

4340

NEAL F. THOMPSON ) IN THE CIRCUIT COURT OF  
 COMPLAINANT ) ( BALDWIN COUNTY, ALABAMA.  
 VS ) ( IN EQUITY.  
 JOHN G. ENGLISH, et al., ) ( CASE NO. 4340  
 AND CERTAIN LANDS, ) )  
 RESPONDENTS ) X

FINAL DECREE

This cause coming on to be heard is submitted for final decree upon behalf of the Complainant, upon the original bill of complaint, and upon publication of notice, decree pro confesso, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said respondents, John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, and Herman Selberg alias Harman Selberg, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the Complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the Court that the said Neal F. Thompson, who is over the age of twenty-one years, at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Northwest Quarter of the Northeast Quarter of the Northwest Quarter of **Section 27**, Township 5 South, Range 3 East, being deed dated June 24, 1949 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 142, pages 477-8.

That the Complainant obtained title to the said lands on June 24, 1949, from Wadie Blair and Grace Blair by deed recorded in deed book 142, NS, pages 477-8 in the office of the Probate Judge of Baldwin

County, who acquired title by tax Deed from Harman Selberg, by the Probate Judge, recorded on June 24, 1949, in Deed Book 142 NS, page 470.

That Complainant further held title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceeding the filing of said bill of complaint, no other person than those through whom they claim title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Neal F. Thompson, at the time of the filing of the bill of complaint in this cause and at this time had and have the fee simple title to the above described lands, and to each and every part and parcel theretok that neither of the respondents, John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a Corporation, and Herman Selbert alias Harman Selberg, if living, and if dead, their unknown heirs, devisees, personal representatives and assigns, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Neal F. Thompson, shall inure to the benefit of all persons deriving title to said lands or any part therein, from or through the said Neal F. Thompson, and the said title so quieted and established in them shall be treated and considered as established in favor of the said Neal F. Thompson and all persons deriving title through them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which county the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Neal F. Thompson be and he is hereby taxed with the cost of this proceeding for which let execution issue.

DONE AT Bay Minette, Alabama, this the 6<sup>th</sup> day of August 1959.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

NEAL F. THOMPSON COMPLAINANT

JOHN G. ENGLISH, et vs.  
al., AND CERTAIN LANDS

RESPONDENT

I, HAZEL WEEKLEY

IN said cause  
as Register and Commissioner

have called and caused to come before me NEAL F. THOMPSON  
WILLIAM E. PHILLIPS

witness ES named in the requirement for Oral Examination, on the 16 day of July  
1959, at the office of THOMPSON & WHITE

in Bay Minette, Alabama, and having first sworn said witness es to speak the  
truth, the whole truth, and nothing but the truth, the said Neal F. Thompson

and William E. Phillips doth depose and say as follows:

EXAMINATION BY C. LENOIR THOMPSON, ATTORNEY FOR COMPLAINANT:

- Q. You are Neal F. Thompson?
- A. Yes sir.
- Q. You are the complainant in this cause?
- A. Yes sir.
- Q. The land described in this complaint is the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 27, Township 5 South Range 3 East.
- A. Yes sir.
- Q. Do you know that land?
- A. Yes sir.
- Q. Who is in possession of that land?
- A. I am.
- Q. How long have you been in possession of that land?
- A. I took possession in June 2, 1949 but Mr. Wadie Blair had been in possession since the spring of 1947.
- Q. From whom did you get a deed to that property?
- A. Wadie Blair.
- Q. Do you know when Wadie Blair took possession of this property?
- A. Mr. Wadie Blair took possession on or about the 26th of March, 1947, when he purchased a tax certificate to this property from the Probate Judge by whom a deed was issued two years later on or about May 30, 1949 to Wadie Blair. Prior to the issuance of the deed the tax certificate covered the years 1945 and 1946 and taxes were paid for the years 1945 through 1947 by Wadie Blair and since that date I assessed and paid the taxes in my name.
- Q. What have you done on the property to show possession since you have owned it?
- A. Built a house.
- Q. Have you farmed it?
- A. Yes sir about 4 or 5 acres.
- Q. Has anyone lived in the house?
- A. Yes sir.

I, Hazel Weekley as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself and C. LeNoir Thompson at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 16 day of July, 19 59.

Hazel Weekley (L. S.)

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

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**IN CIRCUIT COURT, IN EQUITY**

COMPLAINANT

vs.

