

4405

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 4405

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama:

The Complainant wishes to take orally, on behalf of the Complainant, the testimony of the following witnesses:

- Bessie M. Keeney, Fairhope, Alabama.
- Robert C. Keeney, Jr., Fairhope, Alabama.

It is hereby requested that they be given proper and legal notice and that Evelyn Watts be appointed as Special Commissioner, to take testimony of said witnesses, and that due and legal notice be given as required by law.

Dated this the 7 day of January, 1957.

Wilters & Brantley

BY: Sam J. Wilters, Jr.
Solicitor for the Complainant

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

REQUEST FOR APPOINTMENT
OF COMMISSIONER

1/2/59

FILED

JAN 7 1959

ALICE J. DUCK, Register

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
No. 4405

NOTICE OF TIME OF TAKING TESTIMONY

TO: Minnie Wise, Minnie Wilson and Mrs. F. Hoffman:

Notice is hereby given that the Complainant will on the 7TH day of
January, 1959, before Evelyn Watts, as special commissioner,
take the testimony of the following witnesses:

Bessie M. Keeney, Fairhope, Alabama.

Robert C. Keeney Jr., Fairhope, Alabama.

Dated this the 5 day of January, 1959.

Wilters & Brantley

BY: Stan J. Wilters, Jr.
Solicitor for the Complainant

Evelyn Watts
Special Commissioner

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

NOTICE OF TIME OF TAKING TESTIMONY

1/5/59

FILED

JAN 7 1959

ALICE J. DUCK, Register

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached, of

Bessie M. Keeney vs Minnie Wise

COST STATEMENT

515 WORDS @ 6 1/2 cents \$ 33. 48
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Oct. 23, 1958 Vol. 70 No. 41

Date of 2nd publication Oct 30, 1958 Vol. 70 No. 42

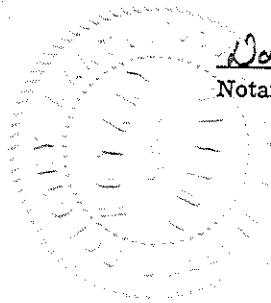
Date of 3rd publication Nov 6, 1958 Vol. 70 No. 43

Date of 4th publication Nov. 13, 1958 Vol. 70 No. 44

Subscribed and sworn before the undersigned this 29 day of Dec, 1958

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.



STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MINNIE WISE, MINNIE WILSON, AND MRS. F. HOFFMAN, the unknown heirs, devisees, grantees, personal representatives, assigns of Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by BESSIE M. KEENEY, as Complainant, against Minnie Wise, et al, as Respondents.

Witness my hand this the _____ day of October, 1958.

Register

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

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

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

Your Complainant, Bessie M. Keeney, presents this her bill of complaint against the following described land situated in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate, Baldwin County, Alabama;

and also Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, and against their heirs, and each of their heirs, devisees, grantees, administrators, successors personal representatives and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against the said land or any part thereof, and respectfully represents and shows unto your Honor as follows:

1.

That your Complainant is over the age of twenty-one years and a resident of Baldwin County, Alabama.

2.

That Minnie Wise, Minnie Wilson and Mrs. F. Hoffman are over twenty-one years of age and if living non-residents of the State of Alabama;

and if dead their heirs, assigns, devisees, grantees, and personal representatives are non-residents of the State of Alabama, and over twenty-one years of age; that a diligent search and inquiry has been made and caused to be made to ascertain the present addresses of the Respondents and whether or not either of them are dead and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the said parties are all non-residents of the said State of Alabama, over twenty-one years of age and that their post office addresses cannot be ascertained.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being described as follows:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as Recorded in Miscellaneous Book 1, pages 230-231; 287; in the office of the Judge of Probate, Baldwin County, Alabama.

4.

That no suit is pending to test the Complainant's title to, interest in, or rights of possession; that the Complainant therefore calls upon the Respondents and each of them separately and severally to set forth and specify what right, title, interest in, lien or encumbrance the said Respondents and each of them have in and to said lands and by what instrument the same is derived and/or created.

5.

