

4434

OFFICE OF

Ontario County Probation Department

8 MASONIC TEMPLE BUILDING

PHONE 1212

Canandaigua, New York

April 8, 1960

Circuit Court,
Baldwin County,
Bay Minette, Alabama.

Dear Sirs: RE: Jonnie Mae Jones vs. Roy Lee Jones

On November 28, 1958, we forwarded to your office certified copies of the petition, testimony, certificate and pauper's affidavit in the above matter.

Subsequently we received notification from Alice J. Duck, Clerk-Register, indicating that the papers had been filed on December 1, 1958 and that the case was numbered 4448.

We have received no further information regarding the matter. Would you please inform us regarding the present status of this matter?

Yours very truly,

Frank L. Abbey

FRANK L. ABBEY,
Chief Probation Officer

FLA:MM

LILLIE G. NORRIS, C. C. GANTT,
H. D. GANTT AND ROSA G. MIMS,

Complainants,

vs.

THE FOLLOWING DESCRIBED REAL
PROPERTY SITUATED IN BALDWIN
COUNTY, ALABAMA, TO-WIT: ALL
OF THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER (SE $\frac{1}{4}$ OF NE $\frac{1}{4}$)
OF SECTION FOUR (4); THE SOUTH
HALF OF THE NORTHWEST QUARTER
(S $\frac{1}{2}$ OF NW $\frac{1}{4}$) AND THE NORTHEAST
QUARTER OF THE SOUTHWEST QUARTER
(NE $\frac{1}{4}$ OF SW $\frac{1}{4}$) OF SECTION THREE (3),
TOWNSHIP THREE NORTH (3N), RANGE
FOUR EAST (4E), WHICH LIES IN
BALDWIN COUNTY, ALABAMA; AND STE-
PHEN SHINE, GAUNT GREBS, WILLIAM
A. REED, WM. A. REED, W. A. REED
AND JONATHAN BLISS, IF LIVING,
AND THEIR HEIRS OR DEVISEES, IF
DECEASED, AND AGAINST THE UNKNOWN
HEIRS AND DEVISEES OF URIAH BLACK-
SHER AND/OR U. BLACKSHER, DECEASED,
AND AGAINST ANY AND ALL PERSONS,
FIRMS OR CORPORATIONS CLAIMING ANY
RIGHT, TITLE, INTEREST IN, LIEN OR
ENCUMBRANCE UPON OR CLAIM TO THE
ABOVE DESCRIBED PROPERTY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Come the Complainants, Lillie G. Norris, C. C. Gantt, H. D.
Gantt and Rosa G. Mims, by their attorneys, and file this their Bill
of Complaint against the following described lands situated in Bald-
win County, Alabama, to-wit:

All of the Southeast Quarter of the Northeast Quarter
(SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Four (4); the South Half of
the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) and the Northeast
Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Sec-
tion Three (3), Township Three North (3N), Range Four
East (4E), which lies in Baldwin County, Alabama;

and against Stephen Shine, Gaunt Grebs, William A. Reed, Wm. A. Reed,
W. A. Reed and Jonathan Bliss, if living, and their heirs or devisees,
if deceased, and against the unknown heirs and devisees of Uriah
Blacksher and/or U. Blacksher, Deceased, and against any and all oth-
er persons, firms or corporations claiming any right, title, interest
in or lien or encumbrance upon said lands or any part thereof, and

respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That the Complainants are each over the age of twenty-one years and resident citizens of the State of Alabama. The Complainant Lillie G. Norris is a resident of Uriah, Monroe County, Alabama; the Complainant C. C. Gantt is a resident of Little River, Baldwin County, Alabama; the complainants H. D. Gantt and Rosa G. Mims are both residents of Birmingham, Jefferson County, Alabama.

SECOND:

That the Complainants claim to own, in fee simple, in their own right, the following described property situated in Baldwin County, Alabama, to-wit:

All of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Four (4); the South Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Three (3), Township Three North (3N), Range Four East (4E), which lies in Baldwin County, Alabama,

and they are in the actual, peaceable possession of said property and they and those under whom they claim have held color of title to said lands for a period of more than forty (40) years next preceding the filing of this Bill of Complaint and they have paid taxes on said lands continuously since the beginning of such period, and no other person, firm or corporation has paid taxes thereon during the last twenty (20) years and no suit is pending to test their title to, interest in or right to the possession of such lands.

THIRD:

The Complainants claim the entire fee simple title in said property having derived the same under the laws of descent and distribution of the State of Alabama, from M. A. Gantt, who departed this life intestate on May 6, 1943, leaving as her only heirs at law and next of kin the Complainants, who are the children of the said M. A. Gantt, Deceased. That the said M. A. Gantt acquired

title to said property during her lifetime from McCreary & Company a partnership composed of James H. McCreary and John A. McCreary, and James H. McCreary and John A. McCreary, individually under that certain deed dated October 31, 1914, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 22 N.S. at pages 445-446. That immediately upon the execution and delivery of said deed to the said M. A. Gantt she went into the actual, peaceable, adverse possession of said property claiming to own the same in her own right and using the said property in every way that the same was susceptible to use and she continued in such possession of said property until her death on May 6, 1943, and the Complainants have remained in such possession since that time and no other person, firm or corporation has been in possession of said property or any part thereof for at least the last twenty (20) years, except the persons who were in possession of the same with the permission of the Complainants or the said M. A. Gantt, Deceased. That no other person, firm or corporation has paid taxes on said property at any time within ten (10) years next preceding the filing of this Bill of Complaint or has assessed said property for taxation during said period of time, or any interest therein.

