

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

Complainant

-VS-

GIUSEPPE MULE AND ANGELINA MULE,  
if living, or if deceased the  
heirs or devisees of GIUSEPPE  
MULE AND ANGELINA MULE, LANDS  
DESCRIBED IN THE BILL, and any  
other persons, firms or corpora-  
tions 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 4603

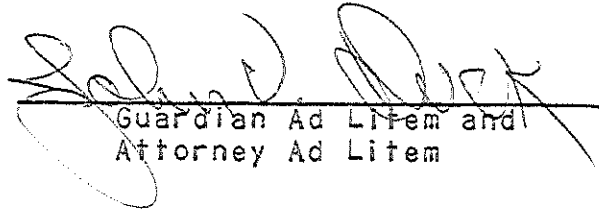
IN REM

ANSWER

Comes now John V. Duck, Guardian Ad Litem, and Attorney  
Ad Litem, in the above styled cause and for answer to the Bill  
of Complaint says:

That he denies each and every allegation contained therein,  
and demands strict proof of the same.

*Filed*  
*July 2, 1959*

  
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 # 4603

### COST STATEMENT

545 WORDS @ 6 1/2 cents ..... \$ 35<sup>43</sup>  
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 Minton  
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,

IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA

No. 4603

IN EQUITY

VS

GIUSEPPE MULE, LANDS DESCRIBED IN  
THE BILL, ET AL,  
Respondents.

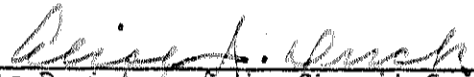
NOTICE OF APPOINTMENT OF

GUARDIAN AD LITEM AND ATTORNEY AD LITEM

TO: John V. Duck 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

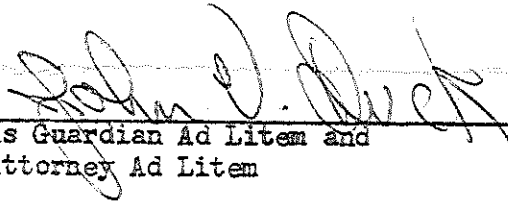
ACCEPTANCE TO APPOINTMENT OF

GUARDIAN AD LITEM AND ATTORNEY AD LITEM

STATE OF ALABAMA  
BALDWIN COUNTY

I, the undersigned John V. Duck 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,

No. 4603 Complainant,

vs.

GIUSEPPE MULE, LANDS DESCRIBED  
IN THE BILL, ET AL,

Respondents.

) IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

ENTERED ON \_\_\_\_\_

BOOK NO. \_\_\_\_\_

ENTRY \_\_\_\_\_

) ALICE J. DUCK, Register

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AD LITEM

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

Dated June 23, 1959.

FILED

6-23-59

ALICE J. DUCK, CLERK  
REGISTER

Hubert M. Reese  
JUDGE

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

IN THE CIRCUIT COURT

OF

Complainant,

) BALDWIN COUNTY, ALABAMA

vs.

IN EQUITY

GIUSEPPE MULE and ANGELINA MULE, )  
if living, or if deceased the )  
heirs or devisees of GIUSEPPE )  
MULE and ANGELINA MULE, LANDS )  
DESCRIBED IN THE BILL, and any )  
other persons, firms or corpora- )  
tions claiming any title to or )  
interest in the lands described )  
in the Bill, )

NUMBER 4603

IN REM

) Respondents. )

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

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

ONE

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

TWO

Complainant, in order to establish its right 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.:

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

and against GIUSEPPE MULE and ANGELINA MULE, if living, or,

if deceased, against the heirs or devisees of GIUSEPPE MULE and ANGELINA MULE, all of whose names and addresses are unknown, and against 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 GIUSEPPE MULE and ANGELINA MULE, if living, are both 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 above named Respondents, and also to ascertain whether the said GIUSEPPE MULE and ANGELINA MULE are living or dead, and if dead, who are their respective 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 Cook County, Illinois, 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 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 the State of Alabama to J. S. LOWREY dated February 15, 1934, and recorded in Deed Book 55, pages 405-406.

2. Quitclaim Deed from J. S. LOWREY, unmarried, to C. H. BRYARS, dated March 5, 1934, and recorded in Deed Book 54, page 519.

3. Quitclaim Deed from C. H. BRYARS and wife to J. S. LOWREY, dated November 1, 1943, and recorded in Deed Book 81, pages 366-367.

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

5. 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 GIUSEPPE MULE and ANGELINA MULE, if living, or, if deceased, the heirs or devisees of GIUSEPPE MULE and ANGELINA MULE, all of whose names and 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

  
Its President

STATE OF ALABAMA

Personally appeared before me the undersigned Notary Public in and for the State of Alabama at Large,

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

P. E. Frankos  
Affiant

Subscribed and sworn to before me, the undersigned Notary Public in and for the State of Alabama at Large on this the 30<sup>th</sup>

day of April, 1959.

