

THOMAS L. ALLEN

COMPLAINANT

VS

THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA; AND AGAINST NOORD AMERIKAANS HYPOTHEEKBANK (NORTH-AMERICA MORTGAGE COMPANY, A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT; AND AGAINST W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, 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,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY,

NO. 4850

DEFENDANTS

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

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

The Northwest quarter of Section 36, Township 4 South, Range 5 East, Baldwin County, Alabama; and Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it; and against W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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, and respectfully shows unto your Honor:

FIRST: That complainant is over the age of twenty-one years and a resident of Baldwin County, Alabama, that defendant Noord Amerikaans Hypotheekbank (North American Mortgage Company), is a corporation, the place of its organization and its principal place of business, and those representing it and holding under the said corporation are unknown; that diligent search and inquiry has been made to ascertain the same and the same cannot be ascertained upon diligent search and inquiry and its and their place of residence and post office addresses are unknown; that the defendants W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 inquiry; that the complainant has made diligent search and inquiry to ascertain the places of residence and post office addresses of the said W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, 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 any 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 place 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 W. N. Waldroup, Charles Forman, Herman Hachmeister, and Addison M. DeCoudres, if dead, that he is informed and believes and upon such information and belief alleges that if the said W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres 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; that such inquiry has been made of numerous persons residing near the above described land and of the officers of Baldwin County, Alabama, and searching the records to ascertain the names, ages, places of business and places of residence of the persons and corporation named as defendants herein and of their representatives and persons holding under them and of their devisees, heirs and assigns.

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:

The Northwest quarter of Section 36, Township 4 South, Range 5 East;

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 he 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 to possession of said land.

FOURTH: That the title to said lands stands in the name of your complainant on the records of Baldwin County, Alabama; that complainant acquired title from the State of Alabama for the whole of the Northwest quarter except four acres described as follows:

Beginning at a point 525 feet South of the Northwest corner of the Northwest quarter of Section 36, run thence South 420 feet, thence East 420 feet, thence North 420 feet, thence West 420 feet to the place of beginning;

by deed dated September 13, 1944 and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 83 at pages 479-80; that the complainant acquired title to the said four acres by a deed from Emanuel Davidson and H. Leslie Taylor dated *September 28, 1959* and recorded in said Probate office in Deed Book *283*, at page *2-3*, who acquired title by mesne conveyances from the United States Government and by adverse possession under color of title and assessment and payment of taxes for a period of more than twenty years next preceding the filing of this suit; 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 his purchase of the said lands he went into actual possession of 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 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 the Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it; and W. N. Waldroup, Charles Forman, Herman Hachmeister, and Addison M. DeCoudras, if living, and if they or any 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 Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns,

and any person or persons representing or holding under it; and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if living, and if they or any of them be dead, then their 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 on said lands or any part or parcel thereof, to-wit: The Northwest quarter of Section 36, Township 4 South, Range 5 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, Thomas L. Allen, as against the Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, W. N. Waldroup, Charles Forman, Herman Hachmeister, and Addison M. DeCoudres, if living, and if they or either of them be dead, against the unknown heirs, devisees, personal representatives and assigns of such of them are are 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.

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 13<sup>th</sup> day of

February, 1960.

W. L. Hays  
Notary Public, State of Ala., at large

FILED

FEB 15 1960

ALICE J. DUCK, Register

THOMAS L. ALLEN

COMPLAINANT

VS

THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA; AND AGAINST NOORD AMERIKAANS HYPOTHEEKBANK (NORTH AMERICAN MORTGAGE COMPANY), A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT; AND AGAINST W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

Whereas, Thomas L. Allen has filed his bill of complaint on the 15<sup>th</sup> 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 Northwest quarter of Section 36, Township 4 South, Range 5 East;

Complainant alleges in his bill of complaint that he holds title to the said lands from the State of Alabama for the whole of the Northwest quarter except four acres described as follows:

Beginning at a point 525 feet South of the Northwest corner of the Northwest quarter of Section 36, run thence South 420 feet, thence East 420 feet, thence North 420 feet, thence West 420 feet to the place of beginning;

by deed dated September 13, 1944, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 83 at pages 479-80; that he acquired title to the said four acres by a deed from Emanuel Davidson and H. Leslie Taylor dated September 28, 1959, and recorded in said Probate Office in Deed Book 283, at pages 2-3, who acquired title by mesne conveyances from the United States Government and by

adverse possession under color of title and assessment and payment of taxes for a period of more than twenty years next preceding the filing of the suit; that the title to the said lands stands on the records of the Probate Court of Baldwin County, in his, Thomas L. Allen's name; that the Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if living, and if they or any 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 said lands, or some portion thereof.

Complainant further alleges that he has 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 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 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 the places of residence and post office addresses of the said W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 that the place of organization and principal place of business of Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, and of those representing it and holding under it, are unknown, and, as to both of the above, cannot be ascertained upon diligent search and inquiry, and proof being made that diligent search and inquiry was made and that its and their 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 15 day of Feb., 1960.

FILED  
FEB 15 1960  
WALICE H. DUCK, Register

Walice H. Duck  
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 Thomas L. Allen is complainant, and the lands described in the foregoing notice and Noord Amerikaans Hypotheekbank (North American Mortgage Company), a Corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, 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 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 15<sup>th</sup> 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 Feb, 12, 1960, Feb, 25, 1960, March, 3, 1960 and March, 12, 1960, and posted at the front door of the Court House of Baldwin County, Alabama, for thirty days commencing February, 15<sup>th</sup>, 1960.

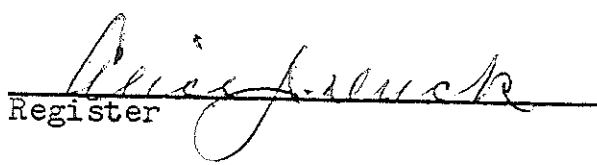
And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, recorded in the office of the Judge of Probate of said county in Lis Pendens \_\_\_\_\_, pages \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 1960.

Witness my hand this the 29<sup>th</sup> day of April, 1960.

Alice J. Duck  
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 Thomas L. Allen is complainant, and the lands described in the foregoing notice and Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, 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 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 15<sup>th</sup> day of February, 1960.

Witness my hand this the 29<sup>th</sup> day of April, 1960.

  
Register

THOMAS L. ALLEN

COMPLAINANT

VS

THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA; AND AGAINST NOORD AMERIKAANS HYPOTHEEKBANK (NORTH-AMERICA MORTGAGE COMPANY), A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT; AND AGAINST W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

Notice is hereby given to Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it; and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 Northwest quarter of Section 36, Township 4 South, Range 5 East, Baldwin County, Alabama, that Thomas L. Allen has filed his bill of complaint on the 15<sup>th</sup> 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 from the State of Alabama for the whole of the Northwest quarter except four acres described as follows:

Beginning at a point 525 feet South of the Northwest corner of the Northwest quarter of Section 36, run thence South 420 feet, thence East 420 feet, thence North 420 feet, thence West 420 feet to the place of beginning;

by deed dated September 13, 1944, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 83 at pages 479-80; that the complainant acquired title to the said four acres by a deed from Emanuel Davidson and H. Leslie Taylor dated September 28, 1959, and recorded in said Probate Office in Deed Book 283, at pages 2-3, who acquired title by mesne conveyances from the United States Government and by adverse possession under color of title and assessment and payment of taxes for a period of more than twenty years next preceding the filing of the suit; that immediately upon his purchase of the said lands, he 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 has occupied and used the same and cut and removed the timber therefrom, and that he 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 his bill of complaint; that the Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, and Addison DeCoudres, if living, and if they or any 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 said lands.

Complainant further alleges that he 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 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 W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 that the place of organization and principal place of business of Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, and of those representing it and holding under it, are unknown, and cannot be ascertained upon diligent search and inquiry, and proof being made that diligent search and inquiry was made and its 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 Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, and those representing it and holding under it, and the said W. N. Waldroup, Charles Forman, Herman Hachmeister, and Addison M. DeCoudres, 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 19<sup>th</sup> day of April, 1960, at which time the said cause shall stand at issue.