That your Complainant obtained said property and title thereto under and by virtue of the last will and testament of her deceased husband, Robert Champion Keeney, which said last will and testament has been proved and probated in the probate court of Baldwin County, Alabama, and is recorded in Will Book 2, page 491, and in which said last will and testament she is given and devised the said property, the said Robert Champion Keeney at the time of his death being the owner thereof, and the said Robert Champion Keeney having died a resident of said county at Fairhope, Alabama, on to-wit, the 27th day of February, 1957,.

6.

That the title to said lands stand upon the records of the Probate Court of Baldwin County, Alabama, in the name of your Complainant, Bessie M. Keeney.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said land, or had any possession other than your Complainant and those through whom she claims.

8.

That the only persons shown by records of Baldwin County, Alabama, to have any claim against said land or any part thereof are Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper process make the said Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives and assigns of Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said lands in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287; in the office of the Judge of Probate, Baldwin County, Alabama.

or any part thereof, parties Respondents to the bill of complaint, and require them, and each of them to appear and answer or demur or the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances to the lands herein described and to each and every part and parcel thereof, is vested in your Complainant, Bessie M. Keeney, and that neither Minnie Wise, Minnie Wilson or Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of Minnie Wise, Minnie Wilson and Mrs. F. Hoffman nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the lands be cleared up.

Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscious entitled to.

Wilters & Brantley

BY: Harry J. Wilters Jr.
Solicitors for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared Harry J. Wilters Jr., whos is known to me, and who having been by me first duly sworn, deposes and says: That he is the Solicitor for the Complainant in the above styled cause, is authorized to make this affidavit; that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.

Harry J. Wilters Jr.

Sworn to and subscribed before me this 20 day of October, 1958.

Earlyn Watts
Notary Public, Baldwin County, Alabama

[Signature]
 JAMES A. DUCK, Register

MINNEAPOLIS TO WISCONSIN
 WISCONSIN COUNTY

I, Minnie Wise, do hereby certify that the within and foregoing statement of facts is true and correct to the best of my knowledge and belief, and I declare under oath that I am duly qualified to make and depose to the facts herein stated, and that I am not a party to the same, and that I am not in any way interested in the result of the same.

I, Bessie M. Keeney, do hereby certify that the within and foregoing statement of facts is true and correct to the best of my knowledge and belief, and I declare under oath that I am duly qualified to make and depose to the facts herein stated, and that I am not a party to the same, and that I am not in any way interested in the result of the same.

BILL OF COMPLAINT

MINNIE WISE, ET AL,
 RESPONDENTS
 VS
BESSIE M. KEENEY
 COMPLAINANT

FILED

OCT 20 1958

ALICE J. DUCK, Register

[Signature]
 JAMES A. DUCK, Register

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

Bessie M. Keeney COMPLAINANT

vs.

Minnie Wise et al, RESPONDENT

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Bessie M. Keeney and Robert C. Keeney Jr.

witness es named in the requirement for Oral Examination, on the 7th day of January 19 59, at the office of Wilters & Brantley

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 Bessie M. Keeney and

Robert C. Keeney Jr. doth depose and say as follows:

My name is Bessie M. Keeney, and I am the owner of the following described lands:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate of Baldwin County, Alabama.

I am over the age of 21 years and a resident of Baldwin County, Alabama. Minnie Wise, Minnie Wilson and Mrs. F. Hoffman are over the age of 21 years, and if living, non-residents of the State of Alabama, and if dead their heirs, assigns and devisees, grantees and personal representatives are non-residents of the State of Alabama and over the age of 21 years; I have cause a diligent search to be made in Baldwin County to ascertain if any of the above named individuals are still living and whether they are residents of this county and state, by having a search made of the records of Baldwin County including the tax records, voting records and probate records and inquiries being made in a number of places including the officials of this county and around Daphne.

I am now in possession of the lands above described and that this possession consists of fencing the same for approximate six years and posting notices continuously as to the ownership of this land and have kept the lots cleaned and clear of bushes and debris, surveying the same and also giving permit to individuals to traverse across the same. That no one has at any time within ten years next preceeding the filing of this bill of complaint paid any taxes upon the said land or had any possession other than your Complainant or those through whom I claim.

