

4842

H. H. COGGIN		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		BALDWIN COUNTY, ALABAMA,
FRANCIS B. LONG AND B. F. LONG and certain lands		
DEFENDANTS		IN EQUITY

TO: Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then their unknown heirs, devisees, personal representatives and assigns, and to Tolbert Brantley, guardian ad litem, and to any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East, Baldwin County, Alabama;

Notice is hereby given that the testimony of H. H. Coggin and Jack E. Dunlap, witnesses for the complainant in the above styled cause will be taken orally before Ruth Howell, commissioner heretofore duly appointed, at the office of Beebe & Swearingen, attorneys for complainant, at 10:00 o'clock A.M. on the 16th day of May, 1960.

Ruth K. Howell
Commissioner

Beebe & Swearingen

By J. B. Swearingen
Solicitors for complainant

I hereby acknowledge receipt of a copy of the foregoing application of the complainants' witnesses, on this the 22nd day of April, 1960.

Salles M Brantley
Guardian ad litem

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the foregoing notice of the time and place of taking depositions of the complainants' witnesses was filed and entered on the order book of the Register on the 22d day of April, 1960.

Alice J. Duck
Register

Attach to original

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in Equity, do hereby certify that the foregoing notice of the motion for oral examination of complainant's witnesses was filed and entered on the order book of the Register on the 22nd day of April, 1960.

Alice J. Duck
Register

IN WITNESS

WHEREOF I HAVE SIGNED

IN THE PRESENCE OF

MYSELF

AND ONE OF THE CLERKS OF THE COURT

AG

REGISTER

AT WASHINGTON

H. H. COGGIN,

COMPLAINANT

VS

FRANCIS B. LONG, B. F.
LONG and certain lands,

DEFENDANTS

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

IN EQUITY

RECORDED

on the 10th day of ... 1920.
Witness my hand and seal this 10th day of the month of ...
Notary Public for Baldwin County, Alabama

H. H. COGGIN

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; AND AGAINST FRANCIS B. LONG AND B. F. LONG, IF LIVING, AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND AGAINST ANY AND ALL OTHER 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,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 4542

Whereas, H. H. Coggin has filed his bill of complaint on the 8TH day of February, 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:

The Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East, Baldwin County, Alabama;

Complainant alleges in his bill of complaint that he holds title to the said lands by deed from Joseph Homan and Alice Homan, his wife, dated November 2, 1959, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 285, page 574; that Joseph Homan acquired title to the said land by deed from Frank B. Nihart and Blanche M. Nihart, his wife, dated January 3, 1945, and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 87, at pages 369-70; who acquired title 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 his, H. H. Coggin's name; that Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives, and assigns of such of them as are deceased, claim or are reputed to

claim some title to, interest in, claim, lien or encumbrance upon the above described lands, or some portion thereof.

Complainant further alleges that he has, and those through whom he claims title have, for more than ten years next preceding the filing of his bill of complaint been in the actual peaceable adverse possession of the said lands and that he and those through whom he claims title as aforesaid have 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 or assessed or paid taxes on said lands or any portion thereof, and that the bill of complaint is filed for the purpose of establishing his 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 Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then the names, ages and places of residence and post office addresses of the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, 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 8 day of Feb, 1960.

Alice J. Hurd
Register

H.H. COGGIN		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		BALDWIN COUNTY, ALABAMA
FRANCIS B. LONG AND		
B. F. LONG, and certain		IN EQUITY
lands		
DEFENDANTS		

On motion of the complainant, due and proper notice thereof having been given the guardian ad litem, this cause is set down for final decree at 10:00 o'clock AM the 3rd day of June, 1960.

Done this the 2nd day of April, 1960.

Robert M. Steen

 Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity do hereby certify that the Foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein H. H. Coggin is complainant and the lands described in the foregoing notice, and Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then their unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and 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, are defendants, as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this Court made in said cause on the 8th day of February, 1960, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein, in its issues of February, 11, 1960, February, 18, 1960, February, 25, 1960 and March, 3, 1960, and posted at the front door of the Court House of Baldwin County, Alabama, for thirty days commencing February, 8th, 1960.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, recorded in the office of the Judge of Probate of said county in Lis Pendens 5, pages 105-07, on the 8th day of February, 1960.