FOURTH:

The Complainants, after exercising reasonable diligence, have been unable to locate the whereabouts, and to ascertain with certainty whether the Respondents Stephen Shine, Gaunt Grebs, William A. Reed, Wm. A. Reed, W. A. Reed or Jonathan Bliss are alive at the time of the filing of this Bill of Complaint, and if alive, the place of their residence. The Complainants know that Uriah Blacksher or U. Blacksher is deceased but they have not been able, after exercising reasonable diligence to locate the whereabouts and ascertain with certainty, the names, ages, relationships and addresses of the heirs or devisees of the said Uriah Blacksher of U. Blacksher. That the Complainants have made a diligent effort to ascertain such information by having an Abstract of Title made to the property, inquiring in the neighborhood of the property, exam-

ining the records on file in the Tax Assessors' Offices of Baldwin County, Alabama, and Monroe County, Alabama, and the Estate files in the Offices of the Judge of Probate of Baldwin County, Alabama.

FIFTH:

The Complainants further show unto Your Honor and unto this Honorable Court that the said Respondents, if living, or if deceased their unknown heirs or devisees, claim or are reputed to claim some right, title, interest in, lien or encumbrance upon said land and your Complainants do hereby call upon each of them to set forth and specify his or her right, title, claim, interest in, lien or encumbrance upon and how and by which instrument the same is derived and/or created.

PRAYER FOR PROCESS

To the end that equity may be had in the premises the Complainants respectfully pray that upon the filing of this Bill of Complaint that the Register of this Honorable Court will cause notice by publication to be given as required by Sections 1119, 1120 and 1121 of Title 7 of the Code of Alabama of 1940, and Equity Rule 6 (a), Title 7, Appendix, to each of the named Respondents, if living, or if deceased, to their unknown heirs or devisees; and the Complainants further pray that this Honorable Court will, under the provisions of Title 7, Section 1117 (1) appoint a guardian ad litem to represent and defend the interest of the unknown parties of this proceeding.

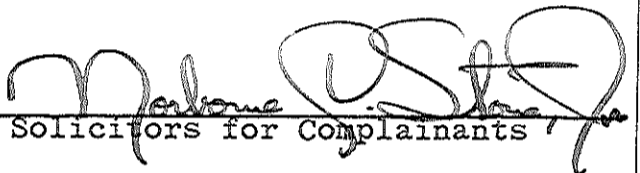
PRAYER FOR RELIEF:

The Complainants further pray that upon a hearing of this cause that this Honorable Court will establish Complainants' right or title to the lands herein described and will enter an appropriate order or decree that the Complainants are the owners of said lands in fee simple and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof, and especially the following named persons, viz: Stephen Shine, Gaunt Grebs, William A. Reed, Wm. A. Reed, W. A. Reed,

and Lonathan Bliss if living, or if deceased, their unknown heirs at law, next of kin or devisees have no right, title, interest in, lien or encumbrance upon said lands or any part thereof; and that in and by the terms of said decree that this Honorable Court will order that a certified copy thereof be filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, with directions as to whose name it shall be indexed in the direct and indirect indexes of said records in the Office of the Judge of Probate of Baldwin County, Alabama; and your Complainants pray for such other, further and different relief as in equity will be meet and proper.

CHASON & STONE

By:


Solicitors for Complainants

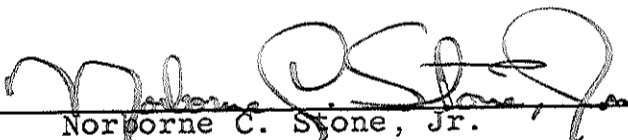
Filed
11-17-58
Alice J. Duck
Register

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

My name is Norborne C. Stone, Jr., and I am one of the Solicitors for the Complainants in the above styled cause and I signed the foregoing Bill of Complaint as such. I am informed and believe and upon such information and belief allege that the allegations contained in the foregoing complaint are true and correct. That the residence of the named Respondents, if living, is unknown and cannot be ascertained after reasonable effort and the names of the heirs or devisees of said named Respondents, if deceased, cannot be ascertained after reasonable effort and exercising reasonable diligence.


Norborne C. Stone, Jr.

Sworn to and subscribed before me on
this the 17th day of November, 1958.

Blanche White
Notary Public, Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-23-57 4:10 P.M.

Recorded W. H. Stewart book 286 page 140-1 BOOK

286 PAGE 140

LILLIE G. NORRIS, ET AL.,

¶

Judge of Probate

Complainants,

¶

IN THE CIRCUIT COURT OF

VS.

¶

BALDWIN COUNTY, ALABAMA

CERTAIN LANDS and STEPHEN SHINE, ET AL.,

¶

IN EQUITY NO. 4434

Respondents.

