

4600

MALBIS MEMORIAL FOUNDATION, AS TRUSTEE UNDER ITEM FIVE OF THE LAST WILL AND TESTAMENT OF GEORGE MARINOS, DECEASED.

) IN THE CIRCUIT COURT OF

Complainant,

) BALDWIN COUNTY, ALABAMA

vs.

IN EQUITY

OWEN S. MCGINNITY, if living, or if deceased, the heirs or devisees of OWEN S. MCGINNITY, PERDIDO LAND COMPANY, LANDS DESCRIBED IN THE BILL, and any other persons, firms or corporations claiming any title to or interest in the lands described in the Bill,

) NUMBER 4600 IN REM

Respondents.

FINAL DECREE

THIS CAUSE being regularly set for trial and the same coming on to be heard in open court is submitted for final decree upon Complainant's verified bill of complaint and the answer of the Guardian Ad Litem, upon the decree pro confesso rendered therein, upon the testimony of P. E. FRANKOS, P. E. TETER, O. W. LYLES and EDWIN J. CURRAN, JR., taken orally before the Court, and upon the exhibits introduced into evidence, all as noted by the Register; and the Court having full jurisdiction of the subject matter and having fully considered all of said matters and it appearing to the satisfaction of the Court and the Court finds:

1. That the Complainant, MALBIS MEMORIAL FOUNDATION, As Trustee under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, at the time of the filing of its bill of complaint in this cause, claimed in its capacity as such Trustee to own the fee simple title to and was in fact in the peaceable and adverse possession of the following described real property situated in Baldwin County, Alabama, to-wit:

South half of the Northwest Quarter of the Southwest Quarter of Section 31, Township 4 South, Range 4 East,

Subject only to an easement to the Southern Bell Telephone and Telegraph Company, Incorporated, dated October 28, 1942, and recorded in Deed Book 79, page 112;

2. That the Complainant, and those under whom it claims, have been in the actual, peaceable, exclusive and adverse possession of the above described lands under color of title for more than ten (10) years next preceding the filing of the bill of complaint in this cause and that it and those under whom it claims have assessed and paid taxes on said lands for more than ten (10) years next preceding the filing of the bill of complaint in this cause and no other persons, firms or corporations have assessed said lands or any part thereof for taxes or paid any taxes thereon during the whole of said period;

3. That at the time of the filing of the said bill of complaint, no suit was pending to test the title of Complainant to the lands hereinabove described or its interest in or right to the possession of said lands;

4. That Complainant, Malbis Memorial Foundation, As Trustee aforesaid, acquired its title to the above described property by virtue of the following instruments which were introduced into evidence in this cause, to-wit:

(a) Tax Deed from Owner Unknown, by Henry S. Long, State Land Commissioner, to George Marinos, dated June 30, 1938 and recorded in Deed Book 248, page 495;

(b) Last Will and Testament of George Marinos, Deceased, recorded in Will Book 2, page 130.

All Deed Book and Will Book references in this Decree are to the records in the Office of the Judge of Probate of Baldwin County, Alabama;

5. That the Complainant, Malbis Memorial Foundation, As Trustee aforesaid, is entitled to the relief prayed for in the bill of complaint;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY
THE COURT:

1. That the Complainant, MALBIS MEMORIAL FOUNDATION, As Trustee Under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, is entitled to the relief prayed for in the bill of complaint, and that the fee simple title to the following described lands, to-wit:

South half of the Northwest Quarter of
the Southwest Quarter of Section 31,
Township 4 South, Range 4 East

claimed by the Complainant, has been duly proved;

2. That the Complainant, Malbis Memorial Foundation, As Trustee under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, is the owner of said lands and has a fee simple title thereto, free from all liens and encumbrances, subject only to the easement noted above and that its title thereto be, and the same hereby is, confirmed and established, and all doubts, clouds and disputes concerning the same are hereby cleared up and removed;

3. That a certified copy of this decree be recorded by the Register in the proper record book in the Office of the Judge of Probate of Baldwin County, Alabama: and

4. That the costs of this proceeding be, and the same hereby are, taxed against the Complainant, Malbis Memorial Foundation, as Trustee Under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, for which let execution issue.

