

\$10.00

FILED
SEP 2 1959
ALICE J. DUCK, CLERK
REGISTER

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

Complainant,

VS.

EVELYN C. MAXWELL, CERTAIN LANDS,
ET AL.,

Respondents.

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA,
IN EQUITY.
NO. 4601

HON. KENNETH COOPER, GUARDIAN AD LITEM.

EDWIN J. CURREN, JR., SOLICITOR FOR THE COMPLAINANT, BEING FIRST DULY
SWORN, TESTIFIED AS FOLLOWS:

My name is Edwin J. Curren, Jr.; I have been retained by Malbis Memorial Foundation, as Trustee under Item Five of the last will and testament of George Marinos, deceased, to research the title to those certain timber lands in Baldwin County, Alabama, which were bequeathed to the Foundation under Mr. Marinos' will, to determine the status of the title to said property and to take such steps as necessary to clear the title. In each case there were a number of things which I did to determine the status of the title. In the first place I was furnished an abstract of title from Baldwin County Abstract Company, Bay Minette, Alabama, and upon receipt of that abstract I examined same to determine where the record title is presently lying. In addition, I checked the directories in Bay Minette,

Mobile, Alabama, and in other places where I had reason to believe former owners might reside. I have checked the Tax Assessor's records in Baldwin County, Alabama, and talked personally with Mr. Tunstall, Tax Assessor, to determine if he knew of the whereabouts of any of the former record owners of the property. In a few instances he gave me possible addresses of such persons and in those cases I made efforts to locate the people. I have checked the will books in the records of the Probate Court of Baldwin County, Alabama, and I have visited the property and in certain cases talked with persons who live in the neighborhood of the property to determine if they knew the identity or whereabouts of the former record owners. Through such research I was unable to locate any of such owners, or to determine if they were dead or alive or to determine if they have any heirs at law or next of kin who claimed any interest in the various parcels of property. I also conducted a search to determine if there were any suits pending to test the title or the right of possession to the various parcels of property and found that no suits had been filed prior to the filing of these law suits.

As to case No. 4601, we introduce Patent from the United States of America, to Charles W. Gylledge, dated ~~October~~ June 11, 1914, and recorded in Deed Book 23 at page 17 as Complainants Exhibit 1.

2. Tax deed from the State of Alabama, to A. M. Grimsley, dated May 25, 1928, and recorded in the office of the Judge of Probate of

Baldwin County, Alabama, in Deed Book 46 at pages 26-27, and ask that the same be marked Complainant's Exhibit 2.

3. Quitclaim Deed, A. M. Grimsley and wife, to J. S. Lowrey, dated April 5, 1940, recorded in Deed Book 71 N. S. at pages 373-74, and ask that it be identified as Complainant's Exhibit 3.

4. Statutory Warranty deed from J. S. Lowrey, unmarried, to George Marinos, dated April 12, 1940, recorded in Deed Book 71 page 373, and ask that it be marked Complainant's Exhibit 4.

5. I would like to testify that there is of record in deed Book 75 at page 522-24, an oil, gas and mineral lease, dated April 24, 1941, from George Marinos and wife to Charles Hertz.

There is also of record in Deed Book 83, at page 301, oil, gas and mineral lease dated March 15, 1944, from George Marinos and wife to Superior Oil Company.

There is of record in Deed Book 206, pages 392-3, oil, gas and mineral lease, dated April 27, 1954, from George Marinos and wife to I. P. Larue.

In addition, I would like to testify that I had information that Evelyn C. Maxwe 11, the respondent in this case, might reside in Escambia County, Florida. I wrote to the Tax assessor of Escambia County, Florida. An address of E. C. Maxwell was given to me, but it turned out not to be the E. C. Maxwell in question. Also Mr. Tunstall informed me that an E. C. Maxwell lived in Atmore, Alabama, and I contacted Mr. Maxwell and he informed me that he was not the E. C. Maxwell in question.

ON CROSS EXAMINATION OF MR. CURREN, HE TESTIFIED:

Examination by Mr. Cooper, Guardian Ad Litem.

Q. As I understand it, these suits are filed to clear the title to the lands that were donated to the Malbis Memorial Foundation under Item 5 of Mr. Marinos' will?

