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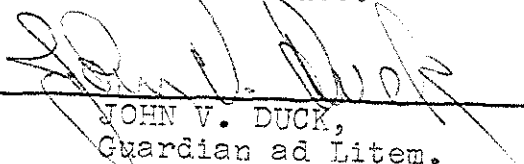
O. H. DELCHAMPS,
Complainant,
-VS-
CERTAIN LANDS and PERSONS,
namely: MAY HELENA CARLSON,
MARY C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
et al.
Defendants

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

ACCEPTANCE OF APPOINTMENT
AND
ANSWER OF GUARDIAN AD LITEM

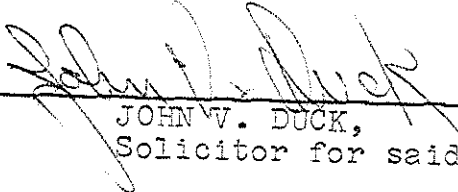
Comes JOHN V. DUCK and hereby accepts the appoint-
ment as Guardian ad litem to represent the interests of the
unknown defendants and the defendants in the Armed Services
of the United States, in the above mentioned cause.



JOHN V. DUCK,
Guardian ad Litem.

Comes the unknown defendants and the defendants in
the Armed Services of the United States, in said cause, and
deny each and every allegation in the foregoing bill of com-
plaint, and demand strict proof.

Filed Dec. 15, 1958
Alice J. Duck, Reg.



JOHN V. DUCK,
Solicitor for said defendants.

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS, and

MAY HELENA CARLSON, MARY
C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
and the heirs and devisees of
said parties, if said parties
above mentioned are deceased,
and any and all persons claim-
ing or reputed to claim any
title to, interest in, lien or
encumbrance on said land or any
part thereof,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

70.4383

BOOK 004 PAGE 449

LIS PENDENS NOTICE

Notice is hereby given by the Register of the Circuit Court of Baldwin County, Alabama, to: MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, and the heirs and devisees of said parties, if said parties above mentioned are deceased, and any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land or any part thereof, and against the following described lands in Baldwin County, Alabama, to-wit:

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land being forty (40) feet in width and containing 1.221 acres including the present roadway;

(Above land hereinafter referred to as Parcel "A")

-and-

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One, Two and Three and the North Half of Lot Four of the Baldwin Addition to Marlow, Alabama.

(Above land hereinafter referred to as Parcel "B").

and against the above named persons and any and all persons claiming or reputed to claim any right, title, interest, lien or encumbrance or demand in or to said land or any part thereof.

Complainant states that he is the owner of and is in actual peaceful possession of the property hereinabove described and that your Complainant purchased Parcel "A" from Katie Pearl Prine, as Executrix of the Estate of Julian Ray Prine, deceased, by deed recorded in Deed Book 208, Pages 410-11, of the Probate Records of Baldwin County, Alabama; and Complainant further claims a fee simple title in said lands and that title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of O. H. DELCHAMPS, the Complainant, and that no one, other than the Complainant, J. R. Prine and the Estate of Julian Ray Prine, deceased, have paid any taxes on said land, or been in possession of said land within the last ten years next preceding the filing of the Bill of Complaint.

Complainant states that he is the owner of and is in actual peaceful possession of Parcel "B" and that he purchased this land from Duncan Turnbull and Alice Turnbull, his wife, by deed recorded in Deed Book 237, Pages 263 of the Probate Records of Baldwin County, Alabama, and Complainant claims a fee simple title in said lands and that title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of O. H. DELCHAMPS, the Complainant, and that no one, other than the Complainant, ORT ERTZINGER, DUNCAN TURNBULL, ALICE TURNBULL, MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, have been in possession of said land or paid taxes on said land within the last ten years next preceding the filing of the Bill of Complaint.

All references being to the records in the office of the Judge of Probate, Baldwin County, Alabama.

If any person, firm or corporation or any of the hereinabove named persons or their heirs or devisees, if deceased,

or any unknown parties, or parties whose whereabouts are unknown, claim any title to, interest in, lien or encumbrance upon said land, or any part thereof, they must be and appear in the Circuit Court of Baldwin County, Alabama, and plead to, answer or demur to this Bill of Complaint on or before the 18 day of Oct, 1958, or suffer decrees pro confesso to be taken against them.

IN WITNESS WHEREOF, I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal on this the 18 day of Sept, 1958.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-18-58 10 A.M

Recorded Lia Quid book 4 page 444-57

M. O. Stewart
Judge of Probate

18

No. 4383

9-18-18

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and Persons,

May Helena Carlson,
Mary C. Nyman, Defendants.

Walter Spitt

Geo. L.

Mildred 1A

Ralph F.

4-449-01

LIS PENDENS NOTICE

Probate

R-2²⁵

Mrs. Duck

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

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
described as follows:

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land, being forty (40) feet in width and containing 1.221 acres including the present roadway;

-and-

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One (1), Two (2), and Three (3) and the North Half of Lot Four (4) of the Baldwin Addition to Marlow, Alabama.

-and-

MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, and the heirs and devisees of said parties, if said parties above mentioned are deceased, and any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land or any part thereof,

Defendants.

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

- MOTION FOR DECREE PRO CONFESSO -

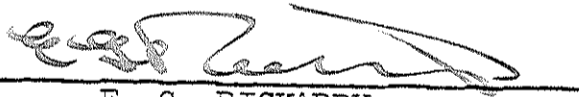
TO: THE HONORABLE H. M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY:-

Comes your Complainant, O. H. DELCHAMPS, and shows to this Honorable Court that publication was made on, to-wit, the 26th day of September and the 2nd, 9th and 16th day of October, 1958, in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, in accordance with proof of publication now on file in this Court, requiring the Defendants to Plead, Answer or Demur on, or before, the 17th day of November, 1958, and that said Defendants have not answered as required by law;

WHEREFORE, Complainant moves that a Decree Pro Confesso be rendered against said Defendants, namely, MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, and the heirs and devisees of said parties, if said parties above mentioned are deceased, and any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land or any part thereof.

Done this the 25 day of November, 1958.

filed Nov. 31, 1958
Alice J. Luck, reg.