Witness my hand this the 21st day of April, 1960.

Alice J. Duck
Register

TO RECORD
BY COUNTY CLERK, BALDWIN COUNTY, ALABAMA
IN THE OFFICE OF THE JUDGE OF PROBATE
BALDWIN COUNTY, ALABAMA
1960

H. H. COGGIN,
COMPLAINANT

VS

FRANCIS B. LONG, B. F.
LONG and certain lands
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the complainant in the above styled cause and re-
quests the oral examination of H. H. Coggin and Jack E. Dunlap,
as witnesses for the complainant, the said H. H. Coggin residing
in Mobile County, State of Alabama, and the said Jack E. Dunlap
residing in Baldwin County, Alabama, and suggests Ruth Howell of
the City of Bay Minette, Alabama, as a suitable person to act as
commissioner to take the depositions of the said witnesses.

Witness my hand this the 22nd day of April, 1960.

BEEBE & SWEARINGEN

BY J. B. Swearingen
Solicitor for complainant

IN EQUITY
BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF
BALDWIN COUNTY
FRANCIS B. LONG, B. F.
LONG and certain lands
DEFENDANTS
H. H. COGGIN,
COMPLAINANT

H. H. COGGIN,
COMPLAINANT
VS
FRANCIS B. LOND, B. F.
LONG and certain lands,
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NUMBER: _____

.....

TO: Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then their unknown heirs, devisees, personal representatives and assigns, and to Telbert Brantley guardian ad litem, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The Southeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 9, Township 3 South, Range 2 East, Baldwin County, Alabama;

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of H. H. Coggin and Jack F. Dunlap, witnesses for the complainant in the above styled cause and has suggested Ruth Howell as a suitable person to act as commissioner in the taking of the depositions of said witnesses.

Witness this the 23rd day of April, 1960.

By W. L. Hayes
Solicitor for complainant

W. J. Smith
Register

H. H. COGGIN,		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		BALDWIN COUNTY, ALABAMA,
FRANCIS B. LONG, B. F.		
LONG and certain lands,		IN EQUITY
DEFENDANTS		

Complainant having on the 22nd day of April, 1960, filed his motion and request for oral examination of H. H. Coggin and Jack E. Dunlap, witnesses for complainant, and due and proper notice thereof having been given as required by law on the order book of this Court and to Volbert Brantley, guardian ad litem for the said unknown defendants, and Ruth Howell of the City of Bay Minette, being a suitable person to act as commissioner to take the depositions of said witnesses;

It is therefore ordered, adjudged and decreed that the said motion for the oral examination of H. H. Coggin and Jack E. Dunlap, witnesses for the complainant, be and is hereby granted.

And that Ruth Howell be and she is hereby appointed as commissioner to take the depositions of said witnesses.

Witness my hand this the 26th day of April, 1960.

Alice J. Hester
Register

H. H. COGGIN

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER AND THE
NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION
9, TOWNSHIP 3 SOUTH, RANGE 2
EAST, BALDWIN COUNTY, ALABAMA;
AND AGAINST FRANCIS B. LONG
AND B. F. LONG, IF LIVING, AND
IF THEY OR EITHER OF THEM BE
DEAD, THEN AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REP-
RESENTATIVES AND ASSIGNS OF
SUCH OF THEM AS ARE DECEASED;
AND AGAINST ANY AND ALL OTHER
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,

DEFENDANTS

I IN THE CIRCUIT COURT OF

I

I

I

I

I

I

I

I

I

I

I

I

I

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. _____

Comes the complainant in the above styled cause, the said cause being at issue, testimony having been taken, and moves this Honorable Court to set the same down for final decree on to-wit: the 3rd day of June, 1960.

This the 31st day of May, 1960.