RESPONDENT

**ORAL DEPOSITION**

Filed \_\_\_\_\_, 19 \_\_\_\_\_

Register.

RECORDED IN

Record

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

Register.

- Q. Were they your tenant?  
A. Yes sir.  
Q. In addition to erecting a house and farming certain parts, what have you done to the property?  
A. I fenced this 10 acre parcel and have maintained fire trenches, and fire lanes and cut the timber on several occasions during my period of ownership.  
Q. Now I hand you a deed dated June 2, 1949 executed by Wadie Blair and wife Grace Blair, is this the deed that covers the property described in the complaint?  
A. Yes sir.  
Q. Is this the same property to which Wadie Blair purchased a tax certificate on March 26, 1947 and which he went into possession on that date?  
A. Yes.  
Q. Has anyone claimed possession of this property from you or from Wadie Blair so far as you know?  
A. They have not.  
Q. Do you know any of the heirs of Herman Selbert or Harman Selberg?  
A. No I do not.  
Q. Has this party or any of his heirs claimed possession of this property from you?  
A. No.  
Q. Has John G. English, Abraham Edwards or James A. Carney, or any of their heirs claimed possession of this property against you?  
A. No.  
Q. Has any representative or successor of the Perdido Land Company, a corporation ever made claim against you for this property?  
A. No sir.  
Q. How close to your residence is this property?  
A. About a mile and a half.  
Q. Who lives on this property as your tenant?  
A. W. P. Phillips.  
Q. Have any of these parties made claim of Mr. Phillips for this land?  
A. No sir.  
Q. Has a diligent search for the unknown heirs, assigns or successors named in the bill of complaint been made?  
A. Yes, by inquiring locally and advertising in the Baldwin Times a newspaper with a county wide circulation.  
Q.

*Neal F. Thompson*

- Q. You are William E. Phillips?  
A. Yes sir.  
Q. Do you know Wadie Blair?  
A. Yes sir.  
Q. Do you know Neal F. Thompson?  
A. Yes sir.  
Q. How long have you known Wadie Blair?  
A. About 15 years.  
Q. How long have you known Neal F. Thompson?  
A. About 15 years.  
Q. Where do you live?  
A. I live at Loxley.  
Q. How long have you lived in that area?  
A. About 20 years.  
Q. Do you know the property subject of this suit?  
A. Yes.  
Q. Do you know about when Mr. Wadie Blair acquired this property?  
A. Yes.  
Q. Do you know about when Mr. Blair went into possession of this property?  
A. Yes, spring of 1947.  
Q. Do you know when Mr. Neal F. Thompson went into possession of this property?  
A. Shortly after Mr. Blair took possession Mr. Neal F. Thompson took possession from Mr. Blair.  
Q. What improvements did Mr. Thompson put on this property?  
A. Built a frame house in 1947 and began fencing the property, it is now all fenced.

- Q. Have you had occasion to see this property on regular and frequent occasions since the spring of 1947?
- A. Yes.
- Q. Do you know whether or not Mr. Wadie Blair claimed this property against everybody during the time of his ownership?
- A. Yes.
- Q. Do you know whether or not Mr. Neal F. Thompson has claimed this property openly and notoriously and adversely since he took possession in 1947.
- A. Yes.
- Q. Do you know of anybody who may have claimed this property other than Mr. Neal F. Thompson since the spring of 1947?
- A. No.
- Q. Has anyone else claimed possession of this property so far as you know?
- A. No, Mr. Neal F. Thompson has been in actual, open, hostile, notorious, continuance, exclusive and adverse possession since he acquired this property in the spring of 1947 from Wadie Blair.

William E. Phillips

The State of Alabama, }  
Baldwin COUNTY. }

BOOK 142 470

Know All Men by These Presents, That

WHEREAS, on the 9th day of April, A.D., 1945, a decree was rendered by the Probate Court of said County for the sale of the lands hereinafter described and conveyed for the State and County taxes then due from Harman Selberg

----- the owner of said land for the costs and expenses thereof and thereunder.

AND WHEREAS, thereafter, to-wit, on the 18th day of June, A.D., 1945, said lands were duly and regularly sold by the Tax Collector of said county for said taxes, costs and expenses, and at said sale State of Alabama, became the purchaser of said lands at and for the sum of said taxes, costs and expenses, and forthwith paid said sum to said Tax Collector, and received from said collector a certificate of said purchase.