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

FILED

JUN 27 1959

ALICE J. DUCK, CLERK  
REGISTER

MALBIS MEMORIAL FOUNDATION, AS ) TRUSTEE UNDER ITEM FIVE OF THE ) LAST WILL AND TESTAMENT OF ) GEORGE MARINOS, DECEASED, )	IN THE CIRCUIT COURT ) OF ) BALDWIN COUNTY, ) ALABAMA )
Complainant, )	
vs. )	
GIUSEPPE MULE and ANGELINA MULE, ) if living, or if deceased, the ) heirs or devisees of GIUSEPPE ) MULE and ANGELINA MULE, LANDS ) DESCRIBED IN THE BILL, and any ) other persons, firms or corpora- ) tions claiming any title to or ) interest in the lands described ) in the Bill, )	IN EQUITY ) NUMBER 4603 ) IN REM )
Respondents. )	

FINAL DECREE

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

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

Southwest Quarter of the Southwest Quarter;  
and the West half of the Southeast Quarter  
of the Southwest Quarter of Section 16, Town-  
ship 5 South, Range 3 East; STATE OF ALABAMA, BALDWIN COUNTY

Filed 10-30-57 W. H. Street  
Recorded W. H. Street back 285 page 269-72  
Judge of Probate W. H. Street

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 the State of Alabama to J.S. Lowrey dated February 15, 1934, and recorded in Deed Book 55, pages 405-406.

(b) Quitclaim Deed from J. S. Lowrey, unmarried, to C. H. Bryars, dated March 5, 1934, and recorded in Deed Book 54, page 519.

(c) Quitclaim Deed from C. H. Bryars and wife to J. S. Lowrey, dated November 1, 1943, and recorded in Deed Book 81, pages 366-367.

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

(e) 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 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:

Southwest Quarter of the Southwest Quarter;  
and the West half of the Southeast Quarter  
of the Southwest 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 en-  
cumbrances, 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;

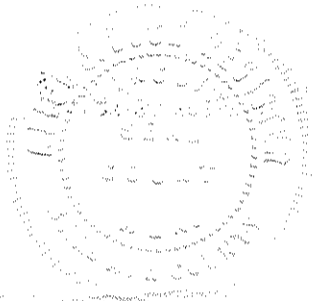
4. That the costs of this proceeding be, and the same hereby are, taxed against the Complainant, MALBIS MEMORIAL FOUNDATION, As Trustee Under Item Five of the Last Will and Testament of GEORGE MARINOS, Deceased, for which let execution issue.

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 1959

Alice J. Duck  
Register of Circuit Court, in Equity



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
GIUSEPPE MULE and ANGELINA MULE, )	NUMBER 4603
if living, or if deceased, the )	
heirs or devisees of GIUSEPPE )	IN REM
MULE and ANGELINA MULE, LANDS )	
DESCRIBED IN THE BILL, and any )	
other persons, firms or corpora- )	
tions claiming any title to or )	
interest in the lands described )	
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:

Southwest Quarter of the Southwest Quarter;  
and the West half of the Southeast Quarter  
of the Southwest Quarter of Section 16, Town-  
ship 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 the State of Alabama to J.S. Lowrey dated February 15, 1934, and recorded in Deed Book 55, pages 405-406.

(b) Quitclaim Deed from J. S. Lowrey, unmarried, to C. H. Bryars, dated March 5, 1934, and recorded in Deed Book 54, page 519.

(c) Quitclaim Deed from C. H. Bryars and wife to J. S. Lowrey, dated November 1, 1943, and recorded in Deed Book 81, pages 366-367.

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

(e) 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 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:

Southwest Quarter of the Southwest Quarter;  
and the West half of the Southeast Quarter  
of the Southwest 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 en-  
cumbrances, 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 24 day of October,  
1959.

Robert M. Hall  
CIRCUIT JUDGE

FILED  
OCT 21 1959  
ALICE J. 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,	)	BALDWIN COUNTY,
Complainant,	)	ALABAMA
v.	)	IN EQUITY
GIUSEPPE MULE AND ANGELINA MULE,	)	NUMBER 4603
LANDS DESCRIBED IN THE BILL, ET AL,)	)	
Respondents.	)	

NON-MILITARY AFFIDAVIT

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

My name is EDWIN J. CURRAN, JR. I am the Solicitor of records 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 GIUSEPPE MULE and ANGELINA MULE, 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 GIUSEPPE MULE and ANGELINA MULE are dead, but if alive they are elderly persons, beyond the age of military service, and are 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 have they been in such military service at any time during the pendency of this action.

  
 EDWIN J. CURRAN, JR.

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

  
 Notary Public, Mobile County, Alabama

**FILED**  
 OCT 21 1959  
 ALICE L. DUCK, CLERK REGISTER

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 4603
GIUSEPPE MULE AND ANGELINA MULE,	)	
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 20<sup>th</sup>, 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 1-5
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.

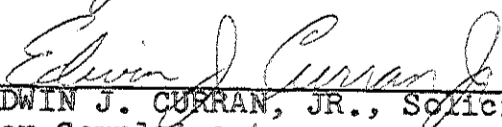
Archie J. Wood  
Register

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  
 GIUSEPPE MULE and ANGELINA MULE, IN EQUITY  
 LANDS DESCRIBED IN THE BILL, ET )  
 AL, ) NUMBER 4603  
 Respondents. )

MOTION FOR A DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso  
 against GIUSEPPE MULE and ANGELINA MULE, 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 17<sup>th</sup> day of August, 1959.

  
 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.	)	IN THE CIRCUIT COURT
		OF
	)	BALDWIN COUNTY,
Complainant,		ALABAMA
vs.		
GIUSEPPE MULE and ANGELINA MULE, if living, or, if deceased, the heirs or devisees of GIUSEPPE MULE and ANGELINA MULE, 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,	)	IN EQUITY
		NUMBER 4603
	)	IN REM
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 GIUSEPPE MULE and ANGELINA MULE, if living, or, if deceased, against the heirs and devisees of Giuseppe Mule and Angelina Mule, 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 18, 1959.

*Robert M. [unclear]*

JUDGE

*[Faint handwritten notes or signatures]*



FILED  
SEP 2 1939  
ALICE I. DUCK, CLERK  
REGISTRAR

\$10.2

MALBIS MEMORIAL FOUNDATION,  
Plaintiff,  
VS.  
GIUSEPPE MULE AND ANGELINA MULE  
AND CERTAIN LANDS, ET AL.,  
Respondents.

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY  
ALABAMA. IN EQUITY.  
NO. 4603

HON. JOHN V. DUCK, 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 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. 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. 4603, which involves Southwest Quarter of Southwest Quarter and West half of the Southeast Quarter of Southwest Quarter of Section 16, Township 5 South, Range 3 East, I would like at this time to introduce the record title.

Complainant's Exhibit 1, Patent from the State of Alabama, which patent is identical to patent in case 4602, and which is attached

to the testimony in case No. 402) to John Loxley,

Complainant's exhibit 2, Tax deed from the State of Alabama to J. S. Lowrey, recorded in Deed Book 55, pages 404-406, which deed is dated February 15, 1934.

Complainant's Exhibit 3, quitclaim deed from J. S. Lowrey to J. H. Bryars, dated March 5, 1934, recorded in Deed Book 54, page 519.

Complainants Exhibits 4 and 5 are identical to Complainant's Exhibits 3 and 4 in case No. 402. That is, quitclaim deed from C. H. Bryars and wife to J. S. Lowrey, dated November 1, 1943, recorded in Deed Book 81, pages 366-67, and Statutory warranty deed from J. S. Lowrey, unmarried, to George Marinos, dated November 26, 1943, and recorded in deed Book 81, page 359.

Complainant's Exhibit 6, is last will and testament of George Marinos, deceased, which is attached to testimony in Case No. 4600.

I would also like to testify that the record shows in deed Book 84, pages 69-70, oil, gas and mineral lease, dated October 16, 1943, from George Marinos and wife, to P. A. Leckrone.

The record also shows an oil, gas and mineral lease dated April 4, 1952, recorded in Deed Book 185, pages 157-59, from George Marinos and wife to P. A. Leckrone.

I would also like to testify that the record indicates that Giuseppe Mule lived at one time in Cook County, Ill, and I wrote the

Tax Assessor of Cook County, Ill, to determine if a current address was available as well as searching with the telephone directory for the City of Chicago, Ill, but was informed by the Tax Assessor that they had no address for said Respondents.

NO CROSS EXAMINATION BY MR. DUCK, GUARDIAN AD LITEM.

PAUL E. TETERI 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 lands belonging to the 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 book.

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

A. I did.

Q. As to the Southwest Quarter of the Southwest Quarter, and the West Half of the Southeast Quarter of Southwest Quarter, Section 16, Township 5 South Range 3 East, what did your investigation show as to the assessment and payment of taxes for the past 10 years?

A. For the year 1948 through 1956 to George Marinos, and it was assessed for the years 1957 and 1958 to Malbis Memorial Foundation, Trustee, and the taxes were paid under all of the assessments. There were no other assessments shown and no tax sales shown.

P. E. FRANKOS, A WITNESS FOR THE COMPLAINANT, 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, 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 Foundation, who looks after this land 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 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.

NO CROSS EXAMINATION BY MR. DUCK, GUARDIAN AD LITEM.

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 did know him.

Q. What was your association with Mr. Marinos?

A. I cut a lot of timber for him at various times; in fact, I cut all 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 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 sir.

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 involved in these law suits?

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 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. Yes it was.

No cross examination of this witness by Mr. Duck, as Guardian ad Litem

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 August 19, 1959.

This 25th day of October, 1959.

Louise Suenhury  
Court Reporter

#10 - U.S.A. Patent not available  
#10 - State Patent - See #9 - Inst 1  
#10 - Inst 2

Case # 46 B  
Comp. Ex J

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No. 105

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ORIGINAL  
THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS: THAT WHEREAS, on 21st day of April, A. D. 1930, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Christian Anderson, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 26th day of May, 1930, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.



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

AND WHEREAS, said lands having been entered upon the books of the State Tax Commission, and the State Tax Commission of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of One hundred five and no/100 (\$105.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Tax Commission of the State of Alabama by J. S. Lowrey, to purchase said lands, and said sum of One hundred five and no/100 (\$105.00) Dollars therefor has been paid into the State Treasury.

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

SW $\frac{1}{4}$  of SW $\frac{1}{4}$ , W $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  Sec 16 Tp 5s R3e,

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto J. S. Lowrey and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 15th day of February, 1934.

Approved  
By B. M. MILLER,  
Governor.

STATE TAX COMMISSION OF ALABAMA,  
BY: S. R. BUTLER,  
State Tax Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY

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

Given under my hand this the 15th day of February, 1934.

JULIA KLINGE, Notary Public

STATE OF ALABAMA PROBATE COURT  
BALDWIN COUNTY

Filed in office this 18 day of May, A. D. 1934 at 10 A. M. and duly recorded in Deed Book No. 55 N. S. Pages 405-6; and I certify that \$--- cts 50 Deed tax, has been paid as required by law.

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

G. W. Humphries, Judge of Probate

*End*

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 State of Alabama to J. S.

Lowrey

as the same appears of record in my office in Deed Book No. 55

pages 405 - 406.

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

W R Stuart  
Judge of Probate  
By: Samy M. Dolino Chief Clerk



#10 - Inst 3

519

#10 - Inst 4 - Sub #9 - Inst 3  
#10 - Inst 5 - Sub #9 - Inst 4

Case #4603

Comp. Expt #3

Seal

-----000000000-----  
QUIT CLAIM DEED

THE STATE OF ALABAMA  
BALDWIN COUNTY

THIS DEED made this 5th. day of March, 1934 between J. S. Lowrey of the first part, and C. H. Bryars of the second part, WITNESSETH, that the party of the first part, in consideration of One Hundred Fifty dollars to him in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has remised, released and quit claimed and by these presents does remise, release and forever quit claim unto the said party of the second part heirs, and assigns forever, all the real property in Baldwin County, Alabama, described as follows, to-wit:

SW $\frac{1}{4}$  of SW $\frac{1}{4}$ ; & W $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  Section 16, Township 5 South, Range 3 East.

TO HAVE AND TO HOLD the said released premises unto the said C. H. Bryars his heirs and assigns forever: So that neither the party of the first part his heirs or assigns nor any other person in trust for him or in his name shall or will, can or may, by any ways or means whatsoever, hereafter, have or claim any right or title thereto; but that the said party of the first his heirs and assigns, each and every one of them from all estate right, title, interest or claim and demand whatsoever, in or to the said premises, or any part thereof, are, is, and shall be, by these presents forever excluded and debarred.

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

J. S. Lowrey (SEAL)

50¢ U. S. I. R. stamp attached  
Cancelled J. S. L. 3/5/34

STATE OF ALABAMA  
BALDWIN COUNTY

I, John Chason, a Notary Public in and for said County and State, hereby certify that J. S. Lowrey 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 this 24th. day of March, A. D. 1934.

John Chason, Notary Public, Baldwin County, Ala.

(SEAL)

State of Alabama Probate Court  
Baldwin County

Filed in office this 18 day of May A. D. 1934 at 10:00 A. M. and duly recorded in Deed Book No. 54 N. S. at page 519; and I certify that \$---cts 50 Deed tax has been paid as required by law. G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.

G. W. Humphries, 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

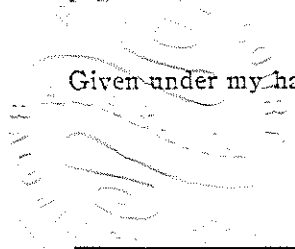
contain a full, true and complete copy of the Quitclaim Deed from J. S. Lowrey to

C. H. Bryars

as the same appears of record in my office in Deed Book No. 54

page 519.

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



W R Stuart  
Judge of Probate

By: Harry M. Dalino Chief Clerk