DONE this the 21st day of October, 1959.

157

J. Hubert M. Stone
CIRCUIT JUDGE

FILED

OCT 21 1959

ALICE I. DUCK, CLERK
REGISTER

MALBIS MEMORIAL FOUNDATION, As Trustee
Under Item Five Of The Last Will and
Testament Of GEORGE MARINOS, Deceased,
COMPLAINANT,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

No. 4600

IN EQUITY

VS

OWEN S. MCGINNITY, LANDS DESCRIBED IN
THE BILL, ET AL,

Respondents.

NOTICE OF APPOINTMENT OF

GUARDIAN AD LITEM AND ATTORNEY AD LITEM

TO: *Kenneth Cooper* Esquire

You are hereby notified that by a decree of this Court heretofore rendered in this cause, you have been appointed Guardian Ad Litem for all unknown Respondents in this cause; and also appointed Attorney Ad Litem for any of the Armed Forces of the United States of America, or its Allies within the meaning of Soldiers and Sailors Relief Act.

Dated this 23 day of June, 1959

Leslie J. Duck
As Register of the Circuit Court
of Baldwin County, Alabama

Consent To Act

ACCEPTANCE TO APPOINTMENT OF

GUARDIAN AD LITEM AND ATTORNEY AD LITEM

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned *Kenneth Cooper* do hereby accept appointment as guardian ad litem to represent any unknown Parties interested in this proceeding and also as attorney Ad Litem to represent any Respondents who may be in the Armed Forces.

Dated this 23 day of June, 1959.

Kenneth Cooper
As Guardian Ad Litem and
Attorney Ad Litem

MALBIS MEMORIAL FOUNDATION, AS
TRUSTEE UNDER ITEM FIVE OF THE
LAST WILL AND TESTAMENT OF
GEORGE MARINOS, DECEASED,

Complainant,

Vs.

OWEN S. MCGINNITY, IF LIVING, OR
IF DECEASED, THE HEIRS OR DEVISEES
OF OWEN S. MCGINNITY, PERDIDO LAND
COMPANY, LANDS DESCRIBED IN THE
BILL, AND ANY OTHER PERSONS, FIRMS
OR CORPORATIONS CLAIMING ANY TITLE
TO OR INTEREST IN THE LANDS DESCRIBED
IN THE BILL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Case No. 4600

IN REM

ANSWER OF GUARDIAN AD LITEM

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

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

Kenneth Cooper
Guardian Ad Litem.

FILED

JUL 1 1959

ALICE J. DUCK, CLERK
REGISTER

EQUITY NO. 4600

MARIS MEMORIAL FOUNDATION, AS
TRUSTEE UNDER THE WILLS OF THE
LATE WILLIAM AND TESTAMENT OF
GEORGE MARINOS, DECEASED,

Complainant,

vs.

OWEN S. MCGINNIS, et al,
Respondents,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

In Equity.

ANSWER OF

GUARDIAN AD LITEM

MALBIS MEMORIAL FOUNDATION,
As Trustee Under Item Five
Of The Last Will And Testa-
ment of GEORGE MARINOS, De-
ceased,

Complainant,

No. 4600

vs.

OWEN S. MC GINNITY, LANDS
DESCRIBED IN THE BILL, ET AL,

Respondents.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) ENTERED ON _____

) BOOK NO. _____

) ENTRY _____

) ALICE J. DUCK, Register

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AD LITEM

This cause is submitted upon motion for the appoint-
ment of a Guardian Ad Litem and an Attorney Ad Litem, and,
upon consideration, it is ordered, adjudged and decreed
by the Court that Reemeth Cooper,
who is a practicing attorney in Baldwin County, Alabama,
be and hereby is appointed Guardian Ad Litem for all the
unknown Respondents in this cause; and also appointed
Attorney Ad Litem for any of the Respondents who may be
in the Armed Forces of the United States of America, or
its Allies within the meaning of the Soldiers and Sailors
Relief Act.

Dated June 23, 1959.