BEEBE & SWEARINGEN

BY F. B. Swearingen
Solicitors for complainant

Notice of the above motion was this day served on the undersigned guardian ad litem in said cause.

This the 31st day of May, 1960.

Robert M. Brantley
Guardian ad litem

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

H. H. COGGIN,

COMPLAINANT

vs.

FRANCIS B. LONG, B. F.
LONG and certain lands

RESPONDENT

I, RUTH K. HOWELL

as Register and Commissioner

have called and caused to come before me H. H. Coggin

witness named in the requirement for Oral Examination, on the 16th day of May
19 60, at the office of Wilmer Hayes
in Bay Minette, Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said H. H. Coggin

doth depose and say as follows:

My name is H. H. Coggin. I am the Complainant in this suit. I live in Mobile County, Alabama and I am over 21 years old. I purchased the land described in the bill of complaint on November 2, 1959 from Joseph Homan and his wife. I went into possession at the time I bought it and I have been in possession ever since. I do not know Francis B. Long or B. F. Long. I have asked several people in the area around this land about them and have looked on the tax records and other records in the court house in Bay Minette, Alabama about them. I have made and caused to be made a diligent search and inquiry but I have not been able to find out anything about them, whether they are living or not or where they might be. I can find no heirs or other persons who might claim this land through them.

I have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of this land since November 2, 1959. I have No Trespassing signs on the line at frequent intervals and I have the line well marked.

H. H. Coggin

ORAL EXAMINATION

I, Ruth K. Howell as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this _____ day of _____, 19 _____

Ruth K. Howell (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

H. H. COGGIN,

COMPLAINANT

vs.

FRANCIS B. LONG, B. F.
LONG and certain lands

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

_____, Register.

RECORDED IN

Record

Vol. _____ Page _____

_____, Register.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

H. H. COGGIN

COMPLAINANT

vs.

FRANCIS B. LONG, B. F. LONG and
certain lands

RESPONDENT

I, RUTH K. HOWELL

as ~~Register~~ and Commissioner

have called and caused to come before me Jack E. Dunlap

witness named in the requirement for Oral Examination, on the 16th day of May
19 , at the office of Wilson Hayes

in Bay Minette , Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said Jack E. Dunlap

doth depose and say as follows:

My name is Jack E. Dunlap. I live at Robertsdale, Alabama. I am 49 years of age and I live in Baldwin County all my life. I know the land described in the bill of complaint. I have known them and have been over them for more than 20 years past. I have known them since about 1940. I am a timber grower by profession. I deal in timber and timber lands. I have known the lands since January 3, 1945. I know that Joseph Homan acquired title about January 1945. I don't know the exact day. I know that he was in possession of the land from that time until he sold it to H. H. Coggin, the Complainant in this suit. No one else ever claimed to own the land while Joseph Homan claimed it. I was on the land frequently since January 1945. I went over the lands frequently during that time and went some times with real estate dealers and brokers who were helping manage the property. The property was not ever cultivated by Mr. Homan so far as I know. He used it for timber growing. He assessed and paid the taxes from 1945 until the time he sold it to H. H. Coggin. I have never heard or known of any other persons or corporation to own this land since Joseph Homan claimed it in 1945 and no one else assessed or paid the taxes. Joseph Homan was in possession of the lands and claimed to own them under color of title and remained in continuous possession of the said land up to November 2, 1959, and that he was in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of these lands, claiming to own the same since the year 1945 and up to November 2, 1959. At the time of the sale to H. H. Coggin, the H. H. Coggin went immediately in to the actual possession of the land and has remained in continuous possession of it ever since that time. He has been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the land until this day. No other person has claimed any interest or title to the land except Joseph Homan and H. H. Coggin since 1945. Joseph Homan marked the line of the property with blazes on the trees and kept fire and trespassers out of it. He sold the timber on the land and took steps for re-seeding the trees. Since H. H. Coggin has been the possession of the land he had the lines re-marked, put up trespass signs and exercised possession over the land.

Jack E. Dunlap

ORAL EXAMINATION

I, Ruth K. Howell, Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this _____ day of _____, 1960 .