A. Yes. The reason that is necessary, within five years the foundation is to sell the property and turn over three-fourths of the proceeds to the Merchants National Bank as Trustee.

Q. Is this land timbered land?

A. Yes, they are timber lands.

Q. No farming land on it?

A. No.

Q. Did you, in your investigation and efforts to determine and find the former owners of these particular parcels of land, run across any information that might indicate that any of those parties might have minors living today?

A. No I have not.

Q' Have you found any reason to believe that any of the descendants or heirs might be in the Military Service of the United States of America?

A. No I have not.

Q. Have you had any one to assist you in your search for these former owners or their heirs?

A. Not in the search for the former owners.

Q. And I believe you stated on your direct testimony that you had

searched all of the will records in the Probate Office of Baldwin County and that you found none of the former owners of this property?

A. That is correct. I searched the will records from the date of the instrument owner to the present record holder and found no record of a will.

Q. I believe the title to this piece of land at one time or another came from the State of Alabama as the result of a tax sale?

A. Yes.

Q. Can you tell us whether or not the advertisement for each particular parcel of land was conducted regularly, according to your search of the records in the Probate Office here?

A. Advertisement on the tax sale itself?

Q. Yes?

A. No I didn't make a search into all of the aspects.

Q. The land was advertised for sale and tax deed issued from the State of Alabama, which was the original color of title to the lands involved in this suit?

A. Yes.

PAUL E. TETER, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Direct Examination by Mr. Curren.

Q. Mr. Teter, please state your name?

A. Paul E. Teter.

Q. And your occupation?

A. I am in the abstract business.

Q. Are you the owner of the Baldwin County Abstract Company?

A. I am.

Q. At my request, on behalf of the Malbis Memorial Foundation, did you prepare an abstract of title, in some cases a continuation of the abstract, to lands belonging to Malbis Memorial Foundation?

A. I did.

Q. Also at my request, did you examine the records in the Tax Assessor's office to determine how the taxes were assessed and whether or not the taxes were paid on these particular parcels of land for a period of 10 years?

A. I did.

Q. Did you prepare a certificate setting forth your findings from this search?

A. I did.

Q. In making this search did you look for any double assessments that might be on record?

A. Any shown on the plat books.

Q. If there were any did you indicate that on your certificate?

A. I did.

Q. As to the South half of Northeast Quarter of Section 30, Township 4 South, Range 5 East, did - what did your investigation show as to the assessment and payment of taxes for the past 10 years?

A. For the years 1948 through '56, it was assessed to George Marinos and taxes paid. For the years 1957 and 1958, the

property was assessed to Malbis Memorial Foundation and--As Trustee,
and taxes paid.

Q. Were there any records of double assessments or tax sales on
this property during this time?

A. No there was not.

P. E. FRANKOS, A WITNESS FOR THE COMPLAINANTS, BEING FIRST DULY
SWORN, TESTIFIED:

Examination by Mr. Curren.

Q. What is your name, please?

A. P. E. Frankos.

Q. Are you President of Malbis Memorial Foundation?

A. Yes sir.

Q. That is a Charitable Corporation, founded under the Laws of the
State of Alabama?

A. Yes sir.

Q. Is that the same Malbis Memorial Foundation as set out in Item
5 of the will of George Marinos, deceased?

A. Yes sir.

Q. Under the terms of that will is it not true that the foundation
was left all of the timber lands which Mr. Marinos owned in Baldwin
County, Alabama, with the obligation to sell the timbered
lands within five years from the date of his death?

A. That is what the will said.

Q. What, if anything, did the Foundation do after the death of

George Marinos, relative to the property that was bequeathed to them?

A. As soon as we found out that he had made the will for us to sell that property like he specified in his will, we had our woodsman to locate the property and then look after it and we told Mr. Lyles if he found anything wrong to notify us, because he was out in the woods most of the time.

Q. Your woodsman, is he an employee of the Malbis Memorial Foundation, who looks after this and other property which you have title to?

A. That is right.

Q. Is his functions to go around from time to time and check on the property and see the condition?

A. Yes sir.

Q. Has Malbis Memorial Foundation, since it got title to this property cut or sold any of this property?

A. Not one bit.

Q. Is there any reason why they have not sold the timber?

A. Because we wanted to sell it all together and give three-fourths of the proceeds to the Merchants National Bank like the will said.

