

MILDRED GREEN MOINET,

PLAINTIFF

VS

LOTS 1, 2, 3, 4, 7 AND 8;  
LOTS 31, 32, 35, 36, 37 AND  
38 IN BLOCK A: LOTS 1, 2, 3,  
4, 7 and 8; LOTS 31, 32, 35,  
36, 37 AND 38 IN BLOCK B: ALL  
IN JOHN M. GREEN'S SUBDIVISION  
OF BAY VIEW, ACCORDING TO THE  
PLAT THEREOF RECORDED IN MAP  
BOOK 1, PAGE 106 OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF  
PROBATE COURT OF BALDWIN  
COUNTY, ALABAMA: AND AGAINST  
FLORENCE G. SOSSAMAN, WINGATE  
GREEN, THOMAS GREEN, THOMPSON  
W. GREEN, JOHN MANNING GREEN  
BYNUM E. GREEN, JOHN ALBERT  
GREEN, FLOROMOND F. GREEN,  
BYRON HARKER, JOSEPH N. HARKER,  
JACK HARKER, ROBERT GREEN,  
FRANCES GREEN WILCOX, AND THE  
UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF  
CHESTER GREEN, DECEASED: AND  
AGAINST ANY AND ALL PERSONS,  
FIRMS, ASSOCIATIONS OR CORP-  
ORATIONS, CLAIMING ANY TITLE  
TO, INTEREST IN, CLAIM, LIEN  
OR ENCUMBRANCE ON THE SAID LAND  
OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER: \_\_\_\_\_

This cause coming on to be heard this the 12 day of  
April, 1961, is submitted for final decree upon  
Complainants verified Bill of complaint and upon the Decree Pro  
Confesso rendered therein against Florence G. Sossaman, Wingate  
Green, Thomas Green, Thompson W. Green, John Manning Green,  
Bynum E. Green, John Albert Green, Floromond F. Green, Byron  
Harker, Joseph N. Harker, Jack Harker, Robert Green and the  
unknown heirs, devisees and personal representatives of Chester  
Green, deceased; and against any and all persons, firms,  
associations or corporations, claiming any title to, interest  
in, claim, lien or encumbrance on the said land or any part or  
parcel thereof and upon the answer of Frances Green Wilcox, and  
upon the testimony of Mrs. John C. Marino, John P. Brooks and  
Willie B. Green, taken orally before the court and exhibits filed  
in the cause, and it appearing to the satisfaction of the court,

That due and proper notice of the pendency of the Bill  
of Complaint against the said lands and the said Defendants

Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees and personal representatives of Chester Green, deceased; and against any and all persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof has been given in the manner required by law, and that the Complainant is entitled to the relief as prayed for in the Bill of Complaint and upon consideration of the same;

IT IS THEREFORE, FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said Complainant, Mildred Green Moinet, who is over the age of 21 years, at the time of the filing of the said Bill of Complaint and at the time of the submission of this cause for final decree, was and is in the actual and peaceable possession, claiming to own the same absolutely and in fee simple all of that certain tract of land situated in Baldwin County, Alabama described as follows:

Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block A; Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block B; all in John M. Green's Subdivision of Bay View, according to the plat thereof recorded in Map Book 1, page 106 of the Records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

that the title to the said lands on the records of Baldwin County, Alabama stand in the name of the said Mildred Green Moinet; that the Complainant obtained title to the land by Deed from Orvelle C. Green as Trustee dated August 30, 1933 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 55, pages 254-5; who acquired the same by warranty deed and by trust agreement of John M. Green and Mary C. Green, his wife, which deed is dated March 24, 1931 and recorded in the said Probate Office in Deed Book 49 page 608.

That for more than 10 years next preceeding the filing of this Bill of Complaint no other persons other than Complainant have assessed or paid taxes on the said lands and that she has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same for more than ten years

next preceeding the filing of this Bill of Complaint.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the said Mildred Green Moinet, at the time of filing of the Bill of Complaint in this cause and at this time had and has fee simple title in;

Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block A; Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block B; all in John M. Green's Subdivision of Bay View, according to the plat thereof recorded in Map Book 1, page 106 of the Records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

And to each and every part and parcel thereof, and that none of the Defendants, Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Marker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees and personal representatives of Chester Green, deceased nor any and all persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrances on or against the said land or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Mildred Green Moinet, shall inure to the benefit of the said Mildred Green Moinet and all persons deriving title to said lands or any part therein, from or through the said Mildred Green Moinet, and the said title so quieted and established in her shall be treated and considered as established in favor of the said Mildred Green Moinet, and all persons deriving title through her.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which County the said lands lie, within thirty days from the date of this decreem and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Mildred Green Moinet be and she is hereby taxed with the cost of this proceeding for which execution issue.

Done at Bay Minette, Alabama this the 12 day of April, 1961.

*Hubert M. Still*  
\_\_\_\_\_  
CHANCELLOR

MILDRED GREEN MOINET,  
PLAINTIFF

VS

LOTS 1, 2, 3, 4, 7 AND 8;  
LOTS 31, 32, 35, 36, 37 AND  
38 IN BLOCK A; LOTS 1, 2, 3,  
4, 7 AND 8; LOTS 31, 32, 35,  
36, 37 AND 38 IN BLOCK B; ALL  
IN JOHN M. GREEN'S SUBDIVISION  
OF BAY VIEW, ACCORDING TO THE  
PLAT THEREOF RECORDED IN MAP  
BOOK 1, PAGE 106 OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF  
THE PROBATE COURT OF BALDWIN  
COUNTY, ALABAMA; AND AGAINST  
FLORENCE G. SOSSAMAN, WINGATE  
GREEN, THOMAS GREEN, THOMPSON  
W. GREEN, JOHN MANNING GREEN,  
BYNUM E. GREEN, JOHN ALBERT  
GREEN, FLOROMOND F. GREEN,  
BYRON HARKER, JOSEPH N. HARKER,  
JACK HARKER, ROBERT GREEN,  
FRANCES GREEN WILCOX, AND THE  
UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF  
CHESTER GREEN, DECEASED; AND  
AGAINST ANY AND ALL PERSONS,  
FIRMS, ASSOCIATIONS OR CORP-  
ORATIONS, CLAIMING ANY TITLE  
TO, INTEREST IN, CLAIM, LIEN  
OR ENCUMBRANCE ON THE SAID LAND  
OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Whereas, Mildred Green Moinet has filed her bill of complaint on the 4th day of January, 1960, in this court on the equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block A; Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block B; all in John M. Green's Subdivision of Bay View, according to the plat thereof recorded in Map Book 1, page 106 of the Records in the office of the Judge of the Probate Court of Baldwin County, Alabama;

Complainant alleges in her bill of complaint that she holds title to the said lands by deed from Orville C. Green dated

August 30, 1933 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55, at pages 254-5; who acquired the same by warranty deed and by trust agreement of John M. Green and Mary C. Green, his wife, which said deed is dated March 24, 1931 and recorded in said Probate office in Deed Book 49, pages 608-9, but which said Trust Agreement referred to in said deed was not placed of record and has been lost and cannot now be found; that the said John M. Green acquired the said lands by mesne conveyances from the United States Government; that the title to the said lands stands on the records of the Probate Court of Baldwin County, in her, Mildred Green Moinet's name; that Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees and personal representatives of Chester Green, deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the aforesaid lands, or some portion thereof.

