

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

Complainant,

v.

G. E. McCOTTER, if living, or, if
deceased, the heirs or devisees
of G. E. McCOTTER, HAND LUMBER COM-
PANY, 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 4602

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:

West half of the Northwest Quarter of
the Southeast Quarter of Section 16,
Township 5 South, Range 3 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 land 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 land;

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 M. C. Allgood, Auditor, to B. L. Gaddis, Jr., and Charles H. Allen, dated May 22, 1916, and recorded in Deed Book 24, page 557.

(b) Quitclaim Deed from B. L. Gaddis, Jr., and wife and Charles H. Allen and wife, to Bank of Wetumpka, dated October 1, 1923, and recorded in Deed Book 33, pages 618-619.

(c) Quitclaim Deed from Bank of Wetumpka to J. S. Lowrey, dated December 12, 1935, and recorded in Deed Book 58, pages 340-341.

(d) Deed from Bank of Wetumpka to the First National Bank of Wetumpka, dated December 4, 1930, and recorded in Deed Book 63, pages 340-342.

(e) Decree in the case entitled "D. F. Green, as Superintendent of Banks of Alabama vs. Bank of Wetumpka", dated December 2, 1930, and recorded in Deed Book 63, page 342.

(f) Quitclaim Deed from First National Bank of Wetumpka to C. H. Bryars, dated September 8, 1934, and recorded in Deed Book 58, page 374.

(g) Quitclaim Deed from C. H. Bryars and wife to J.S. Lowrey, dated November 1, 1943, and recorded in Deed Book 81, pages 366-7.

(h) Statutory Warranty Deed from J. S. Lowrey, unmarried, to George Marinos, dated November 26, 1943, and recorded in Deed Book 81, page 359.

(i) 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 land, to-wit:

West half of the Northwest Quarter of the
Southeast Quarter of Section 16, Township
5 South, Range 3 East,

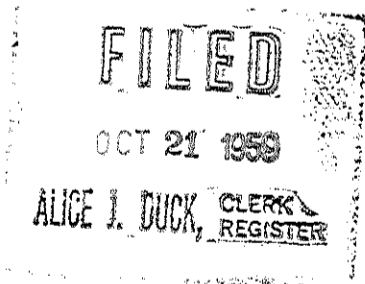
claimed by the Complainant in and to the above described land has been duly proved;

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 of all liens and encumbrances, 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;

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.



Hubert M. Stee
CIRCUIT JUDGE

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 #4602

COST STATEMENT

682 WORDS @ 6 1/2 cents \$ 44³³ =
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.

G. E. McCOTTER, IF LIVING, OR, IF DECEASED, THE HEIRS OR DEVISEES OF G. E. McCOTTER, HAND LUMBER COMPANY, LAND 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. 4602

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 services 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

JUN 17 1959

ALICE J. DUCK, CLERK REGISTER

In Equity No. 4602

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

MAJIBS MEMORIAL FOUNDATION,
AS TRUSTEE UNDER THE FIVE
OF THE LAST WILL AND TESTA-
MENT OF GEORGE MARTINOS,
DECEASED,

Complainant,

v.s.

G. E. MCCOY, et al.,

Respondents.

ANSWER OF

GUARDIAN AD LITEM

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. 4602

VS

IN EQUITY

G.E. McCOTTER, 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

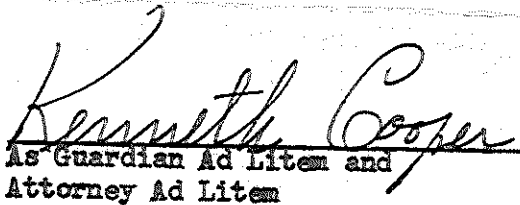

As Register of the Circuit Court
of Baldwin County, Alabama

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

MALBIS MEMORIAL FOUNDATION, As Trustee Under Item Five Of The Last Will and Testa- ment Of GEORGE MARINOS, De- ceased,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
Complainant,	)	ENTERED ON _____
No. 4602	)	BOOK NO. _____
vs.	)	ENTRY _____
G. E. McCOTTER, LANDS DE- SCRIBED IN THE BILL, ET AL,	)	ALICE J. DUCK, Register
Respondents.)	

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 un-
known Respondents in this cause; and also appointed Attor-
ney 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 Re-
lief Act.

Dated June 23, 1959.