Q. The will does not give you the right to sell the timber?

A. No.

Q. Has Malbis Memorial Foundation paid taxes on this property since it received this property?

A. Yes, for 1957 and 1958.

Q. Any other evidence of ownership that Malbis Memorial Foundation has exercised in connection with this property?

A. Well we had several calls from people that wanted to buy pieces of the land and they come in and ask us to sell it.

Q. What about fire protection?

A. We have the County or State Fire Control; we pay them six cents an acre for watching it.

Q. You have paid them with respect to the property you received from George Marinos?

A. Yes sir.

Q. Does your land man visit this property from time to time?

A. Yes sir.

Q. To determine if it is in good condition?

A. Yes sir.

O. W. LYLES, BEING FIRST DULY SWORN, TESTIFIED FOR THE COMPLAINANT
AS FOLLOWS:

Examination by Mr. Curren.

Q. What is your name, please?

A. O. W. Lyles.

Q. Who do you work for?

A. S. M. Adams, Inc.

Q. What is the business of S. M. Adams, Inc?

A. Timber--

~~Q. How long have you been working for S. M. Adams, Inc?~~

A. A little over 13 years.

Q. Do you know George Marinos?

A. I do.

Q. What was your association with Mr. Marinos?

A. I cut a lot of timber for him at various times; in fact, I cut over all of his land between '46 and the time of his death, excusing one tract on Lillian Swamp that I couldn't get to.

Q. Did you work for Mr. Marinos?

A. At one time I did for two years.

Q. At the same time you worked for S. M. Adams?

A. Yes sir.

Q. Do you know Mr. P. E. Frankos of Malbis Memorial Foundation?

A. Yes sir.

Q. Do you know Mr. Mathews who looks after the property?

A. I do.

Q. Have either of these gentlemen requested that you look after their property in Baldwin County, Alabama, on your trips through the County?

A. Yes sir.

Q. Do you, from time to time, check the property of Malbis Memorial Foundation?

A. I do.

Q. Are you familiar with the various parcels of property involved in the law suits under discussion?

A. Yes sir.

Q. ~~You have gone over the description of the property with me?~~

A. Yes.

Q. You have looked at the property on a map of Baldwin County?

A. I have.

Q. Have you personally visited every parcel of property involved in these law suits?

A. I have - I think a little more than that - I have marked the timber on every parcel.

Q. You testify that you have marked the timber on every parcel of timber lands involved in these law suits?

A. That is right.

Q. Has that been since the time Mr. Marinos owned the property?

A. Yes sir.

Q. Have you ever cut any timber from these parcels?

A. From all parts.

Q. What was the nature of the cutting?

A. Improvement cutting - thinning and cutting the trees that have been worked for turpentine.

Q. Do you know of any one other than Malbis Memorial Foundation claiming to own the property since the death of George Marinos?

A. No.

Q. During the time you were familiar with these parcels of property while they were owned by George Marinos, did you know of any one else claiming any right or title to the lands?

A. No I didn't.

Q. Did the title of certain of these pieces of property come through

S. M. Adams, Inc?

A. Yes sir.

Q. Was the timber cut prior to the time it was sold to George Marinos by S. M. Adams, Inc?

A. It was.

ON CROSS EXAMINATION OF THIS WITNESS, BY MR. COOPER, GUARDIAN AD LITEM

Q. Mr. Lyles, is any of this land fenced that has been described here?

A. No.

Q. You have stated that all of it is timber lands, is that correct?

A. That is correct.

Q. Has any of it been cut over?

A. Oh yes, some of it has.

Q. Is any of it being used as a pasture?

A. Not to my knowledge.

Q. When was the last time you examined this land?

A. Well I have seen all of it, I would say, in the last three months.

Q. At that time none was used for pasture?

A. That is right - let me back up - there are several thousand acres of pasture land fenced and this is within the fence, but there is no fence on the Marinos property; it was agreeable with Mr. Marinos that they could enclose it inside the pasture; it is near Loxley - Mr. Marinos agreed to allow it to be under fence - so far as it being under fence, it is not fenced.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 12, both inclusive, correctly sets forth a true and correct transcript of the testimony in the above styled cause, as taken by me in open Court on the 19th day of August, 1959.