AND WHEREAS, the time for the redemption of said lands by said owner or other person having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said County.

NOW, THEREFORE, I W.R. Stuart, as Probate Judge of said County of Baldwin, under and by virtue of the provisions of Section 241, of an Act of the Legislature of 1935, to provide for the general revenue of the State of Alabama, approved July 10, 1935, and in consideration of the premises above set out, and in further consideration of the sum of one dollar to me in hand paid, have this day granted, bargained and sold,

and by these presents do grant, bargain, sell and convey unto Wadie Blair ----- who is the present owner and holder of said certificate of purchase all the right, title and interest of the said Harman Selberg

----- owner as aforesaid of said land, and all the right, title, interest and claim of the State and County on account of said taxes, or under said decree in and to the following described lands hereinafter referred to, to-wit: NW 1/4 of NE 1/4 of NW 1/4, Section 27, T 5 S, R 3 E,

----- lying and being situate in said County and State, to have and to hold the same, the said rights, titles and interests unto himself the said Wadie Blair and his heirs and assigns forever, but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this the 30th day of MAY, A.D., 1949.

W.R. Stuart  
Judge of Probate.

THE STATE OF ALABAMA, }  
Baldwin COUNTY. }

I, Lila S. Glover, a Notary Public

in and for said County, in said State, hereby certify that W.R. Stuart whose name as Judge of Probate is signed to the foregoing conveyance 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 Judge of Probate, executed the same voluntarily, on the day the same bears date.

Given under my hand, this the 30th day of MAY, A.D., 1949.

Lila S. Glover  
Notary Public, Baldwin Co., Ala.

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 Photostat pages

contain a full, true and complete copy of the Deed from Harman  
Selberg by Probate Judge to Wadie  
Blair

as the same appears of record in my office in Deed Book No. 142  
page 470.

Given under my hand and seal of office, this 11<sup>th</sup> day of July, 1959

W. R. Stuart  
Judge of Probate  
By: Harry M. D. Oline, Chief Clerk



QUIT-CLAIM DEED

Moore Printing Co., Bay Minette, Ala.

The State of Alabama, }  
Baldwin County }  
County }

BOOK 142 - 477

THIS DEED made this 2nd day of June 1949

between Wadie Blair and Grace M. Blair, his wife

\_\_\_\_\_ of the first part, and

N. F. Thompson

\_\_\_\_\_ of the second part

WITNESSETH, that the parties of the first part, in consideration of one dollar (\$1.00) and other good and valuable considerations to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, have remised, released and quit-claimed and by these presents do remise, release and forever quit-claim unto the said party of the second part his heirs and assigns forever, all the real property in Baldwin County, Alabama, described as follows, to-wit:

NW 1/4 of NE 1/4 of NW 1/4, Section 27, T 5 S, R 3 E

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 6-24-49 11 a.m.  
Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_  
and I certify that the following mortgage has been paid.  
Deed Tax \_\_\_\_\_ 50  
Mortgage Tax \_\_\_\_\_  
By *W.C. Smith*  
Judge of Probate

TO HAVE AND TO HOLD the said released premises unto the said N. F. Thompson his heirs and assigns forever: So that neither the party of

the first part's heirs or assigns nor any other person in trust for them or in their name shall or will, can or may, by any ways or

means whatsoever, hereafter, have or claim any right or title thereto; BUT THAT the said parties of the first part's heirs and assigns, each and every one of them from all estate, right, title, interest or claim, and demand whatsoever, in or to the said premises, or any part thereof, are, is, and shall be, by these presents, FOREVER EXCLUDED AND DEBARRED.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand and seal the day and year first above written

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

*W.A. Childers* \_\_\_\_\_ *Wadie Blair* (SEAL)  
\_\_\_\_\_ *Grace M Blair* (SEAL)

STATE OF ALABAMA Baldwin County.

I, H. P. Childers, a Justice of Peace

in and for said County and State, hereby certify that Wadie Blair + Grace  
M. Blair his wife, whose name \_\_\_\_\_ signed to the foregoing conveyance, and who  
being known to me, acknowledged before me on this day that, being informed of the contents  
of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 2 day of June, A. D. 1949  
H. P. Childers J. P.

State of Alabama, Baldwin County.