Hubert M. Hill
JUDGE

FILED
Jun 23 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,

versus

G. E. McCOTTER, if living, or,
if deceased, the heirs or devisees
of G. E. McCOTTER, HAND LUMBER COM-
PANY, 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 4602
)
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 or 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.:

West half of Northwest Quarter of Southeast
Quarter of Section 16, Township 5 South,
Range 3 East,

and against G. E. McCOTTER, if living, or, if deceased,
against the heirs or devisees of G. E. McCOTTER, all of

whose names and addresses are unknown; HAND LUMBER COMPANY, if in existence, or the successors or assigns of HAND LUMBER 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 G. E. McCOTTER, 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 G. E. McCOTTER, he is living or dead, and if dead, who are his heirs or devisees, and, in the case of HAND LUMBER 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 such search as to names, ages and addresses of anyone claiming or reputed to claim any right, title, interest, lien or encum-

brance 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 owner unknown, by M. C. ALLGOOD, Auditor, to B. L. GADDIS, JR., and CHARLES H. ALLEN, dated May 22, 1916, and recorded in Deed Book 24, page 557.
2. Quitclaim Deed from B. L. GADDIS, JR., and wife and CHARLES H. ALLEN, and wife, to BANK OF WETUMPKA, dated October 1, 1923, and recorded in Deed Book 33, pages 618-619.
3. Quitclaim Deed from BANK OF WETUMPKA to J. S. LOWREY, dated December 12, 1935, and recorded in Deed Book 58, pages 340-341.
4. Deed from BANK OF WETUMPKA to the FIRST NATIONAL BANK OF WETUMPKA, dated December 4, 1930, and recorded in Deed Book 63, pages 340-342.
5. Decree in the case entitled "D. F. GREEN, as Superintendent of BANKS OF ALABAMA vs BANK OF WETUMPKA", dated December 2, 1930, and recorded in Deed Book 63, page 342.
6. Quitclaim Deed from FIRST NATIONAL BANK OF WETUMPKA to C. H. BRYARS, dated September 8, 1934, and recorded in Deed Book 58, page 374.

7. Quitclaim Deed from C. H. BRYARS and wife to J. S. LOWREY, dated November 1, 1943, and recorded in Deed Book 81, pages 366-7.

8. Statutory Warranty Deed from J. S. LOWREY, unmarried, to GEORGE MARINOS, dated November 26, 1943, and recorded in Deed Book 81, page 359.

9. 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

(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 the 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 G. E. McCOTTER, if living, or, if deceased, the heirs or devisees of G. E. McCOTTER, all of whose names and addresses are unknown; to HAND LUMBER COMPANY, if in existence, or the successors or assigns of HAND LUMBER 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*

STATE OF ALABAMA

Personally appeared before me the undersigned Notary Public in and for said 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

FILED

JUN 2 1959

ALICE J. DUCK, CLERK
REGISTER

-7-

260

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
G. E. McCOTTER, HAND LUMBER COM- PANY, LANDS DESCRIBED IN THE BILL, ET AL,	)	IN EQUITY
Respondents.	)	NUMBER 4602

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 G. E. McCOTTER, 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 G. E. McCOTTER 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 27 day of October, 1959.

Edwin H. Hancock
Notary Public, Mobile County, Alabama

FILED
OCT 21 1959
ALICE J. DUCK, CLERK
REGISTER

MALBIS MEMORIAL FOUNDATION, AS) IN THE CIRCUIT COURT
 TRUSTEE UNDER ITEM FIVE OF THE) OF
 LAST WILL AND TESTAMENT OF)
 GEORGE MARINOS, DECEASED,) BALDWIN COUNTY,
 Complainant, (ALABAMA
 vs.) IN EQUITY
 G. E. McCOTTER, HAND LUMBER COM-) NUMBER 4602
 PANY, LANDS DESCRIBED IN THE 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	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.

Alice I. Duck
 Register

FILED
 OCT 20
 ALICE I. DUCK, CLERK
 REGISTER

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

G. E. McCOTTER, if living, or, if)
deceased, the heirs or devisees)
of G. E. McCotter, HAND LUMBER COM- IN EQUITY
PANY, LANDS DESCRIBED IN THE BILL,)
and any other persons, firms or) NUMBER 4602
corporations claiming any title to)
or interest in the lands described IN REM
in the Bill,

Respondents.)

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 G. E. McCOTTER, if living, or, if deceased, against the heirs and devisees of G. E. McCotter who may not be minors, incompetents or in the Armed Forces of the United States of America, against HAND LUMBER COMPANY, if in existence,

or the successors or assigns of Hand Lumber 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 14, 1959.

Hubert 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
G. E. McCOTTER, HAND LUMBER COM-	)	NUMBER 4602
PANY, LANDS DESCRIBED IN THE BILL,) ET AL,)	
Respondents.)	

MOTION FOR A DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against G. E. McCOTTER, HAND LUMBER 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.