This 25th day of August, 1959.

Louise S. [Signature]
Court Reporter

#4, last 1

Montgomery 02625.

4-1000.

To all to whom these presents shall come, Greeting:
 The United States of America, To all to whom these presents shall come, Greeting:
 Whereas, a Certificate of the Register of the Land Office at Montgomery, Alabama, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862 "To Secure Homesteads to Actual Settlers on the Public Domain", and the acts supplemental thereto, the claim of Charles W. Gullege, has been established and duly consummated, in conformity to law, for the south half of the northeast quarter of Section thirty in Township four south of Range five east of the St. Stephens Meridian, Alabama, containing seventy-nine and seventy-hundredths acres, 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 claimant the tract of Land above described, To have and to hold the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever.

In testimony whereof, I, Woodrow Wilson 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 Eleventh day of June in the year of our Lord one thousand nine hundred and Fourteen and of the Independence of the United States the one hundred and Thirty-Eighth.

(Great Seal)

Recorded: Patent Number 412594.

By the President: Woodrow Wilson,
 By M. P. LeRoy, Secretary.
 L. C. C. Lamar, Recorder of the General Land Office.

Filed for record October 17th 1914,

Recorded October 19th 1914.

J H H Smith, Judge of Probate.

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

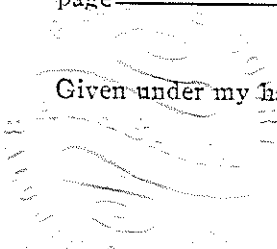
that the within and foregoing one (1) photostatic _____ pages

contain a full, true and complete copy of the Patent - United States of America to
Charles W. Cullledge

as the same appears of record in my office in Deed _____ Book No. 23

page 17 _____.

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



W R Stuart
Judge of Probate

By: Harry M. D. Love Chief Clerk

#4 - Docket # 2

Comp Ed 2 -
Case 4601

Exp
The State of Alabama,
County of Baldwin

Know all men by these presents, That, whereas, the land hereinafter described was subject to taxation for the year 1923, and the board of Revenue levied taxes thereon for county purposes for said year; and

Whereas, Said land was returned for taxation by C W Gullidge, for said year 1923, and

Whereas, The certificate of assessments was made in accordance with Section 18 of the Revenue Code, 1923; and

Whereas, The Tax Collector entered in the Docket of Tax Causes the description of said land, and amount of taxes, fees and charges due thereon for said year and delivered said Docket to the Probate Judge; and reported, in accordance with Section 220 of the Revenue Code, 1923, that he was unable to collect said taxes without sale of said land; and

Whereas, The Probate Court at the April, 1926 Term, rendered decree ordering sale of said land for the payment of said taxes, ~~and~~ fees, charges, costs and expenses of sale; and

Whereas, The Tax Collector, in enforcement of said decree, gave thirty days notice by publication once a week for three successive weeks in the Baldwin Times, a newspaper regularly published in said county, and also by posting notice at the Court House of said county, at a public place in the precinct in which the land was situated, that he would sell said land on the 24th day of May, A.D., 1926, between 10 o'clock A.M. and 4 o'clock P.M. in front of said Court House, which notices described said land and stated the amount for which the Probate Court's decree had been rendered against same, and that said taxes had been assessed to C.W. Gullidge, and

Whereas, The Tax Collector at said time, in front of said Court House door, did offer said land at public outcry, so that, as far as practicable, only such portion thereof was sold as was necessary to satisfy said decree, and did sell said land to A M Grimsley, who was the highest bidder, for \$10.20, which covered the taxes, fees, charges, costs and expenses of sale, which amount he paid to said Tax Collector; and

Whereas, The Tax Collector did then deliver to said purchaser, in accordance with Section 253 of the Revenue Code, 1923, a certificate of purchase, containing description of said land, showing the date the same had been assessed to C W Gullidge, for said year; and also showing the taxes due thereon, distinguishing the amount due the State and County, and for school purposes, and the fees and costs; and further showing the time for which said land was advertised, the date it was offered for sale, the name of the purchaser, and the price paid; and

Whereas, The time for redemption of said land has elapsed, and said Certificate of Purchase has been returned to the Probate Judge by A M Grimsley the purchaser.