FILED

JUN 22 1959

ALICE J. DUCK, CLERK
REGISTER

Robert M. Hall
JUDGE

MALBIS MEMORIAL FOUNDATION, AS)	IN THE CIRCUIT COURT
TRUSTEE UNDER ITEM FIVE OF THE)	
LAST WILL AND TESTAMENT OF)	OF
GEORGE MARINOS, DECEASED,)	BALDWIN COUNTY,
Complainant,)	ALABAMA
vs.)	
	IN EQUITY
OWEN S. MCGINNITY, PERDIDO LAND)	NUMBER 4600
COMPANY, LANDS DESCRIBED IN THE)	
BILL, ET AL,)	
Respondents.)	

NON-MILITARY AFFIDAVIT

Personally appeared before me, the undersigned Notary Public, in and for Mobile County, Alabama, EDWIN J. CURRAN, JR., who being known to me and who being by me first duly sworn, deposes and says on oath as follows:

My name is EDWIN J. CURRAN, JR., I am the Solicitor of record for the Complainant in the above styled cause. Before filing the Bill of Complaint in this cause, I made a diligent search and inquiry to locate the whereabouts of OWEN S. MCGINNITY, who the records show at one time had an interest in the property involved in the captioned cause. On the basis of said inquiry, I have been informed and believe and upon such information and belief, state that the said OWEN S. MCGINNITY is dead, but if alive he is an elderly person, beyond the age of military service, and is not presently in the Armed Forces of the United States of America or its Allies, within the meaning of the Soldiers and Sailors Civil Relief Act, nor has he been in such military service at any time during the pendency of this action.

Edwin J. Curran, Jr.
EDWIN J. CURRAN, JR.

Sworn to and subscribed before me, the undersigned Notary Public, in and for said County and State, on this the 20th day of October, 1959.

Clifford W. Hancock
Notary Public, Mobile County, Alabama

FILED
OCT 21 1959
KELCE J. DUCK, CLERK
REGISTER

MALBIS MEMORIAL FOUNDATION, AS TRUSTEE UNDER ITEM FIVE OF THE LAST WILL AND TESTAMENT OF GEORGE MARINOS, DECEASED.

Complainant,

vs.

OWEN S. MCGINNITY, if living, or if deceased, the heirs or devisees of OWEN S. MCGINNITY, PERDIDO LAND COMPANY, LANDS DESCRIBED IN THE BILL, and any other persons, firms or corporations claiming any title to or interest in the lands described in the Bill,

Respondents.

) IN THE CIRCUIT COURT

OF

) BALDWIN COUNTY,

) ALABAMA

IN EQUITY

NUMBER 4600

) IN REM

FINAL DECREE

THIS CAUSE being regularly set for trial and the same coming on to be heard in open court is submitted for final decree upon Complainant's verified bill of complaint and the answer of the Guardian Ad Litem, upon the decree pro confesso rendered therein, upon the testimony of P. E. FRANKOS, P. E. TETER, O. W. LYLES and EDWIN J. CURRAN, JR., taken orally before the Court, and upon the exhibits introduced into evidence, all as noted by the Register; and the Court having full jurisdiction of the subject matter and having fully considered all of said matters and it appearing to the satisfaction of the Court and the Court finds:

1. That the Complainant, MALBIS MEMORIAL FOUNDATION, As Trustee under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, at the time of the filing of its bill of complaint in this cause, claimed in its capacity as such Trustee to own the fee simple title to and was in fact in the peaceable and adverse possession of the following described real property situated in Baldwin County, Alabama, to-wit:

South half of the Northwest Quarter of the Southwest Quarter of Section 31, Township 4 South, Range 4 East,

STATE OF ALABAMA, BALDWIN COUNTY

Filed 10-30-09 filed
 Recorded filed book 285 page 259-61
W. H. Stewart
 Judge of Probate

Subject only to an easement to the Southern Bell Telephone and Telegraph Company, Incorporated, dated October 28, 1942, and recorded in Deed Book 79, page 112;

2. That the Complainant, and those under whom it claims, have been in the actual, peaceable, exclusive and adverse possession of the above described lands under color of title for more than ten (10) years next preceding the filing of the bill of complaint in this cause and that it and those under whom it claims have assessed and paid taxes on said lands for more than ten (10) years next preceding the filing of the bill of complaint in this cause and no other persons, firms or corporations have assessed said lands or any part thereof for taxes or paid any taxes thereon during the whole of said period;

