

BOOK 285 PAGE 275

to George Marinos, dated November 13, 1940, and recorded in Deed Book 74, pages 182-3, conveying the Southeast Quarter of Northwest Quarter of Northwest Quarter; and the South half of Northeast Quarter of Northwest Quarter of Northwest Quarter of Section 19, Township 5 South, Range 5 East;

(c) Tax Deed from State of Alabama to Baldwin County Land Holding Company, dated March 22, 1927, and recorded in Deed Book 276, page 259, conveying the South half of Northwest Quarter of Northwest Quarter of Northwest Quarter of Section 19, Township 5 South, Range 5 East;

(d) Quitclaim Deed from Baldwin Land Holding Company, Inc., to J. S. Lowrey, dated June 10, 1938, and recorded in Deed Book 65, pages 176-7, conveying the property described in (c) above;

(e) Quitclaim deed from J. S. Lowrey, unmarried, to George Marinos, dated April 18, 1941, and recorded in Deed Book 76, page 311, conveying the property described in (c) above;

(f) 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:

285 PAGE 274

subject only to an oil, gas and mineral lease from George Marinos to Homer Lynn, dated September 25, 1952, and recorded in Deed Book 189, pages 59-60, which said lease has been assigned to Cities Service Oil Company by instrument dated September 29, 1952, and recorded in Deed Book 189, page 47;

2. That the Complainant, and those under whom it claims have been in 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 State Land Commissioner of Alabama to George Marinos, dated June 12, 1941, and recorded in Deed Book 76, pages 310-311, conveying the North half of the North half of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East;

(b) Tax Deed from State Land Commissioner of Alabama

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:

North half of the Northwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East,

with the exception noted above, 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, with the exception of said oil, gas and mineral lease hereinabove referred to, and that its title thereto be, and the same hereby is, confirmed and established and all doubts, clouds and disputes concerning 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.

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

Hubert M. Hall

CIRCUIT JUDGE

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

Alice J. Duck
Register of Circuit Court, in Equity

B. H. H. H.
Alice J. Duck

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. 4604

VS

IN EQUITY

MINNIE CHESLEY, 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,

Complainant,

No. 4604

vs.

MINNIE CHESLEY, LANDS DE-
SCRIBED IN THE BILL, ET AL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

ENTERED ON _____

BOOK NO. _____

ENTRY _____

ALICE J. DUCK, Register

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AD LITEM

This cause is submitted upon motion for the appoint-
ment of a Guardian Ad Litem and an Attorney Ad Litem, and,
upon consideration, it is ordered, adjudged and decreed by
the Court that John V. Duck,
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 Re-
lief Act.

Dated June 23, 1959.

Hubert M. Stone
JUDGE

FILED

JUN 22 1959

ALICE J. DUCK, CLERK
REGISTER

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

Complainant

-VS-

MINNIE CHESLEY, or her heirs or devisees, if deceased; CORA A. CUSHING, or her heirs or devisees, if deceased, ELMER SAPP, or his heirs or devisees, if deceased; 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 4604

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*

John V. Duck
Guardian Ad Litem and Attorney Ad Litem.

MALBIS MEMORIAL FOUNDATION, AS) IN THE CIRCUIT COURT
 TRUSTEE UNDER ITEM FIVE OF THE)
 LAST WILL AND TESTAMENT OF) OF
 GEORGE MARINOS, DECEASED,)
 Complainant,) BALDWIN COUNTY,
) ALABAMA
 vs.)
 MINNIE CHESLEY, LANDS DESCRIBED) IN EQUITY
 IN THE BILL, ET AL,) NUMBER 4604
 Respondents.)

NON-MILITARY AFFIDAVIT

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

My name is EDWIN J. CURRAN, JR.; I am the Solicitor of record for the Complainant in the above styled cause. Before filing the Bill of Complaint in this cause, I made a diligent search and inquiry to locate the whereabouts of MINNIE CHESLEY, CORA A. CUSHING and ELMER SAPP, 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 MINNIE CHESLEY, CORA A. CUSHING and ELMER SAPP 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.
 EDWIN J. CURRAN, JR.