Now, Therefore, I G. W. Humphries, as Probate Judge, in and for said County, in said State, under and by virtue of the provisions of Section 245 of the Revenue Code of Alabama of 1923, and in consideration of One Dollar, to me paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto A M Grimsley all the right, title and interest of said C W Gullidge, and all the right, title,

interest and claim of the said State and county on account of said taxes, or under said decree, in and to the following described land, to-wit:

S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 30, township 4 south, range 5 east, situated in said county and State; To have and to hold the same, the said right, title and interest unto the said A. M. Grimsley, heirs, assigns or successors forever; but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

In Testimony whereof, I have hereunto set my hand and seal, this 25th day of May A.D., 1928.

(Seal)

G. W. Humphries, Judge of Probate,
Baldwin County.

State of Alabama,
Baldwin County.

I, T. W. Richerson, Clerk of the Circuit Court, in and for said County, in said State, hereby certify that G. W. Humphries, whose name is signed to the foregoing conveyance as Judge of Probate, and who is known to me, acknowledged before me on this day, that being informed of the contents of this conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand, this the 25th day of May, A.D., 1928.

(seal)

T. W. Richerson, Clerk of the Circuit Court,
Baldwin county, Alabama.

State of Alabama,
Baldwin County

Probate Court.

Filed in office this 25 day of May, 1928, and duly recorded in Deed Book No 46, pages 26 and 27, and I certify that \$---cts 50, license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1925.

G. W. Humphries, Judge of Probate.

The State of Alabama,
Baldwin County. }

PROBATE COURT

I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

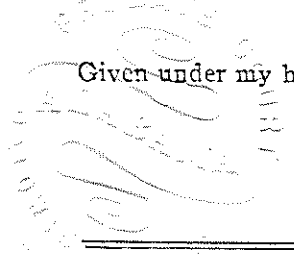
that the within and foregoing _____ two (2) photostatic _____ pages

contain a full, true and complete copy of the Tax Deed from C. W. Gullede by Probate
Judge to A. M. Grimsley

as the same appears of record in my office in _____ Deed _____ Book No. 46

pages 26-27.

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



W R Stuart

Judge of Probate

By: Harry M. Doherty Chief Clerk

The State of Alabama }
BALDWIN County

#4 - Dist 3
Comps Ep 3
Case #601

KNOW ALL MEN BY THESE PRESENTS, That in consideration of the sum of One and
No/100- ----- DOLLARS,

to A. M. Grimsley and wife, Adylise Grimsley in hand paid
by J. S. Lowrey the receipt whereof

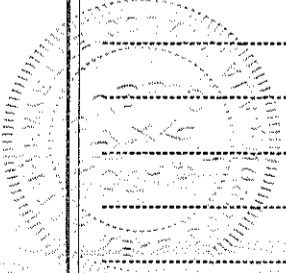
is hereby acknowledged We do remise, release, quit claim and convey to the said
J. S. Lowery all our

right, title, interest and claim in or to the following described real estate, to wit:

S¹/₂ of NE¹/₄ Section 30, Township 4 South Range 5 East, lying, being and
situated in Baldwin County, Alabama.

We hereby transfer all of our rights, title and interest to the above
described lands acquired by us at a tax sale and under deed of May 25th,
1928 recorded in Deed Record Book No. 46 at pages 26 and 27 in the office
of the Judge of Probate, Baldwin County, Alabama.

situated in BALDWIN County, Alabama.



45
13

A. M. Grimsley and wife,

Adylise Grimsley

14-5-40

TO

J. S. Lowrey

QUIT CLAIM DEED

THE STATE OF ALABAMA

COUNTY

I,

Judge of the Probate Court of said County,

hereby certify that the within and duly executed deed was

filed in the County Register's Office of said County, Alabama,

on the 5th day of May, 1940.

Witness my hand and the seal of said Court at Birmingham, Alabama,

this 5th day of May, 1940.