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

Complainant,

v.

G. E. McCOTTER, if living, or, if
deceased, the heirs or devisees
of G. E. McCOTTER, HAND LUMBER COM-
PANY, 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 4602
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:

West half of the Northwest Quarter of
the Southeast Quarter of Section 16,
Township 5 South, Range 3 East;

STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-30-57 11:00
Recorded 11/1/57 book 285 page 265-8
Judge of Probate W. H. Stewart

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 land 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 land;

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 M. C. Allgood, Auditor, to B. L. Gaddis, Jr., and Charles H. Allen, dated May 22, 1916, and recorded in Deed Book 24, page 557.

(b) Quitclaim Deed from B. L. Gaddis, Jr., and wife and Charles H. Allen and wife, to Bank of Wetumpka, dated October 1, 1923, and recorded in Deed Book 33, pages 618-619.

(c) Quitclaim Deed from Bank of Wetumpka to J. S. Lowrey, dated December 12, 1935, and recorded in Deed Book 58, pages 340-341.

(d) Deed from Bank of Wetumpka to the First National Bank of Wetumpka, dated December 4, 1930, and recorded in Deed Book 63, pages 340-342.

(e) Decree in the case entitled "D. F. Green, as Superintendent of Banks of Alabama vs. Bank of Wetumpka", dated December 2, 1930, and recorded in Deed Book 63, page 342.

(f) Quitclaim Deed from First National Bank of Wetumpka to C. H. Bryars, dated September 8, 1934, and recorded in Deed Book 58, page 374.

(g) Quitclaim Deed from C. H. Bryars and wife to J.S. Lowrey, dated November 1, 1943, and recorded in Deed Book 81, pages 366-7.

(h) Statutory Warranty Deed from J. S. Lowrey, unmarried, to George Marinos, dated November 26, 1943, and recorded in Deed Book 81, page 359.

(i) 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 land, to-wit:

West half of the Northwest Quarter of the
Southeast Quarter of Section 16, Township
5 South, Range 3 East,

claimed by the Complainant in and to the above described land 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 of all liens and encumbrances, 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;

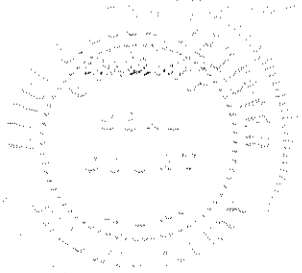
4. That the costs of this proceeding be, and the same hereby are, taxed against the Complainant, MALBIS MEMORIAL FOUNDATION, As Trustee Under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, for which let execution issue.

DONE this the 21 day of October, 1959.

Hubert M. Hall
CIRCUIT JUDGE

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.
WITNESS MY HAND AND SEAL THIS THE 21 day of Oct

Alice J. Duck
Register of Circuit Court, in Equity



\$10.⁰⁰

FILED

7-2 1969

ALICE J. DUCK, CLERK REGISTER

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

Complainant,

aVS.

G. E. McCOTTER, AND CERTAIN LANDS, ET AL.,

Respondents.

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

NO. 4602

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 timber certain 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

that 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, or to determine if they were dead or alive or to determine if they had any heirs at law or next of kin who claimed an 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.

Q As to Case No. 4602, which involves the $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$, Section 16, Township 5 South, Range 3 East, I would like at this time to get the record title into the record.

1. I would like to introduce -- In this case there is of record a Patent from the United States of America to the State of Alabama, Act of Congress, dated March 2, 1819, recorded in 3 U. S. Statutes at Large, page 489.

State Patent from the State of Alabama, to John E. Loxley, dated January 27, 1899, and we ask that it be marked Complainant's Exhibit 1.

Complainant's Exhibit 2, deed from the Bank of Wetumpka to C. H. Bryars, dated September 8, 1934, and recorded in deed Book 58 N. S. page 374.

Complainant's Exhibit 3, is Quitclaim deed from C. H. Bryars and wife to J. S. Lowrey, dated 1st day of November, 1943, and recorded in Deed Book 81 at page 366-7.

Complainant's Exhibit 4. Statutory Warranty Deed, J. S. Lowrey, unmarried to George Marinos, dated 26th day of November, 1943, and recorded in deed Book 81 page 359.

I would like to testify that there is recorded in deed book 84 at pages 69-70, oil, gas and mineral lease from George Marinos and wife to P. A. Leckrone, dated October 16, 1943, recorded --I've already given you the recording.

There is recorded in Deed book 185 at page 157, oil gas and mineral lease, from George Marinos and wife to P. A. Leckrone, dated April 4, 1952.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Cooper, Guardian Ad Litem.

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

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 timber land?