Witness my hand this the 15 day of February, 1960.

FILED

FEB 15 1960

ALICE J. DUCK, Register

Alice J. Duck  
Register, Circuit Court, Baldwin  
County, Alabama, in equity.

THOMAS L. ALLEN

COMPLAINANT

VS

THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 5 EAST, BALDWIN COUNTY, ALABAMA; AND AGAINST NOORD AMERIKAANS HYPOTHEEKBANK (NORTH AMERICAN MORTGAGE COMPANY), A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT; AND AGAINST W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Motion is hereby made for a Decree Pro Confesso against Noord Amerikaans Hypotheekbank (North American Mortgage Company), a Corporation, its successors and assigns, and any person or persons representing or holding under it, and against W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 of complaint in  
this cause, to the date hereof.

This 20<sup>th</sup> day of April, 1960.

BEEBE & SWEARINGEN

BY

Wilson Hays  
Solicitor for complainant



THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

Thomas L. Allen Complainant

Certain lands and Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, Defendants

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 North Amerikaans Hypotheekbank (North American Mortgage Company), a Corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 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 29<sup>th</sup> day of April 1960.

Alice J. Duck Register.

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued \_\_\_\_\_ 19 \_\_\_\_\_

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

THOMAS L. ALLEN  
COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-  
BANK, (NORTH AMERICAN MORTGAGE  
COMPANY) A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND  
ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT,  
AND W. N. WALDROUP, CHARLES  
FORMAN, HERMAN HACHMEISTER,  
ADDISON M. DeCOUDRES, AND  
certain lands,

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

TO: Galbert Brantley, ESQUIRE.

Under and by virtue of an order of the Honorable H. M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, rendered in the above styled cause on the 10<sup>th</sup> day of June, 1960, you are hereby appointed as guardian ad litem for and to represent the unknown heirs, devisees, personal representatives and assigns of W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if dead, defendants in the above styled cause.

Witness, this the 10<sup>th</sup> day of June, 1960.

Alvin J. Lucke  
Register

I hereby accept the foregoing appointment as guardian ad litem for the unknown heirs, devisees, personal representatives and assigns of W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, and do hereby file this denial of the allegations made in the bill of complaint in the said cause and demand strict proof of the same.

This the 10<sup>th</sup> day of June, 1960.

Galbert M Brantley  
Guardian ad litem

*Motion to set down  
has failed also*

THOMAS L. ALLEN

COMPLAINANT

VS

THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 4 SOUTH, RANGE 5 EAST, BLADWIN COUNTY, ALABAMA; AND AGAINST NOORD AMERIKAANS HYPOTHEEKBANK (NORTH AMERICAN MORTGAGE COMPANY), A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT; AND AGAINST W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, 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 CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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 12 day of June, 1960.

This the 11<sup>th</sup> day of June, 1960.

BEEBE & SWEARINGEN

BY J. 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 11<sup>th</sup> day of June, 1960.

Robert M. Brantley  
Guardian ad litem

# The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher  
E. R. MORRISSETTE, Jr., Editor-Manager

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

E. R. Morrisette, Jr., being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Thomas L. Allen vs

### COST STATEMENT

1025 WORDS @ 6 1/2 cents 63 \$ 106.63  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette  
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication February 18, 1960 Vol. 72 No. 6

Date of 2nd publication February 25, 1960 Vol. 72 No. 7

Date of 3rd publication March 3, 1960 Vol. 72 No. 8

Date of 4th publication March 10, 1960 Vol. 72 No. 9

Subscribed and sworn before the undersigned this 10 day of Mar, 1960.

Dorothy Martin  
Notary Public, Baldwin County.