There is no suit pending to test my title to, interest in, or rights of possession of the land. I obtained title to this land by virtue of the Last Will and Testament of Robert Champion Keeney, deceased, and that the said will has been proved and probated in the Probate Court of Baldwin County, Alabama, and the same is recorded in Will Book 2, page 491 and that at the time of Mr. Keeney's death he was the owner of the said land. He was a resident of Baldwin County, Alabama, at the time of his death in February 1957. The title stands in my name on the records in the Probate Court of Baldwin County, Alabama. That the only persons shown to have any claim against this land or any part thereof are Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman.

Bessie M. Keeney

I, Evelyn Watts 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 Harry J. Wilters Jr.

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 7th day of January, 1959.

Evelyn Watts (L. S.)

No. _____ Page _____

**THE STATE OF ALABAMA,
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

Bessie M. Keeney

COMPLAINANT

vs.
Minnie Wise, et al

RESPONDENT

ORAL DEPOSITION

Filed _____, 19____

FILED

JAN 8 1959

Register.

Alice J. Nick CLERK
ALICE J. NICK REGISTER

Record

Vol. _____ Page _____

Register.

Cross Examination by Wilson Hayes, Mrs. Keeney testifies:

I fenced the land in 1953 with a 2 strand barb wire fence all around the lots. The fence went from corner to corner. This fence was never removed and still remains as it was originally constructed. The signs put on the land read, "No trespassing, R. C. Keeney, Owner." They are placed all around the property so that anybody going on the land could see them. The fence was repaired and made a one strand fence one year during the periodic cleaning up time. The cleaning up was done by hired labor during Mr. R. C. Keeney's lifetime. Since then the cleaning has been done by R. C. Keeney Jr., in person. No other person has ever claimed ownership of the land since R.C. Keeney Sr., came into possession. We have always held possession openly, notorious, adversely and peaceably since we took possession in 1953.

Bessie M. Keeney

My name is Robert Champion Keeney Jr. I am the son of Bessie M. Keeney and Robert Champion Keeney Sr., deceased, and I have known this land since it has come into possession of my family and I know that for a number of years it has been fenced, cleaned, surveyed, and posted by my father and mother. I, myself, as agent for my mother, have cleaned this land and have given permits for individuals to travel across the same. This possession and these acts to my knowledge has been continuous for more than six or seven years.

Robert C. Keeney Jr.

Cross Examination by Wilson Hayes, Mr. Keeney testifies:

The cleaning up I did was to remove falling limbs and other accumulated brush. On several occasions we checked and repaired the fence and checked the no trespassing signs.

Robert C. Keeney Jr.

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
#405

LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that Minnie Wise, Minnie Wilson and Mrs. F. Hoffman are over twenty-one years of age and if living non-residents of the State of Alabama; and if dead their heirs, assigns, devisees, grantees and personal representatives are non-residents of this state and over twenty-one years of age, and whose address cannot be ascertained after a diligent search and inquiry; that Bessie M. Keeney is over the age of twenty-one years and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual, peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287; in the office of the Judge of Probate, Baldwin County, Alabama.

That the Complainant acquired title to the lands above described by virtue of the last will and testament of her deceased husband, Robert Champion Keeney, which said last will and testament has been proved and probated in the Probate Court of Baldwin County, Alabama, and is recorded in Will Book 2, page 491 and in which said last will and testament she is given and devised said property, the said Robert Champion Keeney at the time of his death being the owner thereof, the said Robert Champion Keeney having died a resident of Baldwin County, Alabama, on to-wit, the 27th day of February, 1957. Further that no one has paid taxes on said property, or have been in possession of the said lands, or any part of the said lands with in ten years next prior to the filing of the bill of complaint in said cause except those through whom she claims title.

IT IS, THEREFORE, ORDERED, and notice is hereby given that Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman, the unknown heirs, devisees, personal representatives, grantees, successors and assigns of Minnie Wise, Minnie

Wilson, and Mrs. F. Hoffman, and any other person, firm or corporation claiming any title to, interest in, lien or encumbrance upon said land, or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before the 17th day of November, 1958, or upon their failing to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 20 day of October, 1958.