I, H. P. Childers, a Justice of Peace

in and for said County and State, do hereby certify that on the 2 day of June, 1949  
came before me the within named Grace M. Blair  
known to me to be the wife of the within named Wadie Blair  
who, being examined separate and apart from her husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

IN WITNESS WHEREOF I hereunto set my hand and official seal this 2 day of  
June, 1949  
H. P. Childers J. P.

State of Alabama, \_\_\_\_\_ County.

I, \_\_\_\_\_

in and for said County and State, hereby certify that \_\_\_\_\_ subscribing  
witness to the foregoing conveyance, known to me, appeared before me this day and, being sworn, stated  
that \_\_\_\_\_, the grantor, voluntarily  
executed the same in his presence, and in the presence of other subscribing witness \_\_\_\_\_ on the day the same  
bears date; that he attested the same in the presence of the grantor \_\_\_\_\_ and of the other  
witness, and that such other witness subscribed his name as witness in his presence.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

**QUIT-CLAIM DEED**

FROM

6.0.49

Wadie Blair 21

Grace M. Blair

TO

H. P. Childers J. P.

**THE STATE OF ALABAMA**

COUNTY

**OFFICE OF JUDGE OF PROBATE**

I hereby certify that the within Deed was  
filed in this office for record on the \_\_\_\_\_ day  
of \_\_\_\_\_, A. D. 19\_\_\_\_  
at \_\_\_\_\_ o'clock, \_\_\_\_\_ M., and duly recorded  
in Book \_\_\_\_\_ of Mortgages, page \_\_\_\_\_  
and examined

Judge of Probate

W. H. Linsley  
1-1-49

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 Two Photostats pages

contain a full, true and complete copy of the Deed from  
Wadie Blair and Grace M. Blair  
to N. F. Thompson

as the same appears of record in my office in Deed Book No. 142  
page 477-78.

Given under my hand and seal of office, this 11<sup>th</sup> day of July, 1959

W. R. Stuart

Judge of Probate

By: Harry M. Oliver Chief Clerk

NEAL F. THOMPSON,

COMPLAINANT

VS

THE FOLLOWING DESCRIBED LANDS:  
 NORTHWEST QUARTER OF THE NORTH-  
 EAST QUARTER OF THE NORTHWEST  
 QUARTER OF SECTION 27, TOWNSHIP 5  
 SOUTH, RANGE 3 EAST, BEING THE LANDS  
 CONVEYED TO COMPLAINANT BY WADIE  
 BLAIR AND GRACE M. BLAIR, HIS WIFE:  
 AND AGAINST JOHN G. ENGLISH, ABRA-  
 HAM EDWARDS, JAMES A. CARNEY, PERDIDO  
 LAND COMPANY, A CORPORATION, AND  
 HERMAN SELBERG ALIAS HARMAN SELBERG,  
 being deed dated June 24, 1949, and  
 recorded in the office of the Pro-  
 bate Judge of Baldwin County, Ala-  
 bama, in deed book 142, pages  
 477-8; IF LIVING AND IF THEY OR  
 EITHER OF THEM BE DEAD, THEN AGAINST  
 THE UNKNOWN HEIRS, DEVISEES, PER-  
 SONAL REPRESENTATIVES AND ASSIGNS  
 OF SUCH OF THEM AS ARE DECEASED;  
 AND AGAINST ANY AND ALL PERSONS,  
 FIRMS, ASSOCIATIONS OR CORPORATIONS,  
 CLAIMING ANY TITLE TO, INTEREST IN  
 CLAIM, LIEN OR ENCUMBRANCE ON THE  
 SAID LANDS OR ANY PART OR PARCEL  
 THEREOF.

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NUMBER 4340

BOOK 087 PAGE 130

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

NOTICE IS HEREBY GIVEN TO Perdido Land Company, a corporation organized  
 under the laws of the State of Florida, John G. English, Abraham Edwards, James  
 A. Carney, Herman Selberg alias Harman Selberg, if they be living, and if they be  
 dead, their unknown heirs, devisees or personal representatives or successors of  
 them, and any and all persons, firms or corporations claiming any interest in or  
 title to the above described lands, that on the 28 day of July, 1958,  
 Neal F. Thompson filed in the equity side of the Circuit Court of Baldwin County,  
 Alabama, his bill of complaint against the following described lands in Baldwin  
 County, Alabama, to-wit:

Northwest Quarter of the Northeast Quarter of the Northwest Quarter  
 of Section 27, Township 5 South, Range 3 East, being deed dated  
 June 24, 1949 and recorded in the office of the Judge of Probate  
 of Baldwin County, Alabama in deed book 142, pages 477-8.