E. G. RICKARBY,
Attorney for Complainant.

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. Term, 19

O.H. DELCHAMPS Complainant

CERTAIN LANDS AND PERSONS Defendant

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 25th day of September, 19 58, in the 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 25 day of September 19 58, and

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

Certain Lands and Persons, May Helena Et als

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 Certain Lands and Persons. May Helena Et als

This 2nd day of December 19 58

272

Alice J. Duck Register.

No. ----- Page -----

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

Decree Pro Confesso of Publication

Issued ----- 19 -----

Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

O.H. DELCHAMPS,
Complainant

VS

CERTAIN LANDS, AND PERSONS, ET ALS
Respondents

)
:
)
:
)
:
)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 438B

APPOINTMENT OF GUARDIAN AD LITEM

In this cause it is made to appear to the Register by the Complainant, O.H. Delchamps, that the Defendants may be unknown minors, insame parties or parties in the Military services; andit further appearing that _____

John V. Dyer, an Attorney at Law, is in all respects a suitable person to act as Guardian Ad Litem for such parties; and the said

John V. Dyer, having filed his consent in writing to act as such;

It is therefore ordered by the Register of said Court that the said _____

John V. Dyer, be and the same hereby is appointed Guardian Ad Litem in this cause for the said parties.

Witness my hand this the 2 day of Dec, 1958.

Alvin Dyer
REGISTER

CONSENT TO ACT

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

Witness my hand this the 30 day of December 6, 1958.

John V. Dyer

O.H. DELCHAMPS,
Complainants

VS

CERTAIN LANDS & PERSONS, ET AL
Respondents

APPOINTMENT AND CONSENT
OF GUARDIAN AD LITEM

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4383

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
described as follows:

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land, being forty (40) feet in width and containing 1.221 acres including the present roadway;

-and-

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One (1), Two (2), and Three (3) and the North Half of Lot Four (4) of the Baldwin Addition to Marlow, Alabama.

- and -

MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, and the heirs and devisees of said parties, if said parties above mentioned are deceased, and any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land or any part thereof,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

-BILL TO QUIET TITLE-

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

Comes your Complainant, O. H. DELCHAMPS, and respectfully shows unto your Honor, the following:

ONE: That he is over the age of twenty-one years and a resident citizen of Mobile County, State of Alabama.

TWO: That the lands here in controversy are situated in Baldwin County, Alabama, and are more particularly described as follows:

PARCEL "A"

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land, being forty (40) feet in width and containing 1.221 acres including the present roadway;

-and-

PARCEL "B"

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One (1), Two (2) and Three (3) and the North Half of Lot Four (4) of the Baldwin Addition to Marlow, Alabama.

And the Complainant in his own right claims to own said lands and to have and possess a fee simple title thereto, free of all liens and encumbrances, and that he is in actual peaceful possession of said lands and has been in possession of Parcel "A" since the 14th day of May, 1954.

As to Parcel "B", Complainant alleges that he is in actual peaceful possession of said lands and has been in such possession since on, or about the 4th day of April, 1956.

THREE: Complainant alleges that he obtained Parcel "A" and title thereto by deed from KATIE PEARL PRINE, Executrix of the Estate of JULIAN RAY PRINE, which deed is recorded in Deed Book 208, Pages 410-411 of the Probate Records of Baldwin County, Alabama, and as to Parcel "B", Complainant obtained title to said land by deed from DUNCAN TURNBULL and ALICE TURNBULL, his wife, which deed is recorded in Deed Book 237, page 262 of the Probate Records of Baldwin County, Alabama.

FOUR: That the title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of O. H. DELCHAMPS, the Complainant.

FIVE: That no one except your Complainant and J. R. PRINE and the Estate of J. R. PRINE, deceased, have paid any taxes on said land within the last ten years, and that the Complainant holds the deed conveying the interest of J. R. PRINE and the Estate of J. R. PRINE, deceased, to said lands.

SIX: As to Parcel "B", Complainant alleges that no one other than Complainant, DUNCAN TURNBULL and ALICE TURNBULL, and ORT ERTZINGER have paid taxes on said land within the last ten years, and that Complainant has a deed conveying the interest of ORT ERTZINGER and DUNCAN TURNBULL and ALICE TURNBULL to said land, to him.

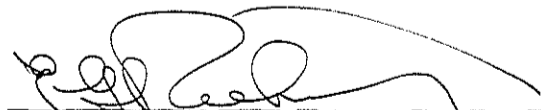
SEVEN: Complainant alleges that he and his predecessors in title, above mentioned, are the only parties that have been in possession of said land or any part thereof within the last ten years.

That Complainant further avers that he procured an abstract of said lands in order to ascertain the name of any other person or persons who claim title to said lands or any interest therein and that the only persons who could possibly claim title to said lands, or any interest therein, are the par-

ties named as defendants in this bill; that he has made diligent inquiry of various sources seeking the whereabouts of the defendants above mentioned or the names of any other person or persons who claim title to said lands or any interest therein, but has utterly failed to obtain the names of any person, other than the defendants above mentioned, and that he has made diligent search to obtain the addresses of said parties named as defendants and to determine whether they be living or dead and he has been unable to obtain said addresses or determine whether said parties be living or dead.

Complainant further avers that no suit is pending to test the title to, interest in, or right to the possession of said lands.

The Premises considered, Complainant doth file this, his verified Bill of Complaint against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance upon said lands, or any part thereof, and to establish the right or title to such lands, and clear up all doubts or disputes concerning the same, and prays that this Court will make and enter all orders, including an order appointing an Attorney-at-Law to act as Guardian ad litem or Attorney ad litem, to represent the unknown parties in this cause, and enter all judgments and decrees that may be meet and proper in the premises, and that upon a final hearing of this cause, the Court will decree that the Complainant is the owner of said lands and has a fee simple title thereto, free of all liens and encumbrances, and will grant to the Complainant such other, further, or different relief as may be meet and proper in the premises.


E. G. RICKABY,
Solicitor for Complainant.

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

Before me, the undersigned notary public, in and for said State and County, personally appeared LARKIN HARRIS, who being by me duly sworn, deposes and says that he is agent for the Complainant in this cause and that the allegations and averments contained in the foregoing Bill of Complaint are true and correct.