Alice J. Duck
Register

Wilters & Brantley
Solicitors for the Complainant

STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-20-58 4 P. M.
Recorded Lisa Pond book 4 page 461-2
M. Stewart
Judge of Probate

7/10/58

Wilters & Brantley

... of the ...
... on or before the 15th day of November 1958, or soon after writing to do
... appears in ...
... on the 15th day of November 1958, or soon after writing to do
... appearing and this to ...
... appear, and the ...

10-20-58

4403

20
BESSIE M. KEENEY
41
COMPLAINANT
VS
MINNIE WISE,⁵¹ ET AL,
Minnie W. Wise
Mrs. F. Hoffman
RESPONDENTS
LIS PENDENS NOTICE
4403-2

FILED
OCT 20 1958
ALICE J. DUCK, Register

R-175
Alice Duck

[Signature]
Register

Recorded
Filed
STATE OF ALABAMA, BIRTHDAY COMMISSION
4403-2

BOOK
PAGE
YES

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Bessie M. Keeney and Robert C. Keeney, Jr.

a witness in behalf of Complainant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein Bessie M. Keeney

and Minnie Wise, et al, are

is, Complainant

Respondent

on oath, to be by you administered, upon Bessie M. Keeney and Robert C. Keeney, Jr.
to take and certify the deposition of the witness and return the same to our Court, with all con-
venient speed, under your hand.

Witness 7 day of January

195 7
Alice J. Duck
Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Bessie M. Keeney

Complainant

VS.

Minnie Wise

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Evelyn Watts

WITNESSES:

Bessie M. Keeney
Robert C. Keeney Jr.

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

∅
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∅
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∅

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 4405

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the following:

1. Original summons and complaint.
2. Lis Pendens filed for record in the Probate Office.
3. Proof of publication of notice in the Baldwin Times.
4. Decree pro confesso on publication.
5. Request for appointment of commissioner.
6. Commission to take deposition.
7. Notice of time of taking of testimony.
8. Appointment of guardian ad litem and acceptance.
9. Oral depositions of Bessie M. Keeney and Robert C. Keeney, Jr.

Dated this the 7 day of January, 1957.

Walters & Beantley

BY: Harry J. Walters, Jr.
Solicitor for the Complainant

Register

DESSIE M. KENNEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

NOTE OF TESTIMONY

FILED

JAN 7 1959

ALICE J. DUCK, Register

1/7/59

BESSIE M. KRENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 4405

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the Bill of Complaint in this cause, in the actual and peaceable possession of the said lands, and each and every part and parcel thereof; that service was perfected upon all the Respondents herein by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for four consecutive weeks commencing on the 23rd day of October, 1958 and against the unknown heirs, devisees, grantees, personal representatives and assigns of the Respondents herein, and each of them, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a Lis Pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; that Wilson Hayes, a practicing attorney at law, in Bay Minette, Alabama, was appointed guardian ad litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as guardian ad litem and filed answer denying all the material allegations of the Complaint; and appeared and cross examined the witnesses for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondents, Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrances upon the said lands, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate, Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate, Baldwin County, Alabama,

is vested absolutely in the Complainant, Bessie M. Keeney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Minnie Wise, Minnie Wilson, Mrs. F. Hoffman and in the indirect index in the name of Bessie M. Keeney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the cost of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 9 day of January, 1959.



JUDGE

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

FINAL DECREE

FILED
JAN 9 1957
MARGARET L. DIXON, CLERK
COURT HOUSE
MEMPHIS, TENN.

HESSIE M. KEMNEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 4405

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the Bill of Complaint in this cause, in the actual and peaceable possession of the said lands, and each and every part and parcel thereof; that service was perfected upon all the Respondents herein by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, for four consecutive weeks commencing on the 23rd day of October, 1958 and against the unknown heirs, devisees, grantees, personal representatives and assigns of the Respondents herein, and each of them, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a Lis Pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; that Wilson Hayes, a practicing attorney at law, in Bay Minette, Alabama, was appointed guardian ad litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as guardian ad litem and filed answer denying all the material allegations of the Complaint; and appeared and cross examined the witnesses for the Complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-21-59 2:30 P.M.
Recorded 10... book 274 page 189-90
M. O. Stewart
Judge of Probate

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondents, Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrances upon the said lands, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate, Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate, Baldwin County, Alabama,

is vested absolutely in the Complainant, Bessie M. Keeney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of Minnie Wise, Minnie Wilson, Mrs. F. Hoffman and in the indirect index in the name of Bessie M. Keeney.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the cost of this cause for which execution may issue.