and against the defendants hereinabove named and all persons, firms, or corporations  
 claiming any interest in, lien or encumbrance upon said lands, and you are hereby  
 notified to appear and plead, answer or demur within thirty (30) day of the 28

day of July, 1958, or a decree pro confesso will be rendered against you; that said Bill of Complaint was and is filed for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same; that title to said lands stands in the name of complainant on the records of the office of the Judge of Probate of Baldwin County, Alabama; that the complainant acquired title to Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 27, Township 5 South, Range 3 East, being deed dated June 24, 1949 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 142, pages 477-8, by Deed from Wadie Blair and Grace Blair, his wife; That the said Wadie Blair acquired title to the said lands on May 30, 1949, by Tax Deed from W. R. Stuart, Judge of Probate of Baldwin County, Alabama, and having received his Certificate of Purchase on March 26, 1947, and that since purchasing title as set forth, supra, your complainant has assessed and paid taxes on the same, and that he is in the quiet, peaceable, open, notorious possession of said lands, claiming to own the same absolutely and in fee simple.

WITNESS my hand this the 28 day of July, 1958.

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

Thompson & White,  
Solicitors for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 7-28-58 10 A.M.  
Recorded Lin. Bond book 4 page 439-40  
W.R. Stuart  
Judge of Probate  
6

# Probate

Neal F. Thompson  
33

vs.

Walter Blair  
Greene

Abraham Edwards,

John G. English,

James A. Carney,

Herman (Harman) Selberg

Deeds, Kent Co.  
75

X-37-80

B-150

Lenoir Thompson  
Pm

NEAL F. THOMPSON,  
COMPLAINANT

VS.

JOHN G. ENGLISH, et al.,  
and CERTAIN LANDS

RESPONDENTS

\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA.  
\*  
\* IN EQUITY.  
\*  
\* NO. \_\_\_\_\_  
\*  
\*  
\*

MOTION FOR DECREE PRO CONFESSO.

Motion is hereby made for Decree Pro Confesso against the Respondents, John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a Corporation, its alienees, successors and assigns, and Herman Selberg alias Herman Selberg, and against the heirs, devisees and personal representatives of such of said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendants are non-residents of the State of Alabama, and have failed to plead, answer or demur to the Bill of Complaint, and no person, firm or corporation named above has appeared in this cause, the Complainant is entitled to a decree pro confesso against all of the persons, firms and corporations named above.

WHEREFORE, Complainant move the Register to make and enter a decree pro confesso against all of the above named Respondents and each of them.

DATED this 13 day of July, 1959.

THOMPSON & WHITE

Mary Thompson White  
Solicitors for Complainant.

NEAL F. THOMPSON  
 Complainant,  
 Vs. JOHN G. ENGLISH, et al.,  
and CERTAIN LANDS  
 Respondent.

In the Circuit Court.  
 In Equity No. 4340.

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause, it appears to the Register, that service was had on the Respondent \_\_\_\_\_

JAMES A. CARNEY

by the Sheriff of Baldwin County, on the 30 day of July

19 58.

And it futher appears to the Register, that the said \_\_\_\_\_

James A. Carney

\_\_\_\_\_ the Respondent, having to the date hereof,

failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of Thompson & White Solicitors

for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,

and it hereby is, in all things taken as confessed against the said \_\_\_\_\_

James A. Carney

This 13 day of July, 19 59.

Archie J. Durr  
 Register.



NEAL F. THOMPSON,

\*

COMPLAINANT

VS

\*

THE FOLLOWING DESCRIBED LANDS:  
 NORTHWEST QUARTER OF THE NORTH-  
 EAST QUARTER OF THE NORTHWEST  
 QUARTER OF SECTION 27, TOWNSHIP 5  
 SOUTH, RANGE 3 EAST, BEING THE LAND  
 CONVEYED TO COMPLAINANT BY WADIE  
 BLAIR AND GRACE M. BLAIR, HIS WIFE:  
 AND AGAINST JOHN G. ENGLISH, ABRAHAM  
 EDWARDS, JAMES A. CARNEY, PERDIDO  
 LAND COMPANY, A CORPORATION, AND  
 HERMAN SELBERG ALIAS HARMAN SELBERG,  
 being deed dated June 24, 1949, and  
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 EITHER OF THEM BE DEAD, THEN AGAINST  
 THE UNKNOWN HEIRS, DEVISEES, PER-  
 SONAL REPRESENTATIVES AND ASSIGNS  
 OF SUCH OF THEM AS ARE DECEASED;  
 AND AGAINST ANY AND ALL PERSONS,  
 FIRMS, ASSOCIATIONS OR CORPORATIONS,  
 CLAIMING ANY TITLE TO, INTEREST IN  
 CLAIM, LIEN OR ENCUMBRANCE ON THE  
 SAID LANDS OR ANY PART OR PARCEL  
 THEREOF.