¶

This cause coming on to be heard was submitted upon the Bill of Complaint, Appointment of Guardian ad Litem, Demand for Oral Examination, Commission to Take Deposition and the Testimony of C. C. Gantt taken before Louise Dusenbury, Commissioner, on July 7, 1959, and the several exhibits in connection therewith, all as noted by the Register; and it appearing to the Court that the Complainants are all over the age of twenty-one years and that they are in the actual, peaceable and adverse possession of the lands hereinafter described, claiming to own the same in their own right in fee simple, and using the same in every way that such lands are susceptible to use and that no suit is pending to test their title to, interest in or right to the possession of said lands, they having acquired the same under and by virtue of the laws of descent and distribution from M. A. Gantt, their Mother, who departed this life intestate in May of 1943, and that the said M. A. Gantt acquired said property under and by virtue of that certain Quitclaim Deed from McCreary & Company, a Partnership, on October 31, 1914, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 22, at pages 445-6; and it further appearing to the Court that the title to the lands hereinafter described stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the Complainants hereinafter named; and that said Complainants and those under whom they claim have assessed and paid taxes on said lands and have been in the open, notorious, exclusive and adverse possession of all of said lands for more than ten years immediately preceding the filing of the Bill of Complaint in this cause, and that no other person, firm or corporation has had possession of said lands or any part thereof during that period of and the Court having considered all of the above is of the opinion the Complainants are entitled to the relief prayed for in

their Bill of Complaint; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, In Equity, that Lillie G. Norris, C. C. Gantt, H. D. Gantt and Rosa G. McGee (the said Rosa G. McGee being named in the Bill of Complaint as Rosa G. Mims) are the owners in fee simple of all of the following described lands situated in Baldwin County, Alabama, to-wit:

All of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Four (4); the South Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Three (3), Township Three North (3N), Range Four East (4E), which lies in Baldwin County, Alabama;

and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to Stephen Shine, Gaunt Grebs, William A. Reed, Wm. A. Reed, W. A. Reed and Jonathan Bliss, if living, and their heirs or devisees, if deceased, or the unknown heirs and devisees of Uriah Blacksher and/or U. Blacksher, Deceased.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expenses thereof as a part of the cost of this proceeding; and that said decree shall be recorded in the same book and manner in which deeds are recorded and shall be indexed in the name of the Respondents named herein in the direct index and in the name of the Complainants in the reverse index.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants be, and they are hereby, taxed with the cost of this proceeding for which let execution issue.

Done this 23 day of November, 1959.

Hubert M. Hall

Circuit Judge

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

WITNESS MY HAND AND SEAL THIS 23 day of Nov, 1959



Alice J. Duck
Register of Circuit Court, in Equity

BOOK 286 PAGE 141

Handwritten notes:
10/19/59
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LILLIE G. NORRIS, ET AL.,	Y		
Complainants,	Y	IN THE CIRCUIT COURT OF	
VS.	Y	BALDWIN COUNTY, ALABAMA	
	Y		
CERTAIN LANDS and STEPHEN SHINE, ET AL.,	Y	IN EQUITY	NO. 4434
Respondents.	Y		

This cause coming on to be heard was submitted upon the Bill of Complaint, Appointment of Guardian ad Litem, Demand for Oral Examination, Commission to Take Deposition and the Testimony of C. C. Gantt taken before Louise Dusenbury, Commissioner, on July 7, 1959, and the several exhibits in connection therewith, all as noted by the Register; and it appearing to the Court that the Complainants are all over the age of twenty-one years and that they are in the actual, peaceable and adverse possession of the lands hereinafter described, claiming to own the same in their own right in fee simple, and using the same in every way that such lands are susceptible to use and that no suit is pending to test their title to, interest in or right to the possession of said lands, they having acquired the same under and by virtue of the laws of descent and distribution from M. A. Gantt, their Mother, who departed this life intestate in May of 1943, and that the said M. A. Gantt acquired said property under and by virtue of that certain Quitclaim Deed from McCreary & Company, a Partnership, on October 31, 1914, which said deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 22, at pages 445-6; and it further appearing to the Court that the title to the lands hereinafter described stands on the records in the Office of the Judge of Probate of Baldwin County, Alabama, in the name of the Complainants hereinafter named; and that said Complainants and those under whom they claim have assessed and paid taxes on said lands and have been in the open, notorious, exclusive and adverse possession of all of said lands for more than ten years immediately preceding the filing of the Bill of Complaint in this cause, and that no other person, firm or corporation has had possession of said lands or any part thereof during that period of time; and the Court having considered all of the above is of the opinion that the Complainants are entitled to the relief prayed for in

their Bill of Complaint; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama, in Equity, that Lillie G. Norris, C. C. Gantt, H. D. Gantt and Rosa G. McGee (the said Rosa G. McGee being named in the Bill of Complaint as Rosa G. Mims) are the owners in fee simple of all of the following described lands situated in Baldwin County, Alabama, to-wit:

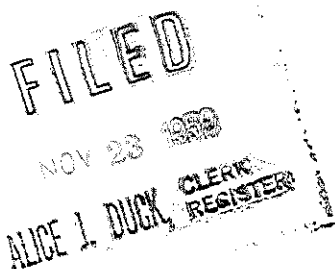
All of the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Four (4); the South Half of the Northwest Quarter ($S\frac{1}{2}$ of $NW\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$) of Section Three (3), Township Three North (3N), Range Four East (4E), which lies in Baldwin County, Alabama;

and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof and especially is this true as to Stephen Shine, Gaunt Grebs, William A. Reed, Wm. A. Reed, W. A. Reed and Jonathan Bliss, if living, and their heirs or devisees, if deceased, or the unknown heirs and devisees of Uriah Blacksher and/or U. Blacksher, Deceased.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy of the same for record in the Probate Court of Baldwin County, Alabama, and tax the expenses thereof as a part of the cost of this proceeding; and that said decree shall be recorded in the same book and manner in which deeds are recorded and shall be indexed in the name of the Respondents named herein in the direct index and in the name of the Complainants in the reverse index.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants be, and they are hereby, taxed with the cost of this proceeding for which let execution issue.