Complainant further alleges that she has for more than ten years next preceding the filing of her bill of complaint been in the actual peaceable adverse possession of the said lands and has annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any portion thereof, and that the bill of complaint is filed for the purpose of establishing her title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from the said bill of complaint, the same being duly verified, that the places of residence and post office addresses of Thomas Green, Wingate Green, John Manning Green, Floromund F. Green and Byron Harker are unknown and cannot

be ascertained upon diligent search and inquiry; that the names, ages, places of residence and post office addresses of the unknown heirs, devisees, personal representatives and assigns of Chester Green, are unknown and cannot be ascertained upon diligent search and inquiry, and proof being made that diligent search and inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained;

It is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama.

WITNESS, my hand and seal this the 4<sup>th</sup> day of January, 1960.

Alicia J. Duck  
Register

MILDRED GREEN MOINET,

PLAINTIFF

VS

LOTS 1, 2, 3, 4, 7 AND 8;  
LOTS 31, 32, 35, 36, 37 AND  
38 IN BLOCK A: LOTS 1, 2, 3,  
4, 7 and 8; LOTS 31, 32, 35,  
36, 37 AND 38 IN BLOCK B: ALL  
IN JOHN M. GREEN'S SUBDIVISION  
OF BAY VIEW, ACCORDING TO THE  
PLAT THEREOF RECORDED IN MAP  
BOOK 1, PAGE 106 OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF  
PROBATE COURT OF BALDWIN  
COUNTY, ALABAMA: AND AGAINST  
FLORENCE G. SOSSAMAN, WINGATE  
GREEN, THOMAS GREEN, THOMPSON  
W. GREEN, JOHN MANNING GREEN,  
BYNUM E. GREEN, JOHN ALBERT  
GREEN, FLOROMOND F. GREEN,  
BYRON HARKER, JOSEPH N. HARKER,  
JACK HARKER, ROBERT GREEN, FRANCES  
GREEN WILCOX, AND THE  
UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF  
CHESTER GREEN, DECEASED; AND  
AGAINST ANY AND ALL PERSONS,  
FIRMS, ASSOCIATIONS OR CORP-  
ORATIONS, CLAIMING ANY TITLE  
TO, INTEREST IN, CLAIM, LIEN  
OR ENCUMBRANCE ON THE SAID LAND  
OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Notice is hereby given to Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees, personal representatives and assigns of Chester Green, deceased, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block A; Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block B; all in John M. Green's Subdivision of Bay View, according to the plat thereof recorded in Map Book 1, page 106 of the records in the



office of the Judge of the Probate Court of Baldwin County, Alabama; that Mildred Green Moinet has filed her bill of complaint on the 4th day of January, 1960, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described above; complainant alleges that she acquired title to the above described lands by deed from Orville C. Green, as trustee, dated August 30, 1933 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55, pages 254-5; who acquired the same by warranty deed and by trust agreement of John M. Green and Mary C. Green, his wife, which said deed is dated March 24, 1931, and recorded in said Probate office in Deed Book 49, pages 608-9, but which said Trust Agreement referred to in said deed was not placed of record and has been lost and cannot now be found; that immediately upon her acquisition of the said lands, she went into actual possession of the said land, under color of title, claiming to own the same, and has remained in continuous possession thereof until this date, and that she has used the same and paid taxes thereon; that the said lands are unimproved city lots; that they were unimproved at the time she acquired the same; that complainant has exercised all rights compatible with the occupation of unimproved municipal properties by cleaning the same from time to time and by going thereon from time to time and exercising her dominion over the said properties; and that she has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title, claiming to own the same for more than ten years next preceding the filing of this bill of complaint; that Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker,

Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees and personal representatives and assigns of Chester Green, deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance upon the said lands.

Complainant further alleges that she has annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing her title to and interest in the said lands and clearing up all doubts and disputes concerning the same;

And it appearing from said bill of complaint, and the same being verified, that the places of residence and post office addresses of Thomas Green, Wingate Green, John Manning Green, Floromund F. Green and Byron Harker are unknown and cannot be ascertained upon diligent search and inquiry; that the names, ages and places of residence and post office addresses of the unknown heirs, devisees, personal representatives and assigns of Chester Green, are unknown and cannot be ascertained upon diligent search and inquiry, and proof being made that diligent search and inquiry was made and their places of residence and post office addresses cannot be ascertained;

And an order having been made and entered that notice of pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker,

Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees, personal representatives and assigns of Chester Green, deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands above described appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely, the 8th day of March, 1960, at which time the said cause shall stand at issue.

Witness my hand this the 4th day of January, 1960.

*Oliver J. Stuck*  
Register, Circuit Court, Baldwin  
County, Alabama, in equity.