Larkin H. Harris
AFFIANT

Sworn to and subscribed before me this the 11 day of Sept,
1958.

[Signature]
Notary Public, Baldwin County, Alabama.

O. H. DELCHAMPS, ¶

Complainant, ¶

-VS-

CERTAIN LANDS, and ¶

MAY HELENA CARLSON, MARY
C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
and the heirs and devisees of
said parties, if said parties
above mentioned are deceased,
and any and all persons claim-
ing or reputed to claim any
title to, interest in, lien or
encumbrance on said land or any
part thereof, ¶

Defendants. ¶


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Comes the Complainant in the above styled cause and shows that a Decree Pro Confesso has been rendered in the above cause and suggests that TILLIE K. STEPHENS is a suitable person to act as commissioner in this cause to take the depositions of LARKIN HARRIS and FLORENCE HARROD, witnesses on behalf of the Complainant in the above styled cause;

Wherefore Complainant prays that the said TILLIE K. STEPHENS be appointed as commissioner to take the depositions of the witnesses above mentioned.


E. G. RICKARBY,
Attorney for Complainant.

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: TILLIE K. STEPHENS

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 LARKIN HARRIS and FLORENCE HARROD

a witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein O.H. DELCHAMPS

and CERTAIN LANDS AND PERSONS, Complainant.

Respondent. on oath, to be by you administered, upon Tillie K. Stephens to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 2nd day of December, 195 8

W. J. ...
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
namely, MAY HELENA CARLSON,
MARY C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
et al,


Defendants.

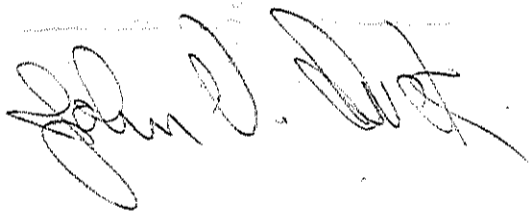
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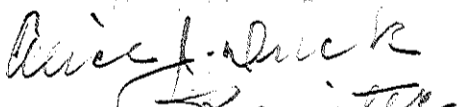
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

NOTE OF EVIDENCE

This cause is submitted for Final Decree on Complainant's Bill, Acceptance of Appointment and Answer of Guardian ad Litem, Motion for Decree Pro Confesso, two deeds, and depositions of the witnesses for the Complainant, namely, Florence Harrod and Larkin Harris.


E. G. Rickarby,
Solicitor for Complainant.




Register

O. H. DELCHAMPS,
Complainant,

-VS-

CERTAIN LANDS and PERSONS
Namely, MAY HELENA CARLSON,
MARY C. NYMAN, WALTER SPLITT,
GEORGE I. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
Defendants.

NOTE OF EVIDENCE

FILED

DEC 19 1958

ALICE J. DUCK, CLERK
REGISTER

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

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
described as follows:

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land, being forty (40) feet in width and containing 1.221 acres including the present roadway;

-and-

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One, Two and Three and the North Half of Lot Four of the Baldwin Addition to Marlow, Alabama;

-and-

MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, and the heirs and devisees of said parties, if said parties above mentioned are deceased, and any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said land or any part thereof,

Defendants.

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

T E S T I M O N Y

Testimony of FLORENCE HARROD on examination in the case of O. H. DELCHAMPS, Complainant, vs. CERTAIN LANDS and PERSONS, Defendants:

My name is FLORENCE HARROD, and I live in Baldwin County, Alabama, just south of Fairhope, and I am a real estate agent, and I live on U. S. Highway 98, and my home is across from Mr. O. H. Delchamps' farm. I am familiar with the property described as Parcel "A", namely, "The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land being forty (40) feet in width and containing 1.221 acres including the present roadway", and I know that Mr. O. H. Delchamps is in actual possession of this particular forty acres of land because I know that he has sold light wood from the land, and he has had Mr. Larkin Harris, the manager of his farm, take me over this land so that I could sell it for him. I have had this property shown to prospective purchasers by my sales agent and have negotiated a sale for this particular piece of property. This is timber land and Mr. Delchamps does not have it fenced for use as his pasture land. I am not sure whether there are any fences around the land or not.

I do know that no one, other than Mr. Delchamps, is occupying the land and no one is on the land and in actual possession of it other than Mr. Delchamps by the acts above stated. I do not know of any of these parties that are listed as defendants in this case.

EXAMINATION BY E. G. RICKARBY, Attorney for Complainant:

Q. Mrs. Harrod, are you familiar with the property described in the Bill as Parcel "B", namely, "Start at the Northwest corner of the Southwest Quarter of the Southeast Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND

SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One, Two and Three and the North Half of Lot Four of the Baldwin Addition to Marlow, Alabama"?

A. I only know of this land as a parcel of a larger tract, a little better than four hundred acres of land, that was listed with us for sale.

Q. Was there any evidence of any possession other than Mr. Delchamps' to this particularly described piece of property?

A. No.

Q. What possession did Mr. Delchamps have as to that four hundred acres which comprise the property described as Parcel "B" and other property?

A. He had full possession of this property and has it now.

Q. When you say, "possession", what evidence of ownership were you able to see?

A. Since he purchased it, I know that he has cut timber on this land, and has had us show the land for sale and we have sold eighty acres of the four hundred acres. All I actually know of the land described as Parcel "B" is that he has cut the timber and has had us show it several times.

CROSS-EXAMINATION OF THIS WITNESS BY JOHN DUCK, Esquire, Guardian ad Litem:

Q. Mrs. Harrod, do you know of your own personal knowledge whether Mr. Delchamps has been in possession of this property from the date he purchased it?

A. I have only known about Mr. Delchamps' possession of Parcel "A" for three years and I understand that he has had it longer than this.

Q. Do you know of any one else that is claiming any right, title and interest in this property?

A. No.

Q. Do you know of anyone else claiming ownership, or any title to that particular piece of property known as Parcel "B"?

A. No. I know of that property just like I do of the other

in that for the last three years I know of his possession.
Prior to that time I know nothing about his possession.