Done this 23 day of November, 1959.



Hubert M. Stace
Circuit Judge

Lillie G. Norris, et al,

Complainants

vs.

Certain Lands and Stephen Shine,
et al,

Respondents

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, Appointment of Guardian ad Litem, Demand for Oral Examination, Commission to Take Deposition and the testimony of C.C. Gantt and exhibits in connection therewith

and in behalf of Defendants upon the Answer of the Guardian ad Litem

CHASON & STONE

By: Malbone P. Stone, Jr.
Solicitors for Complainants

Alvin J. Duck

Register.

278A

M

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this
day of

FILED
194
NOV 23 1959

CLERK
REGISTER

Printed by the Baldwin Times

Register

LILLIE G. NORRIS, ET AL.,	I	
Complainants,	I	IN THE CIRCUIT COURT OF
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS AND STEPHEN SHINE, ET AL.,	I	
Respondents.	I	IN EQUITY
		<i>no. 4434</i>

BOOK 004 PAGE 471

NOTICE OF PENDENCY OF BILL OF COMPLAINT

TO: STEPHEN SHINE, U. BLACKSHER, URIAH BLACKSHER, GAUNT GREBS, WILLIAM A. REED, WM. A. REED, W. A. REED, JONATHAN BLISS, IF LIVING, OR IF DECEASED, TO THEIR HEIRS OR DEVISEES AND TO ANY AND ALL OTHER PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY RIGHT, TITLE, INTEREST IN OR LIEN OR ENCUMBRANCE UPON THE LANDS HEREINAFTER DESCRIBED:

PLEASE TAKE NOTICE that on the 17 day of November, 1958, Lillie G. Norris, C. C. Gantt, H. D. Gantt and Rosa Mims filed a Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity, against the following described real property situated in Baldwin County, Alabama, viz:

All of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Four (4); the South Half of the Northwest Quarter (S $\frac{1}{2}$ of NW $\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Three (3), Township Three North (3N), Range Four East (4E), which lies in Baldwin County, Alabama;

and against Stephen Shine, U. Blacksher, Uriah Blacksher, Gaunt Grebs, William A. Reed, Wm. A. Reed, W. A. Reed, Jonathan Bliss and their heirs and devisees, if deceased, and against any and all other persons, firms or corporations claiming to own any right, title, interest in or lien or encumbrance upon said property. That the Complainants claim to own said property in fee simple having derived the same under the laws of descent and distribution from their mother, M. A. Gantt, Deceased, who departed this life intestate in the year 1943, and who had acquired the title to said property under and by virtue of that certain deed dated October 31, 1914, from McCreary & Company, a partnership composed of James H. McCreary and John A. McCreary, and James H. McCreary and John A. McCreary, individually as the same appears of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 22 N. S. at

pages 445-446. The Complainants further allege in their Bill of Complaint that they and their said mother have been in the actual, open, notorious, exclusive, hostile and continuous possession of said property for more than twenty (20) years next preceding the filing of this Bill of Complaint and no other person, firm or corporation has been in possession of said property or any part thereof and that they and their said mother have assessed and paid taxes on said property during all of said period and that no other person, firm or corporation has assessed or paid taxes thereon, or any part thereof.

YOU ARE HEREBY NOTIFIED AND DIRECTED to plead, answer or demur to said Bill of Complaint on or before January 6, 1959, or a Decree Pro Confesso will be rendered against you.

Alice J. Duck

Alice J. Duck, Register

CHASON & STONE
ATTORNEYS FOR COMPLAINTS

STATE OF ALABAMA, BALDWIN COUNTY
Filed 11-17-58 3 P.M.
Recorded Lia Bond book 4 page 471-20
M. Stewart

Judge of Probate 2

Filed
Nov. 17, 1958
Alice J. Duck
Register

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court

To LOUISE DUSENBURY

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

before you and examine C. C. GANTT

as witnesses in behalf of Complainants in a cause pending in our

Circuit Court in Baldwin County, of said State, wherein Lillie G. Norris et al. are the

Complainant S

and Certain lands and Stephen Shine, et al. are the

Respondent S

on oath, to be by you administered, upon C. C. Gantt

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 8 day of July, 19 59

Deirdre J. ...
Register

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

LILLIE G. NORRIS, ET AL.,

Complainant—~~s~~

VS.