MILDRED GREEN MOINET,  
PLAINTIFF

VS

LOTS 1, 2, 3, 4, 7 AND 8;  
LOTS 31, 32, 35, 36, 37 AND  
38 IN BLOCK A: LOTS 1, 2, 3,  
4, 7 and 8; LOTS 31, 32, 35,  
36, 37 AND 38 IN BLOCK B: ALL  
IN JOHN M. GREEN'S SUBDIVISION  
OF BAY VIEW, ACCORDING TO THE  
PLAT THEREOF RECORDED IN MAP  
BOOK 1, PAGE 106 OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF  
PROBATE COURT OF BALDWIN  
COUNTY, ALABAMA: AND AGAINST  
FLORENCE G. SOSSAMAN, WINGATE  
GREEN, THOMAS GREEN, THOMPSON  
W. GREEN, JOHN MANNING GREEN  
BYNUM E. GREEN, JOHN ALBERT  
GREEN, FLOROMOND F. GREEN,  
BYRON HARKER, JOSEPH N. HARKER,  
JACK HARKER, ROBERT GREEN,  
FRANCES GREEN WILCOX, AND THE  
UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF  
CHESTER GREEN, DECEASED, : AND  
AGAINST ANY AND ALL PERSONS,  
FIRMS, ASSOCIATIONS OR CORP-  
ORATIONS, CLAIMING ANY TITLE  
TO, INTEREST IN, CLAIM, LIEN  
OR ENCUMBRANCE ON THE SAID LAND  
OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against  
Thompson W. Green, Florence G. Sossaman, Robert Green and Bynum  
E. Green Defendants in the above styled cause on the ground that  
more than thirty days have elapsed since service of summons upon  
said Defendants, and that said summons were duly served according  
to law; and upon Jack Parker, Joseph N. Harker and John Albert  
Green, Defendants in the above styled cause, on the ground that  
more than thirty days have elapsed since service of summons upon  
the said Defendants, and that said summons were duly served by  
Registered Mail, according to law; and against John Manning  
Green, Wingate Green, Thomas Green, Floromand F. Green and  
Byron Harker, if living or deceased, against the unknown heirs  
devisees and personal representatives and assigns of such of  
them as are deceased, on the ground that more than 30 days have  
elapsed since the perfection of publication was made under the  
order of this court, it having been shown by due proof to the  
court that should Defendants or non-resident of the state of  
Alabama; and all of the said Defendants having failed to answer,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER: \_\_\_\_\_

plead or demur to the Bill of Complaint in this cause, to the date hereof.

This 23<sup>rd</sup> day of November, 1960.

  
SOLICITOR FOR COMPLAINANT

Filed 11-23-60  
Rice & Duck

MILDRED GREEN MOINET,

PLAINTIFF

VS

LOTS 1, 2, 3, 4, 7 AND 8;  
LOTS 31, 32, 35, 36, 37 AND  
38 IN BLOCK A; LOTS 1, 2, 3,  
4, 7 AND 8; LOTS 31, 32, 35,  
36, 37 AND 38 IN BLOCK B; ALL  
IN JOHN M. GREEN'S SUBDIVISION  
OF BAY VIEW, ACCORDING TO THE  
PLAT THEREOF RECORDED IN MAP  
BOOK 1, PAGE 106 OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF  
THE PROBATE COURT OF BALDWIN  
COUNTY, ALABAMA; AND AGAINST  
~~FLORENCE G. SOSSAMAN, WINGATE  
GREEN, THOMAS GREEN, THOMPSON  
W. GREEN, JOHN MANNING GREEN,  
BYNUM E. GREEN, JOHN ALBERT  
GREEN, FLOROMOND F. GREEN,  
BYRON HARKER, JOSEPH N. HARKER,  
JACK HARKER, ROBERT GREEN,  
FRANCES GREEN WILCOX, AND THE  
UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF  
CHESTER GREEN, DECEASED; AND  
AGAINST ANY AND ALL PERSONS,  
FIRMS, ASSOCIATIONS OR CORP-  
ORATIONS, CLAIMING ANY TITLE  
TO, INTEREST IN, CLAIM, LIEN  
OR ENCUMBRANCE ON THE SAID LAND  
OR ANY PART OR PARCEL THEREOF,~~

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your complainant, Mildred Green Moinet, and presents  
this her bill of complaint against the following described lands  
in Baldwin County, Alabama, to-wit:

Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35,  
36, 37 and 38 in Block A; Lots 1, 2, 3, 4,  
7 and 8; Lots 31, 32, 35, 36, 37 and 38 in  
Block B; all in John M. Green's Subdivision  
of Bay View, according to the plat thereof  
recorded in Map Book 1, page 106 of the  
Records in the office of the Judge of the  
Probate Court of Baldwin County, Alabama;

and Florence G. Sossaman, Wingate Green, Thomas Green, Thompson  
W. Green, John Manning Green, Bynum E. Green, John Albert Green,  
Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Harker,  
Robert Green, Frances Green Wilcox, and the unknown heirs, devisees

and personal representatives of Chester Green, deceased; and against any and all others, persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof and respectfully shows unto your Honor:

FIRST: That complainant is over the age of twenty-one years of age, that she is a resident of San Jose, California; that the defendants, Florence G. Sossaman, whose place of residence and post office address is 100 Tuscaloosa Street, Mobile, Alabama; ~~Thomas Green~~, whose place of residence is California, but whose post office address is unknown to this complainant, and cannot be ascertained upon diligent search and inquiry; ~~Wingate Green~~, whose last known place of residence and post office address is Pensacola, Florida; ~~Thompson W. Green~~, whose place of residence and post office address is 2368 St. Stephens Road, Mobile, Alabama; ~~John Manning Green~~, whose last known place of residence and post office address is Pensacola, Florida; ~~Bynum Green~~, whose place of residence and post office address is Fairhope, Alabama; <sup>(1)</sup> ~~John Albert Green~~ whose place of residence and post office address is 1225 Fardon Avenue, Ann Arbor, Michigan; ~~Floromond E. Green~~, whose last known place of residence and post office address is Miami, Florida; ~~Byron Harker~~, whose last known place of residence and post office address is Arlington, Va.; <sup>(2)</sup> Joseph N. Harker, Jr., whose place of residence and post office address is 2302 Wycliffe Avenue SW, Roanoke, Va.; <sup>(3)</sup> Jack Harker, whose place of residence and post office address is Route 33, Box 92, Lynchburg, Va.; ~~Robert Green~~, whose place of residence and post office address is Fairhope, Alabama; <sup>(4)</sup> Frances Green Wilcox, whose place of residence and post office address is 105 East Hillcrest, Dayton 5, Ohio; and the unknown heirs of

devisees and personal representatives of Chester Green, whose places of residence and post office addresses are unknown to your complainant and cannot be ascertained upon diligent search and inquiry, are each over the age of twenty one years; that complainant has made diligent search and inquiry to ascertain the places of residence and post office addresses of the said named defendants, and upon such diligent search and inquiry has been unable to ascertain their places of residence and post office addresses, except as above set out; that complainant has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees, and personal representatives of the said Chester Green, deceased, that she is informed and believes and upon such information and belief alleges that the heirs, devisees, personal representatives of the said Chester Green, deceased, are over the age of twenty-one years and are non-residents of the State of Alabama, and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search and inquiry; complainant further says that in her search and inquiry she has caused an abstract to be made of the said property, that she has made inquiry at the Tax and Probate offices of Bay Minette, Alabama, and has made inquiry of people living in the vicinity of the said lands, and of many other persons resident in Baldwin County, Alabama.

SECOND: That your complainant is the owner of and in the actual possession of the lands in Baldwin County, Alabama, described as follows, to-wit:

Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block A; Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block B; all in John M. Green's Subdivision of Bay View, according to the plat thereof recorded in the Map Book 1, page 106 of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama;



that the complainant has been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this complaint and that she has for more than ten years next preceding the filing of this bill of complaint annually assessed and paid taxes on the said lands and that during such period of time no other person has assessed the said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said land or claimed any right to possession thereof or any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD: That no suit is pending to test complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said land.

FOURTH: That the title to said lands stands in the name of complainant on the records of Baldwin County, Alabama; that your complainant acquired title to the said lands by deed from Orville C. Green, as trustee, dated August 30, 1933 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 55, at pages 254-5; who acquired the same by warranty deed and by trust agreement of John M. Green and Mary C. Green, his wife, which said deed is dated March 24, 1931, and recorded in said Probate office in Deed Book 49, pages 608-9, but which said Trust Agreement referred to in said deed was not placed of record and has been lost and cannot now be found; that the said John M. Green acquired the said lands by mesne conveyances from the United States Government; that for more than ten years next preceding the filing of this bill of complaint, no person other than this complainant has assessed or paid taxes thereon; that immediately upon the conveyance of the said lands to her, the said complainant went into actual possession of the said lands, under color of title, claiming to own the same, and

remained in continuous possession thereof until this date; that she has used the same and paid taxes thereon; that the said lands are unimproved city lots; that they were unimproved at the time they were conveyed to her; that complainant has exercised all rights compatible with the occupation of unimproved municipal properties by cleaning the same from time to time and by going thereon from time to time and exercising her dominion over the said properties, that she has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this bill of complaint; that Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the unknown heirs, devisees and personal representatives of Chester Green, deceased, claim or are reputed to claim, some title to, interest in, claim, or encumbrance upon the land, or some part or parcel thereof.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Jack Harker, Robert Green, Frances Green Wilcox and the unknown heirs, devisees and personal representatives of Chester Green, deceased, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block A; Lots 1, 2, 3, 4, 7 and 8; Lots 31, 32, 35, 36, 37 and 38 in Block B; all in John M. Green's Subdivision of Bay View

according to the plat thereof recorded in Map Book 1, page 106, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama; parties defendant to this bill of complaint and by appropriate process require them, and each of them separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands, and each part and parcel thereof, is vested in your complainant, Mildred Green Moinet, as against Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Harker, Robert Green, Frances Green Wilcox, and the Unknown heirs, devisees and personal representatives of Chester Green, deceased; and as against any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared up, and your complainant prays for such other, further or different relief as in equity and good conscience shall be meet and proper in the premises.

Beebe & Swearingen

By *J. B. Swearingen*  
Solicitor for complainant

FILED

JAN 4 1960

ALICE J. DUCK, Register

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared F. G. Swearingen, who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainant in the above styled cause, and that the facts alleged in the foregoing bill of complaint, from all the information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

F. G. Swearingen

Sworn to and subscribed before me this the 4<sup>th</sup> day of

January, 1960

Madelene L. Byars  
Notary Public, State of Ala. at large.

FILED

JAN 4 1960

ALICE J. DUCK, Register

MILDRED GREEN MOINET,  
PLAINTIFF

VS

LOTS 1, 2, 3, 4, 7 AND 8;  
LOTS 31, 32, 35, 36, 37 AND  
38 IN BLOCK A: LOTS 1, 2, 3,  
4, 7 and 8; LOTS 31, 32, 35,  
36, 37 AND 38 IN BLOCK B: ALL  
IN JOHN M. GREEN'S SUBDIVISION  
OF BAY VIEW, ACCORDING TO THE  
PLAT THEREOF RECORDED IN MAP  
BOOK 1, PAGE 106 OF THE RECORDS  
IN THE OFFICE OF THE JUDGE OF  
PROBATE COURT OF BALDWIN  
COUNTY, ALABAMA: AND AGAINST  
FLORENCE G. SOSSAMAN, WINGATE  
GREEN, THOMAS GREEN, THOMPSON  
W. GREEN, JOHN MANNING GREEN  
BYNUM E. GREEN, JOHN ALBERT  
GREEN, FLOROMOND F. GREEN,  
BYRON HARKER, JOSEPH N. HARKER,  
JACK HARKER, ROBERT GREEN,  
FRANCES GREEN WILCOX, AND THE  
UNKNOWN HEIRS, DEVISEES AND  
PERSONAL REPRESENTATIVES OF  
CHESTER GREEN, DECEASED: AND  
AGAINST ANY AND ALL PERSONS,  
FIRMS, ASSOCIATIONS OR CORP-  
ORATIONS, CLAIMING ANY TITLE  
TO, INTEREST IN, CLAIM, LIEN  
OR ENCUMBRANCE ON THE SAID LAND  
OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NUMBER: \_\_\_\_\_

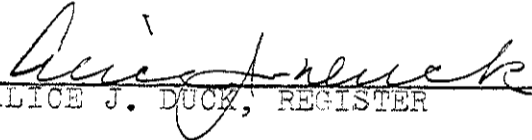
DECREE PRO CONFESSO

In this cause it appears to the Register, Alice J. Duck, that personal service was had on the Defendants Thompson W. Green and Florence G. Sossaman by the Sheriff of Mobile County, Alabama on the 18th day of January 1960 and upon Robert Green and Bynum Green by the Sheriff of Baldwin County, Alabama on the 29th day of January 1960 and that service was had upon Jack Harker, Joseph N. Harker and John Albert Green on January 18, 1960 by Registered Mail and that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 7th day of January 1960, in the Baldwin Times a newspaper published in Bay Minette, Alabama, and that a copy of said order was posted at the Court House door in Baldwin County, Alabama on the 29th day of October 1960.

And now it further appearing to the Register that the Defendants in this cause, and each of them having to date hereof failed to answer, plead or demur to the Bill of Complaint in this cause, it is now therefore, on motion of Complainant, ordered and

decreed by the Register, Alice J. Duck, that the Bill of complaint in this cause be, and it hereby is in all things taken as confessed against the said Florence G. Sossaman, Wingate Green, Thomas Green, Thompson W. Green, John Manning Green, Bynum E. Green, John Albert Green, Floromond F. Green, Byron Harker, Joseph N. Harker, Jack Harker, Robert Green and the unknown heirs and representatives of Chester Green, deceased; and against any and all persons, firms, association or corporation, claiming any title to interest in, claim, lien or encumbrances on the said land on any part or parcel thereof.

This the 23 day of Nov, 1960.

  
ALICE J. DUCK, REGISTER

MILDRED GREEN MOINETT,	)	IN THE
	)	
Complainant,	)	CIRCUIT COURT OF BALDWIN
	)	
VS	)	COUNTY, ALABAMA,
	)	
CERTAIN LANDS AND FRANCES	)	IN EQUITY
GREEN WILCOX, ET AL.,	)	
	)	NO. 4806
Respondents.	)	

APPOINTMENT OF GUARDIAN AD LITEM

It appears to the register from the allegations of the Bill of Complaint filed in this cause that some of the Respondents therein are unknown parties. It is therefore, decreed that Tolbert Brantley be and is hereby appointed guardian ad litem for all of the unknown parties Respondents in this cause and that service be had in this cause against said unknown parties Respondents by serving a copy of the Original Bill of Complaint in this cause on him as guardian ad litem for all unknown parties Respondents.

Done this 30<sup>th</sup> day of November, 1960.

*Wice J. ...*  
REGISTER

I, TOLBERT BRANTLEY, hereby accept service of the Bill of Complaint filed in this cause for and on behalf of all unknown parties Respondents in this cause of action this the 30<sup>th</sup> day of November, 1960.

*Tolbert Brantley*  
TOLBERT BRANTLEY

11/10/00

FILED

DEC 19 1960

ALICE J. DUCK, CLERK REGISTER

MILDRED GREEN MOINET,	)	
	)	
Complainant,	)	CIRCUIT COURT OF BALDWIN
	)	
VS.	)	COUNTY, ALABAMA.
	)	
CERTAIN LANDS AND FRANCES GREEN	)	IN EQUITY.
WILCOX, ET AL.,	)	
	)	NO. 4806
Respondents.	)	
	)	
	)	

MRS. JOHN C. MARINO, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Hayes.

- Q. State your name, please mam?
- A. Mrs. John C. Marino.
- Q. Are you resident of Mobile, Alabama?
- A. Yes sir.
- Q. Are you related to Mrs. Mildred Green Moinet?
- A. No.
- q. Do you know her?
- A. Yes sir.
- Q. You know that her name was Mildred Green Byrne?
- A. Yes sir.
- Q. Are you acquainted with the lands involved in this suit?
- A. Oh yes.
- Q. How long have you known Mrs. Moinet?
- A. Since 1913.
- Q. How long have you known the lands involved in this suit?
- A. Since 1933.
- Q. Have you ever had occasion to visit those lands in the company of Mrs. Moinet?
- A. Oh yes.



Q. Have you visited these lands off and on with Mrs. Moinet over the past 15 years?

A. Only twice with Mrs. Moinet.

Q. And with other persons?

A. Yes during the time and since with others.

Q. How long has Mrs. Moinet lived in California to your best judgment?

A. I can't remember the dates; I imagine about 20 years.

Q. She has come back to Alabama on various occasions during that time?

A. Yes sir.

Q. Have you seen her when she came back from time to time?

A. I only saw her when she came back the last occasion, because I was living in Birmingham when she came back before, but I have corresponded with her throughout the years.

Q. Now since August 30, 1933, do you know if Mrs. Moinet has claimed to own the lands involved in this suit?

MR. STONE: We object to that.

THE COURT: Note the objection.

Q. You know that she has claimed the lands?

A. Yes sir.

Q. During the time you have known the lands since August 30, 1933?

A. Yes sir.

Q. Has any one other than Mrs. Moinet claimed to own these lands to your knowledge?

A. Not to my knowledge.

Q. Has any other person been in possession of these lands during that time to your knowledge?

A. Not to my knowledge.

Q. Mrs. Moinet has, so far as you know, been in possession of the lands?

A. Yes sir.

Q. Has she visited those lands?

A. Yes sir, I have been with her.

Q. You all have gone on the property together?

A. Yes sir.

Q. Now, of course, you don't know for certain whether she has paid the taxes?

A. She told me she did.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Q. Mrs. Marino, do you know where Mrs. Mainet got this land?

A. From her father's estate.

Q. Who was her father?

A. Mr. John M. Green.

Q. Do you know whether Mr. Green had a will leaving this land to her?

A. Now I couldn't say that.

Q. Mr. Green had other children, too, did he not?

A. He did.

Q. Ed Green was a son?

A. That's right.

Q. There was J. Manning Green, is that correct?

A. Yes sir.

Q. Do you know all of the children?

A. Some of the names I might not be familiar with, but I know most of them.

Q. Mrs. Wilcox, do you know her?

A. No, I do not.

Q. You do not know Mrs. Wilcox? -- Did you know Mr. Orville C. Green?

A. I just knew of him as my friend's brother; I didn't know him personally.

Q. How long has Mrs. Moinet been living in California?

A. Approximately 20 years; I was away from Mobile at the time she left to go to California, but it is between 15 and 20 years.

Q. You only know of your own personal knowledge from seeing her of one visit that she has made back to Baldwin County during that time?

A. Yes . because I was away.

Q. You did see her on one occasion?

A. Yes, she visited in my home.

Q. That is the only time that you have direct knowledge of her visit back here?

A. I know of other visits.

Q. People told you of her being here?

A. Yes sir.

Q. Not from your own personal knowledge?

A. No.

Q. Do you know on this one visit that you know about whether she went on the land at that time?

A. Yes she did.

(it)

Q. Did you go with her?

A. Yes I did.

Q. How much land is involved in this suit?

A. Well I am not sure of that - only 24 or so lots; in acres, I don't know.

Q. You said that you are familiar with it; that's the reason I asked you. -- You know where it is located?

A. Yes sir, I know the lay out; there is some where around 24 lots - the dimensions of the lots, I don't know.

Q. Mrs. Moinet told you that she had brothers and sisters?

A. Yes I knew that.

Q. Did she ever tell you whether her father had a will?

A. Do you want me to tell you "yes" or "no", or what I know?

Q. I want you to tell me whether she ever told you whether her father had a will ?

A. The first she ever told me anything about her inheritance was back after her father died; something came up about finances and she said what she had from her father's estate would be in land and not much money and later after this last deed through the trusteeship she again mentioned the fact that her father's estate - that she still had this land; that she wasn't able to yturn it into money when she needed it.

Q. Did she ever discuss this trust with you?

A. No -- her inheritance from her father's estate.

Q. She did discuss with you getting a deed through some Trustee or Trust Estate?

A. I guess I heard that this morning; I guess this is the first time I heard anything about the Trust Estate - She mentioned about what she got from her father's estate.

Q. Did you know J. Manning Green?

A. No.

Q. Did you know Edward J. Green?

A. Yes, I met Mrs. Ed Green.

Mrs. Moinet has been living in California since about 1940 --  
some 20 years?

A. Approximately.

Q. Mrs. Moinet is one and the same person as Mildred Green  
Byrne?

A. That is right.

Q. When did she marry Moinet, do you know?

A. I don't know exactly , but it was sometime after she went to  
California.

Q. Within the last 20 years?

A. That is right.

Q. Now did she ever discuss with you the type deed she had to  
this property?

A. No.

Q. Did she ever indicate to you that she was holding this property  
with her brothers and sisters and their children?

A. No, she said this property was left to her through her father's  
estate.

Q. She told you that her brother deeded it to her?

A. No, she didn't say who deeded it to her; she said she got it  
through her father's estate.

Q. Got it through her father's estate?

A. That's right.

Mildred Green Moinet told you that?

A. Yes sir.

ON RE-DIRECT EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Hayes.

Q. You say you didn't know John Manning Green or Albert Green?

A. I just knew that they were her brothers.

Q. Have you ever heard of their claiming any right, title or interest in the land?

A. No, they spake of this land being left to her by her father.

Q. She said she owned it?

A. Yes sir.

Q. None of the other persons whose names appear in the bill of complaint had any interest in it?

A. That is right.

Q. Mr. and Mrs. John M. Green are now deceased, are they not?

A. That's right.

Q. Do you know how many years ago they died?

A. I don't; they were quite old.

Q. Before 1933?

A. Yes.

ON RE-CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Stone.

Q. Do you know if Mrs. Wilcox ever visited this land?

A. I never have heard of her visiting it; I know that Mrs. Moinet was quite surprised to have anything to come up from this cousin and that she had not heard or known of her in so many years.

Q. Did she register that surprise with you?

A. Yes.

Q. In a letter?

A. Yes sir.

Q. Did Mrs. Moinet ever tell you whether or if she had asked Mrs. Wilcox to give her a deed to this property?

A. No sir.

Q. She never told you that?

A. No.

JOHN P. BROOKS, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, TESTIFIED:

---

Examination by Mr. Hayes.

Q. Your name sir, is what?

A. John P. Brooks.

Q. You are a resident of Mobile, Alabama?

A. Yes sir.

Q. You are acquainted with Mildred Green Moinet?

A. Yes sir.

Q. Are you familiar with the property involved in this suit?

A. Yes sir.

Q. Are you familiar in a general way with the property in and around Fairhope, Alabama?

A. Yes sir.

Q. About how long have you been acquainted with this particular property?

A. Two years.

Q. At that time do you know whether or not Mrs. Moinet was claiming to own this property?

A. Oh yes.

Q. Was she in possession of it then?

A. Yes sir.

Q. Was she in the open, notorious, hostile and adverse possession of the property at that time?

A. Yes sir.

Q. Have you ever heard of any other person claiming any interest in this land?

A. No sir.

Q. Or claiming to own it?

A. No sir.

Q. Of course you don't know specifically of the land before that time?

A. Not until she was here.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Stone.

Q. You have only known this land for two years?

A. That is right.

Q. You live in Mobile?

A. Yes sir.

Q. Was the land under fence when you saw it?

A. No.

Q. Was anybody living on it?

A. No.

ON RE-DIRECT EXAMINATION WITNESS TESTIFIED:

Examination by Mr. Hayes.

Q. Is it open land?

A. Yes sir.

Q. Are there any houses on the land or other structures?

A. No sir.

Q. Were there any "NO TRESPASSING" signs on the land?

A. No, I never noticed any.



Q. Had the timber been cut recently?

A. Never been cut - I didn't see anything cut.

Q. Was any other person or signs of any person who might have been in possession of it other than Mrs. Mionet?

A. No sir, I looked around and walked around and looked at it.

Q. Was Mrs. Moinet with you at that time?

A. Yes at that time, but I have been there a time or two since.

Q. Was Mrs. Moinet with you?

A. Yes sir.

Q. Did she know at that time the boundaries and where the land lay?

MR. STONE: I object to that.

Q. Did she take you around the boundaries of the land?

A. I was driving the car.

Q. She directed you in to this particular property?

A. Yes sir.

MRS. WILLIE B. GREEN, A WITNESS FOR THE COMPLAINANT, BEING  
FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Hayes.

Q. What is your name, please?

A. Willie B. Green.

Q. Are you acquainted with Mildred Green Byrne Moinet?

A. Yes sir, she is my sister-in-law.

Q. Have you read the bill of complaint in this suit?

A. Yes I have.

Q. Now are you familiar with the names of the persons whose names appear in this bill of complaint?

A. Yes sir.

Q. Are you acquainted with the lands involved?

A. I have seen the land - not all of it - I've not walked over it

but Mrs. Wilcox's brother, maybe a year ago, or more, we were at his home and he drove us to where the land was and he said, "This is Mildred's land right in here"

Q. Her brother's name was Bob or Robert?

A. Yes sir.

Q. Mrs. Wilcox's brother lives in Fairhope and he showed you this land?

A. Yes sir, and at that time the paving was going on; they were running the paved road through the land.

Q. He stated to you that it was her land?

A. Yes sir.

Q. You have known that Mrs. Moinet owned this land since 1933?

A. Yes sir.

Q. Are you familiar with how she got the land? The deeds, etc?

A. Her father gave it to her -- he gave different ones land; he gave my daughter, Mary, 10 acres and she sold it before land was worth what it is today.

Q. But you speak of when he gave it to her or various children, you are speaking of John M. Green, Mrs. Moinet's father?

A. Yes sir.

Q. This was a division of the property of his estate?

A. Yes sir.

Q. Now since August 30, 1933, and for 10 years next preceding the bringing of this suit, has Mrs. Moinet been in possession of the land?

A. She has been in possession of it since her father deeded it to her -- Since he gave it to her.

Q. Has any other person ever been in possession of it to your knowledge?

A. No.

Q. How about Frances Green Wilcox?

A. Well she is a cousin; she was at my house last summer and we discussed this land and she was very nice; I was so surprised when I knew she had done this.

Q. She was in your house you say last summer?.

A. Last summer.

Q. At that time did she claim to own any interest in this land?

A. It wasn't mentioned, but we did talk about other things and I don't know that Mildred's lots were mentioned; I am afraid they were not.

Q. Were various items of family business discussed?

A. Yes sir, just a family discussion.

Q. She didn't claim any interest then?

A. No.

Q. Now has Mrs. Moinet been in the peaceable and adverse possession of this land since 1933?

A. Since 1933.

Q. She is over the age of 21 years?

A. Oh yes, she is 65 I reckon.

Q. Now has any other person, to your knowledge, attempted to exercise any possession over the land or claim any right thereto?

A. Except Mrs. Wilcox.

Q. Before the filing of this suit, did Mrs. Wilcox claim any interest in this land?

A. No, she did not--

MR. STONE: We object to that.

Q. You say that you have read this bill of complaint? 12

A. Oh yes, it was in the paper so many weeks.

Q. Are all of the facts in this bill of complaint true and correct?

A. So far as I know they are.

Q. Are there any in there that are untrue?

A. You mean that was in the Baldwin Times?

A. In the Bill of complaint itself that you said that you had read over?

A. I don't know that I have read that bill of complaint; what is that?

Q. The papers involved - the names of the persons in the suit and their residences and a description of the property?

A. Orville C. Green, it seems that he was left as Trustee and he died.

Q. Did you know of any trust agreement?

A. No.

Q. Did you ever hear of one before the filing of this suit?

A. No sir, I don't know that I have.

ON CROSS EXAMINATION OF THIS WITNESS, SHE TESTIFIED:

Examination by Mr. Stone.

Q. Mrs. Green, you said that you had read the complaint?

A. Well --

Q. You knew that Mrs. Moinet filed this suit?

A. Yes sir.

Q. Against Mrs. Wilcox?

A. Yes.

Q. You know that in the complaint that she said that Mrs. Wilcox claims or is reputed to claim some interest--

A. Well I can't see that Mrs. Wilcox--

Q. --Do you know that is in the complaint?

A. I don't know.

Q. Was that in the notice that you read?

A. I don't know.

Q. You do know that Mrs. Moinet brought this suit against Mrs. Wilcox?

A. I didn't know that I thought Mrs. Wilcox brought it against Mrs. Moinet.

Q. No, Mrs. Mionet brought this suit against Mrs. Wilcox -- Mrs. Moinet is the Complainant in this suit and Mrs. Wilcox was sued or the action was brought against her, along with these other people I didn't mention. I didn't think that you understood that?

A. No, I thought Mrs. Wilcox brought this herself.

Q. No, she employed us to protect her interest. When Mrs. Moinet brought this suit she named other people and she named Mrs. Wilcox and said that she claimed an interest, or is reputed to claim an interest in these lot. Do you know of any instance in the past where Mrs. Moinet has discussed with you the fact that Mrs. Wilcox may have a n interest in this property?

A. No, she has not.

Q. Has Mrs. Moinet ever discussed with you in the past any trust agreement that Orville Green had?

A. No.

Q. Has she ever discussed with you in the past the fact that she got a deed from Orville Green As Trustee?

A. I knew he was appointed Trustee; she didn't discuss it with me.

Q. You say you knew he was appointed Trustee?

A. Yes sir.

Q. By whom was he appointed?

A. Mrs. Moinet's father.

Q. Mr. John Green?

A. John M. Green.

Q. You say you guess -- we want to be as certain as we can. --

A. I don't know I know so little about way back there.

Q. Now you have always understood that this property came to Mrs. Moinet -- whatever interest she has - whether the whole or anything else -- from her father's estate?

A. Yes sir, and he certainly wanted her to have this land.

Q. You understood that this came to her from her father's estate?

A. Yes sir.

Q. Did her father have a will?

A. I don't think he did.

Q. Did he died in Baldwin County?

A. Yes sir.

Q. When did he die?

A. I can't remember exactly -

Q. Was it more than five years before the filing of this bill of complaint?

A. Oh yes, it has been 30 years since he died.

Q. At least 30 years since he died?

A. Yes sir.

Q. Mrs. Moinet is a daughter of John Green?

A. Yes sir.

Q. And Mrs. Wilcox is a niece?

A. She is a grand-daughter of John M. Green.

Q. Who was Mrs. Wilcox's mother?

A. Her father was Orville Green and her mother was Kate Green.

Q. Her father was Orville Green?

A. Yes sir.

Q

Q. And a brother of Mrs. Moinet?

A. Yes.

Q. Where did Orville Green live?

A. Fairhope and his son lives in his old home there.

Q. That is Robert?

A. Yes.

Q. Now did Orville Green -- What did Orville Green get from his father's estate?

A. I don't know what he got, but he got some land that I know.

Q. Did Mr. Ed Green get anything from the John M. Green Estate?

A. No.

Q. Did J. Manning Green get anything from the John Green Estate?

A. I don't think so.

Q. What about Ralph Green?

A. No, his daughter got 10 acres.

Q. Florence Sossoman?

A. Yes sir.

Q. She got some land?

A. Yes sir, and she sold it.

Q. Was Ralph Green dead when Mr. John Green died?

A. No, I don't believe Ralph was dead then, but he is now.

Q. Did William W. Green get anything from the John M. Green Estate?

A. No he was dead, I think.

Q. Did Wingate Green get anything or did his children get anything if he was dead before?

A. No.

Q. John Albert Green, did he get anything from the estate of John M. Green?

A. I don't think John Albert got anything.

Q. Floraman Green, did he get anything from the estate?

A. No.

Q. Did Laura Barker get anything from the estate?

A. I think she got the little home place here in Bay Minette.  
Q.  
Q. What about Chester Green?  
A. No, he didn't get anything.  
Q. Well then , I don't remember - I may be repeating - you say Orville did get something from the estate?  
A. I am sure that he did, but I don't know what and where.  
Q. You don't know what Mrs. Moinet got either, do you?  
A. I know about those lots.  
Q. You know that she got those from the estate of John Green?  
A. From the estate of John M. Green and she thought they were her's until some body wanted to buy them and she found all of this had to be gone through before she could sell the lots.  
Q. Mrs. Moinet has not been in Fairhope for the last 20 years, except for visits back?  
A. That is all.  
Q. Is the mother of Mrs. Wilcox living?  
A. No.  
Q. Mother and father are both dead?  
A. Yes sir.  
Q. Mr. Orville Green is dead?  
A. Yes sir.  
Q. That was Mrs. Wilcox's father?  
A. Yes sir.  
Q. Now you say the mother of Mrs. Wilcox was Kate Green?  
A. Yes sir.  
Q. Who was the wife of Orville Green?  
A. Kate was his wife; there were two Kates in the family - Orville's wife was named Kate.  
Q. Mrs. Wilcox is the daughter of Orville Green?  
A. Yes sir.  
Q. And his wife, Kate?  
A. Yes sir.



Q. Now where did Orville live when he died?

A. I think he had gone back to Blue Island, a suburb of Chicago; he died there.

Q. When was that?

A. I think as long as 10 years ago; I don't know exactly.

Q. When did Mrs. Kate Green die?

A. She died about three years ago.

Q. About 1958?

A. Yes sir.

Q. Isn't it a fact that Mr. Orville Green died in January of 1947?

A. I don't know exactly when he died; I have forgotten.

Q. Do you know if Mrs. Moinet ever visited Mr. Orville Green in Chicago?

A. I don't think she did, because she was in California, you see when Orville went back to Chicago.

Q. Was Mr. Orville Green living in Chicago around the end of the war?

A. I just don't know for sure.

MR. HAYES: We offer, as Complainant's Exhibits 1, 2 and 3, Patent from the United States to Audley H. Gazzam, dated May 29, 1840, which is recorded in Deed Book

--

Deed from John M. Green and Mary C. Green, his wife, to Orville C. Green, As trustee--

MR. STONE: What is the purpose of that deed?

THE COURT: He has to show record title.

MR. HAYES: Deed from Orville C. Green, as Trustee to Mildred Green Byrne, dated August 30, 1933, and Recorded in Deed Book 55 N.S. pages 254-55.

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

I hereby certify that the foregoing, consisting of pages 1 to 18, both inclusive, correctly sets forth a true and correct transcript of the testimony taken in open Court in the above styled cause.

This 20th day of December, 1960.

Louise A. [Signature]  
Official Court Reporter

447017

B  
A R

4-305r

Department of the Interior  
General Land Office

Washington Aug 28 1914.

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

In Testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written,  
(Great Seal)

L. Q. C. Lamar

Recorder of the General Land Office.

(Certificate) The United States of America,  
No. 8834 )

Exd

394

To all to whom these Presents shall come, Granting:

Whereas, Audley H. Gazzam of Mobile County, Alabama, has deposited in the General Land Office of the United States, a Certificate of the Register of the Land Office at St. Stephens whereby it appears that full payment has been made by the said Audley H. Gazzam according to the provisions of the Act of Congress of the 34th of April, 1880, entitled "An Act making further provision for the sale of the Public Lands," for the lot or subdivisions two and three of the North East quarter of Section Seventeen, in Township Six South, of Range two East, in the District of Lands subject to sale at St. Stephens Alabama, containing Eighty acres according to the official plat of the survey of the said lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said Audley H. Gazzam.

Now Know Ye, that the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, Have Given and Granted, and by these presents Do Give And Grant, unto the said Audley H. Gazzam and to his heirs the said tract above described, To Have And To Hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said Audley H. Gazzam and to his heirs and assigns forever.

In Testimony whereof, I, Martin Van Buren President of the United States of America, have caused these Letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the twenty ninth day of May in the Year of our Lord one thousand eight hundred and Forty and of the Independence of the United States the Sixty Fourth.

(L. S.)  
447017

By the President:

Martin Van Buren

By

M. Van Buren, Jr. Sec'y.

H. M. Garland

Recorder of the General Land Office.

Filed for record August 3rd 1914,  
Recorded August 3rd 1914,  
J. H. H. Smith, Judge of Probate.

State of Alabama, )

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 photostatic pages

contain a full, true and complete copy of the Patent U. S. A. to Audley H. Gazzam

as the same appears of record in my office.

Given under my hand and seal of office, this 15th day of December, 1960.

W. R. Stuart  
Judge of Probate  
By: Harry M. [Signature] Chief Clerk

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 photostatic pages  
contain a full, true and complete copy of the Deed from John M. Green to Orvill C.  
Green,

as the same appears of record in my office.

Given under my hand and seal of office, this 15th day of December, 19 60.

W R Stuart  
Judge of Probate  
By Harry M D'Almeida Chief Clerk

STATE OF ALABAMA  
BALDWIN COUNTY

THIS DEED made this 30th day of August, 1933 between Orville C. Green, Trustee of the first part, and Mildred Green Byrne of the second part

WITNESSETH, that the party of the first part, in consideration of One no/100 DOLLARS

to him in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has remise, released and quit-claimed and by these presents does remise, release and forever quit-claim unto the said party of the second part Mildred Green Byrne her heirs, and assigns forever, all the real property in Baldwin County, Alabama, described as follows to-wit:

Lots one to 10 and 29 to 38 inclusive in Block A and lots 1 to 10 and 29 to 38 inclusive in Block B in Bay View being J. M. Green's Subdivision in the West one half of the Northeast one quarter of Section 17, Township six, south, Range two East of St. Stephens Meridian.

TO HAVE AND TO HOLD the said released premises unto the said Mildred Green Byrne, her 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 part, 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.

ORVILLE C. GREEN (SEAL)  
Trustee.

50¢ U. S. T. R. Stamp Attached  
Cancelled O. C. G. Tr. 8/30/33

STATE OF ALABAMA BALDWIN COUNTY

I, Mary F. Green, a Notary Public in and for said County and State, hereby certify that Orville C. Green, Trustee, 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 --- day of --- A. D. 19---

MARY F. GREEN, Notary Public  
Baldwin County, Alabama.

SEAL.

STATE OF ALABAMA PROBATE COURT  
BALDWIN COUNTY

Filed in office this 23 day of January, 1934 at 10:55 A. M., and duly recorded in Deed Book No. 55 N. S., pages 254-5; and I certify that \$--- has been paid as required by law.  
G. W. Humphries, Judge of Probate by J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate

The State of Alabama,  
Baldwin County.

PROBATE COURT

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

that the within and foregoing One photostatic pages

contain a full, true and complete copy of the Deed from Orwill C. Green to

Mildred Green Byrne

as the same appears of record in my office.

Given under my hand and seal of office, this 15th day of December, 19 60.

W. R. Stuart  
By: Harry M. [Signature] Judge of Probate Chief Clerk