Florence Harrod

Subscribed and sworn to before me this 17th day of December, 1958.

* * *

William H. Stephens

EXAMINATION OF LARKIN HARRIS by E. G. RICKABY, Solicitor for Com-
plainant:

My name is LARKIN HARRIS and I live in Baldwin County, Ala-
bama, and I am a farm manager for O. H. Delchamps, Complainant in
this case. Mr. O. H. Delchamps is over the age of twenty-one years
and is a resident of Mobile County, Alabama.

I am familiar with the two pieces of land described in this
Bill, namely, Parcel "A", described as: "The Northeast Quarter of
the Southeast Quarter of Section 18, Township 6 South, Range 3
East, less public right-of-way on the north side of said land being
forty (40) feet in width and containing 1.221 acres including the
present roadway"; and Parcel "B", described as: "Start at the
Northwest corner of the Southeast Quarter of the Southwest Quarter
of Section 32, Township 6 South, Range 3 East, run East THREE AND
FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-
EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner,
thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDRED-
THS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY
(180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-
FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED
AND EIGHTY (180) feet to place of beginning, containing 1.34 acres,
and being Lots One, Two and Three and the North Half of Lot Four of
the Baldwin Addition to Marlow, Alabama".

I have been familiar with this property for at least fifteen
years. Before Mr. Delchamps bought it, this was the Prine land and
was turpented by him, that is, both Parcel "A" and Parcel "B" of
this land, and between 1953 and 1956, I know that Mr. Delchamps

bought this land as I advised him to purchase this land and helped him to negotiate the sale. At that time I knew that the Prine Estate was the only one that had been in possession of this land, and after Mr. Delchamps bought it, I know that he was the only one that had been in possession of this land.

The possession that Prine had of both Parcel "A" and Parcel "B" was having the land turpented--he had all that land cut and the turpentine gathered on it annually. After Mr. Delchamps took possession of the land, he had all the timber cut on that land that had been turpented, and sold the timber and built fire breaks around the property to keep the fires off. On Parcel "A", he has rented that out by letting Mr. Mannich run his cattle through there to keep the weeds down and keep the fires out. As to Parcel "B", nobody ever knew where that land was that I can tell about. These were two lots that were excepted from our deeds from Prine and later we tried to buy those two lots from Duncan Turnbull, and after we got them, we found that the Turnbull description did not absolutely cover our description in that he bought from J. A. Ertzinger and Ertzinger's deed was incorrect. So, there is a slight variance in the description, but there is no evidence of any possession of those particular lots, out of the forty in which they are situated.

As to the forty in which they are situated, Mr. Delchamps has rented that out, once or twice, and has cut timber off it.

During the last ten years, I do not know of anyone, other than the Delchamps and their predecessors in title, namely, J. R. Prine and the Estate of J. R. Prine, Duncan Turnbull, and, or, J. A. Ertzinger, who have paid taxes on this land or made any claim to it, or have had any possession of it within the last ten years. I know that Mr. Delchamps has procured abstract to Parcel "A", but the land described in Parcel "B", we had Mr. E. G. Rickarby make a search on after we negotiated for the sale, and the abstract and the search show that the only people who could have had any claim were the parties named as defendants, namely: May Helena Carlson, Mary C. Nyman, Walter Splitt, George L. Splitt, Mildred Splitt and Ralph J. Splitt.

EXAMINATION OF WITNESS BY E. G. RICKARBY, Attorney for Complainant:

Q. Do you know the present whereabouts of any of these parties?

A. I do not know the present whereabouts of any of these parties and Mr. Rickarby asked me to make some inquiries about them and I did but have been unable to find anybody that knows about them. I heard that they were scattered somewhere in the eastern part of the United States. I do not know of any suit filed which would affect the title to this land, other than this suit to quiet title and I am sure that if there was one, I would have been notified.

Q. NO FURTHER QUESTIONS.

CROSS-EXAMINATION OF THIS WITNESS BY JOHN DUCK, Esquire, Guardian ad Litem:

Q. Mr. Harris, do you know of your own personal knowledge that Mr. Delchamps has been in possession of this land since the date of purchase?

A. Yes, I do.

Q. Do you know of anyone else claiming any right, title or interest in the two parcels of property described in this Bill?

A. No, Sir, I do not.

Q. NO FURTHER QUESTIONS.

Larkin Harris

Subscribed and sworn to before me this 19th day of Dec, 1958.

John R. Stephens

STATE OF ALABAMA

STATUTORY WARRANTY DEED

BALDWIN COUNTY

BOOK 208 PAGE 410

THIS INDENTURE, made and entered into by and between KATIE PEARL PRINE, as Executrix of the Estate of Julian Ray Prine, who is also known as J. R. Prine, Deceased, hereinafter referred to as party of the first part, and O. H. DELCHAMPS, hereinafter referred to as party of the second part, WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration this day cash in hand paid to party of the first part by party of the second part, receipt whereof is hereby acknowledged, party of the first part has granted, bargained, sold and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the party of the second part, the following described lands situated in Baldwin County, Alabama, to-wit:

The Northeast Quarter of Southeast Quarter of Section Eighteen, Township Six South, Range Three East.

Together with, all and singular, the rights, benefits, privileges, improvements, tenements, hereditaments and appurtenances unto the same belonging or in any wise appertaining.

TO HAVE AND TO HOLD unto the party of the second part, his heirs and assigns, FOREVER.

The above described property is being sold and conveyed by this instrument by the party of the first part for the purpose of securing money for the Estate of Julian Ray Prine, Deceased, with which to pay the inheritance tax and other taxes due by said Estate and for the purpose of paying the costs of administering such Estate and is sold by the party of the first part in accordance with the provisions of Paragraph "TENTH" of the Last Will and Testament of the said Julian Ray Prine, Deceased, which said Will has been duly admitted to Probate and Record in the Probate Court of Baldwin County, Alabama.

State and County Taxes on the property described herein for the year 1954 shall be prorated as of the date of this instrument.