3. That at the time of the filing of the said bill of complaint, no suit was pending to test the title of Complainant to the lands hereinabove described or its interest in or right to the possession of said lands;

4. That Complainant, Malbis Memorial Foundation, As Trustee aforesaid, acquired its title to the above described property by virtue of the following instruments which were introduced into evidence in this cause, to-wit:

(a) Tax Deed from Owner Unknown, by Henry S. Long, State Land Commissioner, to George Marinos, dated June 30, 1938 and recorded in Deed Book 248, page 495;

(b) Last Will and Testament of George Marinos, Deceased, recorded in Will Book 2, page 130.

All Deed Book and Will Book references in this Decree are to the records in the Office of the Judge of Probate of Baldwin County, Alabama;

Done & sworn to

WITNESS MY HAND AND SEAL THIS THE 21 day of October 1959

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 the above cause, which said decree is on file and entered in my office.

Hubert M. Hall
CIRCUIT JUDGE

DONE this the 21 day of October, 1959.

which let execution issue.

Last Will and Testament of GEORGE MARINOS, Deceased, for Memorial Foundation, as Trustee under Item Five of the same hereby are, taxed against the Complainant, Malbis 4. That the costs of this proceeding be, and the

and Office of the Judge of Probate of Baldwin County, Alabama; corded by the Register in the proper record book in the 3. That a certified copy of this decree be re-

concerning the same are hereby cleared up and removed; firmed and established, and all doubts, clouds and disputes and that its title thereto be, and the same hereby is, con- and encumbrances, subject only to the easement noted above and has a fee simple title thereto, free from all liens of GEORGE MARINOS, Deceased, is the owner of said lands As Trustee under Item Five of the Last Will and Testament 2. That the Complainant, Malbis Memorial Foundation, claimed by the Complainant, has been duly proved;

South half of the Northwest Quarter of the Southwest Quarter of Section 31, Township 4 South, Range 4 East

title to the following described lands, to-wit: prayed for in the bill of complaint, and that the fee simple of GEORGE MARINOS, Deceased, is entitled to the relief As Trustee under Item Five of the Last Will and Testament 1. That the Complainant, MALBIS MEMORIAL FOUNDATION,

THE COURT:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY

As Trustee, aforesaid, is entitled to the relief prayed for in the bill of complaint; 5. That the Complainant, Malbis Memorial Foundation,

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Handwritten marks on the right margin

MALBIS MEMORIAL FOUNDATION, AS)	IN THE CIRCUIT COURT
TRUSTEE UNDER ITEM FIVE OF THE)	
LAST WILL AND TESTAMENT OF)	OF
GEORGE MARINOS, DECEASED,)	
Complainant,)	BALDWIN COUNTY, ALABAMA
versus)	IN EQUITY
OWEN S. MCGINNITY, if living, or)	NUMBER <u>4600</u>
if deceased, the heirs or devisees)	
of OWEN S. MCGINNITY, PERDIDO LAND)	IN REM
COMPANY, LANDS DESCRIBED IN THE)	
BILL, and any other persons, firms)	
or corporations claiming any title)	
to or interest in the lands de-)	
scribed in the Bill,)	
Respondents.)	

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Comes your Complainant, MALBIS MEMORIAL FOUNDATION, as Trustee under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, by P. E. FRANKOS, its President, and respectfully shows unto the Court as follows:

ONE

Complainant is a charitable corporation organized under the laws of the State of Alabama, with its office and principal place of business in Daphne, Baldwin County, Alabama.