Dated at Bay Minette, Baldwin County, Alabama, this the 9th day of January, 1959.

Hubert M. Hall
JUDGE

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

WITNESS MY HAND AND SEAL THIS THE 9th day of Jan, 1959

Alice J. Duck
Register of Circuit Court, in Equity

W. M. Keeney

1-13-59

Register of Circuit Court in Equity

1923

WITNESSE MY HAND AND SEAL THIS 10th DAY OF JANUARY 1923

Hubert M. Hill

January, 1923.

Dated at Bay Minette, Baldwin County, Alabama, this the 29th day of _____ for which execution was issued.

IT IS FURTHER ORDERED that the complainant pay the cost of this cause in case.

Conrad, Alabama, and that the costs thereof be taxed in the costs of this cause, collected with interest in the office of the judge or prothonotary of Baldwin Register shall within thirty days after the rendition of this decree file

IN IS MURKIN ORDERED, ADAMSON AND MORGAN, by the Court, that the Deeds of Keeney.

Minnie Wilson, Mrs. E. Hollman and in the indirect taxes in the name of of Baldwin County, Alabama, in the direct taxes in the name of Minnie Wise, certified copy of this decree be recorded in the office of the prothonotary

IT IS HEREBY ORDERED, ADAMSON AND MORGAN, by the Court, that a in stated specifically in the complainant, Beate M. Keeney.

the office of the judge of probate, Baldwin County, Alabama, recorded in Miscellaneous Book 1, pages 530-531, 531, in 100 10 and in Book 10, 100 1, Book 12, 100 1, 100 1, as

with reference to the said land in Baldwin County, Alabama, to-wit:

COMPLAINANT

RESPONDENTS

FINAL DECREE

BESSIE M. KEENEY

MINNIE WISE, ET AL,

FINAL DECREE

2150 Mrs. Duck

judgment in or enforcement upon the following described lands or any part said lands, or any part or parcel thereof, have no right, title, claim, circumstance and right, title or interest in them or encumbrances upon them and each of them, and also any and all demands, claims or considerations known in law, demands, claims, demands, interests, rights, titles and equities of the Respondents, Minnie Wise, Minnie Wilson and Mrs. E. Hollman, the mother of the complainant, Beate M. Keeney, by the Court, that

100 100 100 100

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MINNIE WISE, MINNIE WILSON, AND MRS. F. HOFFMAN, the unknown heirs, devisees, grantees, personal representatives, assigns of Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by BESSIE M. KEENEY, as Complainant, against Minnie Wise, et al, as Respondents.

Witness my hand this the 20 day of October, 1958.

Alice J. Duck
Register

BESSIE M. KEENEY	∅	
COMPLAINANT	∅	IN THE CIRCUIT COURT OF
VS	∅	BALDWIN COUNTY, ALABAMA,
MINNIE WISE, ET AL,	∅	IN EQUITY
RESPONDENTS	∅	

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

Your Complainant, Bessie M. Keeney, presents this her bill of complaint against the following described land situated in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287, in the office of the Judge of Probate, Baldwin County, Alabama;

and also Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, and against their heirs, and each of their heirs, devisees, grantees, administrators, successors personal representatives and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against the said land or any part thereof, and respectfully represents and shows unto your Honor as follows:

1.

That your Complainant is over the age of twenty-one years and a resident of Baldwin County, Alabama.

2.

