

It is further ordered that a copy of this notice verified by the 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 this the 30th day of June, 1958 at my office.

/S/ Alice J. Duck
ALICE J. DUCK, REGISTER

Ernest M. Bailey
Attorney for Complainant

Duncan Turnbull
Alice W. Turnbull
Complainants

vs

Robert A. Baker
et al and Certain
Lands.

Legal Notice

filed 6-30-58
Alice J. Duck,
Register

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	CASE NO. 4333
Respondents	)	

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainants, Duncan Turnbull and Alice W. Turnbull, that the Defendants may be unknonw minors, insane parties or parties in the military services; and it further appearing that _____, an Attorney at Law, is in all respects a suitable person to act as Guardian Ad Litem for such parties; and the said _____, having filed his consent in writing to act as such;

It is therefore ordered by the Register of said Court that the said _____ be and the same hereby is appointed Guardian Ad Litem in this cause for the said parties.

Witness my hand this the 19 day of Sept, 1958.

_____
REGISTER

CONSENT TO ACT

I, _____, hereby accept the above appointment as Guardian Ad Litem, and consent to act as such in the above cause.

Witness my hand this the 19 day of Sept, 1958.

_____

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents

APPOINTMENT AND CONSENT
OF GUARDIAN AD LITEM

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER 4333

Filed 9-19-56
[illegible]
Reg.

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	CASE NO. 4333
Respondents	)	

MOTION

Now comes the Complainants by their Solicitor and shows unto the Court that all of the Respondents named in the Bill of Complaint filed in this cause have suffered a decree pro confesso to be taken against them.

Wherefore, Complainants pray that the Court will make and enter a proper order or decree setting this cause for hearing, appointing a guardian ad litem to represent any unknown minors or persons of unsound mind interested in this proceeding and an attorney to represent any parties interested in this proceeding who may be in the military services, and prescribing the taking of testimony in this cause.

Emmet L. Smith
SOLICITOR FOR COMPLAINANTS

Filed
9-19-58

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents

MOTION

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER 4333

Filed 9-19-58
[illegible]
[illegible]

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER NAMED,	)	CASE NO: 4333
Respondents	)	

ANSWER OF GUARDIA_N AD LITEM

Comes all unknown minors and insane parties, as well as all persons who might be in the military services of the United States, by their Guardian Ad Litem _____, and for answer to the Bill of Complaint filed in the above cause, denies each and every allegation of said Bill and demands strict proof.

Guardian Ad Litem and Attorney representing parties in military services.

CERTIFICATE

I do hereby certify that I have served a copy of the above on Ernest M. Bailey, Attorney for the Complainants, by delivery, on this the 2 day of Oct, 1958.

Guardian Ad Litem and Attorney representing parties in the military services.

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents

ANSWER OF GUARDIAN AD
LITEM

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER: 4333

Filed 10-2-58
Lucille Mack
Reg.

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
THE LANDS AND PARTIES HEREINAFTER DESCRIBED,	)	CASE NO. 4333
Respondents	)	

DECREE

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

1. This cause shall be and it i s hereby set for hearing at _____ o'clock ___M., on the 9th day of October, 1958.

2. John V. Duck, an attorney at law, and solicitor in chancery, practicing in Baldwin County, Alabama shall be and is hereby appointed as a fit and proper person to be guardian ad litem to represent any minors or persons of unsound mind interested in this proceeding.

3. John V. Duck, an attorney at law and solicitor in chancery, practicing in Baldwin County, Alabama shall be and he is hereby appointed as attorney to represent any persons interested in this proceeding who may be in the military services of the United States.

4. Testimony of the witnesses for Complainants shall be taken by commissioner as prescribed by Equity rules, asamended.

ORDERED, ADJUDGED AND DECREED on this the 19th day of September, 1958.

Hubert M Hall
JUDGE

DUNCAN TURNBULL and
ALICE W. TURNBULL,

Complainants

vs.

THE LANDS AND PARTIES
HEREINAFTER DESCRIBED,

Respondents

DECREE SETTING HEARING

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NUMBER 4333

DUNCAN TURNBULL and ALICE W. TURNBULL,	)	IN THE CIRCUIT COURT OF
		BALDWIN COUNTY, ALABAMA
Complainants	)	IN EQUITY
vs.		
	)	CASE NUMBER 4333
THE LANDS AND PARTIES HEREINAFTER NAMED,		
Respondents		

MR. BAILEY: First, we would like to introduce in evidence certified copy of Patent from the U. S. A. to Robert A. Baker and Steven M. Potts dated August 15, 1860, recorded in Deed Book Z, page 181, Baldwin County Records as Complainants' Exhibit "1".