Ruth K. Howell (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

H. H. COGGIN

COMPLAINANT

vs.

FRANCIS B. LONG, B. F.
LONG and certain lands

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

, Register.

RECORDED IN

Record

Vol. _____

Page _____

, Register.

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

H. H. COGGIN

COMPLAINANT

vs.

FRANCIS B. LONG, B. F. LONG and
certain lands

RESPONDENT

I, RUTH K. HOWELL

as ~~Register~~ and Commissioner

have called and caused to come before me Jack E. Bunlap

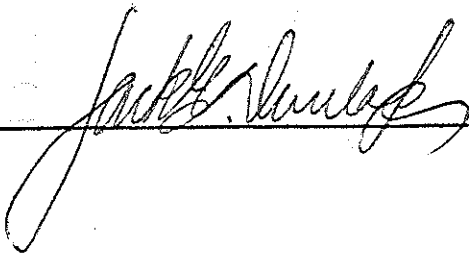
witness named in the requirement for Oral Examination, on the 16th day of May
19 60, at the office of Wilson Hayes

in Bay Minette, Alabama, and having first sworn said witness to speak the
truth, the whole truth, and nothing but the truth, the said Jack E. Dunlap

doth depose and say as follows:

CROSS EXAMINATION BY TOLBERT BRANTLEY

I cruised the timber and looked the land all around the area where this land is located. I have been over this land on a number of occasions from 1945 until this year. The line that was marked by Joseph Homan was plainly marked with easy to see blazes and the corners were well established. It was generally understood by the adjoining land owners and the surrounding community that this land was claimed and owned and in the possession of Joseph Homan since January 1945 to November 2, 1959. The timber was not very big in 1945. My best recollection of who he sold the timber to was S. M. Adams.



ORAL EXAMINATION

I, RUTH K. HOWELL as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness and read over to him and he signed the same in the presence of myself and

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proof made before me of the identity of said witness ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this day of , 1960 .

Ruth K. Howell (L. S.)

484

No. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

H. H. COGGIN

COMPLAINANT

vs.

FRANCIS B. LONG, B. F.
LONG and certain lands

RESPONDENT

ORAL DEPOSITION

Filed _____, 19 _____

Register.

RECORDED IN

Record

Vol. _____ Page _____

Register.

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that in consideration of One Dollar (\$1.00) and other good and valuable considerations to the undersigned grantor Frank B. Nihart in hand paid by Joseph Homan by Statutory Warranty the following described real estate, to-wit:

The Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 3; the southeast quarter (SE $\frac{1}{4}$) of the southeast Quarter (SE $\frac{1}{4}$) of Section 9 and the Northwest quarter (NW $\frac{1}{4}$) of the southeast quarter (SE $\frac{1}{4}$) of Section 9, all in Township 3 South, Range 2 East, containing 120 acres, more or less.

To have and To Hold, to the said Joseph Homan, his heirs and assigns forever. And we do for ourselves and for our heirs, executors and administrators, covenant with the said Joseph Homan his heirs and assigns, that we are lawfully seized in fee simple of said premises; that they are free from all incumbrances that we have good right to sell and convey the same as aforesaid; that we will and our heirs, executors and administrators, shall warrant and defend the same to the said Joseph Homan, his heirs and assigns forever, against the lawful claims of all persons, except taxes for the year 1945 which are hereby assumed by the grantee herein.

In Witness Whereof, we have hereunto set our hands and seals, this 3 day of January 1945.

(s) Frank B. Nihart

(s) Blanche M. Nihart

THE STATE OF ALABAMA
BALDWIN COUNTY

I, Ort H. Ertzinger, a Notary Public in and for said State and County, do hereby certify that on the 3 day of January, 1945 came before me the within named Blanche M. Nihart known to me to be the wife of the within named Frank B. Nihart who being by me examined separate and apart from her husband touching her signature to the foregoing conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint, or threats on the part of her husband.

In witness whereof I hereunto set my hand this 3 day of January, 1945.