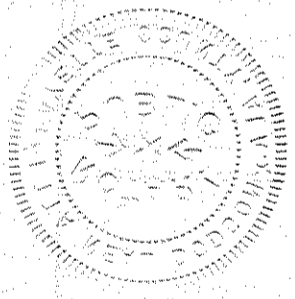
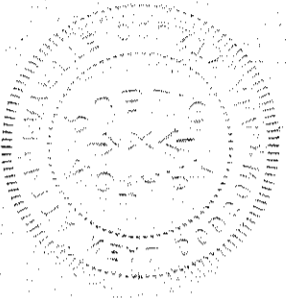
on the 5th day of May, 1940.

Judge of Probate.

Record Fee, \$

ROBERTS & SON, BIRMINGHAM

Robt. Roberts
1.25



Case 4601
Comp Ex. 4

STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That I, J. S. LOWREY, unmarried, Grantor, for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable considerations to me in hand paid by GEORGE MARINOS, Grantee, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee all the following described real property situated in Baldwin County, Alabama, to-wit:

- 50 — The Southeast quarter of the Southwest quarter of Section 35, Township 8 South, Range 4 East.
- 48 — The North half of the Northeast quarter of Section 26, Township 8 South, Range 4 East.
- 4 — The South half of the Northeast quarter of Section 30, Township 4 South, Range 5 East;

Being the same land conveyed by A. M. Grimsley to J. S. Lowrey.

TO HAVE AND TO HOLD with the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 12th day of April, 1940.

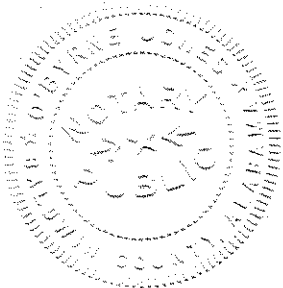
J. S. Lowrey (SEAL)

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, O'Byrne Jones, a Notary Public, in and for said County, in said State, hereby certify that J. S. Lowrey, unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this 12th day of April, 1940.

O'Byrne Jones
Notary Public, Baldwin County, Alabama.



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
EVELYN C. MAXWELL, LANDS DE-)	NUMBER 4601
SCRIBED 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 EVELYN C. MAXWELL, who the records show at one time had an interest in the property involved in the captioned cause. I have been informed and believe and upon such information and belief, state that the said EVELYN C. MAXWELL 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.

William H. Henderson

 Notary Public, Mobile County, Alabama

FILED
 OCT 21 1959
 ALICE L. DUCK, CLERK
 REGISTER

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

Complainant,

No. 4601

vs.

EVELYN C. MAXWELL, LANDS DE-)
SCRIBED 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 Kenneth 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.

Robert M. Stone
JUDGE

FILED

JUN 22 1959

ALICE J. DUCK, CLERK
REGISTER

MALBIS MEMORIAL FOUNDATION, AS)	
TRUSTEE UNDER ITEM FIVE OF THE	)	IN THE CIRCUIT COURT
LAST WILL AND TESTAMENT OF)	
GEORGE MARINOS, DECEASED,	)	of
)	
Complainant,	)	BALDWIN COUNTY,
)	
vs.	)	ALABAMA
EVELYN C. MAXWELL, IF LIVING, or,)	
if deceased, the heirs or devisees	)	IN EQUITY
of EVELYN C. MAXWELL, LANDS DESCRIBED	)	NUMBER 4601
IN THE BILL, and any other persons,)	
firms or corporations claiming any	)	IN REM
title to or interest in the lands de-)	
scribed in the Bill,)	
)	
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 Northeast Quarter of
Section 30, Township 4 South, Range 5
East;

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 C. W. Gullledge by G. W. Humphries, Probate Judge, to A. M. Grimsley, dated May 25, 1928, and recorded in Deed Book 46, pages 26-27.

(b) Quitclaim Deed from A. M. Grimsley and wife to J. S. Lowrey, dated April 5, 1940, and recorded in Deed Book 71, pages 373-374.

(c) Statutory Warranty Deed from J. S. Lowrey, unmarried, to George Marinos, dated April 12, 1940, and recorded in Deed Book 71, page 373.