TWO

Complainant, in order to establish its right and title to the lands described in the Bill of Complaint and to clear up all doubts and disputes concerning same, files this, its verified Bill of Complaint against the following described lands, located in Baldwin County, Alabama, viz.:

South half of the Northwest Quarter
of the Southwest Quarter of Section
31, Township 4 South, Range 4 East,

and against OWEN S. MCGINNITY, if living, or, if deceased,

against the heirs or devisees of OWEN S. MCGINNITY, all of whose names and addresses are unknown, PERDIDO LAND COMPANY, if in existence, or the successors or assigns of PERDIDO LAND COMPANY, all of which names and addresses are unknown, and any and all unknown parties who claim or are reputed to claim any title to, interest in, lien or encumbrance upon said land or any part thereof. The said OWEN S. MCGINNITY, if living, is over the age of twenty-one (21) years.

THREE

Complainant avers that through its attorney it has made a diligent search in an effort to locate all of the above named Respondents, and also to ascertain whether, in the case of Owen S. McGinnity, he is living or dead, and if dead, who are his heirs or devisees, and, in the case of PERDIDO LAND COMPANY, if it is in existence, and if not, who are its successors or assigns, and further to ascertain who, if anyone, claims or is reputed to claim any right, title, interest, lien or encumbrance in or upon said land or any part thereof; that in conducting such search, it has caused to be purchased an abstract of title from Baldwin County Abstract Company of Bay Minette, Alabama, and has employed an attorney to examine the same; that, through its attorney, it has made an independent examination of the records in the Office of the Judge of Probate, Baldwin County, Alabama, and in the Tax Assessor's and Tax Collector's office of said County, and that in addition, it has, through its attorney, examined telephone directories and contacted persons who have been living in the neighborhood of the lands for a number of years, and that Complainant believes that if any of such Respondents are living, their residences are without the State of Alabama. Complainant has set out in full herein the information so obtained from said

search as to names, ages and addresses of anyone claiming or reputed to claim any right, title, interest, lien or encumbrance in or upon said land or any part thereof and has exercised due diligence to locate their whereabouts and Complainant alleges that if any other persons, firms or corporations claim any right, title, interest, lien or encumbrance in or upon said land above described or any part thereof, it is unknown to your Complainant.

FOUR

Complainant claims in its own right the title in and to the above described real estate, subject only to an easement to The Southern Bell Telephone and Telegraph Company, Incorporated, dated October 28, 1942, and recorded in Deed Book 79, page 112, Probate Court Records, Baldwin County, Alabama, and in support of such claim of title avers that it acquired said title by virtue of the following:

1. Tax Deed from Owner Unknown, by HENRY S. LONG, State Land Commissioner, to GEORGE MARINOS, dated June 30, 1938, and recorded in Deed Book 248, page 495, Probate Court Records, Baldwin County, Alabama.

2. Last Will and Testament of GEORGE MARINOS, deceased, recorded in Will Book 2, page 130, Probate Court Records, Baldwin County, Alabama.

FIVE

Complainant avers in the alternative, either

(i) that it is now and has been, and its predecessors in title have been, in actual, open, notorious, continuous, peaceable, adverse possession of said land under color of title for a period of ten (10) years prior to the filing of this Bill of Complaint, or

(ii) that it is now and has been and its predecessors in title have been, in actual, open, notorious, continuous,

peaceable, adverse possession of said land for a period of more than three (3) years prior to the filing of this Bill of Complaint, holding said property under the title commencing with the tax deed more particularly described in FOUR above; or

(iii) that it, and those under whom it claims, have held color of title to said property for the ten (10) years next preceding the filing of this Bill of Complaint and have paid taxes on said property during the whole of such period; or

(iv) that it, and those under whom it claims, have paid taxes on said land during the ten (10) year period next preceding the filing of this Bill of Complaint and no other person, natural or artificial, has paid taxes on said land or any portion thereof during any part of said period; or

(v) that it is in actual peaceable possession of said property under color of title and that no one other than your Complainant and those under whom it claims has to its knowledge been in actual possession of said land or any part thereof within ten (10) years of the filing of this Bill of Complaint, and no one other than your Complainant and those under whom it claims is known to your Complainant to claim said land or any part thereof or interest therein.

SIX

Complainant avers that there is no suit pending to test the title to said real estate or its interest in or right to possession of said land or any part thereof.