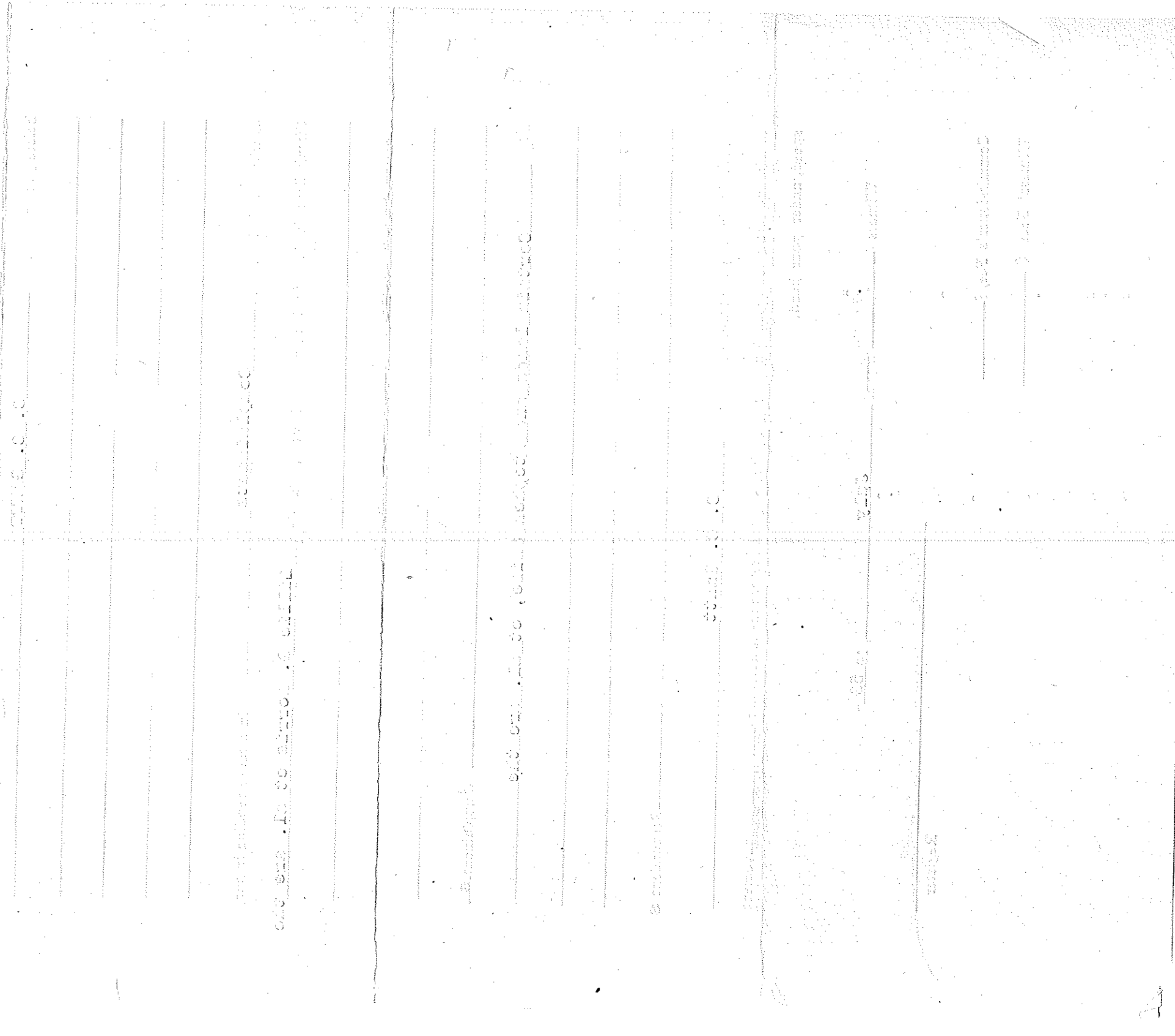
CERTAIN LANDS, ET AL.,

Defendant—~~s~~

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:



LILLIE G. NORRIS ET AL.,

Complainant

vs.

CERTAIN LANDS ET AL.,

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

No.

DEMAND FOR ORAL EXAMINATION

COMES the Complainant, by attorney, and represents to the Court as follows:

1. That the following named witnesses reside within one hundred miles from Bay
Minette, in the County of Baldwin
Alabama, the place of trial of said cause, to-wit: C. C. Gantt

2. That said Complainant requires an oral examination of said witnesses before a Commissioner appointed by the Register of this Court.


Solicitor for Complainant

NOTE:

Complainant suggests the name of Louise Dusenbury
as a suitable and competent person to act as commissioner upon the examination of said witnesses.


Solicitor for Complainant.

4434

DEMAND FOR ORAL EXAMINATION

LILLIE G. NORRIS, ET AL.,
Complainant S

vs.

CERTAIN LANDS, ET AL.,
Respondent S

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Filed this 6 day of July

1927

Reverend J. H. ... Register
Moore Printing Co.

LILLIE G. NORRIS, ET AL.,

Complainants,

vs.

CERTAIN LANDS AND STEPHEN
SHINE, ET AL.,

Respondents.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

APPOINTMENT OF GUARDIAN AD LITEM

It having been made to appear to the Court in the above styled cause that the identity of some of the Respondents is unknown and the Court having considered the same is of the opinion that a guardian ad litem should be appointed to represent and defend the interest of such unknown parties; it is, therefore

ORDERED by the Court that Floyd Sweeney Esquire, be, and he hereby is appointed as guardian ad litem to represent and defend the interest of the unknown parties in the above styled cause and that he be required to answer said Bill of Complaint within thirty (30) days from the service of a copy of this order.

Done this the 24 day of November, 1958.

John M. Wall
Circuit Judge

LILLIE G. NORRIS, ET AL.,	IN THE CIRCUIT COURT OF
COMPLAINANTS,	
VS	BALDWIN COUNTY, ALABAMA,
CERTAIN LANDS AND STEPHEN SHINE, ET AL.,	
RESPONDENTS	IN EQUITY

I, Floyd Swearingen, guardian ad litem in the above styled cause, heretofore appointed by order of the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, in equity, on the 24th day of November, 1958, a copy of which said appointment was served on me by Alice J. Duck, Register of said court on the 23rd day of January, 1959, do hereby accept the said appointment as guardian ad litem and do hereby deny each and every allegation made by the bill of complaint in said cause and demand strict proof of the same.