(s) Ort H. Ertzinger

THE STATE OF ALABAMA
BALDWIN COUNTY

I, Ort H. Ertzinger, a Notary Public in and for said State and County hereby certify that Frank B. Nihart 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.

1945. Given under my hand and seal on the 3 day of January A.D.,

(s) Ort H. Ertzinger

The State of Alabama,
Baldwin County.

PROBATE COURT

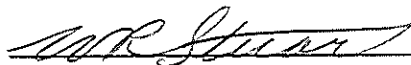
I, W. R. STUART, Judge of Probate Court in and for said State and County, hereby certify

that the within and foregoing _____ two _____ pages

contain a full, true and complete copy of the deed from Frank B. Nihart and Blanche
M. Nihart to Joseph Homan, recorded at Deed Book 87, page 369-70

as the same appears of record in my office.

Given under my hand and seal of office, this 3rd day of June, 19 60



Judge of Probate

and I certify that the following Privileges
have been paid.

Dead Tax 3.00

Mortgage Tax _____

W.R. Gural
Judge of Probate

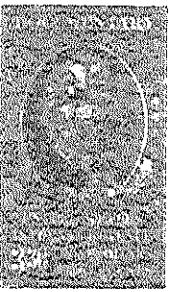
By _____

Page 285 of 574

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, that we, JOSEPH HOMAN and ALICE HOMAN, his wife, GRANTORS, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations, to us in hand paid by H. W. COGGIN, GRANTEE, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said grantee the following described real property situated in Baldwin County, Alabama, to-wit:



The Northwest quarter of Northeast quarter of Section 3, Township 3 South, Range 2 East;

The Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East; containing 120 acres, more or less;

Reserving and excepting from this conveyance one-half of all oil, gas and other minerals on, in and under the said lands, together with the right of ingress and egress to and from, over and across said lands for the purpose of exploring, mining and drilling and taking oil, gas and minerals therefrom, and as well the right to lay, operate and maintain any and all works, ways and machinery necessary and proper and incident therefor; and there is conveyed hereby one-half of any and all oil, gas and minerals.

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

IN WITNESS WHEREOF, we have hereto set our hands and seal this the 2nd day of November, 1959.

Joseph Homan (SEAL)
Alice Homan (SEAL)

STATE OF ILLINOIS

COOK COUNTY

I, Josephine Pukala, a Notary Public in and for said State and County, hereby certify that Joseph Homan and ALICE HOMAN, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 2nd day of November, 1959.

Josephine Pukala
Notary Public, Cook County, Illinois.
Commission expires: 7-25-60

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 pages

contain a full, true and complete copy of the deed from Alice Homan and Joseph Homan
to H. H. Coggin, recorded in Deed Book 285 page * 574

as the same appears of record in my office.

Given under my hand and seal of office, this 3rd day of June, 19 60



Judge of Probate

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Ruth Howell

KNOW YE: that we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine H. H. Coggin and Jack E. Dunlap

as witnesses in behalf of complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein H. H. Coggin

is Complainant and Francis B. Long and B. F. Long and certain lands

are Respondents on oath, to be by you administered, upon oral examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 26th day of April, 1960

Walter J. Quirk
Register.

Commissioner's Fee, \$ _____
Witness' Fees, \$ _____

H. H. COGGIN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; AND AGAINST FRANCIS B. LONG AND B. F. LONG, IF LIVING, AND IF THEY OR EITHER OF THEM BE DEAD, THEN AGAINST THE UNKNOWN HEIRS, DEVISEES, PERSONAL REPRESENTATIVES AND ASSIGNS OF SUCH OF THEM AS ARE DECEASED; AND AGAINST ANY AND ALL OTHER 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,

DEFENDANTS

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

Comes your complainant, H. H. Coggin, and presents this his bill of complaint against the following described lands in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East, Baldwin County, Alabama;

and Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased; and against 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 and respectfully shows unto your Honor:

FIRST: That complainant is over the age of twenty-one years and a resident of Mobile County, Alabama; that the defendants, Francis B. Long and B. F. Long, if living, are each over the age of twenty-one years, and their places of residence and post office addresses are unknown and cannot be ascertained upon diligent search and

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

inquiry; that the complainant has made diligent search and inquiry to ascertain the places of residence and post office addresses of the said Francis B. Long and B. F. Long, and to ascertain whether or not they, or either of them are living, and upon such diligent search and inquiry has been unable to ascertain their places of residence and post office addresses and whether or not they or either of them are living, but he is informed and believes, that if living, they are non-residents of the State of Alabama, and upon such information and belief alleges that, if living they are non-residents of the State of Alabama, and their places of residence and post office addresses are unknown; that he has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs, devisees, personal representatives and assigns of the said Francis B. Long and B. F. Long, if dead, that he is informed and believes and upon such information and belief alleges that if the said Francis B. Long and B. F. Long are dead, then their heirs, devisees, personal representatives and assigns 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 his search and inquiry to ascertain whether or not the said Francis B. Long and B. F. Long are living, and if living, their places of residence and post office addresses, and to ascertain the names, ages and places of residence of the heirs of the said Francis B. Long and B. F. Long, if they are dead, he has caused an abstract to be made of the said property, he 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 is in the actual possession of the lands in Baldwin County, Alabama, described as follows, to-wit:

The Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East, Baldwin County, Alabama;

that the complainant and those through whom he claims title have 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 he and those through whom he claims title as aforesaid have for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the 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 to 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 Joseph Homan and Alice Homan, his wife, dated November 2, 1959, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 285, page 574; that Joseph Homan acquired title to the said land by deed from Frank B. Nihart and Blanche M. Nihart, his wife, dated January 3, 1945, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 87, at pages 369-70; who acquired title 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 and those through whom he claims title has assessed or paid taxes thereon; that immediately upon his purchase of the said lands from the said Frank B. Nihart, Joseph Homan went into possession of the same claiming to own the said lands, under color of title, and remained in continuous possession thereof until

he sold the same to this complainant on November 2, 1959; that the complainant immediately upon his purchase of the said lands went into actual possession of the same, under color of title, claiming to own the same, and remained in continuous possession thereof until this date; and he has occupied and used the same and cut and removed the timber therefrom, and that he, and those through whom he claims title, have 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 Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, claim, lien 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 Francis B. Long and B. F. Long, if living, and if they or either of them are deceased, then their unknown heirs, devisees, personal representatives and assigns, 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: the Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East, 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, H. H. Coggin, as against Francis B. Long and B. F. Long, if living, and if they or either of them be dead, against the unknown heirs, devisees, personal representatives and assigns of Francis B. Long and B. F. Long, 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 *F. G. Swearingen*
Solicitors for complainant

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 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 6 day of

February, 1960.

Mabeline L. Burns
Notary Public, State of Alabama at large.

FILED

FEB 8 1960

J. DUCK, CLERK
REGISTER

H. H. COGGIN,
COMPLAINANT

VS.

THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER AND THE
NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION
9, TOWNSHIP 3 SOUTH, RANGE 2
EAST, BALDWIN COUNTY, ALABAMA;
AND AGAINST FRANCIS B. LONG
AND B. F. LONG, IF LIVING, AND
IF THEY OR EITHER OF THEM BE
DEAD, THEN AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REP-
RESENTATIVES AND ASSIGNS OF
SUCH OF THEM AS ARE DECEASED;
AND AGAINST ANY AND ALL OTHER
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,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No. 4842