(d) 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 Northeast Quarter of
Section 30, Township 4 South, Range
5 East

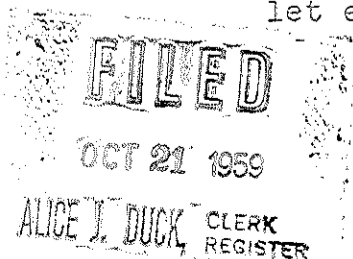
claimed by the Complainant, has been duly proved;

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 encumbrances and liens 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.



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Hubert M. Stone
CIRCUIT JUDGE

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

Complainant,

versus

EVELYN C. MAXWELL, if living, or,
if deceased, the heirs or devisees
of EVELYN C. MAXWELL, 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.

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

) NUMBER 4601

) IN REM

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 Northeast Quarter of
Section 30, Township 4 South, Range
5 East,

and against EVELYN C. MAXWELL (male), if living, or, if de-
ceased, against the heirs or devisees of EVELYN C. MAXWELL,

the residence and post office address of the said EVELYN C. MAXWELL, and the names and addresses of his heirs or devisees, if he be dead, being unknown and not ascertainable after diligent search and inquiry, 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 EVELYN C. MAXWELL, 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 the said EVELYN C. MAXWELL, and, being unable to so locate him, also to ascertain whether he is living or dead, and if dead, who are his heirs or devisees, 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 has also contacted the Tax Assessor's office of Escambia County, Florida, Respondents last known address, 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 said Respondent is living, his residence is 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, and in support of such claim of title avers that it acquired said title by virtue of the following:

(1) Tax Deed from C. W. GULLEDGE by G. W. HUMPHRIES, Probate Judge, to A. M. GRIMSLEY, dated May 25, 1928, and recorded in Deed Book 46, pages 26-27.

(2) Quitclaim Deed from A. M. GRIMSLEY and wife to J. S. LOWREY, dated April 5, 1940, and recorded in Deed Book 71, pages 373-374.

(3) Statutory Warranty Deed from J. S. LOWREY, unmarried, to GEORGE MARINOS, dated April 12, 1940, and recorded in Deed Book 71, page 373.

(4) Last Will and Testament of GEORGE MARINOS, deceased, recorded in Will Book 2, page 130.

All Deed Book and Will Book references in this Bill of Complaint are to records in the office of the Judge of Probate of Baldwin County, Alabama.

FIVE

Complainant avers in the alternative, either

(1) 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 Respondent hereinabove named; and that service of process be issued by the Register of this Court to EVELYN C. MAXWELL, if living, or if deceased, to the heirs or devisees of EVELYN C. MAXWELL, the residence and post office address of said Respondent, and the names and addresses of his heirs or devisees, if he be deceased, being 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,

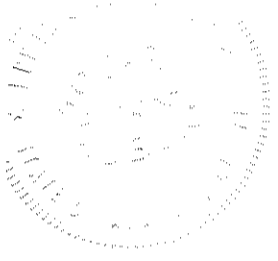
P. E. FRANKOS, who is known to me and who being by me first duly sworn, deposes and says on oath that he is familiar with the contents of the above Bill of Complaint and that he has signed his name thereto as the

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. 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



FILED
JUN 2 1959
ALICE J. DUCK, CLERK REGISTER

11/11/59

RECEIVED
JUN 11 1959
ALICE J. 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. 4601

VS

IN EQUITY

EVELYN C. MAXWELL, 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



As Register of the Circuit Court
of Baldwin County, Alabama

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.


As Guardian Ad Litem and
Attorney Ad Litem

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 # 4601

COST STATEMENT

519 WORDS @ 6 1/2 cents \$ 33 ⁷⁴/₌

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

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.



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

Complainant,

vs.

EVELYN C. MAXWELL, if living, or,
if deceased, the heirs or devisees
of EVELYN C. MAXWELL, 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.

) IN THE CIRCUIT COURT
OF

) BALDWIN COUNTY,
ALABAMA

) IN EQUITY
NUMBER 4601
) IN REM

DECREE PRO CONFESSO

In this cause, it appearing from the certificate of the Register that notice of the pendency of this cause has been given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and that a copy of said notice certified by the Register as being correct was filed for record as a Lis Pendens in the Office of the Probate Judge, Baldwin County, Alabama, and that sixty (60) days have expired since the first publication of said notice and the filing of the certified copy of said notice in the Probate Court of Baldwin County, Alabama; and it appearing to the court that no appearance, answer or demurrer has been filed to said Bill of Complaint;

NOW, THEREFORE, upon motion of complainant, MALBIS MEMORIAL FOUNDATION, as Trustee under Item Five of the Last Will and Testament of George Marinos, deceased, it is ORDERED that the allegations of said Bill of Complaint be, and hereby are, taken as confessed against EVELYN C. MAXWELL, if living, or, if deceased, against the heirs and devisees of Evelyn C. Maxwell, who may not be minors, incompetents or in the Armed Forces of the United States of America, 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 19, 1959.

Hubert M. Stone
JUDGE

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,
 vs.) ALABAMA
 EVELYN C. MAXWELL, LANDS DE-) IN EQUITY
 SCRIBED IN THE BILL, ET AL,) NUMBER 4601
 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	Testimony of P. E. Frankos
Lis Pendens	Testimony of O. W. Lyles
Proof of Publication	Testimony of P. E. Teter
Non-Military Affidavit	Testimony of Edwin J. Curran, Jr.
Decree Pro Confesso	Complainant's Exhibits 1-4
Acceptance and Answer of Guardian Ad Litem and Attorney Ad Litem	

VICKERS, RIIS, MURRAY AND CURRAN

By Edwin J. Curran, Jr.
Solicitors for Complainant

FOR RESPONDENTS:

None

FILED, October 20, 1959

David R. Smith
Register

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,

vs.

) ALABAMA

EVELYN C. MAXWELL, IF LIVING, or,
 if deceased, the heirs or devisees
 of EVELYN C. MAXWELL, 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,

) IN EQUITY

) NUMBER 4601

) 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, F. 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 Northeast Quarter of
 Section 30, Township 4 South, Range 5
 East;

STATE OF ALABAMA, BALDWIN COUNTY
 Filed 10-30-57 Recd
 Recorded [Signature] book 285 page 262-4
 [Signature] Judge of Probate JB

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 C. W. Gullledge by G. W. Humphries, Probate Judge, to A. M. Grimsley, dated May 25, 1928, and recorded in Deed Book 46, pages 26-27.

(b) Quitclaim Deed from A. M. Grimsley and wife to J. S. Lowrey, dated April 5, 1940, and recorded in Deed Book 71, pages 373-374.

(c) Statutory Warranty Deed from J. S. Lowrey, unmarried, to George Marinos, dated April 12, 1940, and recorded in Deed Book 71, page 373.

(d) 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 Northeast Quarter of
Section 30, Township 4 South, Range
5 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 encumbrances and liens 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 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 above stated cause, which said decree is on file and enrolled in my office.

Hubert M. Hall

CIRCUIT JUDGE

WITNESS MY HAND AND SEAL THIS THE 21 day of Oct, 19 59 -3-

Alice J. Duck

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

Complainant,

Vs.

EVELYN C. MAXWELL, IF LIVING, OR
IF DECEASED, THE HEIRS OR DEVISEES
OF EVELYN C. MAXWELL, LANDS DESCRIB-
ED 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. 4601

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 17 1959
ALICE J. DUCK, CLERK
REGISTER

EQUITY NO. 4601

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

MAIBIS MEMORIAL FOUNDATION,
AS TRUSTEE UNDER THE WILL
OF THE LATE WILLIAM AND JESSE
MORSE OF GEORGE MARINOS,
DECEASED,

Complainant,

Vs.

EVELYN C. MAXWELL, et al,

Respondents.

ANSWER OF

GUARDIAN AD LITEM

MALBIS MEMORIAL FOUNDATION, AS	)	IN THE CIRCUIT COURT
TRUSTEE UNDER ITEM FIVE OF THE	)	OF
LAST WILL AND TESTAMENT OF	)	BALDWIN COUNTY,
GEORGE MARINOS, DECEASED,	)	ALABAMA
Complainant,	)	IN EQUITY
vs.	(	NUMBER 4601
EVELYN C. MAXWELL, LANDS DE-)	
SCRIBED IN THE BILL, ET AL,		
Respondents.		

MOTION FOR A DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against EVELYN C. MAXWELL, 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.