E. R. Morrisette  
Editor.

*Appt of 2nd*

THOMAS L. ALLEN  
COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-  
BANK (NORTH AMERICAN MORT-  
GAGE COMPANY), A CORPORATION,  
ITS SUCCESSORS AND ASSIGNS,  
AND ANY PERSON OR PERSONS  
REPRESENTING OR HOLDING UNDER  
IT, AND W. N. WALDROUP,  
CHARLES FORMAN, HERMAN HACH-  
MEISTER, ADDISON M. DeCOUDRES,  
and certain lands,

DEFENDANTS

IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA

IN EQUITY

It appearing in the above styled cause, that Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, if living, and if they or either of them be dead, then their unknown heirs, devisees, personal representatives and assigns, are parties defendant, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that a guardian ad litem be appointed to represent the said unknown heirs of W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if dead;

Now Therefore, it is Ordered, Adjudged and Decreed that Robert Brantley, Esquire, who is learned in the law and a practicing lawyer at this bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs of W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if dead, in said cause.

Done this the 10 day of June, 1960.

Robert M. Hill  
Judge

*Set down for hearing*

THOMAS L. ALLEN,

COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-  
BANK (NORTH AMERICAN MORTGAGE  
COMPANY), A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND  
ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT,  
AND W. N. WALDROUP, CHARLES  
FORMAN, HERMAN HACHMEISTER,  
ADDISON M. DeCOUDRES, and  
certain lands,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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 A on the 11<sup>th</sup> day  
of July, 1960.

Done this the 12<sup>th</sup> day of June, 1960.

Hubert M. Hall  
Judge

THOMAS L. ALLEN,

COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-  
BANK, (NORTH AMERICAN MORTGAGE  
COMPANY), A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND  
ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT,  
AND W. N. WALDROUP, CHARLES  
FORMAN, HERMAN HACHMEISTER,  
ADDISON M. DeCOUDRES, and  
certain lands,

DEFENDANTS

IN THE CIRCUIT COURT OF

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BALDWIN COUNTY, ALABAMA

IN EQUITY

This cause is submitted for final decree upon the bill of complaint, service by publication, decree pro confesso, appointment and acceptance of guardian ad litem, answer of guardian ad litem and deposition of Thomas L. Allen, and exhibits thereto attached, witness for complainant.

This the 12<sup>th</sup> day of June, 1960.

Oliver J. Duck  
Register

BEEBE & SWEARINGEN

BY F. B. Swearingen



THOMAS L. ALLEN  
COMPLAINANT  
VS

IN THE CIRCUIT COURT OF

THE NORTHWEST QUARTER OF SECTION  
36, TOWNSHIP 4 SOUTH, RANGE 5  
EAST, BALDWIN COUNTY, ALABAMA;  
AND NOORD AMERIKAANS HYPOTHEEK-  
BANK (NORTH AMERICAN MORTGAGE  
COMPANY), A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND ANY  
PERSON OR PERSONS REPRESENTING  
OR HOLDING UNDER IT; AND W. N.  
WALDROUP, CHARLES FORMAN, HERMAN  
HACHMEISTER, ADDISON M. DeCOUDRES,  
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 ON THE SAID  
LAND OR ANY PART OR PARCEL THEREOF,

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEFENDANTS

This cause coming on to be heard is submitted for final decree upon behalf of the complainant upon the original bill of complaint, and upon publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 on the said land or any part or parcel thereof, has been given in the manner and for the time required by law, and the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the Court that the said complainant, Thomas L. Allen, was and is over the age of twenty-one years at the time of the filing of his bill of complaint and at the time of the submission of the same for final decree; that at the time of the filing of his bill of complaint, there was no suit pending to test the sufficiency or validity of the complainant's right, title and interest in and to the hereinafter described lands, or any part or parcel thereof; that 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, the complainant was and is in the actual and peaceable possession of the hereinafter described lands, claiming to own the same and each and every part and parcel thereof absolutely and in fee simple, the said lands situated in the County of Baldwin, State of Alabama, being described as follows, to-wit:

The Northwest quarter of Section 36,  
Township 4 South, Range 5 East;

That the complainant acquired title to the said lands from the State of Alabama for the whole of the Northwest quarter except four acres described as follows:

Beginning at a point 525 feet South of the Northwest corner of the Northwest quarter of Section 36, run thence South 420 feet, thence East 420 feet, thence North 420 feet, thence West 420 feet to the place of beginning;

by deed dated September 13, 1944, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 83 at pages 479-80; that he acquired title to the said four acres by a deed from Emanuel Davidson and H. Leslie Taylor dated September 28, 1959, and recorded in said Probate Office in Deed Book 283, at pages 2-3, who acquired title by mesne conveyances from the United States Government and by adverse possession under color of title and assessment and payment of taxes for a period of more than twenty years next preceding the filing of the suit; and further that the complainant now holds title to the said lands, and that he and those through whom he holds title as aforesaid have held title to the said lands by adverse possession of the said lands and of each and every part and parcel thereof continuously for more than ten years next

preceding the filing of the bill of complaint; that the title to the said lands and each and every part and parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint, no person other than the complainant and those through whom he claims title to the said lands or any part thereof, has assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Thomas L. Allen, at the time of the filing of the bill of complaint in this cause and at this time had and does have the fee simple title to the above described lands, and to each and every part and parcel thereof; that none of the defendants, Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if living, and if they or either of them be dead, then none of the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, nor any and all other persons, firms, associations or corporations, have any right, title to, interest in, claim, lien or encumbrance upon the said land, or any part or parcel thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quited and established in and declared to be in the said Thomas L. Allen shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Thomas L. Allen, and the said title so quited and established in him shall be treated and considered as established in favor of the said Thomas L. Allen and all persons deriving title through him.

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 land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said

Thomas L. Allen be and he is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 18 day of Sept, 1960.

Hubert N. Steen  
Judge

Filed  
9-18-60  
Alice J. Luck  
Register

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 Thomas L. Allen

as witnesses in behalf of complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Thomas L. Allen

is, Complainant and ~~Noord Amerikaans Hypotheekbank (North American Mortgage Company)~~, a Corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres and certain lands <sup>are</sup> 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 10<sup>th</sup> day of June, 1960

Alice J. Duck  
Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ \_\_\_\_\_

No. \_\_\_\_\_

**THE STATE OF ALABAMA  
Baldwin County**

**CIRCUIT COURT**

Complainant—

**vs.**

Defendant—

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER**

**WITNESSES:**

*[Faint, illegible text and markings on the right side of the page, likely bleed-through from the reverse side.]*

THOMAS L. ALLEN  
COMPLAINANT  
VS

IN THE CIRCUIT COURT OF

BOOK 005  
PAGE 446

THE NORTHWEST QUARTER OF SECTION  
36, TOWNSHIP 4 SOUTH, RANGE 5  
EAST, BALDWIN COUNTY, ALABAMA;  
AND NOORD AMERIKAANS HYPOTHEEK-  
BANK (NORTH AMERICAN MORTGAGE  
COMPANY), A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND ANY  
PERSON OR PERSONS REPRESENTING  
OR HOLDING UNDER IT; AND W. N.  
WALDROUP, CHARLES FORMAN, HERMAN  
HACHMEISTER, ADDISON M. DeCOUDRES,  
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 ON THE SAID  
LAND OR ANY PART OR PARCEL THEREOF,

BALDWIN COUNTY, ALABAMA

no. 4850

IN EQUITY

DEFENDANTS

This cause coming on to be heard is submitted for final decree upon behalf of the complainant upon the original bill of complaint, and upon publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 on the said land or any part or parcel thereof, has been given in the manner and for the time required by law, and the complainant is entitled to the relief as prayed for in the bill of complaint.