This conveyance is subject to that certain oil, gas and mineral lease from J. R. Prine and Katie Pearl Prine, his wife, to Sinclair Oil and Gas Company, dated May 7, 1952, leasing the lands hereinabove described, which said lease is recorded in Deed Book 181, pages 131-3 in the Probate Records of Baldwin County, Alabama, and all rentals hereinafter paid under such lease, insofar as the lands hereby conveyed are concerned, shall be the property of the party of the second part.

IN WITNESS WHEREOF, the party of the first part has hereunto set her hand and seal on this the 14th day of May, 1954.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 5-14-54 10 A.M.
Recorded _____ book _____ page _____
and I certify that the following Privilege Tax
has been paid.
Deed Tax 3.00
Mortgage Tax _____
By M. D. Stewart
Judge of Probate

Katie Pearl Prine (SEAL)
as Executrix of the Estate
of Julian Ray Prine,
Deceased

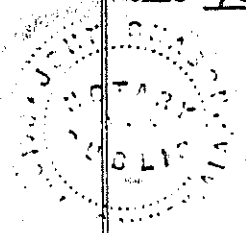
STATE OF ALABAMA

BALDWIN COUNTY

I, John D. Dixon, a Notary Public, in and for said County in said State, hereby certify that Katie Pearl Prine, whose name as Executrix of the Estate of Julian Ray Prine, Deceased, 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 the conveyance, she, in her capacity as such Executrix, executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal hereto affixed by me this 14th day of May, 1954.

John D. Dixon
Notary Public, Baldwin County, Ala.



BOOK 208 PAGE 411

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

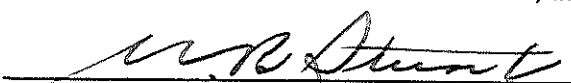
that the within and foregoing Two photostatic pages

contain a full, true and complete copy of the Deed from Katie Pearl Prine, as

Executrix of Estate Julian Ray Prine, Dec'd. to O.H. Delchamps,

as the same appears of record in my office in Deed Book No. 208
page 410-11.

Given under my hand and seal of office, this 19th day of December, 1958.


Judge of Probate.

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
namely, MAY HELENA CARLSON,
MARY C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
et al,

Defendants.

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

C E R T I F I C A T E

I, TILLIE K. STEPHENS, hereby certify that on the 15th day of December, 1958, FLORENCE HARROD and LARKIN HARRIS, witnesses for the Complainant in this cause, appeared before me and on examination by E. G. Rickarby, Attorney for Complainant, and cross-examination by John Duck, Attorney and Guardian ad Litem for the above named defendants, under stipulation of the parties made by said attorneys, and hereto attached, their testimony was reduced to writing by me, signed and sworn to by each of them and is hereto attached; and that a copy of this testimony has been by me delivered to John Duck, Attorney and Guardian ad Litem for the defendants, and E. G. Rickarby, Attorney for the Complainant, and that the enclosed is a true record of the testimony given by the witnesses above named.

Done this the 18th day of December, 1958.

Lillie K. Stephens
Commissioner

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 Sept. 25 -
Oct. 2 - 9 - 16, 1958.

Francis H. Crawford

Editor

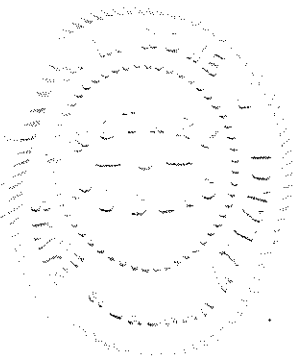
State of Alabama
County of Baldwin

Sworn to and subscribed this 18th
day of October, A. D. 1958, before me.

H. W. Rowe

Notary Public, Baldwin County

H. W. Rowe, Notary Public
State of Alabama
My Commission Expires June 6, 1959



O. H. DELCHAMPS, |
Complainant, | IN THE CIRCUIT COURT OF
-VS- | BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS and PERSONS, | IN EQUITY.
Namely, MAY HELENA CARLSON, |
MARY C. NYMAN, WALTER SPLITT, |
GEORGE L. SPLITT, MILDRED |
SPLITT and RALPH J. SPLITT, |
Defendants. |

BOOK 274 PAGE 459

F I N A L D E C R E E

This cause coming on to be heard this the 22
day of December, 1958, is submitted for final decree
upon complainant's verified bill of complaint and upon the
decree pro confesso rendered therein, the answer of the
Guardian ad litem, certified copies of deeds, and upon the
testimony of Florence Harrod and Larkin Harris, taken orally
before the commissioner duly appointed by the Register, and
by order of the Court, and the certificate of the Register
and the pleadings and proof, as noted by the Register, and it
appearing to the satisfaction of the Court:

1. That the complainant, O. H. DELCHAMPS, at the time of
the filing of his bill of complaint in this cause, claimed in
his own right a fee simple title to, and was in the actual,
peaceable possession of the following described lands lying and
being situated in the County of Baldwin and State of Alabama,
and more particularly described as follows:

PARCEL "A"

The Northeast Quarter of the Southeast Quarter
of Section 18, Township 6 South, Range 3 East,
less public right-of-way on the north side of
said land being forty (40) feet in width and
containing 1.221 acres including the present
roadway;

-and-

PARCEL "B"

Start at the Northwest corner of the Southeast
Quarter of the Southwest Quarter of Section
32, Township 6 South, Range 3 East, run East
THREE AND FIVE HUNDREDTHS (3.05) chains to a
stake, thence South SEVEN AND FORTY-EIGHT HUN-
DREDTHS (7.48) chains to a stake for beginning
corner, thence South THREE HUNDRED AND TWENTY-
THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet
to a stake, thence East ONE HUNDRED AND EIGHTY
(180) feet, thence North THREE HUNDRED AND TWENTY-
THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet
to a stake, thence West ONE HUNDRED AND EIGHTY

-ONE-

(180) feet to place of beginning, containing 1.34 acres, and being Lots One, Two and Three and the North Half of Lot Four of the Baldwin Addition to Marlow, Alabama.

2. That at the time of the filing of said bill of complaint no suit was pending to test his title to, interest in, or his right to the possession of said lands.

3. That his 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 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 Section 9913 of the Code of Alabama.