That Minnie Wise, Minnie Wilson and Mrs. F. Hoffman are over twenty-one years of age and if living non-residents of the State of Alabama;

and if dead their heirs, assigns, devisees, grantees, and personal representatives are non-residents of the State of Alabama, and over twenty-one years of age; that a diligent search and inquiry has been made and caused to be made to ascertain the present addresses of the Respondents and whether or not either of them are dead and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the said parties are all non-residents of the said State of Alabama, over twenty-one years of age and that their post office addresses cannot be ascertained.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being described as follows:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as Recorded in Miscellaneous Book 1, pages 230-231; 287; in the office of the Judge of Probate, Baldwin County, Alabama.

4.

That no suit is pending to test the Complainant's title to, interest in, or rights of possession; that the Complainant therefore calls upon the Respondents and each of them separately and severally to set forth and specify what right, title, interest in, lien or encumbrance the said Respondents and each of them have in and to said lands and by what instrument the same is derived and/or created.

5.

That your Complainant obtained said property and title thereto under and by virtue of the last will and testament of her deceased husband, Robert Champion Keeney, which said last will and testament has been proved and probated in the probate court of Baldwin County, Alabama, and is recorded in Will Book 2, page 491, and in which said last will and testament she is given and devised the said property, the said Robert Champion Keeney at the time of his death being the owner thereof, and the said Robert Champion Keeney having died a resident of said county at Fairhope, Alabama, on to-wit, the 27th day of February, 1957,.

6.

That the title to said lands stand upon the records of the Probate Court of Baldwin County, Alabama, in the name of your Complainant, Bessie M. Keeney.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said land, or had any possession other than your Complainant and those through whom she claims.

8.

That the only persons shown by records of Baldwin County, Alabama, to have any claim against said land or any part thereof are Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman.

Wherefore, the premises considered, your Complainant prays that your Honor will by proper process make the said Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives and assigns of Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said lands in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287; in the office of the Judge of Probate, Baldwin County, Alabama.

or any part thereof, parties Respondents to the bill of complaint, and require them, and each of them to appear and answer or demur or the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances to the lands herein described and to each and every part and parcel thereof, is vested in your Complainant, Bessie M. Keeney, and that neither Minnie Wise, Minnie Wilson or Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of Minnie Wise, Minnie Wilson and Mrs. F. Hoffman nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the lands be cleared up.

Your Complainant prays for such other, further, different or general relief as she may be in equity and good conscience entitled to.

Wilters & Brantley

BY: Harry J. Wilters, Jr.
Solicitors for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared Harry J. Wilters Jr., whos is known to me, and who having been by me first duly sworn, deposes and says: That he is the Solicitor for the Complainant in the above styled cause, is authorized to make this affidavit; that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.

Harry J. Wilters, Jr.

Sworn to and subscribed before me this 20 day of October, 1958.

filed Oct. 20, 1958
Alice J. Luck, Reg.

Evelyn Watts
Notary Public, Baldwin County, Alabama

4405

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

BILL OF COMPLAINT

FILED

OCT 20 1958

ALICE J. DUCK, Register

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

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

LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that Minnie Wise, Minnie Wilson and Mrs. F. Hoffman are over twenty-one years of age and if living non-residents of the State of Alabama; and if dead their heirs, assigns, devisees, grantees and personal representatives are non-residents of this state and over twenty-one years of age, and whose address cannot be ascertained after a diligent search and inquiry; that Bessie M. Keeney is over the age of twenty-one years and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual, peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231; 287; in the office of the Judge of Probate, Baldwin County, Alabama.

That the Complainant acquired title to the lands above described by virtue of the last will and testament of her deceased husband, Robert Champion Keeney, which said last will and testament has been proved and probated in the Probate Court of Baldwin County, Alabama, and is recorded in Will Book 2, page 491 and in which said last will and testament she is given and devised said property, the said Robert Champion Keeney at the time of his death being the owner thereof, the said Robert Champion Keeney having died a resident of Baldwin County, Alabama, on to-wit, the 27th day of February, 1957. Further that no one has paid taxes on said property, or have been in possession of the said lands, or any part of the said lands with in ten years next prior to the filing of the bill of complaint in said cause except those through whom she claims title.