SEVEN

Complainant, in filing this Bill of Complaint seeking the aid of this Court of Equity, offers to do such equity on its part as this Court may decree and direct.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, your Complainant prays that it might be allowed to file this, its verified Bill of Complaint, against the land hereinabove described and the Respondents hereinabove named; and that service of process be issued by the Register of this Court to OWEN S. MCGINNITY, if living, or if deceased, the heirs or devisees of OWEN S. MCGINNITY, all of whose names and addresses are unknown; to PERDIDO LAND COMPANY, if in existence, or the successors or assigns of PERDIDO LAND COMPANY, all of which addresses are unknown; and to any and all unknown parties claiming any interest in, title to, lien or encumbrance upon said land or any part thereof, if any there be, by publication or other appropriate service, all in accordance with the rules and practices of this Honorable Court and the laws of the State of Alabama, requiring them to plead, answer or demur to the same within the time required by law; and Complainant further prays that a copy of said notice be certified by the Register of this Court as correct and be recorded as a Lis Pendens proceeding in the Office of the Judge of Probate of Baldwin County, Alabama.

Complainant further prays that this Honorable Court will appoint forthwith a guardian ad litem to defend for any unknown parties who are under the age of twenty-one (21) years or who may be incompetent, and an attorney ad litem to defend for any unknown parties who might be in the Armed Services of the United States of America, or its Allies, within the meaning of the Soldiers and Sailors Civil Relief Act.

PRAYER FOR RELIEF

WHEREFORE, the premises considered, your Complainant prays that Your Honor will establish its right and title to

said land and its interest therein, and will clear up all doubts and disputes concerning same, and that the title to said land be in your Complainant, absolutely and in fee simple, and that Your Honor will decree that no person, firm or corporation has any right, title or interest in, or encumbrance upon, said land or any part thereof, except your Complainant.

Your Complainant further prays that the Register of this Court shall be required to file in the Office of the Judge of Probate, Baldwin County, Alabama, a certified copy of said decree.

Your Complainant prays for all such other, further and different relief as it may be entitled to receive, the premises considered.

MALBIS MEMORIAL FOUNDATION

By *P. E. Frankos*
Its President

STATE OF ALABAMA.

Personally appeared before me the undersigned Notary Public in and for the State of Alabama at Large, *P. E. Frankos*, who is known to me and who being by me first duly sworn, deposes and says on oath that he is familiar with the contents of the above Bill of Complaint and that he has signed his name thereto as the President of MALBIS MEMORIAL FOUNDATION and that to the best of his knowledge, information and belief all of the facts in said Bill of Complaint are true and correct.

P. E. Frankos
Affiant

Subscribed and sworn to before me, the undersigned Notary Public in and for the State of Alabama at Large on this the *30th* day of *April*, 1959.

Edwin J. Curran Jr.
Notary Public, State of Alabama at Large

-6-

Filed June 2, 1959

MALBIS MEMORIAL FOUNDATION, AS)	IN THE CIRCUIT COURT
TRUSTEE UNDER ITEM FIVE OF THE)	
LAST WILL AND TESTAMENT OF)	OF
GEORGE MARINOS, DECEASED,)	BALDWIN COUNTY,
Complainant,)	
vs.)	ALABAMA
OWEN S. MCGINNITY, PERDIDO LAND)	IN EQUITY
COMPANY, LANDS DESCRIBED IN THE)	NUMBER 4600
BILL, ET AL,)	
Respondents.)	

MOTION FOR A DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against OWEN S. MCGINNITY, PERDIDO LAND COMPANY, and against any and all unknown parties who claim or are reputed to claim any title to, interest in lien or encumbrance upon the lands described in the Bill of Complaint in the captioned cause, or any part thereof, who may not be minors, incompetents or in the Armed Forces of the United States of America, Respondents, in the annexed stated cause on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Respondents are non-residents of the State of Alabama, and have failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 17th day of August, 1959.

Edwin J. Curran, Jr.
 EDWIN J. CURRAN, JR.,
 Solicitor for Complainant.

VICKERS, RIIS, MURRAY AND CURRAN

ATTORNEYS AT LAW

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

MARION R. VICKERS
ERLING RIIS, JR.
J. MANSON MURRAY
EDWIN J. CURRAN, JR.