4. That the names of none of the parties defendants were known to complainant, except MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, whose addresses are unknown and who are believed to be dead, and that he exercised diligence to ascertain the facts with regard thereto.

5. That notice of the pendency of said bill of complaint was drawn and signed by the Register of this 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 law to receive and publish legal advertisements, where the lands described in the bill of complaint lie, as prescribed by law and the rules of this Court 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 said notice being in strict accord and compliance with Section 9917 of the Civil Code of Alabama, and recorded in compliance with Section 9916 of the Civil Code of Alabama.

7. That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said county

where said lands lie.

8. That no person has intervened in said cause.

9. That the complainant has established or shown by legal evidence that he is the owner of a fee simple title to said lands.

10. That all the allegations of fact contained in complainant's bill of complaint are true.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the complainant is entitled to the relief prayed for in his said bill of complaint, and that the fee simple title claimed by the complainant in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the complainant is the owner of said lands and has a fee simple title thereto, free of all liens and incumbrances, and that his said title thereto be and is hereby established, 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 Probate of Baldwin County, Alabama, and that it be indexed in the name of O. H. DELCHAMPS, the Complainant, and MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, the Defendants, in both the direct index and the indirect index of the record thereof.

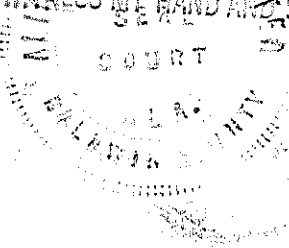
It is further ORDERED, ADJUDGED AND DECREED by the Court that complainant pay the costs of this proceeding, for which let execution issue.

DONE THIS THE 22 day of December, 1958.

Hubert M. Hall
HUBERT M. HALL, Circuit Judge.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original filed and recorded by the Judge of the Circuit Court in the above stated cause, which case is on file in my office.

WITNESS MY HAND AND SEAL THIS THE 22 day of Dec., 1958



Alice J. Duck
Register of Circuit Court, in Equity

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS, and

MAY HELENA CARLSON, MARY
C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
and the heirs and devisees of
said parties, if said parties
above mentioned are deceased,
and any and all persons claim-
ing or reputed to claim any
title to, interest in, lien or
encumbrance on said land or any
part thereof,

Defendants.


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Comes the Complainant in the above styled cause and shows that a Decree Pro Confesso has been rendered in the above cause and suggests that TILLIE K. STEPHENS is a suitable person to act as commissioner in this cause to take the depositions of LARKIN HARRIS and FLORENCE HARROD, witnesses on behalf of the Complainant in the above styled cause;

Wherefore Complainant prays that the said TILLIE K. STEPHENS be appointed as commissioner to take the depositions of the witnesses above mentioned.


E. G. RICKARBY,
Attorney for Complainant.

Done this the _____ day of _____, 1958.

by Equity Rule Six, Paragraph "A".
the Court House in Bay Minette, Baldwin County, Alabama, as required
weeks, and that a copy of said notice be posted up at the door of
lished in Baldwin County, Alabama, once a week for four consecutive
against said Defendants in the Fairhope Courier, a newspaper pub-
It is, therefore, ordered that the publication be made

of such facts;
Complainant request publication and has made proof by affidavit
upon the lands described in the bill, are unknown and that the
reputing to claim any title to, interest in, lien or encumbrance
above mentioned are deceased, and any and all persons claiming or
RALPH J. SPLITT and their heirs and devisees--the said parties
MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT,
It appearing that the residences of MAY HELENA CARLSON,

ORDER OF PUBLICATION

I
I Defendants.
I part thereof,
I encumbrance on said land or any
I title to, interest in, lien or
I ing or reputed to claim any
I and any and all persons claim-
I above mentioned are deceased,
I said parties, if said parties
I and the heirs and devisees of
I SPLITT and RALPH J. SPLITT,
I GEORGE L. SPLITT, MILDRED
I O. NYMAN, WALTER SPLITT,
I MAY HELENA CARLSON, MARY
I CERTAIN LANDS, and
I -VS-
I Complainant
I O. H. DELCHAMPS,

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

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
described as follows:

The Northeast Quarter of the
Southeast Quarter of Section
18, Township 6 South, Range
3 East, less public highway
way on the north side of said
land, being forty (40) feet
in width and containing 1.221
acres including the present
roadway;

-and-

Start at the Northwest corner
of the Southeast Quarter of
the Southwest Quarter of Sec-
tion 32, Township 6 South,
Range 3 East, run East THREE
AND FIVE HUNDREDTHS (3.05)
chains to a stake, thence
South SEVEN AND FORTY-EIGHT
HUNDREDTHS (7.48) chains to
a stake, for beginning corner,
thence South THREE HUNDRED AND
TWENTY-THREE AND SEVENTY-FIVE
HUNDREDTHS (323.75) feet to a
stake, thence East ONE HUNDRED
AND EIGHTY (180) feet, thence
North THREE HUNDRED AND TWENTY-
THREE AND SEVENTY-FIVE HUNDRED-
THS (323.75) feet to a stake,
thence West ONE HUNDRED AND
EIGHTY (180) feet to place of
beginning, containing 1.34 acres,
and being Lots One (1), Two (2),
and Three (3) and the North Half
of Lot Four (4) of the Baldwin
Addition to Marlow, Alabama.

- and -

MAY HELENA CARLSON, MARY C.
NYMAN, WALTER SPLITT, GEORGE L.
SPLITT, MILDRED SPLITT and
RALPH J. SPLITT, and the heirs
and devisees of said parties, if
said parties above mentioned are
deceased, and any and all persons
claiming or reputed to claim any
title to, interest in, lien or
encumbrance on said land or any
part thereof,

Defendants.

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

-BILL TO QUIET TITLE-

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

Comes your Complainant, O. H. DELCHAMPS, and respectfully shows unto your Honor, the following:

ONE: That he is over the age of twenty-one years and a resident citizen of Mobile County, State of Alabama.