A. Yes, it is 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

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. Will you state your name?

A. Paul E. Teter.

Q. 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 the 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 $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $SE\frac{1}{4}$, Section 16, Township 5 South, Range 3 East what did your examination show?

A. From 1948 through 1956 property was assessed by George Marinos and Taxes paid; from 1957 and 1958 taxes were assessed to Malbis Memorial Foundation, as Trustee, and paid.

Q. Any evidence of double assessment of this property?

A. No.

Q. Tax Sales?

A. No.

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 Bald-
win 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, with 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 function 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 and 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, sir, 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 in 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 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 the 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 land involved in this law suit?

A. That is right.

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

A. Yes.

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 title or right to this land?

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.

CROSS EXAMINATION BY MR. COOPER, GUARDIAN AD LITEM.

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 this fence -- so far as it being under fence, it is not.

MR. CURREN: We also introduce the last will and testament of George Marinos, deceased, which is attached to Case No. 4600.

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 H. H. H. H.
Court Reporter

* Patent from U.S.A.
not available.

#9 - Inst 1

Camp Exp 1

Casett 4602

The State of Alabama.

To all to whom these presents shall come - Greeting:
Know Ye, that John E. Loyley of the County of
Baldwin, having made complete payment
amounting to

for the whole of section number sixteen in
Township number five South of Range number
three east in ~~Said~~ County of Baldwin and con-
taining six hundred and forty acres, more
or less, in pursuance of the act entitled "an
act to authorize the sale of sixteenth sections,
and for other purposes," approved January 15th
1828. There is therefore granted by the State of
Alabama, the tract of land, above described,
with all the appurtenances thereto belonging,
unto the said John E. Loyley and to his heirs
and assigns forever.

In testimony whereof, I have caused these letters

to be made patent, and the great seal of the State of Alabama to be affixed at the Capitol in the City of Montgomery, this 27th day of January A.D. one thousand eight hundred and ninety nine and of the Independence of the United States, the one hundred and twenty third Year.

By the Governor:

Robert M. David
Secretary of State

Jos. F. Johnston.
Governor of Alabama

Recorded in Book of Patents E. page 339.

Filed for Record April 27th 1899.

Recorded April 28th 1899.

Chas. Hall
Judge of Probate.

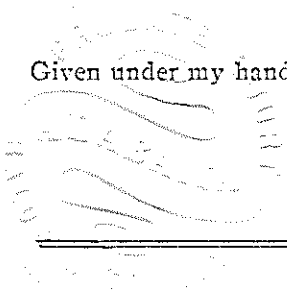
The State of Alabama, }
Baldwin County. }

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 State Patent - State of Alabama to John E.
Loxley

as the same appears of record in my office in Deed Book No. 2
pages 50 - 51.

Given under my hand and seal of office, this 17th day of August, 19 59



W R Stuart
Judge of Probate
By: Harve M. D'Almeida Chief Clerk

#9 - Inst 2

Comp Ex 2
Case #4602

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THE STATE OF ALABAMA
BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That the First National Bank of Wetumpks, Alabama, a corporation, for and in consideration of the sum of Forty and no/100 dollars to it in hand paid by C. Henry Bryars, the receipt whereof is hereby acknowledge, does hereby remise, release, quit claim and convey unto the said C. Henry Bryars, his heirs and assigns, the following described real estate situated in Baldwin County, Alabama, to-wit: The West Half of the Northwest quarter of the Southeast quarter of Section 16, Township 5 South Range 3 East, containing 20 acres, more or less.

TO HAVE AND TO HOLD The aforegranted premises to the said Henry Bryars, his heirs and assigns, forever.

In Witness Whereof, said first National Bank of Wetumpka, Alabama, has caused this deed to be executed for it and in its name by E. J. Cain, its Vice President, and attested by John L. Law, its Cashier, and its corporate seal to be hereto affixed on this the 8th day of September, 1934.

ATTESTED BY:
JOHN L. LAW, Its Cashier.
CORP. SEAL.

FIRST NATIONAL BANK OF WETUMPKA, ALABAMA.
BY: E. J. CAIN, Its Vice President.

THE STATE OF ALABAMA
BALDWIN COUNTY

I, Mary Lyle Lawson, a notary public, in and for said county, in said state, hereby certify that E. J. Cain, whose name as Vice President of the First National Bank of Wetumpks, Alabama, a corporation, 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, as such officer, and with full authority, executed the same voluntarily, for and as the act of said corporation.

Given under my hand this the 8th day of September, 1934.

MARY LYLE LAWSON, Notary Public.

SEAL.