June 30, 1959

MAILING ADDRESS:
POST OFFICE BOX 990
HEMLOCK 2-8767

Mrs. Alice J. Duck
Register, Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Bills to Quiet Title-
Malbis Memorial Foundation
v. Lands Described in the
Bill, et al

Dear Mrs. Duck:

I am in receipt of your form copy of the notice to and acceptance by the Guardians Ad Litem and Attorneys Ad Litem, and find the same perfectly acceptable.

I appreciate very much your limiting to three the number of attorneys appointed as Guardians Ad Litem in the nine cases which we filed.

Yours very truly,

VICKERS, RIIS, MURRAY AND CURRAN


Edwin J. Curran, Jr.

EJC/vh

Company, and against any and all unknown parties who claim or are reputed to claim any title to, interest in, lien or encumbrance upon said lands described in the Bill of Complaint, or any part thereof, who may not be minors, incompetents or in the Armed Forces of the United States of America.

DATED, August 18th, 1959.

Robert M. Hall
JUDGE

MALBIS MEMORIAL FOUNDATION, AS)	IN THE CIRCUIT COURT
TRUSTEE UNDER ITEM FIVE OF THE)	
LAST WILL AND TESTAMENT OF GEORGE)	OF
MARINOS, DECEASED,)	BALDWIN COUNTY,
Complainant,)	ALABAMA
vs.)	
OWEN S. MCGINNITY, PERDIDO LAND)	IN EQUITY
COMPANY, LANDS DESCRIBED IN THE)	NUMBER 4600
BILL, ET AL,)	
Respondents.)	

ORDER OF SUBMISSION

THIS CAUSE coming on to be heard is submitted for decree on the pleadings, the decree pro confesso, and on the proof as noted.

DATED October 20th, 1959.

NOTE OF EVIDENCE

At the hearing of this cause the following note of evidence was taken, to-wit:

FOR COMPLAINANT:

- Original Bill
- Lis Pendens
- Proof of Publication
- Non-Military Affidavit
- Decree Pro Confesso
- Acceptance and Answer of Guardian Ad Litem and Attorney Ad Litem
- Testimony of P. E. Frankos
- Testimony of O. W. Lyles
- Testimony of P. E. Teter
- Testimony of Edwin J. Curran, Jr.
- Complainant's Exhibits 1 and 2

VICKERS, RIIS, MURRAY AND CURRAN

By Edwin J. Curran, Jr.
Solicitors for Complainant

FOR RESPONDENTS: None

FILED, October 20, 1959.

154

Archie French Register

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

BALDWIN COUNTY

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

Lis Pendens Notice #4600

COST STATEMENT

505 WORDS @ 6 1/2 cents \$ 32 ⁸³
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 June 11, 1959 Vol. 71 No. 22

Date of 2nd publication June 18, 1959 Vol. 71 No. 23

Date of 3rd publication June 25, 1959 Vol. 71 No. 24

Date of 4th publication July 2, 1959 Vol. 71 No. 25

Subscribed and sworn before the undersigned this 2 day of July, 1959

Wesley Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

Homestead Certificate No. 19411.

Application 31973. THE UNITED STATES OF AMERICA, to all to whom these presents shall come--Greeting:

Whereas, there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Montgomery, Alabama, whereby it appears that, pursuant to the act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles S. Hargis, has been established and duly consummated, in conformity to law, for the southwest quarter of section thirty one, in township four south, of range four east of St. Stephens Meridian in Alabama, containing one hundred and fifty nine acres, and ninety nine hundredths of an acre, according to the official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

Now, know ye, that there is, therefore, granted by the United States unto the said Charles S. Hargis, the tract of land above described; to have and to hold the said tract of land, with the appurtenances thereof, unto the said Charles S. Hargis, and to his heirs and assigns forever.

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

Given under my hand, at the City of Washington, the second day of June, in the year of our Lord one thousand nine hundred and five, and of the Independence of the United States the one hundred and twenty eighth.

(Seal)

By the President: T. Roosevelt,

By F. M. McKean, Secretary.

C. H. Brush, Recorder of the General Land Office

Recorded Alabama, Vol. 515, page 105.