TWO: That the lands here in controversy are situated in Baldwin County, Alabama, and are more particularly described as follows:

PARCEL "A"

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land, being forty (40) feet in width and containing 1.221 acres including the present roadway;

-and-

PARCEL "B"

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake, for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY (180) feet to place of beginning, containing 1.34 acres, and being Lots One (1), Two (2) and Three (3) and the North Half of Lot Four (4) of the Baldwin Addition to Marlow, Alabama.

And the Complainant in his own right claims to own said lands and to have and possess a fee simple title thereto, free of all liens and encumbrances, and that he is in actual peaceful possession of said lands and has been in possession of Parcel "A" since the 14th day of May, 1954.

As to Parcel "B", Complainant alleges that he is in actual peaceful possession of said lands and has been in such possession since on, or about the 4th day of April, 1956.

THREE: Complainant alleges that he obtained Parcel "A" and title thereto by deed from KATIE PEARL PRINE, Executrix of the Estate of JULIAN RAY PRINE, which deed is recorded in Deed Book 208, Pages 410-411 of the Probate Records of Baldwin County, Alabama, and as to Parcel "B", Complainant obtained title to said land by deed from DUNCAN TURNBULL and ALICE TURNBULL, his wife, which deed is recorded in Deed Book 237, page 262 of the Probate Records of Baldwin County, Alabama.

FOUR: That the title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of O. H. DELCHAMPS, the Complainant.

FIVE: That no one except your Complainant and J. R. PRINE and the Estate of J. R. PRINE, deceased, have paid any taxes on said land within the last ten years, and that the Complainant holds the deed conveying the interest of J. R. PRINE and the Estate of J. R. PRINE, deceased, to said lands.

SIX: As to Parcel "B", Complainant alleges that no one other than Complainant, DUNCAN TURNBULL and ALICE TURNBULL, and ORT ERTZINGER have paid taxes on said land within the last ten years, and that Complainant has a deed conveying the interest of ORT ERTZINGER and DUNCAN TURNBULL and ALICE TURNBULL to said land, to him.

SEVEN: Complainant alleges that he and his predecessors in title, above mentioned, are the only parties that have been in possession of said land or any part thereof within the last ten years.

That Complainant further avers that he procured an abstract of said lands in order to ascertain the name of any other person or persons who claim title to said lands or any interest therein and that the only persons who could possibly claim title to said lands, or any interest therein, are the par-

ties named as defendants in this bill; that he has made diligent inquiry of various sources seeking the whereabouts of the defendants above mentioned or the names of any other person or persons who claim title to said lands or any interest therein, but has utterly failed to obtain the names of any person, other than the defendants above mentioned, and that he has made diligent search to obtain the addresses of said parties named as defendants and to determine whether they be living or dead and he has been unable to obtain said addresses or determine whether said parties be living or dead.

Complainant further avers that no suit is pending to test the title to, interest in, or right to the possession of said lands.

The Premises considered, Complainant doth file this, his verified Bill of Complaint against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance upon said lands, or any part thereof, and to establish the right or title to such lands, and clear up all doubts or disputes concerning the same, and prays that this Court will make and enter all orders, including an order appointing an Attorney-at-Law to act as Guardian ad litem or Attorney ad litem, to represent the unknown parties in this cause, and enter all judgments and decrees that may be meet and proper in the premises, and that upon a final hearing of this cause, the Court will decree that the Complainant is the owner of said lands and has a fee simple title thereto, free of all liens and encumbrances, and will grant to the Complainant such other, further, or different relief as may be meet and proper in the premises.

E. G. RICKARBY,
Solicitor for Complainant.

STATE OF ALABAMA,)
)
COUNTY OF BALDWIN.)

Before me, the undersigned notary public, in and for said State and County, personally appeared LARKIN HARRIS, who being by me duly sworn, deposes and says that he is agent for the Complainant in this cause and that the allegations and averments contained in the foregoing Bill of Complaint are true and correct.

AFFIANT

Sworn to and subscribed before me this the _____ day of _____,
1958.

Notary Public, Baldwin County, Alabama.

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

November 25, 1958

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

Dear Mrs. Duck:

Inre: O. H. Delchamps
Vs: Certain Lands, et al
Our File: 4517

Request you please appoint a practicing attorney to act as guardian and attorney ad litem to represent the unknown heirs in this cause, and oblige.

Yours very truly,



EGR/ts
Encl.

STATE OF ALABAMA BALDWIN COUNTY
Filed 4-11-56 8AM

Recorded _____ book _____ page _____
and I certify that the following Privilege Tax
has been paid.

Deed Tax _____ 50
Mortgage Tax _____

M. Stewart
Judge of Probate

STATE OF ALABAMA
BALDWIN COUNTY

THIS INDENTURE, made the 31st day of January, 1956, Between
ALICE TURNBULL and DUNCAN TURNBULL, her husband, parties of the first
part, and O. H. DELCHAMPS, party of the second part:

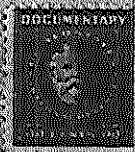
WITNESSETH, that the parties of the first part in consideration
of the sum of ONE DOLLAR (\$1.00) and other good and valuable considera-
tion, hereby acknowledged to have been paid the parties of the first
part by the party of the second part, do GRANT, BARGAIN, SELL and CON-
VEY unto said party of the second part, his heirs and assigns, all the
real property in Baldwin County, Alabama, described as follows:

Beginning at the Northwest corner of the Southeast
quarter of the Southwest quarter of Section 32,
Township 6 South, Range 3 East, run East 3.6 chains,
South 7.48 chains for beginning corner, thence South
320.75 feet, East 180 feet, North 323.75 feet, and
West 180 feet to beginning; being Lots 1, 2 and 3 and
the North half of Lot 4, in Block 4, in Baldwin Addi-
tion to Marlow, Alabama.

Together with all the rights and appurtenances to said described premis-
es in anywise belonging:

TO HAVE AND TO HOLD the same forever.

IN WITNESS WHEREOF, the said parties of the first part have hereun-
to set their hands and seals the day and year above written.

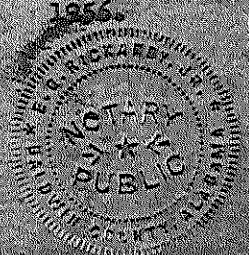


Alice Turnbull
Duncan Turnbull

State of Alabama
Baldwin County

I, E. G. Rickard, Jr., a Notary Public in and for said
County in said State, hereby certify that ALICE TURNBULL and DUNCAN
TURNBULL, 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 voluntarily on
the day the same were hereunto set.