This the 3rd day of February, 1959.

Filed
Feb. 3, 1959
Alice J. Duck,
Register

Floyd Swearingen

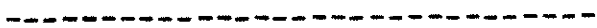
 Guardian ad litem

15.00

LILLIE G. NORRIS, ET AL.,)	IN THE
Complainants,)	CIRCUIT COURT OF BALDWIN COUNTY,
VS.)	ALABAMA. IN EQUITY.
CERTAIN LANDS, ET AL.,)	
Respondents.)	

STIPULATION:

It is stipulated by the Complainants, acting by and through their Solicitor of Record, and Floyd Swearingen, Guardian Ad Litem heretofore appointed by the Court, that the Guardian ad Litem does hereby waive notice of the taking of the testimony of C. C. Gantt and consents that the same be taken before Louise Dusenbury, as Commissioner appointed by the Register of the Court on July 7, 1959, at 11:20 A. M.



MR. C. C. GANTT, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Stone.

- Q. Is this Mr. C. C. Gantt?
- A. Yes sir.
- Q. Mr. Gantt, where do you live?
- A. Little River.
- Q. How long have you lived at Little River, Mr. Gantt?
- A. Since around 1904.
- Q. Are you one of the Complainants in this cause wherein Lillie Morris, C. C. Gantt, H. D. Gantt and Rosa Mims are Complainants, against certain lands and certain individuals, Respondents?
- A. Yes sir.
- Q. Are you familiar, Mr. Gantt, with the property described

Q. The four that are named in the complaint?

A. Yes sir.

Q. Did she have any children that had died previous to her death?

A. My Sister Sadie married Jack Ferrell, but Sadie died before my mother died.

Q. Did you have just one more sister?

A. Yes sir.

Q. Any more brothers?

A. No sir -- We had one more little sister who died.

Q. She died in infancy?

A. Yes sir.

Q. What about Sadie?

A. She was grown and married.

Q. Did she have any children?

A. No sir.

Q. What was her last name?

A. Sadie Gantt Ferrell.

Q. But she had no children?

A. No.

MR. STONE: We would like, at this time, to introduce in evidence, as Complainants' Exhibit A, certified copy of deed from McCrery & Company, a partnership composed of James H. McCreary and John A. McCreary, and James H. McCreary and John A. McCreary, individually, to M. A. Gantt, the deed being dated October 31, 1914, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 22 N. S. pages 445-446.

Q. Now Mr Gantt --

MR. STONE: First, we would also like to introduce in evidence at this time a certified copy of the patent record of the United States of America, showing a patent to Stephen Shine from the United States of America, to the $S\frac{1}{2}$ of $NW\frac{1}{4}$ and $NE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 3, and the

As All of the Southeast Quarter of Northeast Quarter, Section 4, the South Half of Northwest Quarter and the Northeast Quarter of Southwest Quarter of Section 3, Township 3 North, Range 4 East, which lies in Baldwin County, Alabama?

- A. That is describing the Shine place, isn't it? I can't keep the numbers in my mind?
- Q. Yes.
- A. Yes sir.
- Q. The property that is involved in this suit?
- A. Yes sir.
- Q. Now are you related to Lillie G. Norris, H. D. Gantt and Rosa Mims?
- A. Yes sir.
- Q. How are you related?
- A. Brothers and sisters.
- Q. Are all of you children of M. A. Gantt?
- A. Yes sir.
- Q. Are you the only children of M. A. Gantt?
- A. Living, yes sir.
- Q. Did M. A. Gantt- that was your mother?
- A. Yes sir.
- Q. M. A. Gantt was your mother?
- A. Yes sir.
- Q. When did she die, Mr. Gantt?
- A. I just can't tell you, Mr. Stone.
- Q. You don't remember the date?
- A. I don't remember the date.
- Q. Now at the time of her death was her husband living?
- A. No. My daddy died around 1910. I remember about that time because I got married then---
- Q. Did you mother have a will?
- A. No.
- Q. Now at the time of her death, how many children did she have living?
- A. Four.

Southeast Quarter of Northeast Quarter of Section 4,
Township 3 North, Range 4 East, and ask that the same be
marked as Complainants' Exhibit "B".

- Q. Mr. Gantt, are you, Lillie G. Norris, H. D. Gantt and Rosa G. Mims, all over the age of 21 years?
- A. Yes sir.
- Q. Where does Lillie G. Norris reside?
- A. She lives at Uriah, Monroe County, Alabama.
- Q. You stated that you lived at Little River?
- A. Yes sir.
- Q. Where does H. D. Gantt live?
- A. He lives with me right now.
- Q. Has he lived in Jefferson County recently?
- A. Yes sir.
- Q. Mrs. Rosa G. Mims - does she live in Jefferson County?
- A. Rosa McGee, she is now - She used to be Rosa G. Mims.
- Q. The person named in this complaint as Rosa G. Mims is one and the same person as Rosa G. McGee, is that right?
- A. Yes sir.
- Q. Do you recall the time this deed was executed and delivered to your mother?
- A. I got it; I am the one that paid for it.
- Q. Did your mother, or her agents, or those acting for her, go into possession of that property?
- A. We were already in possession; never have been out of possession.
- Q. Was your mother and those claiming under your mother, been in possession of that property since 1914?
- A. Yes sir.
- Q. Has anybody else been in possession of the property except your mother and those claiming under her?
- A. No sir.