IT IS, THEREFORE, ORDERED, and notice is hereby given that Minnie Wise, Minnie Wilson, and Mrs. F. Hoffman, the unknown heirs, devisees, personal representatives, grantees, successors and assigns of Minnie Wise, Minnie

Wilson, and Mrs. F. Hoffman, and any other person, firm or corporation claiming any title to, interest in, lien or encumbrance upon said land, or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before the 17th day of November, 1958, or upon their failing to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, Bay Minette, Baldwin County, Alabama, once a week for consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 20 day of October, 1958.



Register

Wilters & Brantley
Solicitors for the Complainant

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

LIS PENDENS NOTICE

FILED

OCT 20 1958

ALICE J. DUCK, Register

BESSIE M. KEENEY
COMPLAINANT
VS
MINNIE WISE, ET AL,
RESPONDENTS

Ø
Ø IN THE CIRCUIT COURT OF
Ø BALDWIN COUNTY, ALABAMA,
Ø
Ø IN EQUITY
Ø
Ø NO. 1405
Ø

APPOINTMENT AND ACCEPTANCE OF GUARDIAN AD LITEM

It appearing to the Court from the allegations of the Bill of Complaint filed in the above entitled cause and from the averments of the affidavit filed in support of such Bill of Complaint that some of the Respondents are non-residents of the State of Alabama and are unknown parties, it is therefore, by the court, ordered, adjudged and decreed:

That Wilson Hayes be and he is hereby appointed as guardian ad litem for all the unknown parties respondents in this cause, and that he be forthwith notified by the Register of such appointment, and upon his acceptance of this notice, that service be had in this cause by serving a copy of the original bill of complaint in this cause on him as guardian ad litem for all unknown parties Respondents.

Alice J. Duck
Register

Comes now Wilson Hayes and accepts the appointment of guardian ad litem for the unknown heirs in the above styled cause.

Wilson Hayes
Guardian ad Litem

And for answer to this Bill of Complaint says: That he denies each and every allegation contained therein and demands strict proof thereof.

Wilson Hayes
Guardian ad Litem

filed
Jan. 6, 1958

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

APPOINTMENT AND ACCEPTANCE
OF GUARDIAN AD LITEM

1/6/59

Filed Jan. 6, 1959
Alice J. Luck, reg.

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 4405

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Now comes the Complainant in the above styled cause and shows unto the Court that an order of publication was made on the 20th day of October, 1958, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in its issues of October 23, October 30, November 6, and November 13, 1958, and was directed to Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, the unknown heirs, devisees, personal representatives and grantees of them and each of them, and any other persons, firms or corporations claiming any title to, right, interest in, lien or encumbrances upon the following described land situated in Baldwin County, Alabama, to-wit:

Lots 10 and 11, Block 76; Lot 3, Block 75, Park City as recorded in Miscellaneous Book 1, pages 230-231, 287; in the office of the Judge of Probate, Baldwin County, Alabama,

as Respondents, which required the said respondents to answer or demur to the Bill of Complaint within thirty days after the 17th day of November, 1958, which said respondents have to this day failed to do.

WHEREFORE the Complainant moves the court to grant a decree pro confesso against the said Respondents.

Dated this the 7 day of January, 1959.

Wilters & Brantley

BY: Sam J. Wilters, Jr.
Solicitors for the Complainant

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

MOTION FOR DECREE PRO CONFESSO

FILED

JAN 7 1959

ALICE J. DUCK, Register

BESSIE M. KEDNEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 4405

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appearing to the court that the order of publication heretofore made in this cause was published four consecutive weeks commencing on the 23rd day of October, 1958, in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama; that a copy of said order was posted at the court house door in Baldwin County, Alabama, on the 23rd day of October, 1958, and it now further appearing to the court that the said Minnie Wise, Minnie Wilson and Mrs. F. Hoffman, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, respondents, have to date hereof failed to plead, answer or demur to this Bill of Complaint.

It is therefore on motion of the Complainant, ordered, and decreed, by the Court, that the said Bill of Complaint be and it is hereby, in all things, taken as confessed against the Respondents named in this cause.

Witness my hand this the 7 day of January, 1959.

Alice J. Duck
Register

4465

BESSIE M. KEENEY

COMPLAINANT

VS

MINNIE WISE, ET AL,

RESPONDENTS

DECREE TRO CONFESSO BY PUBLICATION