Given under my hand and official seal this 31 day of January,
1956.



E. G. Rickard, Jr.
Notary Public, Baldwin County, Alabama

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 Deed from Alice Turnbull, et al, to
O. H. Delchamps,

as the same appears of record in my office in Deed Book No. 237
page 262.

Given under my hand and seal of office, this 19th day of December, 1958.



Judge of Probate.

O. H. DELCHAMPS,
Complainant

-VS-

CERTAIN LANDS, and
MAY HELENA CARLSON, MARY
C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,
and the heirs and devisees of
said parties, if said parties
above mentioned are deceased,
and any and all persons claim-
ing or reputed to claim any
title to, interest in, lien or
encumbrance on said land or any
part thereof,
Defendants.

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

ORDER OF PUBLICATION

It appearing that the residences of MAY HELENA CARLSON,
MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT,
RALPH J. SPLITT and their heirs and devisees--the said parties
above mentioned are deceased, and any and all persons claiming or
reputing to claim any title to, interest in, lien or encumbrance
upon the lands described in the bill, are unknown and that the
Complainant request publication and has made proof by affidavit
of such facts;

It is, therefore, ordered that the publication be made
against said Defendants in the Fairhope Courier, a newspaper pub-
lished in Baldwin County, Alabama, once a week for four consecutive
weeks, and that a copy of said notice be posted up at the door of
the Court House in Bay Minette, Baldwin County, Alabama, as required
by Equity Rule Six, Paragraph "A".

Done this the 18th day of Sept, 1958.

Hubert M. Zane
CIRCUIT JUDGE

O. H. DELCHAMPS,	¶	
Complainant,	¶	IN THE CIRCUIT COURT OF
-VS-	¶	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS and PERSONS,	¶	IN EQUITY.
Namely, MAY HELENA CARLSON,	¶	
MARY C. NYMAN, WALTER SPLITT,	¶	
GEORGE L. SPLITT, MILDRED	¶	
SPLITT and RALPH J. SPLITT,	¶	
Defendants.	¶	

F I N A L D E C R E E

This cause coming on to be heard this the 22 day of December, 1958, is submitted for final decree upon complainant's verified bill of complaint and upon the decree pro confesso rendered therein, the answer of the Guardian ad litem, certified copies of deeds, and upon the testimony of Florence Harrod and Larkin Harris, taken orally before the commissioner duly appointed by the Register, and by order of the Court, and the certificate of the Register and the pleadings and proof, as noted by the Register, and it appearing to the satisfaction of the Court:

1. That the complainant, O. H. DELCHAMPS, at the time of the filing of his bill of complaint in this cause, claimed in his own right a fee simple title to, and was in the actual, peaceable possession of the following described lands lying and being situated in the County of Baldwin and State of Alabama, and mor particularly described as follows:

PARCEL "A"

The Northeast Quarter of the Southeast Quarter of Section 18, Township 6 South, Range 3 East, less public right-of-way on the north side of said land being forty (40) feet in width and containing 1.221 acres including the present roadway;

-and-

PARCEL "B"

Start at the Northwest corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East THREE AND FIVE HUNDREDTHS (3.05) chains to a stake, thence South SEVEN AND FORTY-EIGHT HUNDREDTHS (7.48) chains to a stake for beginning corner, thence South THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence East ONE HUNDRED AND EIGHTY (180) feet, thence North THREE HUNDRED AND TWENTY-THREE AND SEVENTY-FIVE HUNDREDTHS (323.75) feet to a stake, thence West ONE HUNDRED AND EIGHTY

(180) feet to place of beginning, containing 1.34 acres, and being Lots One, Two and Three and the North Half of Lot Four of the Baldwin Addition to Marlow, Alabama.

2. That at the time of the filing of said bill of complaint no suit was pending to test his title to, interest in, or his right to the possession of said lands.

3. That his 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 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 Section 9913 of the Code of Alabama.

4. That the names of none of the parties defendants were known to complainant, except MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, whose addresses are unknown and who are believed to be dead, and that he exercised diligence to ascertain the facts with regard thereto.

5. That notice of the pendency of said bill of complaint was drawn and signed by the Register of this 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 law to receive and publish legal advertisements, where the lands described in the bill of complaint lie, as prescribed by law and the rules of this Court 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 said notice being in strict accord and compliance with Section 9917 of the Civil Code of Alabama, and recorded in compliance with Section 9916 of the Civil Code of Alabama.

7. That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said county

where said lands lie.

8. That no person has intervened in said cause.

9. That the complainant has established or shown by legal evidence that he is the owner of a fee simple title to said lands.

10. That all the allegations of fact contained in complainant's bill of complaint are true.

It is therefore ORDERED, ADJUDGED AND DECREED by the Court that the complainant is entitled to the relief prayed for in his said bill of complaint, and that the fee simple title claimed by the complainant in and to the above described lands has been duly proven.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the complainant is the owner of said lands and has a fee simple title thereto, free of all liens and incumbrances, and that his said title thereto be and is hereby established, 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 Probate of Baldwin County, Alabama, and that it be indexed in the name of O. H. DELCHAMPS, the Complainant, and MAY HELENA CARLSON, MARY C. NYMAN, WALTER SPLITT, GEORGE L. SPLITT, MILDRED SPLITT and RALPH J. SPLITT, the Defendants, in both the direct index and the indirect index of the record thereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court that complainant pay the costs of this proceeding, for which let execution issue.

DONE THIS THE 22 day of December, 1958.


HUBERT M. HALL, Circuit Judge.

O. H. DELCHAMPS,

Complainant,

-VS-

CERTAIN LANDS and PERSONS,
namely, MAY HELENA CARLSON,
MARY C. NYMAN, WALTER SPLITT,
GEORGE L. SPLITT, MILDRED
SPLITT and RALPH J. SPLITT,

Defendants.

FINAL DECREE

FILED
DEC 22 1958
ALICE I. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

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