IN THE CIRCUIT COURT OF

\*

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NUMBER 4740

\*

\*

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\*

RESPONDENTS

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

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

Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 27, Township 5 South, Range 3 East, being deed dated June 24, 1949 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 142, pages 477-8.

and against Perdido Land Company, a corporation, its alienees, successors and assigns, and against John G. English, Abraham Edwards, James A. Carney, and Herman Selberg alias Harman Selberg, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the said lands or any part or parcel thereof and respectfully represents and shows unto your Honor as follows:

FIRST: That your Complainant is over the age of 21 and is a resident of the County of Baldwin, State of Alabama; that the Perdido Land Company, is a corporation organized under the laws of the State of Florida; that John G. English, Abraham Edwards, James A. Carney, and Herman Selberg alias Harman

Selberg, their unknown heirs or assigns if living or unknown as to their whereabouts and cannot be ascertained upon a diligent search and inquiry; that the Complainant has made diligent search and inquiry to ascertain the residence of individual respondents, their unknown heirs or assigns and upon such diligent search and inquiry has been unable to ascertain their places of residence and post office addresses, but he is informed and believes, that if living, they are non-residents of the State of Alabama and their places of residence and post office addresses are unknown; and he has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence of the heirs, devisees and personal representatives of the individual respondents named herein, and if dead, that he is informed and believes and upon such information and belief alleges that if the said individual respondents named herein are dead, then their heirs, devisees and personal representatives are over the age of 21 and are non-residents of the State of Alabama and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search or inquiry; Complainant further says that in his search and inquiry to ascertain whether or not the said respondents are living and to ascertain the names, ages and places of residence of the heirs of said respondents, if the respondents be dead, he has caused a search to be made of the Titles to the said properties and has made inquiry at the Tax and Probate offices in Baldwin County, Alabama and has inquired of peoples in the, or living in the vicinity of said lands and of many other persons residents in Baldwin County, Alabama.

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

Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 27, Township 5 South, Range 3 East, being deed dated June 24, 1949 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 142, pages 477-8.

that he and those through whom he claims said lands have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this bill of complaint and that he and those through whom he claims title to the said lands have for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands and that during such period of time no other person has assessed the said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said lands or claimed any right to possession thereof of any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD: That no suit is pending to test Complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said lands.

FOURTH: That the title of said lands stands in his name on the records of Baldwin County, Alabama; That your Complainant acquired title to the said lands on June 24, 1949, by deed from Wadie Blair and Grace Blair, his wife, recorded in deed book 142, pages 477-9; That the said Wadie Blair acquired title to the said lands on May 30, 1949, by Tax deed from W. R. Stuart, Judge of Probate, of Baldwin County, Alabama, and having received his Certificate of purchase on March 26, 1947, which included taxes for the years 1945 and 1946, he immediately went into actual possession of the said lands, under color of title, all of which being more than ten years next preceding the filing of this bill of complaint, and no purchaser other than those through whom he claims title of said lands or any portion thereof, have assessed or paid taxes thereon, that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said lands and maintained fire trenches and lanes and cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this Bill of Complaint; that John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, its alienees, successors and assigns, Herman Selberg, alias Harman Selberg, if living, and if dead, their unknown heirs, devisees and personal representatives, claims, or is reputed to claim, some title to, interest in, lien or encumbrance upon the lands, or some portion or parcel thereof.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, its alienees, successors and assigns, Herman Selberg alias Harman Selberg, if living and if dead, then their unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: The Northwest Quarter of the

Northeast Quarter of the Northwest Quarter of Section 27, Township 5 South, Range 3 East, and recorded in the office of the Probate Judge of Baldwin County, Alabama in deed book 142, pages 477-8, parties respondent to this Bill of Complaint and by appropriate process require them, and each of them, separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel thereof, is vested in your Complainant, Neal F. Thompson, as against the said John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, its alienees, successors and assigns, Herman Selberg alias Harman Selberg, if living and if dead, then their unknown heirs, devisees and personal representatives, of John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, its alienees, successors and assigns, Herman Selberg alias Harman Selberg, and against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared up,, and your Complainant prays for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises. And further that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein and that in said decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama; and Complainant further prays for such other, further, different and general relief as in equity may seem just and meet as Complainant will ever pray.