Filed for record June 1, 1905, at 8 A. M.

Recorded June 8, 1905.

J. H. H. Smith, Judge of Probate.

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0094 100 175 1000

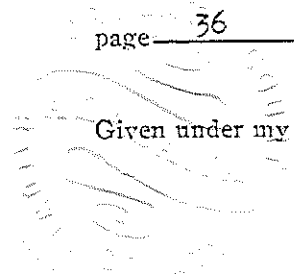
The State of Alabama, }
Baldwin County. }

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 (1) pages
contain a full, true and complete copy of the patent - U. S. of A. to Charles S. Hargis

as the same appears of record in my office in Deed Book No. 9
page 36.

Given under my hand and seal of office, this 17th day of August, 1959



W. R. Stuart
Judge of Probate

By: Nancy M. D'Almeida Chief Clerk

Com Ed 20 ... 4000 #2 - Jrd 2

No. 836

ORIGINAL

BOOK 248 PAGE 495

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 30th day of July, A. D. 1934, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Owner Unknown, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 1st day of September, 1934, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

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

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Twenty-seven and No/100 (\$27.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by George Marinos to purchase said lands, and said sum of Twenty-seven and No/100 (\$27.00) Dollars therefor has been paid into the State Treasury.

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

S 1/2 of NW 1/4 of SW 1/4, Sec. 31, T4S, R4E.

STATE OF ALABAMA, BALDWIN COUNTY,

Filed 3-9-37

8 A.M.

Recorded deed book 248 page 495 and I certify that the following Privilege Tax has been paid.

Deed Tax

50

Mortgage Tax

MR. [Signature]

Judge of Probate

By [Signature]

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto George Marinos

and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 30th day of June, 1938

Approved

[Signature] Governor

STATE LAND COMMISSIONER OF ALABAMA.

By [Signature] State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

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

Given under my hand this the 30th day of June, 1938

[Signature] Notary Public.

248-495

#20

6-30-38

THE STATE OF ALABAMA,

County.

State of Alabama Commission of Deeds

79

TO

George W. Harrison

31

DEED

THE STATE OF ALABAMA

OFFICE OF JUDGE OF PROBATE

I hereby certify that the within Deed was filed in
this office for record on the _____ day of _____

19____, at

o'clock _____ M., and duly recorded in

Book _____ of Deeds, page _____

and examined.

Judge of Probate.

BOOKS PRINTING CO., MONTGOMERY, ALA., 1933

*D 50 - The Products Act
R 120 - Buck Mobile*

LAST WILL AND TESTAMENT

Com. Exp. Form 4609 OF
GEORGE MARINOS

55-002-130

I, George Marinos, a resident of Loxley, Baldwin County, Alabama, being of sound mind and disposing memory, and over the age of twenty-one years, do hereby make, declare and publish this as my last will and testament and do hereby revoke any and all former wills or codicils which may have been at any time heretofore made by me.

ITEM ONE

I will and direct that my Executor hereinafter named shall as soon after my death as practicable, pay all of my just debts and claims against my estate (including taxes) and costs and expenses of administration, and also my funeral expenses and the cost of a suitable marker at my grave.

ITEM TWO

I give, devise and bequeath to my wife, Minnie Marina Marinos, the home in which we reside in Loxley, Alabama, all of the assets and good will of the retail store business in Loxley, Alabama, now operated under name of Loxley Bargain House, and all of the tract of land on which the said home and business are located.

ITEM THREE

I give and bequeath the sum of One Thousand Dollars (\$1,000.00) in cash to each of my brothers and sisters as follows: Angelo Marinos, residing at Argos, Greece; Peter Marinos, residing at Argos, Greece; Mrs. Panangoula Carlos, residing at Atlanta, Georgia; and Mrs. Elene Metsopoulou, residing at Argos, Greece.

ITEM FOUR

I give, devise and bequeath all of the assets and good will of the retail store business in Silverhill, Alabama, now operated under the name of Peoples Supply Company, together with all of the right, title or interest I may have in the real property on which said business is located, one-half to Leslie George Chandler, who is presently managing the business for me, and one-half to Walter Howard, my wife's grandson, each of them
Have.