W. Nobody has ever been in possession?

A. Swift Hunter and Conley cut the timber --

Q. Did, during that period of time, your mother pay the taxes and assess it regularly?

A. I paid it for her.

Q. Since her death have the taxes been paid by the heirs of your mother?

A. My sister took it over after my mother died.

Q. Nobody else, to your knowledge, has paid any taxes on the property?

A. I tell you what they ran up on in Monroeville --

Q. I'm just asking as to Baldwin County - The lands situated in Baldwin County?

A. No.

Q. Nobody else ever paid any taxes or assessed any part of that?

A. No.

Q. Now to refresh your memory, Mr. Gantt, is it not true that your mother died in May of 1943?

A. Yes, I believe that is right -- '43.

Q. Now during her life time and since her death has this land been used by your mother and those claiming under her in every way it was susceptible to use?

A. Yes sir.

Q. What type land is this?

A. A little is in the swamp; Little River cuts it into.

Q. Have you sold timber from this land on occasions?

A. Not since she died.

Q. During her life time?

A. Yes, Carney Mill Company and Swift both bought the timber.

Q. Has it been turpented?

A. Yes, I turpented it.

Q. Has it been leased for oil by you and your family?

A. My sister leased it for oil and also leased it to the Little River Hunting Club.

- Q. Now Mr. Gantt, do you know whether or not an abstract of title has been made on this property, or was made under the direction of you or one of the other joint owners?
- A. Carney Mill Company looked it up when they bought the timber.
- Q. Do you know whether an abstract has been prepared to determine the status of the title?
- A. No I don't; they checked it--
- Q. I mean recently?
- A. No.
- Q. Now did you know, during his life time, Stephen Shine?
- A. Yes sir.
- Q. Do you know whether he is living or dead and if living, where he lives?
- A. He is dead, but he lived at Gantt.
- Q. Do you know anything about his heirs or next of kin?
- A. He didn't have any children; He married Mary Gantt, the negro woman that cooked for my uncle--
- Q. Does anybody know where any of his heirs are now?
- A. No, they were an elderly couple when they married.
- Q. Have they scattered?
- A. Wasn't any heirs to them.
- Q. You and your brother and sisters claim to own the fee simple title to this property, do you not?
- A. Yes sir.
- Q. And you have been claiming to own it since your mothers death and during her life time she claimed it?
- A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Swearingen.

- Q. What else have you done to the property, Mr. G Gantt, other than the things you named? Have you fenced any portion of it?
- A. Yes sir, we let some people - we didn't charge them anything, but we let them put the fence around the land and mine too to put their cows in there; there is a fence all around it on the Monroe

County side.

- Q. You have not had any one to fence any part of it on the Baldwin County side?
- A. No, it is in the swamp.
- Q. You say you have cut the timber from the land and turpented it?
- A. Yes sir.
- Q. What has been done to it within the last 10 years?
- A. I can't think of anything --Nothing but lease it for oil and hunting.
- Q. Have you been on the land frequently within the last 20 years?
- A. Yes sir.
- Q. Have you seen any evidence of anybody else doing anything with the land?
- A. No, hadn't been anybody else on it at all.
- Q. No one has ever disputed your claim or your mother's claim to the property?
- A. No sir.
- Q. The Parties who are the complainants in this suit are all of the heirs with any interest through your mother?
- A. Yes sir, they are.
- Q. There are no deceased children with heirs?
- A. No sir.

C. C. Gantt

Com Rec'A

State of Alabama,
Monroe County, . . . }

KNOW ALL MEN BY THESE PRESENTS, that we, McCreary & Company, a partnership composed of James H McCreary and John A McCreary, and James H McCreary and John A McCreary, individually, in consideration of the sum of Seventy-five dollars (\$75.00) in hand paid to us by M A Gantt, the receipt whereof is hereby acknowledged, do remise, release, and quitclaim unto the said M A Gantt all our right, title, and interest in and in the following described lands, to-wit:-

The N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Sec 4 T 3 N , R 3 E of St Stephen's Meridian in Alabama; The N $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec 3 T 3 N R 4 E of said meridian; the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec 3 T 3 N, R 4 E of said meridian; and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec 4 T 3 N R 4 E of said meridian, practically all of said lands being situated in Monroe County, Alabama. To have and to hold unto the said M A Gantt her heirs and assigns forever.

Given under our hands this 31st day of October 1914.

Executed in the presence of
Wright L Mims

McCreary & Company
James H McCreary
John A McCreary
James H McCreary and John A McCreary
compose the firm of McCreary & Company
and no other party interested in said firm.

State of Alabama,
Monroe County . . . }

Ex Officio J.P.

I, Wright M McKenzie a Notary Public in and for the County aforesaid, hereby certify that James H McCreary and John A McCreary, whose names are signed to the foregoing conveyance, individually, and as McCreary & Company , a Partnership , and who are known to me , acknowledged before me on this day, that, being informed of the contents of this conveyance, they executed the same voluntarily on the day the same bears date.

445

Given under my hand this 31st day of October, 1914,

(Seal)
Filed for record November 24th., 1914.
Recorded November 28th., 1914.

W M McKenzie,
N P & J P , Monroe Co., Ala.

J H H Smith, Judge of Probate, (L)

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 McCreary & Company to

M. A. Gantt,

as the same appears of record in my office in Deed Book No. 22

page 445-6.

Given under my hand and seal of office, this 8th day of July, 1959.