STATE OF ALABAMA PROBATE COURT
BALDWIN COUNTY

Filed in office this 31 day of Dec. 1935 at 12:05 P. M. and duly recorded in Deed Book 53 N. S. Page 374; and I certify that \$--- cts 50 Deed tax has been paid as required by law.

G. W. Robertson, Judge of Probate by J. L. Kessler, Clerk.

G. W. Robertson, Judge of Probate

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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 Quitclaim Deed from the First National

Bank of Wetumpka to C. H. Bryars

as the same appears of record in my office in Deed Book No. 58

page 374.

Given under my hand and seal of office, this 17th day of August, 19 59

W R Stuart
Judge of Probate
By: Harry M. Dolene Chief Clerk



Notary Public, Baldwin County, Alabama.

David J. Nelson

of November, 1943.

Given under my hand and official seal on this the 1st day

part of her husband. Three will and accord and without fear, constraints or threats on the going conveyance, acknowledged that she signed the same of her own separate and apart from her husband, touching her signature to the foregoing before me the within named C. H. Bryars, who, being examined separately I further certify that on the 1st day of November, 1943, they executed the same voluntarily on the day the same bears date, this day that, being informed of the contents of the conveyance, and who are known to me, acknowledged before me on going conveyance, and Carrie M. Bryars, his wife, whose names are signed to the foregoing for said County in said State, hereby certify that C. H. Bryars and I, *David J. Nelson*, a Notary Public, within and

STATE OF ALABAMA
BALDWIN COUNTY

(SEAL) *Carrie M. Bryars*
(SEAL) *C. H. Bryars*

day and year first above written. IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and affixed their seals on this the

shall be by these presents FOREVER EXCLUDED AND DEBARRED. ever in or to the said premises or any part thereof, are, is and from all estate, right, title, interest or claim and demand whatsoever the first part, their heirs and assigns, each and every one of them, or claim any right or title thereto; but that the said parties of or will, can or may, by any ways or means whatsoever, hereafter have assigns, nor any person in trust for them, or in their names, shall So that the parties of the first part, their heirs or said party of the second part, his heirs and assigns, forever. TO HAVE AND TO HOLD the said released premises unto the

Southwest Quarter of Southwest Quarter; West Half of South-
east Quarter of Southwest Quarter; West Half of Northwest
Quarter of Southeast Quarter of Section Sixteen (16) Town-
ship Five (5) South Range Three (3) East.

to-wit: ing described real property situated in Baldwin County, Alabama, AND QUIT CLAIM unto the said party of the second part, the follow- LEASED AND QUIT CLAIMED and by these presents do REMISE, RELEASE, RE- part, the receipt whereof is hereby acknowledged have REMISED, RE- sideration to them this day in hand paid by the party of the second sideration of the sum of One Dollar (\$1.00) and other valuable con- part, WITNESSETH: The parties of the first part, for and in con- and J. S. Lowrey, hereinafter referred to as the party of the second part, his wife, hereinafter referred to as the parties of the first part, of November, 1943, by and between C. H. Bryars and Carrie M. Bryars, THIS INSTRUMENT, made and entered into on this the 1st day

STATE OF ALABAMA
BALDWIN COUNTY

QUIT CLAIM DEED

Case 4602

Comp of 3-



Notary Public, Baldwin County, Alabama.

J. T. Blalock

I, *J. T. Blalock*, a Notary Public, within 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 official seal on this the *24* day of November, 1943.

STATE OF ALABAMA
BALDWIN COUNTY

J. S. Lowrey
(SEAL)

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal on this the day and year first above written.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, together with all and singular the tenants, hereditaments and appurtenances therunto belonging or in anywise appertaining.
IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal on this the day and year first above written.
Southwest quarter of Southwest quarter; West Half of South-
east quarter of Southwest quarter; West Half of Northwest
quarter of Southeast quarter of Section Sixteen (16) Town-
ship Five (5) South Range Three (3) East.
Northwest quarter of Southwest quarter of Section Sixteen
(16) Township Five (5) South Range Three (3) East.
Reserving however, the turpentine cups and aprons situated
on the said property, together with all necessary rights of
ingress and egress over and across the said property until
January 1, 1944 for the purpose of removing the said cups.

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to him this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED AND SOLD and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, the following described property situated in Baldwin County, Alabama, to-wit:

THIS INDENTURE, made and entered into on this the 26th day of November, 1943, by and between *J. S. Lowrey*, unmarried, hereinafter referred to as the party of the first part, and *George Martinos*, hereinafter referred to as the party of the second part, WITNESSETH:

STATE OF ALABAMA
BALDWIN COUNTY

STATUTORY WARRANTY DEED

Case 4602
Comp. 3/1/44