Second, we would like to introduce certified copy of deed of conveyance executed to Complainants by William J. Watson and Georgia M. Watson, his wife, and Tilford Blackmon and Voncile Blackmon, his wife, dated April 28, 1958 and recorded in Deed Book 265, pages 165-8, Baldwin County Records as Complainants Exhibit "2".

Third, we would like to introduce certified copy of deed of conveyance executed in favor of William J. Watson and Tilford Blackmon by A. H. Russ through Roy E. Blair, State Land Commissioner of Alabama, dated July 26, 1950 and recorded in Deed Book 155, page 466, Baldwin County Probate Records as Complainants Exhibit "3".

MR. DUNCAN TURNBULL, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Q. State your name and address.

A. Duncan Turnbull, Point Clear, Alabama.

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

A. Yes.

Q. Mr. Turnbull, how long have you known the property involved in these proceedings, that is, Lots 20, 21 and 22 of Block 5, Stoddard Grove Addition to the Town of Robertsdale, Alabama, according to plat of the same recorded in Map Book 1, Page 86, Baldwin County Records?

A. I have been acquainted with the property approximately ten years, and knew the property when it was sold to William J. Watson and Tilford Blackmon.

Q. Do you know from what source Watson and Blackmon derived their title?

A. Yes. They purchased the property at tax sale in July of 1950 and paid the taxes on the property for the years from 1933.

Q. Do you know what evidence of possession Watson and Blackmon exerted over the property?

A. Yes. They paid the taxes and claimed the ownership of the property since the date of purchase and paid the back taxes that were due to the Tax Collector.

Q. In your opinion, has their ownership been open, notorious and adverse to any claimant?

A. Yes.

Q. Since you acquired title to the property has your possession been open, continuous and adverse?

A. Yes. I have listed the property for sale with several real estate agents and I have also attempted to sell the property and have informed people of my ownership.

Q. Do you know the whereabouts of Robert A. Baker, A. H. Russ, Frances G. Russ or Katherine S. Hayseldon?

A. No. I understand that A. H. Russ died a number of years ago and I do not know the whereabouts of any of the other parties.

Q. Do you know of anyone claiming adversely to you?

A. No. I claim in my own right the fee simple title and know of no one or of any suit pending testing my title or claim.

CROSS EXAMINATION BY GUARDIAN AD LITEM, MR. JOHN V. DUCK:

Q. Mr. Turnbull, have you and your predecessors in title paid taxes on the property for more than ten years?

A. Yes.

Q. Have you and your predecessors in title occupied this property openly, continuously and adversely?

A. Yes.

Duncan Turnbull
DUNCAN TURNBULL

Sworn and subscribed to before me this 22nd day of September, 1958.

Helen Bailey
COMMISSIONER

MR. EARL PENNINGTON, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Q. Would you state your name and address.

A. Earl Pennington of Robertsdale, Alabama.

Q. Mr. Pennington, what is your occupation?

A. I am in the real estate and insurance business in Robertsdale.

Q. How long have you known the property described in the Bill of Complaint? (Mr. Bailey read the description of the property set out in the Bill of Complaint to Mr. Pennington.)

A. I have known the property intimately for approximately five years.

Q. Do you known Robert A. Baker, A. H. Ross, Frances G. Ross or Katherine S. Hayseldon?

A. No. It is my understanding that A. H. Ross has died and I do not know the whereabouts of the other named parties.

Q. Do you know, of your own personal knowledge, what possession Mr. Turnbull, the Complainant, exercised over the described property?

A. I know that Mr. Turnbull has claimed the property in his own right and has listed the same for sale. I also know that his predecessor in title, Mr. Watson, claimed the property for a number of years and had the same listed for sale.

Q. In your opinion, has the ownership of the Complainant been open, notorious and continuous during the period you have known the property?

A. Yes.

Q. Do you know of any party or corporation claiming title adversely to Mr. Turnbull?

A. No.

CROSS EXAMINATION BY GUARDIAN AD LITEM, MR. JOHN V. DUCK:

Q. In your opinion, have Mr. Turnbull and Mr. Watson been in open and continuous adverse possession of the property since acquiring title?

A. Yes.

Q. Do you know of any individual who claims an interest in the property?

A. No.

Earl Pennington
EARL PENNINGTON

Sworn and subscribed to before me this 22nd day of September, 1958.

Helen Bailey
COMMISSIONER