W. R. Stuart

Judge of Probate

By: Harry M. D. Olive, Chief Clerk

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

LILLIE G. NORRIS ET AL., Complainant S

VS.

CERTAIN LANDS, ET AL., Respondents

I, Louise Dusenbury
as Register and Commissioner _____
have called and caused to come before me C. C. Gantt

witness _____ named in the Requirement for Oral Examination, on the _____ day of July
194 59, at the office of _____ the Circuit Judge of Baldwin County,
in Bay Minette, Alabama, and having first sworn said Witness _____ to speak the
truth, the whole truth, and nothing but the truth, the said C. C. Gantt
_____ doth depose and say as follows:

SEE ATTACHED TRANSCRIPT

ORAL EXAMINATION.

I, Louise Dusenbury, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to him and he signed the same in the presence of myself and Norborne C. Stone, Jr. at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness—; 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 24 day of July, 1959.

Louise Dusenbury (L. S.)

NO. 4431 PAGE

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

LILLIE G. NORRIS, ET AL.,

vs. Complainant S

CERTAIN LANDS, ET AL.,

Respondent. S

Oral Deposition

Filed 7-9, 1959

Clarence A. Small Register.

Recorded in

Record

Vol. _____

Page _____

_____, Register.

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

LEGAL NOTICE

LILLIE G. NORRIS, ET AL., Complainants.
vs.
CERTAIN LANDS AND STEPHEN SHINE,
ET AL. Respondents.

In The Circuit Court of Baldwin County
Alabama In Equity, 4434

NOTICE OF PENDENCY OF BILL OF COMPLAINT

TO: STEPHEN SHINE, U. BLACKSHER,
URIAH BLACKSSHER, GAUNT GREES,
WILLIAM A. REED, WM. A. REED, W.
A. REED, JONATHAN BLISS, IF LIV-
ING, OR IF DECEASED, TO THEIR
HEIRS OR DEVISEES AND TO ANY AND
ALL OTHER PERSONS, FIRMS OR COR-
PORATIONS CLAIMING ANY RIGHT,
TITLE, INTEREST IN OR LIEN OR
CUMBRANCE UPON THE LANDS

PROPERTY DESCRIBED:

PLEASE TAKE NOTICE that on the
17 day of November, 1958, Lillie G.
Norris, C. C. Gannt, H. D. Gannt and Rosa
Mims filed a Bill of Complaint in the
Circuit Court of Baldwin County, Ala-
bama, in Equity, against the following
described real property situated in Bal-
dwin County, Alabama, viz:

All of the Southeast Quarter of the
Northeast Quarter (SE 1/4 of NE 1/4) of
Section Four (4); the South Half of
the Northwest Quarter (S 1/2 of NW 1/4)
and the Northeast Quarter of the South-
west Quarter (NE 1/4 of SW 1/4) of Sec-
tion Three (3), Township Three North
(3N), Range Four East (4E), which lies
in Baldwin County, Alabama;

and against Stephen Shine, U. Blacksher,
Uriah Blacksher, Gaunt Grees, William
A. Reed, Wm. A. Reed, W. A. Reed,
Jonathan Bliss and other heirs and de-
visees, if deceased, and against any and
all other persons, firms or corporations
claiming to own any right, title, interest
in or lien or encumbrance upon said
property. That the Complainants claim
to own said property in fee simple having
derived the same under the laws of des-
cent and distribution from their mother,
M. A. Gannt, Deceased, who departed
this life intestate in the year 1943, and
who had acquired the title to said prop-
erty under and by virtue of that certain
deed dated October 31, 1914, from Mc-
Creary & Company, a partnership com-
posed of James H. McCreary and John
A. McCreary, and James H. McCreary
and John A. McCreary, individually as
the same appears of record in the Office
of the Judge of Probate of Baldwin
County, Alabama, in Deed Book 22 N. S.,
at pages 445-446. The Complainants fur-
ther allege in their Bill of Complaint
that they and their said mother have been
in the actual open, notorious, exclusive,
hostile and continuous possession of said
property for more than twenty (20) years
next preceding the filing of this Bill of
Complaint and no other person, firm or
corporation has been in possession of
said property or any part thereof and
that they and their said mother have
assessed and paid taxes on said property
during all of said period and that no
other person, firm or corporation has as-
sessed or paid taxes thereon, or any
part thereof.

YOU ARE HEREBY NOTIFIED AND
DIRECTED to plead, answer or demur to
said Bill of Complaint on or before Jan-
uary 6, 1959, or a Decree Pro Confesso
will be rendered against you.

Alice J. Duck, Register
CHASON & STONE
ATTORNEYS FOR COMPLAINTS

45-4ts

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Mourslette, 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

Lillie G. Norris, Et. Al., vs.
Certain Lands and Stephen
Shine, Et. Al.

COST STATEMENT

508 WORDS @ 6 1/2 cents \$ 33.02
I hereby certify this is correct, due and unpaid (paid).

E. R. Mourslette Jr.
Editor.

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

Date of 1st publication Nov. 20, 1958 Vol. 70 No. 45
Date of 2nd publication Nov. 27, 1958 Vol. 70 No. 46
Date of 3rd publication Dec. 4, 1958 Vol. 70 No. 47
Date of 4th publication Dec. 11, 1958 Vol. 70 No. 48

Subscribed and sworn before the undersigned this 11 day of Dec, 1958.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Mourslette Jr.
Editor.