THOMPSON & WHITE

BY: 

SOLICITORS FOR THE COMPLAINANT

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, T.C. Hard, a Notary Public, in and for said County in said State, personally appeared C. LeNoir Thompson, who upon oath deposes and says that he is the agent of, and the attorney for the

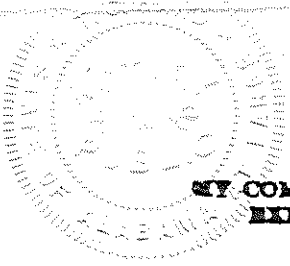
Complainant in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant, all of the defendants named in the foregoing Bill of Complaint are over the age of twenty-one years and all are non-residents of the State of Alabama, their places of residence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

C. L. Thompson

Sworn to and subscribed before me, a Notary Public, on this, the 25  
day of July, 1958.

P. J. Land

Notary Public, Baldwin County, Alabama.



MY COMMISSION AS A NOTARY PUBLIC  
EXPIRES 2007 Jan 1960.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,  
Baldwin County.

Circuit Court, Baldwin County

No. 4340

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James A. Carney and Certain Lands

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

James A. Carney and Certain Lands, Defendant

by Neal F. Thompson

Plaintiff

Witness my hand this 28 day of July 19 58

Oliver J. Luck, Clerk

No. 4340 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

NEAL F. THOMPSON

Plaintiffs

vs.

JAMES. A. CARNEY AND CERTAIN LANDS

Defendants

Summons and Complaint

Filed July 28, 1958 19\_\_

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

July 28, 1958

\_\_\_\_\_, Sheriff

I have executed this summons

this 20 July 1958  
by leaving a copy with

James A. Carney

Taylor Melkris Sheriff

Ed Lussard Deputy Sheriff

at Bay Minnett Ala.

NEAL F. THOMPSON,

COMPLAINANT

VS.

JOHN G. ENGLISH, et al.  
and CERTAIN LANDS.

RESPONDENTS

\* IN THE CIRCUIT COURT OF  
 \*  
 \* BALDWIN COUNTY, ALABAMA.  
 \*  
 \* IN EQUITY.  
 \*  
 \*  
 \*  
 \* NO. 4340  
 \*  
 \*

To the unknown heirs, devisees and personal representatives of John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, its alienees, successors and assigns, and Herman Selberg, alias Harman Selberg.

Notice is hereby given that the testimony of Neal F. Thompson and William E. Phillips, witnesses for the Complainant in the above styled cause will be taken orally before Hazel Weebley, Commissioner, heretofore duly appointed, at the office of Thompson & White, Attorneys for Complainant, at \_\_\_\_\_ o'clock A. M., on the 14 day of July, 1959.

This the 14 day of July, 1959.

Hazel Weebley  
 Commissioner

THOMPSON & WHITE

Mary Thompson White  
 Solicitors for Complainant.



I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the time and place of taking depositions of Complainant's witnesses was filed and entered on the order book of the Register on the 16 day of July, 1959.

Alice J. Duck  
Register

NEAL F. THOMPSON  
COMPLAINANT  
VS.

JOHN G. ENGLISH, et al.,  
and CERTAIN LANDS  
RESPONDENTS

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

NO. \_\_\_\_\_

Comes the Complainant in the above styled cause and request the oral examination of Neal F. Thompson and William E. Phillips, as witnesses for the Complainant, who reside in Baldwin County, State of Alabama, and suggest Hazel Weekley of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 16 day of July, 1959.

THOMPSON & WHITE

*Filed*  
*7-16-59*  
*Beigfueck*  
*Ray*

*Mary Thompson White*  
\_\_\_\_\_  
Solicitor for Complainant.

NEAL F. THOMPSON,  
COMPLAINANT

VS.