BOOK 005 PAGE 447

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the Court that the said complainant, Thomas L. Allen, was and is over the age of twenty-one years at the time of the filing of his bill of complaint and at the time of the submission of the same for final decree; that at the time of the filing of his bill of complaint, there was no suit pending to test the sufficiency or validity of the complainant's right, title and interest in and to the hereinafter described lands, or any part or parcel thereof; that 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, the complainant was and is in the actual and peaceable possession of the hereinafter described lands, claiming to own the same and each and every part and parcel thereof absolutely and in fee simple, the said lands situated in the County of Baldwin, State of Alabama, being described as follows, to-wit:

The Northwest quarter of Section 36,  
Township 4 South, Range 5 East;

That the complainant acquired title to the said lands from the State of Alabama for the whole of the Northwest quarter except four acres described as follows:

Beginning at a point 525 feet South of the Northwest corner of the Northwest quarter of Section 36, run thence South 420 feet, thence East 420 feet, thence North 420 feet, thence West 420 feet to the place of beginning;

by deed dated September 13, 1944, and recorded in the office of the Judge of Probate of Baldwin County in Deed Book 83 at pages 479-80; that he acquired title to the said four acres by a deed from Emanuel Davidson and H. Leslie Taylor dated September 28, 1959, and recorded in said Probate Office in Deed Book 283, at pages 2-3, who acquired title by mesne conveyances from the United States Government and by adverse possession under color of title and assessment and payment of taxes for a period of more than twenty years next preceding the filing of the suit; and further that the complainant now holds title to the said lands, and that he and those through whom he holds title as aforesaid have held title to the said lands by adverse possession of the said lands and of each and every part and parcel thereof continuously for more than ten years next



preceding the filing of the bill of complaint; that the title to the said lands and each and every part and parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint, no person other than the complainant and those through whom he claims title to the said lands or any part thereof, has assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Thomas L. Allen, at the time of the filing of the bill of complaint in this cause and at this time had and does have the fee simple title to the above described lands, and to each and every part and parcel thereof; that none of the defendants, Noord Amerikaans Hypotheekbank (North American Mortgage Company), a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if living, and if they or either of them be dead, then none of the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, nor any and all other persons, firms, associations or corporations, have any right, title to, interest in, claim, lien or encumbrance upon the said land, or any part or parcel thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quited and established in and declared to be in the said Thomas L. Allen shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Thomas L. Allen, and the said title so quited and established in him shall be treated and considered as established in favor of the said Thomas L. Allen and all persons deriving title through him.

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 land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said

Thomas L. Allen be and he is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 18th day of Sept., 1961.

Hubert M. Hall  
\_\_\_\_\_  
Judge

BOOK 005 PAGE 449

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and in my office.  
WITNESS MY HAND AND SEAL THIS THE 18 day of Sept. 1961

*Alice J. Duck*  
\_\_\_\_\_  
Register of Circuit Court, in Equity



STATE OF ALABAMA,  
BALDWIN COUNTY

I certify that this instrument was filed on

OCT 6 1961 8 AM  
*is found*

and that no tax was collected. Recorded in  
Book 05  
Page 446-9  
By *W. H. Stewart*  
Judge of Probate  
*ac*

Motion for oral exam  
Suggestion of Commissioner

THOMAS L. ALLEN

COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-  
BANK (NORTH AMERICAN MORTGAGE  
COMPANY), A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND  
ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT,  
AND W. N. WALDROUP, CHARLES  
FORMAN, HERMAN HACHMEISTER,  
ADDISON M. DeCOUDRES, and  
certain lands

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Comes the complainant in the above styled cause and requests the oral examination of Thomas L. Allen, as witness for the complainant, who resides in Baldwin County, State of Alabama, and suggests Ruth\* Howell of the City of Bay Minette, Alabama, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 10<sup>th</sup> day of June, 1960.

BEEBE & SWEARINGEN

BY F. B. Swearingen  
Solicitors for complainant

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

THOMAS L. ALLEN, COMPLAINANT, VS NOORD AMERIKAANS HYPOTHEEKBANK,  
(NORTH AMERICAN MORTGAGE COMPANY) A CORP.; ~~COMPLAINANT~~ ITS SUCCESSORS  
AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER  
IT, AND W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON  
M. DeCOUDRES, AND certain lands. vs.

~~RESPONDENT~~

I, RUTH K. HOWELL

as Register and Commissioner

have called and caused to come before me Thomas L. Allen

witness named in the requirement for Oral Examination, on the 11th day of June

19 60, at the office of Beebe & Swearingen

in , Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Thomas L. Allen

doth depose and say as follows:

My name is Thomas L. Allen and I am over the age of 21 years and am a resident of Baldwin County, Alabama. I am the Complainant in that certain suit pending in the Circuit Court of Baldwin County, Ala., in equity #4850, against the Northwest Quarter of Section 36, Township 4 South, Range 5 East and against Noord Amerikaans Hypotheekbank, (North American Mortgage Company) a corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres; that the successors and assigns of the said corporation are unknown and its place of organization and its principal palce of business is unknown; that W. N. Waldroup, Charles Forman, Herman Hachmeister and Addison M. DeCoudres, if living, are non-resident of the State of Alabama and are each over the age of 21 years and their addresses are unknown. I have made deligent search and inquiry of officials at the Court House and of persons living near the said lands and I have been unable to ascertain whether or not any of them are living or dead, and if dead, who their heirs and next of kin or devisees are but if they are living they are non-residents of the State of Alabama and if they are dead their heirs, devisees and assigns are non-residents of the State of Alabama.

I own the Northwest Quarter of Section 36, Township 4 South, Range 5 East in Baldwin County, Alabama and I am in the actual possession of the same and have been in the actual, peaceable, notorious, exclusive, continous, hostile, adverse possession of all of the said lands for more than 10 years next preceeding the filing of this suit accept that Emanuel Davidson and H. Leslie Taylor were in the said possession of the parcel described as beginning at a point 525 feet South of the Northwest corner of the Northwest Quarter of Section 36, run thence South 420 feet, thence East 420 feet, thence North 420 feet, thence West 420 feet to

*Ruth K. Howell*

*Thomas L. Allen*

ORAL EXAMINATION

I, RUTH K. HOWELL as ~~XXXXXX~~ 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 11th day of June , 1960 .

*Ruth K. Howell* (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed \_\_\_\_\_, 19

FILED

SEP 18 1961, Register.

RECORDED IN REGISTER  
BALDWIN COUNTY  
Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama  
(In Equity)

COMPLAINANT

vs.

RESPONDENT

I,

as Register and Commissioner

have called and caused to come before me

witness named in the requirement for Oral Examination, on the day of

19 , at the office of

in , Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said

doth depose and say as follows:

the place of beginning, for more than 10 years next preceeding the filing of this suit except from the time which I purchased the said property from them on September 28, 1959. They had annually assessed and paid the taxes on this parcel continuously for more than 10 years prior to my purchase of the same from them and I have annually assessed and paid taxes on all the remainder of said property during a period of more than the last 10 years next preceeding the filing of said suit. No other person or persons or corporation has assessed or paid the taxes on the property during such period of time nor has any other person attempted to exercise any possession over the said land or claimed any right of possession thereof or any title to or interest in, claim, lien or encumbrances thereon, or to any part of the said lands during such period of time. The title to the said lands stands on the record in the Office of the Judge of Probate of Baldwin County, Alabama in my name. I acquired title to all of the said property except the small said parcel hereinabove described from the State of Alabama by deed dated September 13, 1944 and recorded in the Office of the Judge of Probate of Baldwin County Alabama in Deed Book 83, pages 479-80; that the said Emanuel Davidson and H. Leslie Taylor acquired title to the hereinabove described four acres by mesne conveyance from the U. S. Government and by adverse possession under color of title and assessment and payment of taxes for a period of more than 20 years next preceeding the filing of my suit except for the period of time which I occupied the same.

Cross examination by Mr. Tolbert M. Brantley, guardian ad litem;

I am using this land for growing timber and have planted pine trees on four acres. I have removed the stumps from this property. I have cut timber from the entire tract and have kept fire lanes plowed throughout the tract. I have been on the property every few days during all this period of time. I live very close to the porperty. This property has been surveyed and the lines are distinctly marked. The property is not suitable for other reasons than growing timber.

*Ruth K. Howell*

*Thomas L. Allen*

ORAL EXAMINATION

I, RUTH K. HOWELL as ~~Register~~<sup>XXXXXX</sup> 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 11th day of June , 19 60 .

*Ruth K. Howell* (L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

COMPLAINANT

vs.

RESPONDENT

ORAL DEPOSITION

Filed \_\_\_\_\_, 19 \_\_\_\_\_

RECORDED IN \_\_\_\_\_, Register.  
Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

*order of motion for oral examination of witness*

THOMAS L. ALLEN

IN THE CIRCUIT COURT OF

COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-BANK (NORTH AMERICAN MORTGAGE COMPANY), A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT, AND W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, and certain lands

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEFENDANTS

Complainant having on the 10<sup>th</sup> day of June, 1960, filed his motion and request for oral examination of Thomas L. Allen, witness for complainant, and due and proper notice thereof having been given as required by law on the order book of this Court and to Talbert Beatty, 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 deposition of said witness;

It is therefore ordered, adjudged and decreed that the said motion for the oral examination of Thomas L. Allen, witness for the complainant, be and it is hereby granted;

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

Witness my hand this the 10<sup>th</sup> day of June, 1960.

Oliver J. Clark  
Register



*Notice of court session  
to Commissioner Ruth Howell*

THOMAS L. ALLEN  
COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-  
BANK (NORTH AMERICAN MORTGAGE  
COMPANY), A CORPORATION, ITS  
SUCCESSORS AND ASSIGNS, AND  
ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT,  
AND W. N. WALDROUP, CHARLES  
FORMAN, HERMAN HACHMEISTER,  
ADDISON M. DeCOUDRES, and  
certain lands,

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

TO: Noord Amerikaans Hypotheekbank (North American Mortgage Company), a Corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 *Ruth K. Howell*, guardian ad litem, and to any and all other persons, firms, associations or corporations claiming any right, title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The Northwest quarter of Section 36, Township 4 South, Range 5 East, Baldwin County, Alabama;

Notice is hereby given that the testimony of Thomas L. Allen, witness 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 AM on the 10<sup>th</sup> day of June, 1960.

*Ruth K. Howell*  
Commissioner

Beebe & Swearingen

By *F. B. Swearingen*  
Solicitors for complainant

I hereby acknowledge receipt of a copy of the foregoing notice of the time and place of taking deposition of the complainant's witness, on this the 10<sup>th</sup> day of June, 1960.

*Ruth K. Howell*  
Guardian ad litem

*cont*

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 deposition of the complainant's witness was filed and entered on the order book of the Register on the 10<sup>th</sup> day of June, 1960.

*Alice J. Duck*  
Register

THOMAS L. ALLEN

IN THE CIRCUIT COURT OF

COMPLAINANT

VS

NOORD AMERIKAANS HYPOTHEEK-BANK (NORTH AMERICAN MORTGAGE COMPANY), A CORPORATION, ITS SUCCESSORS AND ASSIGNS, AND ANY PERSON OR PERSONS REPRESENTING OR HOLDING UNDER IT, AND W. N. WALDROUP, CHARLES FORMAN, HERMAN HACHMEISTER, ADDISON M. DeCOUDRES, and certain lands,

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEFENDANTS

TO: Noord Amerikaans Hypotheekbank (North American Mortgage Company), a Corporation, its successors and assigns, and any person or persons representing or holding under it, and W. N. Waldroup, Charles Forman, Herman Hachmeister, Addison M. DeCoudres, 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 Albert 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 Northwest quarter of Section 36, Township 4 South, Range 5 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 Thomas L. Allen, witness 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 deposition of said witness.

Witness this the 10<sup>th</sup> day of June, 1960.

BEEBE & SWEARINGEN

BY J. D. Swearingen  
Solicitor for complainant

Alice J. Swank  
Register

*copy of Notice*

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 witness was filed and entered on the order book of the Register on the 10<sup>th</sup> day of June, 1960.

*Alice J. Duck*  
Register