Sworn to and subscribed before me, the undersigned Notary Public, in and for said County in said State, on this the 21st day of October, 1959.

Virgil W. Davenport
 Notary Public, Mobile County, Alabama

FILED
 OCT 21 1959
 ALICE I. DUCK, CLERK
 REGISTER

MALBIS MEMORIAL FOUNDATION, AS)	
TRUSTEE UNDER ITEM FIVE OF THE	)	IN THE CIRCUIT COURT
LAST WILL AND TESTAMENT OF)	
GEORGE MARINOS, DECEASED,	)	OF
)	
Complainant,	)	BALDWIN COUNTY, ALABAMA
)	
versus	)	IN EQUITY
	)	NUMBER <u>4604</u>
MINNIE CHESLEY, or her heirs or)	
devisees, if deceased; CORA A.)	
CUSHING, or her heirs or devisees,)	
if deceased; ELMER SAPP, or his	)	IN REM
heirs or devisees, if deceased;)	
LANDS DESCRIBED IN THE BILL, and)	
any other persons, firms or corpora-)	
tions claiming any title to or in-)	
terest in the lands described in the)	
Bill,)	
)	
Respondents.)	

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

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

ONE

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

TWO

Complainant, in order to establish its right 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:

North half of the Northwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East,

and against MINNIE CHESLEY, or her heirs or devisees, if deceased; CORA A. CUSHING, or her heirs or devisees, if deceased; ELMER SAPP, or his heirs or devisees, if deceased; the residence and post office addresses of said parties and the names and addresses of their heirs or devisees, if any be deceased, being unknown and not ascertainable after diligent search and inquiry, and any and all unknown parties who claim or are reputed to claim any title to, interest in, lien or encumbrance upon said land or any part thereof. The said MINNIE CHESLEY, CORA A. CUSHING and ELMER SAPP, if living, are all 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 they are living or dead, and if dead, who are their 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 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, subject only to an oil, gas and mineral lease from GEORGE MARINOS to HOMER LYNN, dated September 25, 1952, and recorded in Deed Book 189, pages 59-60, which said lease has been assigned to CITIES SERVICE OIL COMPANY, by instrument dated September 29, 1952, and recorded in Deed Book 189, page 47, and in support of such claim of title avers that it acquired said title by virtue of the following:

(1) Tax Deed from State Land Commissioner of Alabama to GEORGE MARINOS, dated June 12, 1941, and recorded in Deed Book 76, pages 310-311, conveying the North half of the North half of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East.

(2) Tax Deed from State Land Commissioner of Alabama to GEORGE MARINOS, dated November 13, 1940, and recorded in Deed Book 74, pages 182-3, conveying the Southeast Quarter of Northwest Quarter of Northwest Quarter; and the South half of Northeast Quarter of Northwest Quarter of Northwest Quarter of Section 19, Township 5 South, Range 5 East.

(3) Tax Deed from State of Alabama to BALDWIN COUNTY LAND HOLDING COMPANY, dated March 22, 1927, and recorded in

Deed Book 276, page 259, conveying the South half of Northwest Quarter of Northwest Quarter of Northwest Quarter of Section 19, Township 5 South, Range 5 East.

(4) Quitclaim Deed from BALDWIN LAND HOLDING COMPANY, INC., to J. S. LOWREY, dated June 10, 1938, and recorded in Deed Book 65, pages 176-7, conveying the property described in (3) above.

(5) Quitclaim Deed from J. S. LOWREY, unmarried, to GEORGE MARINOS, dated April 18, 1941, and recorded in Deed Book 76, page 311, conveying the property described in (3) above.

(6) 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 deeds 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 MINNIE CHESLEY, or her heirs or devisees, if deceased; CORA A. CUSHING, or her heirs or devisees, if deceased; ELMER SAPP, or his heirs or devisees, if deceased; the residences and post office addresses of said parties and the names and addresses of their heirs or devisees, if any be deceased, being unknown and not ascertainable after diligent search and inquiry; 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*
P. E. FRANKOS
Its President

STATE OF ALABAMA

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

P. E. Frankos
Affiant

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

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

FILED

JUN 2-59

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
Complainant,	)	BALDWIN COUNTY,
v.	)	ALABAMA
MINNIE CHESLEY, or her heirs or devises, if deceased; CORA A. CUSHING, or her heirs or devisees, if deceased; ELMER SAPP, or his heirs or devisees, if deceased; LANDS DESCRIBED IN THE BILL, and any other persons, firms or corpora- tions claiming any title to or in- terest in the lands described in the Bill,	)	IN EQUITY NUMBER 4604 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:

North half of the Northwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East,

subject only to an oil, gas and mineral lease from George Marinos to Homer Lynn, dated September 25, 1952, and recorded in Deed Book 189, pages 59-60, which said lease has been assigned to Cities Service Oil Company by instrument dated September 29, 1952, and recorded in Deed Book 189, page 47;

2. That the Complainant, and those under whom it claims have been in 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 State Land Commissioner of Alabama to George Marinos, dated June 12, 1941, and recorded in Deed Book 76, pages 310-311, conveying the North half of the North half of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East;

(b) Tax Deed from State Land Commissioner of Alabama

to George Marinos, dated November 13, 1940, and recorded in Deed Book 74, pages 182-3, conveying the Southeast Quarter of Northwest Quarter of Northwest Quarter; and the South half of Northeast Quarter of Northwest Quarter of Northwest Quarter of Section 19, Township 5 South, Range 5 East;

(c) Tax Deed from State of Alabama to Baldwin County Land Holding Company, dated March 22, 1927, and recorded in Deed Book 276, page 259, conveying the South half of Northwest Quarter of Northwest Quarter of Northwest Quarter of Section 19, Township 5 South, Range 5 East;

(d) Quitclaim Deed from Baldwin Land Holding Company, Inc., to J. S. Lowrey, dated June 10, 1938, and recorded in Deed Book 65, pages 176-7, conveying the property described in (c) above;

(e) Quitclaim deed from J. S. Lowrey, unmarried, to George Marinos, dated April 18, 1941, and recorded in Deed Book 76, page 311, conveying the property described in (c) above;

(f) 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:

North half of the Northwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East,

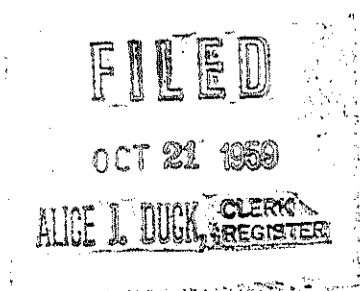
with the exception noted above, claimed by the Complainant in and to the above described land has been duly proved;

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, with the exception of said oil, gas and mineral lease hereinabove referred to, and that its title thereto be, and the same hereby is, confirmed and established and all doubts, clouds and disputes concerning 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.



Julius M. Hall
CIRCUIT JUDGE

8/10/72

FILED
SEP 2-57
ALICE J. DUCK, CLERK
REGISTER

MALBIS MEMORIAL FOUNDATION, as
Trustee under Item Five of the
LAST WILL AND TESTAMENT OF
GEORGE MARINOS, Deceased,

Complainant,

VS.

MINNIE CHESLEY & CERTAIN LANDS,
ET AL.,

Respondents.

IN THE
CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY.

NO. 4604

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 the same to determine where the record title is presently lying. In addition, I checked the directories in Bay Minette, Alabama and Mobile Alabama, and in other places where I had reason to believe tha

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 had 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. 4604, which involves the North Half of the Northwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 19, Township 5 South, Range 5 East, I would like at this time to get the record title into the record.

Complainant's Exhibit 1: Swamp Land Patent from the United States of America to the State of Alabama, dated September 10, 1869,