JOHN G. ENGLISH, et al.,  
and CERTAIN LANDS  
RESPONDENTS

\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA.  
\*  
\* IN EQUITY.  
\*  
\* No. \_\_\_\_\_  
\*  
\*  
\*  
\*

Complainant having on the 16<sup>th</sup> day of July 1959. filed his motion and request for oral examination of Neal F. Thompson and William E. Phillips, witnesses for Complainant and due and proper notice thereof having been given as required by law on the order book of this Court, and Hazel Weekley of the Town of Bay Minette being a suitable person to act as commissioner to take the deposition of said witness.

It is therefore ordered, adjudged and decreed that the said motion for the oral examination of Neal F. Thompson and William E. Phillips, witnesses for Complainant, be and is hereby granted.

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

Witness my hand this the 16 day of July 59, 1959.

Wm. J. Beck  
Register.

NEAL F. THOMPSON

COMPLAINANT

VS.

JOHN G. ENGLISH, et al.,  
and CERTAIN LANDS

RESPONDENTS

\* IN THE CIRCUIT COURT OF  
 \*  
 \* BALDWIN COUNTY, ALABAMA.  
 \*  
 \* IN EQUITY,  
 \*  
 \*  
 \* NO. \_\_\_\_\_  
 \*  
 \*

NOTE OF TESTIMONY

This cause is submitted for final decree upon bill of Complaint,  
 service by publication, decree pro confesso, and deposition of Neal  
 F. Thompson and William E. Phillips, witnesses for Complainant.

This the 8<sup>th</sup> day of Aug, 1959.

THOMPSON & WHITE

Mary Thompson White  
 Solicitor for Complainant,

Reese J. Drake  
 Register.

NEAL F. THOMPSON  
COMPLAINANT

VS.

JOHN G. ENGLISH, et al.,  
and CERTAIN LANDS

RESPONDENTS

\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA.  
\*  
\* IN EQUITY,  
\*  
\*  
\* CASE NO. 4340  
\*  
\*

DECREE PRO CONFESSO OF PUBLICATION

STATE OF ALABAMA  
BALDWIN COUNTY

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 28th day of July, 1958, in the Baldwin Times, a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 28th day of July, 1958.

And it now further appearing to the Register Alice J. Duck, that the said John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, and Herman Selberg alias Harman Selberg, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, into said land 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 J. Duck, that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said John G. English, Abraham Edwards, James A. Carney, Perdido Land Company, a corporation, and Herman Selberg alias Harman Selberg, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, into said land.

This 12 day of July, 1959.

NEAL F. THOMPSON  
COMPLAINANT

VS

JOHN G. ENGLISH, et al.  
and certain Lands.

RESPONDENTS

\*  
\* IN THE CIRCUIT COURT OF  
\*  
\* BALDWIN COUNTY, ALABAMA  
\*  
\* IN EQUITY.  
\*  
\* NO. 4340  
\*  
\*  
\*

CERTIFICATE

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

1. That 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 28, 1958.

2. Notice of pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on July 31, August 7, August 14, and August 21, 1958.

3. A copy of the notice of pendency of Bill of Complaint in this cause was posted at the front door of the Courthouse of Baldwin County, Alabama, on July 28, 1958.

DATED this 5 day of Aug 1959.

Alice J. Duck  
Register.

NEAL F. THOMPSON,  
COMPLAINANT

VS.

JOHN G. ENGLISH, et al.  
and CERTAIN LANDS.

RESPONDENTS

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

\* NO. 4340  
\*  
\*  
\*

Testimony having been taken in this cause and the same being ready for final decree, motion is hereby made that the said cause be set down for final decree this the 6<sup>th</sup> day of Aug, 1959.

THOMPSON & WHITE

Mary Thompson White  
Solicitor for Complainant.

THE STATE OF ALABAMA, }  
Baldwin County

No. \_\_\_\_\_ Circuit Court, In Equity.

NEAL F. THOMPSON

Complainant...

Vs.

JOHN G. ENGLISH, et al.,

and CERTAIN LANDS

Defendant....

Motion is hereby made for a Decree Pro Confesso against

JAMES A. CARNEY

Defendant....

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant ....; and that said summons was duly served according to law, and that said Defendant... has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This \_\_\_\_\_ day of \_\_\_\_\_

13

July 1959

By Mary Thompson White

Solicitor.



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

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

4340

Motion for Decree Pro Confesso on  
Personal Service

Filed 7-13 19 54

*Aerie J. Slusher*  
Register.

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

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

Register.