Notice is hereby given to Francis B. Long and B. F. Long, if living and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are 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: The Southeast quarter of the Southeast quarter and the Northwest quarter of the Southeast quarter of Section 9, Township 3 South, Range 2 East, Baldwin County, Alabama, that H. H. Coggin has filed his bill of complaint on the 8th day of February, 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 he acquired title to the above described lands by deed from Joseph Homan and Alice Homan, his wife, dated November 2, 1959, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 285, page 574; that Joseph Homan acquired

title to the said land by deed from Frank B. Nihart and Blanche M. Nihart, his wife, dated January 3, 1945, and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 87, at pages 369-70; who acquired title by mesne conveyances from the United States Government; that immediately upon his purchase of the said lands from Frank B. Nihart, the said Joseph Homan went into possession of the same claiming to own the said lands, under color of title, and remained in continuous possession thereof until he sold the same to the complainant on November 2, 1959; that the complainant immediately upon his purchase of the said lands went into actual possession of the same, under color of title, claiming to own the same, and has remained in continuous possession thereof until this date, and has from time to time cut and removed the timber therefrom, and that he and those through whom he claims title, have 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 Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim, some title to, interest in, lien or encumbrance on the said lands.

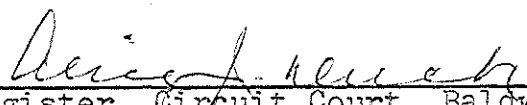
Complainant further alleges that he has annually assessed and paid taxes thereon, that his predecessors in title have annually assessed and paid taxes thereon, and that during such period no other person has been in possession of the said lands or any part thereof, or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing his 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, the same being verified, that the places of residence and post office addresses of the said Francis B. Long and B. F. Long, if living, and if they or either of them be dead, the names, ages and places of residence of their heirs, devisees, personal representatives and assigns, 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 Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the 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 11th day of April, 1960, at which time the said cause shall stand at issue.

Witness my hand this the 8 day of February, 1960.



Register, Circuit Court, Baldwin
County, Alabama, in equity

FILED

FEB 8 1960

ALICE J. DUCK, CLERK
REGISTER

I, Alice J. Duck, register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, wherein H. H. Coggin is complainant and Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then their unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and the lands described in the foregoing notice, are defendants, as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, under and in pursuance of an order of this Court made in said cause on the 8th day of February, 1960.

Witness my hand this the 21st day of April, 1960.

Alice J. Duck
Register

H. H. COGGIN,
COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
SOUTHEAST QUARTER AND THE
NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF SECTION
9, TOWNSHIP 3 SOUTH, RANGE 2
EAST, BALDWIN COUNTY, ALABAMA;
AND AGAINST FRANCIS B. LONG
AND B. F. LONG, IF LIVING, AND
IF THEY OR EITHER OF THEM BE
DEAD, THEN AGAINST THE UNKNOWN
HEIRS, DEVISEES, PERSONAL REP-
PRESENTATIVES AND ASSIGNS OF
SUCH OF THEM AS ARE DECEASED;
AND AGAINST ANY AND ALL OTHER
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,

DEFENDANTS

I IN THE CIRCUIT COURT OF
I
I
I
I
I
I
I
I
I
I
I

BALDWIN COUNTY, ALABAMA

IN EQUITY

Motion is hereby made for a Decree Pro Confesso against Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then against the unknown heirs, devisees, personal representatives and assigns of such of them as are 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, defendants in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendants have failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 16 day of April, 1960.

BEEBE & SWEARINGEN

By J. B. Swearingen
Solicitor for complainant

Filed 4-16-60
Alice J. Kerk 166

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

H. H. COGGIN _____ Complainant

Vs.

~~Certain lands and Francis B. Long and B. F. Long,~~ Defendant ~~S~~

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 1960, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____ 1960 and Lis Pendens filed _____, and recorded in Lis Pendens Book, pages _____, in the office of the Judge of Probate of Baldwin County, Alabama.

And it now further appearing to the Register Alice J. Duck, that the said Francis B. Long and B. F. Long, if living, and if they or either of them be dead, then their unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, and 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,

having, to the date hereof, failed to demur, plead to, or answer 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 above named defendants and each of them.

This 16th day of April 1960.

Alice J. Duck Register.

No. _____

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

H. H. COGGIN,

COMPLAINANT

Vs.

FRANCIS B. LONG, B. F.

LONG

DEFENDANTS

Decree Pro Confesso of Publication

Issued _____ 19 _____

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED