

(4864) Complaint 2/1/64

1E

BOOK 289 PAGE 227

STATE OF ALABAMA)
BALDWIN COUNTY)

THIS INDENTURE, made and entered into on this the 22nd day of January, 1960, by and between MARGARET S. WRIGHT, unmarried, hereinafter referred to as the party of the first part, and RICHARD P. BAER, RICHARD P. BAER, II, and MICHAEL S. BAER, JR. hereinafter referred to as the parties of the second part,

WITNESSETH:

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to her this day in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto Richard P. Baer and Richard P. Baer, II, an undivided three-fourths (3/4) interest, and unto Michael S. Baer, Jr., an undivided one-fourth (1/4) interest in and to the following described property situated in Baldwin County, Alabama, to-wit:

All of the rights, title and interest in and to the real estate owned by the abovenamed party of the first part, within Baldwin County, State of Alabama, wheresoever the same may be located in said County, together with all improvements thereon and appurtenances thereto in anywise belonging, including all of the oil, gas and minerals therein, as well as all of the oil, gas and mineral rights and royalties thereto and any and all proceeds flowing therefrom under and by virtue of any oil, gas and mineral leases that may now be in existence or in effect operating against any of such property within the said Baldwin County, State of Alabama, particularly the following described immovable property situated within the County of Baldwin, State of Alabama, limited, however, to the rights, title and interest owned by the aforesaid party of the first part therein, to-wit:

IN TOWNSHIP 2 SOUTH, RANGE 1 EAST:

	<u>SECTION:</u>
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North half;	10
Fractional North half;	
Fractional Southeast Quarter;	11
North half of South half	22
All of Fractional Section lying East of Mobile River;	35
All of Section;	36

IN TOWNSHIP 2 SOUTH, RANGE 2 EAST:

Fractional Section lying West of Tensaw River; 31

IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:

All of Fractional Section lying West of Tensaw River;	1
All of Fractional Section lying South and East of Mobile River;	2

STATE OF ALABAMA, BALDWIN COUNTY
Filed 2-23-60 1:30 P.M.
Recorded in Book 289 page 227-32
and I certify that the following Privilege Tax has been paid:

50
Mortgage Tax
By: W.R. Baer, Jr.
Judge of Probate

SECTION:

All of Fractional Section South and East of Mobile River;	3
All of Fractional Section South and East of Mobile River;	4
All of Fractional Section lying South and East of Mobile River;	5
All of Fractional Section lying East of Mobile River;	8
All of Fractional Section North and West of Chuckfey Bay;	9
That part of Fractional Southeast Quarter which lies on an island in Chuckfey Bay;	9
All of Fractional Section lying North and East of Chuckfey Bay;	10
All of Fractional Southwest Quarter which lies on an island in Chuckfey Bay;	10
All of Fractional Section West of Tensaw River;	11
All of Fractional Section lying North and West of Tensaw River;	
All of Fractional Section which lies on an island in Tensaw River;	12
All of Fractional Section which lies on an island in Tensaw River;	13
All of Fractional Section West of Tensaw River;	14
All of Fractional Section which lies South and East of Chuckfey Bay;	
All of Fractional Northwest Quarter which lies on an island in Chuckfey Bay;	15
All of Fractional Northeast Quarter which lies on an island in Chuckfey Bay;	
All of Fractional Section which lies West and South of Chuckfey Bay;	16
All of Fractional Section which lies South and East of Mobile River;	17
All of Fractional Section which lies South and East of Mobile River;	18
All of Fractional Section which lies between Mobile River and Spanish River and Grand Bay;	19
All of Fractional Northeast Quarter; Fractional North half of Southeast Quarter; Fractional Southeast Quarter of Southeast Quarter lying North and East of Jim's Creek; Fractional Northwest Quarter of Northwest Quarter lying North of Grand Bay;	20
All of Fractional Section;	21
All of Fractional Section;	22

BOOK 289 PAGE 228

228

SECTION:

All of Fractional Section which lies North and East of Raft River;	23
The Southwest Fraction;	23
All of Fractional Section which lies on an island in Tensaw River;	
All of Fractional Section which lies West of Tensaw River;	24
All of Fractional Section which lies North and West of Raft River;	25
All of Fractional Section which lies North and East of Raft River;	
Fractional West half;	26
All of Section;	27
All of Fractional Section which lies East of Raft River;	
Fractional South half of Northwest Quarter lying between Grand Bay and Raft River;	
Fractional Northwest Quarter of Southwest Quarter West of Raft River;	28
Fraction in Northwest Quarter of Southeast Quarter lying South of Grand Bay;	
Fraction in Southeast Quarter of Southwest Quarter South of Grand Bay;	
Fractional South half of Southeast Quarter between Grand Bay and Raft River;	29
Fraction in Southwest Quarter of Southwest Quarter West of Grand Bay;	30
Fractional Section lying between Spanish River and Grand Bay;	31
Fraction between Grand Bay and Raft River;	
Fraction in North half of South half and North half South of Raft River;	32
North half;	
Lots E, F and G;	33
All of Fractional Section;	34
Fractional Southeast Quarter;	
Fractional North half lying South of Tensaw River;	
Fraction in North half of Northwest Quarter lying North of Tensaw River;	
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	
Fractional West half South and West of Tensaw River;	36
All of Josiah Blakely Grant;	38
<u>IN TOWNSHIP 3 SOUTH, RANGE 2 EAST:</u>	
All of Fractional Section lying West of Tensaw River;	6

IN TOWNSHIP 3 SOUTH, RANGE 1 WEST:

	<u>SECTION:</u>
Fractional Section lying between Grand Bay and Spanish River;	25
Fraction in Northeast Quarter East of Spanish River;	36

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST:

Fractional North half;	
Fractional Southeast Quarter;	2
Fractional Southeast Quarter of Northeast Quarter East of Tensaw River;	4
Fractional South half;	10
Fractional Southwest Quarter of Southwest Quarter;	11
Fractional Section lying between the River and Minette Bay;	13
South half;	
Fractional Northwest Quarter;	14
Fractional Section;	15
Fractional North half;	
Fractional Northeast Quarter of Southeast Quarter;	22
Fractional Northwest Quarter;	
Fractional North half of Southwest Quarter;	23
Fractional Section lying between the River and Minette Bay;	24

The foregoing description to the contrary notwithstanding, it is the meaning and intention of the party of the first part to describe and convey only such property in Baldwin County, Alabama, which she may own or in which she may claim an interest; and the party of the first part does hereby further mean and intend to convey all rights, title and interest etc. which she may have in and to all property situated in Baldwin County, Alabama, regardless of whether said property is described herein.

TO HAVE AND TO HOLD unto the said parties of the second part, their heirs and assigns, FOREVER.

In further consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to her in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged, the party of the first part has and does hereby GRANT, BARGAIN, SELL AND CONVEY unto Richard P. Baer and Richard P. Baer, II, an undivided three-fourths (3/4) interest, and unto Michael S. Baer, Jr., an undivided one-fourth (1/4) interest in and to the following described property situated in Mobile County, Alabama, to-wit:

All of the rights, title and interest in and to the real estate owned by the abovenamed party of the first part, within Mobile County, State of Alabama, wheresoever the same may be located in said County, together with all improvements thereon and appurtenances thereto in anywise belonging, including all of the oil, gas and minerals therein,

996K 289 PAGE 230

as well as all of the oil, gas and mineral rights and royalties thereto and any and all proceeds flowing therefrom under and by virtue of any oil, gas and mineral leases that may now be in existence or in effect operating against any of such property within the said Mobile County, State of Alabama, particularly the following described immovable property situated within the County of Mobile, State of Alabama, limited, however, to the rights, title and interest owned by the aforesaid party of the first part therein, to-wit:

The Northeast Quarter, and the North half of the Southeast Quarter of Section 23, Township 1 South, Range 1 East, containing 180 acres, more or less, and so much of Section 42, Township 1 South, Range 1 East as lies North of a line beginning at the corner of Wash Roberts land, marked with an iron pipe, from which North 72 degrees 30 minutes West 22 feet is a Tupelo Gum Tree, about 30 inches in diameter, and South 6 degrees 30 minutes West 32 feet is a Maple Tree eight (8) inches in diameter, said line running thence South 80 degrees, 40 minutes East to an iron pipe on Middle River; one-eighth mile from the mouth of Lizard Creek, from which North 56 degrees West $3\frac{1}{2}$ feet is an Oak Tree 10 inches in diameter, and South 56 degrees East 2 and $\frac{3}{4}$ feet is a Hickory Tree 10 inches in diameter, the length of the line between the two said points is 7580 feet; all as shown on a plat attached to a deed made by the Creola Lumber Company to William S. Stewart and Cary W. Butt, partners doing business under the firm name of Stewart & Butt on October 5, 1904, and of record in Deed Book 114 N. S. pages 319 et seq., reference to which is hereby made. Being the property conveyed to the Magazine Hardwood Saw Mill Company by H. B. Pake, Trustee, by deed dated March 11, 1914, and duly recorded in the Office of the Judge of the Probate Court of Mobile County, Alabama, in Deed Book No. 161 N. S. pages 518 and 519.

EXCEPTING THEREFROM, an undivided one-half ($\frac{1}{2}$) of one-eighth ($\frac{1}{8}$) royalty interest heretofore conveyed to George Pierce Metcalf.

ALSO, all of Section 34, Township 2 South, Range 1 East, being the property conveyed unto The Magazine Hardwood Saw Mill Company by Frances B. Shepard and husband, by deed dated February 7, 1918, duly recorded among the records aforesaid in Deed Book No. 176, N. S. page 337.

EXCEPTING THEREFROM, the property described in that certain deed from Richard P. Baer, et al., to S. B. Adams Lumber Company, Inc., which said deed is dated June 12, 1942, and is recorded in Deed Book 325 at pages 645-48, Mobile County, Alabama Records.

The foregoing description to the contrary notwithstanding, it is the meaning and intention of the party of the first part to describe and convey only such property in Mobile County, Alabama, which she may own or in which she may claim an interest; and the party of the first part does hereby further mean and intend to convey all rights, title and interest etc. which she may have in and to all property situated in Mobile County, Alabama, regardless of whether said property is described herein.

TO HAVE AND TO HOLD unto the said parties of the second part, their heirs and assigns, FOREVER.

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

Margaret S. Wright (SEAL)
Margaret S. Wright

STATE OF MARYLAND)
*
CITY OF BALTIMORE)

I, Isabelle M. Watson, a Notary Public, within and for said County in said State, hereby certify that Margaret S. Wright, unmarried, whose name is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 22nd day of January, 1960.

(Affix seal).

Isabelle M. Watson Isabelle M. Watson
Notary Public.

My Commission expires May 1, 1961



0001 289 PAGE 232

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 SIX PHOTOSTATIC pages

contain a full, true and complete copy of the DEED FROM MARGARET S. WRIGHT

TO RICHARD P. BAER, ETAL.

as the same appears of record in my office.

Given under my hand and seal of office, this 15th day of FEBRUARY, 1961

W R Stuart
Judge of Probate
By: Harry M. DeLoach Chief Clerk

Complaints Exhibit 2

STATE OF ALABAMA BALDWIN COUNTY

Recorded 4-5-60 8:30 AM
book _____ page _____
and I certify that the following Privilege Tax
has been paid

Deed Tax _____ 50
Mortgage Tax _____

STATE OF ALABAMA :
*
BALDWIN COUNTY :

W. R. Baer
Judge of Probate
By mb

BOOK 290 PAGE 190

THIS INDENTURE, made and entered into on this 21st day of March, 1960, by and between MARGARET S. WRIGHT, unmarried, of Baltimore City, State of Maryland, hereinafter referred to as the party of the first part, and RICHARD P. BAER, II, of Chowan County, State of North Carolina, hereinafter referred to as the party of the second part.

W I T N E S S E T H

The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to her paid by the party of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto said party of the second part, all of her rights, title and interest in and to the following property situated in Baldwin County, Alabama, to wit:

All of the rights, title and interest in and to any and all real estate owned by the above-named party of the first part within Baldwin County, State of Alabama, wheresoever the same may be located in said County, together with any and all of the improvements thereon and appurtenances thereto in anywise belonging, including any and all of the oil, gas and minerals therein, as well as any and all of the oil, gas and mineral rights and royalties thereto and any and all proceeds flowing therefrom under and by virtue of any and all oil, gas and mineral leases that may now be in existence or in effect operating against any of such property within the said Baldwin County, State of Alabama, and particularly that undivided three-fourths ($\frac{3}{4}$) interest in and to that immovable property situated within Baldwin County, State of Alabama, referred to in an Indenture dated March 16, 1960 from Richard P. Baer, a widower, Richard P. Baer, II and Frances Kerns Baer, his wife, to Margaret S. Wright, which Indenture was filed for Recording or intended to be filed for Recording among the Land Records of Baldwin County immediately prior hereto.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER.

BOOK 290 PAGE 491

In further consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to her in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, the party of the first part has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, all of her rights, title and interest in and to the following property situated in Mobile County, Alabama, to wit:

All of the rights, title and interest in and to any and all real estate owned by the above-named party of the first part, within Mobile County, State of Alabama, wheresoever the same may be located in said County, together with any and all of the improvements thereon and appurtenances thereto in anywise belonging, including any and all of the oil, gas and mineral rights and royalties thereto and any all of the oil, gas and mineral leases that may now be in existence or in effect operating against any of such property within the said Mobile County, State of Alabama, and particularly that undivided three-fourths ($\frac{3}{4}$) interest in and to that immovable property situated within Mobile County, State of Alabama, referred to in an Indenture dated March 16, 1960, from Richard P. Baer, a widower, Richard P. Baer, II and Frances Kerns Baer, his wife, to Margaret S. Wright, which Indenture was filed for Recording or intended to be filed for Recording among the Land Records of Mobile County immediately prior hereto.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns, FOREVER.

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

WITNESS:

Janette M. Staton

Margaret S. Wright (SEAL)
Margaret S. Wright

STATE OF MARYLAND)
 *
CITY OF BALTIMORE)

BOOK 290 PAGE 192

I, Isabelle M. Watson, a Notary Public, within and for said City in said State, hereby certify that Margaret S. Wright, unmarried, 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, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 21st day of March, 1960.

Isabelle M. Watson

ISABELLE M. WATSON, Notary Public

MY COMMISSION EXPIRES MAY 1, 1961

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 THREE (3) PHOTOSTATIC pages

contain a full, true and complete copy of the DEED FROM MARGARET S. WRIGHT TO RICHARD P.

BAER, II.

as the same appears of record in my office.

Given under my hand and seal of office, this 15th day of FEBRUARY, 1961

W. R. Stuart
Judge of Probate

By: Harry M. Collins
Chief Clerk

11/10/27

Richard P. Baer, et al,)	
)	
Complainants,	)	IN THE
	)	CIRCUIT COURT OF BALDWIN COUNTY,
VS.)	
	)	ALABAMA. IN EQUITY.
CERTAIN LANDS, AND PARTIES,)	
ET AL.	)	NO 4874
)	
Respondents.)	
)	

MICHAEL S. BAER, JR., BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Owen.

- Q. Is this Mr. Michael S. Baer, Jr?
- A. Yes sir.
- Q. Where do you live?
- A. Bogaloosa, Louisiana.
- Q. That's in Washington Parish, Louisiana?
- A. That's right.
- Q. Is your brother, Richard P. Baer, 11, the other complainant in this case?
- A. Yes sir, he is.
- Q. Is he over 21 years of age and a resident of Chowan County, North Carolina?
- A. Yes sir.
- Q. Are you familiar with the property described in the amended bill of complaint?
- A. I am.
- Q. How long have you known this property?
- A. 30 years.
- Q. During all of that period of time, have you and your brother and those through whom you claim title, claimed this property?
- A. We have.

Q. Have you been in the actual, peaceable possession of all of this property?

A. We have.

Q. Did you all claim to own the land in your own right, absolutely and in fee simple?

A. We did.

Q. What interest do you have in this property?

A. A one-quarter undivided interest?

Q. What interest does your brother, Richard P. Baer, 11 have in it?

A. Three quarters undivided interest.

Q. How long have you all paid the taxes on this property, Mr. Baer?

A. 40 years.

Q. Any other person, firm or corporation, other than you and your brother, and those through whom you claim title, paid any taxes on this property or been in possession of this property, or any part thereof for 20 years - 20 consecutive years prior to the filing of this bill of complaint?

A. Has not.

Q. Any other suit pending to test your title, right of possession or ownership of this property or any part thereof?

A. There is not.

Q. Have you and your brother made a search or caused a search to be made to ascertain the names and ages and addresses of any person, firm or corporation interested in this property?

A. Caused it to be made.

Q. What did you do?

A. We hired your law firm to check the records; search the records of the Court house; we have asked our agent, Francis Mayher, to make inquiry and talk to the people and

find out and we have taken the necessary steps to advertise.

Q. How long did this search go on, or how long have you been trying to ascertain the names of any one having any interest in this property?

A. Over all, two one half or three years.

Q. Have you had an abstract prepared of this property?

A. We have had an abstract made.

Q. Are all of the names and addresses that you were able to find through these inquiries shown on the amended bill of complaint in this case?

A. Yes sir.

CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Brantley, Guardian Ad Litem.

Q. Mr. Baer, you say you are the owner of an undivided 1/4 interest in this property?

A. Yes sir.

Q. What is your name, Richard P. Baer?

A. Michael -

Q. Have you been on this land?

A. I have.

Q. Do you know where it is all located?

A. Yes I do.

Q. What use is this land put to?

A. Well it is Marsh land, sir. I wouldn't know what use it could be put to.

Q. What is it being used for?

A. Nothing; it is marsh land.

Q. Has it ever been used since you have owned it?

A. No sir.

Q. Have you ever rented it to anybody?

A. Leased it to the Oil Company.

Q. How many times?

(page 3_)

A. I imagine continuously 20 or 30 years.

Q. Continuously over that time?

A. Yes.

Q. Is the land suitable for growing crops?

A. No, sir, nothing but marsh grass.

Q. This land, I assume, is located in the Marsh --

A. Apalachee River Area.

Q. Any buildings on any of it?

A. No sir.

Q. Any fences?

A. No.

Q. Posted?

A. Yes sir.

Q. How much of it is posted?

A. All of it.

Q. Do you have a caretaker?

A. We do.

Q. What does he do?

A. He patrols the land and keeps the posted signs up and sees that it is open to the people if they would like to use it for hunting and fishing; there are no restrictions as to hunting and fishing.

Q. What do you have to show that this is your land, opposed to anybody else?

A. Peaceable possession.

Q. What do you have to show it?

A. Deeds.

Q. Your no Trespassing signs, how far apart are they located?

A. I would say about a quarter of a mile.

Q. A man could go on the land and not see either NO TRESPASSING Signs?

- A. I think that would be difficult to do.
- Q. You think he would notice them?
- A. Yes sir.
- Q. How often do you actually go on this land?
- A. About twice a year.
- Q. Ride around it?
- A. Go around in a boat.
- Q. Richard P. Baer, Jr., is he the other party who owns this land?
- A. Yes sir, he is my brother.
- Q. Does he come down?
- A. Only very occasionally; every couple of years.
- Q. I believe you said there are no buildings located on any of this land?
- A. No buildings.
- Q. Your's or nobody else?
- A. No sir.
- Q. No permanent improvements of any sort?
- A. None.
- Q. Docks or wharfs?
- A. None.
- Q. I believe you said nobody else has had any possession of this land except you or your family for the last 20 years?
- A. That is right - more like 30 years - at least 20 years.
- Q. Is there any merchantable timber on any of this land?
- A. There is not.
- Q. Is there anything of any value on the surface of this land?
- A. Not to my knowledge, sir.

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

Examination by Mr. Owen.

Q. Mr. Baer, you all own considerable other property in the area where this land is situated, do you not?

A. We do.

Q. To refresh your recollection, did you not, for some years, lease for trapping purposes all of the property you owned?

A. Yes, to Crescent Commercial Company.

Q. Two men named Harris?

A. Yes sir.

Q. Was this land included in the trapping lease?

A. It was.

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

Examination by Mr. Brantley.

Q. The use that this land has been put to, was leasing it for oil?

A. We have and are leasing it for oil.

Q. Over a period you think of about 20 years?

A. Yes sir.

Q. This trapping, how long a period did that go on?

A. It ran for about, I imagine 15 years; it ran out about the end of the war when the Russian Fur started coming in.

Q. Was that exclusive?

A. Yes sir.

Q. Were other people trapping there?

A. I couldn't say; we gave them exclusive rights and they were supposed to check it.

Q. That was a written lease?

A. Yes sir, and on record.

Q. But people that want to hunt, you let them hunt?

A. For recreation.

Q. No commercial hunting there?

A. No sir.

W. F. MAHEAR, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY
SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. Is this Mr. W. F. Maehr (Mahear?

A. Yes sir.

Q. Where do you live?

A. 108 Idlewood Drive, Chickasaw, Alabama.

Q. Are you caretaker for Richard P. Baer II, and Michael S. Baer for their property in Baldwin County, Alabama?

A. I am.

Q. Are you familiar with the property described in the amended bill of complaint in this case?

A. I am.

Q. How long have you known this property?

A. For 30 years.

Q. How long have you been caretaker for the Baers?

A. Around 13 years.

Q. Do you know who was claiming this property thirty years ago?

A. Richard P. Baer & Company.

Q. Who was that composed of at that time?

A. Mr. R. P. Baer and Mr. Michael Baer.

Q. Has any one other than the Baers had possession of this property in the last 30 years or any part that you know of?

A. No, not that I know of.

Q. How often do you see this property?

A. At the present time and for the last 13 years, at least

once a month .

Q. Has any one, during that period of time, had any possession of any part of it other than the Baers?

A. No sir.

Q. What kind of property is this?

A. Marsh land.

Q. Are there any trees on it?

A. No s ir.

Q. Is any part of it under cultivation?

A. No sir.

Q. Is it capable of being cultivated?

A. No sir.

Q. Could you raise timber on it?

A. No sir.

Q. What could the land be used for, Mr. Mahear?

A. Well the only thing that we are using it for at the present time is leasing it to oil Company and it was in the past used for trapping purposes, but it has no commercial use other than that.

Q. Why is it no longer used for trapping purposes?

A. Those Nutria they brought in here - there is no market for the fur and it used to be used for Muskrat trapping and it appears that the Nutria have run them away and the State has declared them as pest and we don't stop anybody from going there and shooting them; they are destroying the growth.

Q. Have you placed any signs of any kind on this property?

A. I have kept it posted for the last 13 years.

Q. What kind of signs are those?

A. Posted, RICHARD P. BAER & COMPANY, OWNER.

Q. How many of those signs are on this property, if you know?

A. Let me try to think you can see from one sign to the other and on water that way where you run out in the river and look, I would say every 400 to 500 yards.

Q. Have you made any inquiry in the vicinity where this property is located as to anybody making any claim to this property or any part of it?

A. I have.

Q. Have you, in conjunction with Attorneys in this case, tried to ascertain the names and addresses of all individuals, firms and corporations who might make any claim to the property?

A. I have.

Q. Their addresses?

A. Yes sir.

Q. Is all of that information shown in the bill of complaint in this case?

A. It is.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Brantley.

Q. What is your name?

A. W. F. Maeher-

Q. How do you spell your name?

A. M A E H E R.

Q. Mr. Maeher, do you know where the Southwest Quarter of Section 35, Township 3 South, Range 1 East is?

A. Yes I do.

Q. How about fractional Southwest Quarter, Section 2, Township 4 South, Range 1 East?

A. I do.

Q. Have you been on those two pieces of land?

A. I was on the Southwest Quarter of Section 35 just a little

bit before Christmas.

Q. Whose land joins it on each side?

A. Richard P. Baer.

Q. They own land completely around that?

A. Yes sir.

Q. How about Section 2?

A. They own around that too.

Q. Have you ever seen the Richard P. Baer land surveyed?

A. A part of it.

Q. Do you know where the corners of their land is by survey?

A. No.

Q. Who showed you the land they say was the Richard P. Baer land?

A. --

Q. How do you know where it is?

A. Well the old man that raised me trapped on that land for over 30 years ago and he was a commercial trapper and a commercial fisherman and he had permission, when Richard P. Baer Company operated a saw mill at Mastin's Point under the name of Mastin Saw Mill Company. and I spent considerable time in the swamps with him and that is the only what that I know where the boundaries are.

Q. He told you where it was?

A. Yes sir, he did; he trapped commercially.

Q. You don't know the land that you are seeing is the same land described in this complaint, do you?

A. --

Q. Except by what this old man told you?

A. Well I know what the old man told me and by the present maps that we have.

Q. Have you seen the survey? (page 10)

- A. No sir.
- Q. Who made the maps you have?
- A. Made by U. S. Engineers.
- Q. U. S. Engineers don't show the ownership on the maps?
- A. No sir.
- Q. You or Mr. Baer put the ownership on there?
- A. No sir.
- Q. Who put the ownership on that?
- A. We got them off the records in the Court house; in other-
words, we looked up the records and fixed our maps.
- Q. The Baer family doesn't have any deeds to the lands we
are talking about?
- A. I can't answer that.
- Q. All right, Sir: Now how about the $N\frac{1}{2}$ of the
 $S\frac{1}{2}$ of Section 22, Township 4 South, Range 1 East. Do you
know where that is?
- A. I do.
- Q. Where is it?
- A. Conway Creek comes into the head or middle of Chocolotchee
Bay and it comes almost through the northwest part of
Section 22 there.
- Q. Who owns the lands on each side of that?
- A. Richard P. Baer & Company.
- Q. Have you see the bill of complaint that we are travelling
on today?
- A. Yes sir.
- Q. Does Richard P. Baer own land adjoining all of the land
here?
- A. I believe Section 4 you will find that the South part of
Section 4 there is not.
- Q. Who is that owned by?

A. I can't answer you that.

Q. How did you know that Richard P. Baer owns this particular land that we are talking about?

A. Well they have had possession of it for the last 20 years.

Q. And you have been working for them for 13 years?

A. Yes sir.

Q. Did they have possession of it before then?

A. Yes sir.

Q. How do you know?

A. They had it posted.

Q. With their name on it?

A. Yes sir.

Q. Was that just on the waters edge? What about if you went back on the interior?

A. That being an island, none of it is posted inland.

Q. How big is the biggest island?

A. You have Tensaw River on the East and Apalachee on the west and other than a little part of the east side all of the creeks that go there like Little Batty and Mud hole, it is posted on either bank of those and around the head.

Q. How big a place is there that is not posted?

A. Mile and three quarters from one river to the other.

Q. Nothing to show ownership of any sort?

A. No sir.

Q. No NO TRESPASSING signs or permanent improvements?

A. That's right.

- Q. Only thing that shows their ownership is posting of signs -- is there anything else that anybody could look at and know that it belonged to Baer or anybody?
- A. Posted signs are all.
- Q. Now as to who paid taxes on this land, you don't know yourself?
- A. Personally, I don't know.
- Q. Do you know any of these people named in the bill of complaint?
- A. No sir.
- Q. Blanch V. Taylor, do you know who that is?
- A. No sir.
- Q. You don't know whether any of them have any children or not?
- A. No sir.
- Q. Frank M. Taylor, Blanch V. Taylor -- You don't know where they live?
- A. No sir.
- Q. What about Louella T. French, do you know where she lives or anything about her?
- A. No sir.
- Q. But during the last 20 years has anybody had any possession of this land, except for trapping and these signs?
- A. Not that I know of.
- Q. Isn't it a matter of practice in the river swamp for people to trap all over the swamps?
- A. Not without written permission in the past the trapping was, you might say, an industry and a few years back they imported furs, and that's what the dealers claim ruin't our fur market ; up until then they were just like the commercial Fur Company in New Orleans, they leased the land and put

their trappers in there and it was a money making proposition

Q. It is not now?

A. No sir.

Q. For the last, how long?

A. I would say in the last five years it has folded up.

Q. People hunt indiscriminately - anybody that wants to go hunting there, can get a permit from you?

A. This particular area.

Q. Do they have to get a permit?

A. I don't think the State would bother them; they are trying to get rid of these Nutrias.

Q. Do they hunt up there?

A. Yes sir.

Q. These posted signs, were those posted signs there when you started working as caretaker?

A. Yes sir.

Q. Those were Richard P. Baer's signs?

A. Yes sir, when I started the signs were Richard P. Baer, Owner, and it was on their leased to Commercial Fur Company - No trapping or hunting.

Q. No trespassing signs, have they been there continuously for the past 20 years?

A. Yes sir.

Q. And are they located so that you can see from one to the next one?

A. There are now and have been for the last 13 years.

Q. How about before then?

A. I would say they were pretty well that way.

Q. How big are the signs?

A. 22 X 14, I believe.

- Q. How big is the lettering on them?
- A. I am going to say three inches.
- Q. In heighth?
- A. Yes sir.
- Q. What color?
- A. Black letters on white background.
- Q. Easily visible?
- A. Yes sir.
- Q. Which way do they face?
- A. The stream.
- Q. Facing the water?
- A. Yes sir.
- Q. Whatever direction the water is in, they are facing it?
- A. That's right.
- Q. Is there any approach to any of this land exceptby water?
- A. There is not.
- Q. What about the piece where you said a manowned some adjoining this. Couldn't you cross his land?
- A. No, a body of water between there.
- Q. About this oil leasing, do you know anything about that of your own knowledge?
- A. All I know is that I have been told that they leased it to the Humble Oil Company and in case they wanted to go there and look for oil. Mr. Baer told me that.
- Q. Have they ever done any work on this land?
- A. They have.
- Q. You have seen them there?
- A. Yes sir and talked to them too.
-

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

Your Orators, Richard P. Baer, Richard P. Baer, II., and Michael S. Baer, Jr., present this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

<u>IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:</u>	<u>SECTION:</u>
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	36
<u>IN TOWNSHIP 2 SOUTH, RANGE 1 EAST:</u>	
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North half;	10
Fractional North half; Fractional Southeast quarter;	11
North half of South half;	22

and against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and against his heirs or devisees, if deceased, and against her heirs or devisees, if deceased, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and thereupon, your Orators complain and show unto the Court and unto your Honor as follows:

1. Richard P. Baer is over the age of twenty-one years and is a resident of Baltimore City County, Maryland; Richard P. Baer, II, is over the age of twenty-one years and is a resident of Chowan County, North Carolina; and Michael S. Baer, Jr., is over the age of twenty-one years and is a resident of Washington Parish, Louisiana.

2. Magnolia Land Company, Inc., a corporation, is a corporation organized and existing under the laws of the State of Alabama.

Blanche V. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, are each over the age of twenty-one years and are residents of Baldwin County, Alabama.

Charles C. Taylor is a member of the Armed Forces of the United States, but his Post Office address is unknown at this time.

Louella T. French is over the age of twenty-one years, a non-resident of the State of Alabama, and presently resides in the State of Texas, but her Post Office address is unknown at this time.

Each of the other individual respondents specifically named herein are, if living, over twenty-one years of age, but their respective places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

3. Your Orators are in the actual, peaceable possession of all of the above described lands situated in Baldwin County, Alabama, and claim to own the said lands in their own right, absolutely and in fee simple. Your Orators, Richard P. Baer and Richard P. Baer, II, claim to own an undivided three-fourths interest in the said lands in their own right, absolutely and in fee simple. Your Orator, Michael S. Baer, Jr., claims to own an undivided one-fourth interest in the said lands in his own right, absolutely and in fee simple.

4. Your Orators, and those through whom they claim title, have paid taxes on the said lands for a period of twenty or more consecutive years next preceding the filing of this Bill of Complaint and no other person, firm, or corporation, other than your Orators, and those through whom they claim title, have paid taxes on, or have been in possession of the above described lands, or any part thereof, for a period of twenty or more consecutive years next prior to the filing of this Bill of Complaint.

5. No suit is pending to test your Orators' title to, right to possession of the said lands, or any part thereof.

6. Your Orators have made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporation who might make, or who are making any claim to the said lands, or any part thereof, or any interest therein, or any encumbrances thereon. Your Orators further aver that these inquiries have continued faithfully and diligently for the past three years; that within the past three years they have employed an Abstract Company to make an examination of the records of Baldwin County, Alabama, and prepare an Abstract of Title to all of the above described property; that they have employed an Attorney to examine the said Abstract, the records in the Courthouse in Bay Minette, Baldwin County, Alabama, and have made and caused their said Attorney to make inquiry about the ages, addresses and heirs of any persons interested or who may be interested in the said property; that your Orators have made and caused a thorough inquiry to be made in the vicinity where the said property is situated for the purpose of ascertaining any claimants to it and for the the purpose of obtaining any other information having any bearing on the title to the said property; that your Orators have caused the records in the Probate Office of Baldwin County, Alabama, to be examined to determine if there are any other claimants to the said property and to search for any other information having any bearing on the title to the said property. These efforts by your Orators, their agent, servants and employees have continued faithfully and diligently for a long period of time and that all of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein, and the status of the said firms or companies is as hereinabove set out.

7. The Respondents claim, or are reputed to claim, some right, title, interest in, or encumbrance on the above described lands.

PRAYER FOR PROCESS:

Your Orators pray that the said lands hereinabove described, the Respondents named herein and their heirs and devisees, if deceased, and the unknown heirs, devisees and personal representatives of the next of kin of the respondents named above who are dead, and all persons, firms or corporations claiming any title to interest in, lien or encumbrance upon the said lands, or any part thereof, be made parties to this Bill of Complaint and be brought into court by the usual and proper process.

PRAYER FOR RELIEF:

Your Orators pray that each and all of the respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein who are dead, and any and all persons, firms and corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance, and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the Military Service of the United States; that upon a final hearing of this cause, it be ordered, adjudged and decreed that your Orators, at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described lands in the following proportions, Richard P. Baer and Richard P. Baer, II., an undivided three-fourths interest, and Michael S. Baer, Jr., an undivided one-fourth interest; and that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation, has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up and that your Orators' title to said lands be fully and

completely quieted. Your Orators pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

J. B. Blackburn
Solicitor for Complainants.

STATE OF LOUISIANA)
 *
WASHINGTON PARISH)

Before me, the undersigned authority, within and for said Parish in said State, personally appeared Michael S. Baer, Jr., who after being by me first duly and legally sworn, deposes and says:

That he is one of the Complainants in the above styled cause; that he has read over the foregoing Bill of Complaint and that the facts stated therein are true.

x Michael S. Baer Jr.

Sworn to and subscribed before
me on this the 29th day of
February, 1960.

Henry N. Richardson
Notary Public, Washington Parish, Louisiana.

FILED
MAR 2 1960
ALICE J. DUCK, Register

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4864

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon Magnolia Land Company, Inc., Blanche V. Taylor,

Durwood Taylor, Frank M. Taylor, Vencil Taylor, Charles C. Taylor, & Louella

T. French

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

Certain Lands, et al-----, Defendant-----

by Richard P. Baer, et al-----

-----, Plaintiff-----

Witness my hand this 2nd day of March 19 60

Alice J. Duke, Clerk

RICHARD P. BAER, RICHARD P.
BAER, II., and MICHAEL S.
BAER, JR.,

Complainants,

vs.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

NOTICE OF PENDENCY OF BILL OF COMPLAINT:

Notice is hereby given to each and all of the Respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Richard P. Baer, Richard P. Baer, II., and Michael S. Baer, Jr., did, on the 2nd day of March, 1960, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

<u>IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:</u>	<u>SECTION:</u>
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	36
<u>IN TOWNSHIP 2 SOUTH, RANGE 1 EAST:</u>	
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North half;	10
Fractional North half; Fractional Southeast Quarter;	11
North half of South half;	22

and against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor and Vencil Taylor, and

against his heirs or devisees, if deceased, and against her heirs or devisees, if deceased, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

The addresses of the above named Respondents are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same, except Magnolia Land Company, Inc., a corporation, is a corporation organized and existing under the laws of the State of Alabama; Blanche V. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor are residents of Baldwin County, Alabama.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said Complainants to all of the said lands, for the purpose of quieting title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainants claim the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Margaret S. Wright, unmarried, to Richard P. Baer, Richard P. Baer, II., and Michael S. Baer, Jr., dated January 22, 1960, and recorded in Deed Book 289 at pages 227-32, Baldwin County, Alabama Records.

The Complainants in and by their said bill of complaint allege and aver that they own the said lands in their own right, absolutely and in fee simple; that they are in the actual peaceable possession of the said lands under claim of ownership; that the title to the said lands stands upon the records in the Office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated in the name of the complainants; that no suit is pending to test complainants' title to, interest in, or right to the possession of the said lands or any part thereof; that complainants and those through whom they claim title have held color of title to and have regularly assessed and paid taxes on these said lands and each and every part thereof for twenty or more consecutive years next prior to the filing of the said Bill of Complaint; that

no persons, firms or corporations, other than the complainants and those through whom they claim title to the said lands, have paid any taxes on the said lands, or any part thereof, or any interest therein, and no persons, firms or corporations, other than the complainants and those through whom they claim title, have had possession of the said lands, or any part thereof, within twenty years next prior to the filing of the said Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said Bill of Complaint before the 11th day of April, 1960, or at the expiration of thirty days from the said date decrees pro confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting complainants' title to the said lands

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 4 day of March, 1960.

Alice J. Duck
ALICE J. DUCK,
Register of the Circuit Court of
Baldwin County, Alabama, In Equity.

J. B. BLACKBURN,
Solicitor for Complainants.

STATE OF ALABAMA, BALDWIN COUNTY
3-4-60 11:30 A.M.
Lisa Pord Book 5 page 108-10
Mr. Stuart

RICHARD P. BAER, ET AL,
Complainants,
vs.
CERTAIN LANDS
Respondents.

|
|
|
|
|
|

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DISCLAIMER

Now comes the Respondent, Charles C. Taylor and disclaims any interest in the property described in the bill of complaint heretofore filed in this cause, waives service of the bill of complaint and consents and agrees that testimony be taken and a final decree rendered in this cause without further notice to him.

Charles C. Taylor

FILED
AUG 4 1960
ALICE J. DUCK, Registrar

RICHARD P. BAER, ET AL.,
Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

MOTION FOR DECREE PRO
CONFESSO

Now come the Complainants in the above styled cause and show unto the Register that a summons directed to the Respondent, Louella T. French, together with a copy of the Bill of Complaint in this cause, was issued and forwarded by registered mail on the 2nd day of August, 1960, directed to said Respondent at her place of residence as shown by the Bill of Complaint. The postage on said letter was prepaid and the same marked "deliver only to addressee", and return receipt demanded. Said demanded return receipt bearing the signature, Luella T. French, was duly received and filed for record in this cause on the 5th day of August, 1960, and the said Respondent has to the date hereof failed to plead, answer or demur to the Bill of Complaint, all of which appears of record in this cause.

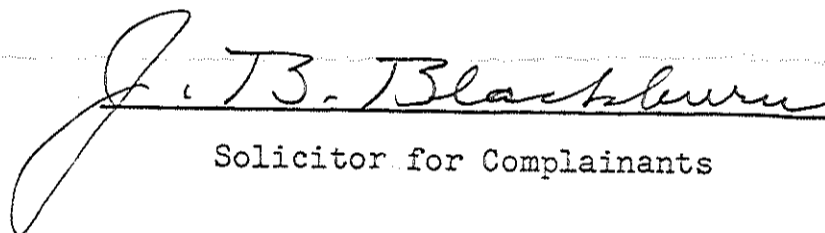
The Complainants further show unto the Register that a summons was issued out of this Court on the 2nd day of March, 1960, directed to Magnolia Land Company, Inc., a Corporation, Blanche V. Taylor, Durwood Taylor, Frank M. Taylor and Vencil Taylor, ordering them to appear and plead, answer or demur within thirty days from the service thereof to the Bill of Complaint in this cause; and that a copy of the said summons was duly served upon the said Magnolia Land Company, Inc., a Corporation, by the proper officer on the 3rd day of March, 1960, and that the said Respondents have to the date hereof failed to plead, answer or demur to the said Bill of Complaint.

The Complainants further show unto the Register that an order of publication was made on the 4th day of March, which was

duly published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks, commencing on the 10th day of March, 1960, and which was directed to Mary Baugle, Emile Bihler, George Brue, C. R. Chrisholm, Charles R. Chrisholm, Joseph Dassinger, Charles Kountz, Mary Kountz, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, and Charles C. Taylor, Respondents in said cause, which required the said Respondents to plead, answer or demur to the Bill of Complaint in this cause by the 11th day of April, 1960, which the said Respondents have to this date failed to do.

WHEREFORE, Complainants move for a decree pro confesso against the said Respondents.

Dated this 12th day of September, 1960.


Solicitor for Complainants

FILED

SEP 12 1960

ALICE J. DUCK, Register

FILED

SEP 12 1960

ALICE J. DUCK, CLERK
REGISTER

once a week for four consecutive weeks, commencing on the 10th day March, 1960, and which was directed to Mary Baugle, Emile Bihler, George Brue, C. R. Chrisholm, Charles R. Chrisholm, Joseph Dassinger, Charles Kountz, Mary Kountz, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Charles C. Taylor, Respondents in said cause, which required the said Respondents to plead, answer or demur to the Bill of Complaint in this cause by the 11th day of April, 1960, which the said Respondents have to this date failed to do; it is now, therefore, on motion of Complainants' Solicitor, ordered and decreed that the said Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said Respondents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 12 day of September, 1960.

Alice J. Duck
Register

FILED
SEP 12 1960
ALICE J. DUCK, CLERK
REGISTER

RICHARD P. BAER, ET AL.,
Complainants,
VS.
THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM AND
ATTORNEY TO REPRESENT PARTIES IN THE MILITARY
SERVICE.

TO: *Talbot M. Bantley*

You are hereby notified that (a decree of this court here-
tofore rendered in this cause) you have been appointed as guardian
ad litem to represent any unknown minors or insane persons in-
terested in this proceeding, and as attorney to represent any
unknown parties interested in this proceeding who may be in the
Military Service of the United States.

DATED this 20 day of September, 1960.

Alice J. Wessick

Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned, do hereby accept the appointment as
guardian ad litem and as attorney to represent any unknown parties
interested in this proceeding who may be in the Military Service
of the United States.

DATED this 20th day of September, 1960.

Talbot M. Bantley

As guardian ad litem and as attorney
representing parties in Military
Service of the United States.

RICHARD P. BAER, ET AL.,

Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

ANSWER OF GUARDIAN AD LITEM FOR UNKNOWN MINORS AND
INSANE PERSONS, AND AS ATTORNEY FOR ANY UNKNOWN
PERSON INTERESTED IN THIS PROCEEDING WHO MAY BE
IN THE MILITARY SERVICE OF THE UNITED STATES.

I, Robert M Brantley, having been heretofore appointed as guardian ad litem to represent any unknown minors or insane persons interested in this proceeding, and as attorney to represent any unknown parties interested in this proceeding who may be in the Military Service of the United States, for answer to the Bill of Complaint filed in this cause, hereby deny each and all of the allegations thereof and demand strict proof of the same.

DATED this 20th day of September, 1960.

Robert M Brantley

As Guardian ad Litem as aforesaid,
and as Attorney to represent persons
in Military Service, as aforesaid.

RICHARD P. BAER, RICHARD P.
BAER, II., AND MICHAEL S.
BAER, JR.,

Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4864

AMENDED BILL OF COMPLAINT

Now come the Complainants in the above styled cause and
strick Richard P. Baer as a party complainant and amend the original
Bill of Complaint so that as amended the said Bill of Complaint
will read as follows:

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

Your Orators, Richard P. Baer, II., and Michael S. Baer,
Jr., present this Bill of Complaint against the following described
lands situated in Baldwin County, Alabama, to-wit:

<u>IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:</u>	<u>SECTION:</u>
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	36
<u>IN TOWNSHIP 4 SOUTH, RANGE 1 EAST:</u>	
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North Half;	10
Fractional North Half; Fractional Southeast Quarter;	11
North half of South half;	22

and against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm,
Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles
Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation,
Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman,
Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder,
Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles
C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and

against his heirs or devisees, if deceased, and against her heirs or devisees, if deceased, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and thereupon, your Orator complains and shows unto the Court and unto your Honor as follows:

1. Richard P. Baer, II., is over the age of twenty-one years and a resident of Chowan County, North Carolina; and Michael S. Baer, Jr., is over the age of twenty-one years and is a resident of Washington Parish, Louisiana.

2. Magnolia Land Company, Inc., a corporation, is a corporation organized and existing under the laws of the State of Alabama.

Blanche V. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, are each over the age of twenty-one years and are residents of Baldwin County, Alabama.

Charles C. Taylor is a member of the Armed Forces of the United State, but his Post Office address is unknown at this time.

Louella T. French is over the age of twenty-one years, a non-resident of the State of Alabama, and her Post Office address is Quitman, Texas.

Each of the other individual respondents specifically named herein, are if living, over twenty-one years, but their respective places of residence and Post Office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

3. Your Orators are in the actual, peaceable possession of all of the above described lands situated in Baldwin County, Alabama, and claim to own the said lands in their own right, absolutely and in fee simple.

Your Orator, Richard P. Baer, II., claims to own an undivided three-fourths interest in the said lands in his own right, absolutely and in fee simple. Your Orator, Michael S. Baer, Jr.,

claims to own an undivided one-fourth interest in the said lands in his own right, absolutely and in fee simple.

4. Your Orators have paid taxes on the said lands for a period of twenty or more consecutive years next preceding the filing of this Bill of Complaint, and no other person, firms or corporations, other than your Orators and those through whom they claim title, have paid taxes on, or have been in possession of the above described lands, or any part thereof, for a period of twenty or more consecutive years next prior to the filing of this Bill of Complaint.

5. No suit is pending to test your Orators' title to, right to possession of the said lands, or any part thereof.

6. Your Orators have made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporations who might make, or who are making any claim to the said lands, or any part thereof, or any interest therein, or any encumbrance thereon. Your Orators further aver that these inquiries have continued faithfully and diligently for the past three years; that within the past three years they have employed an Abstract Company to make an examination of the records of Baldwin County, Alabama, and prepare an Abstract of Title to all of the above described property; that they have employed an Attorney to examine the said Abstract, the records in the Courthouse in Bay Minette, Baldwin County, Alabama, and have made and caused their said Attorney to make inquiry about the ages, addresses and heirs of any persons interested or who may be interested in the said property; that your Orators have made and caused a thorough inquiry to be made in the vicinity where the said property is situated for the purpose of ascertaining any claimants to it and for any other information having any bearing on the title to the said property; that your Orators have caused the records in the Probate Office of Baldwin County, Alabama, to be examined to determine if there are any other claimants to the said property and to search for any other information having any bearing

on the title to the said property. These efforts by your Orators, their agents, servants and employees have continued faithfully and diligently for a long period of time and that all of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein, and the status of the said firms or companies is as hereinabove set out.

7. The Respondents claim, or are reputed to claim, some right, title, interest in, or encumbrance on the above described lands.

8. Your Orators claim the absolute fee simple title to all of the said lands under, from, by and through the following conveyances:

Deed from Margaret S. Wright, unmarried to Richard P. Baer, II., dated March 21, 1960, and recorded in Deed Book 289 N. S., pages 227-8, Baldwin County, Alabama Records.

Deed from Margaret S. Wright, unmarried to Richard P. Baer, Richard P. Baer, II., and Michael S. Baer, Jr., dated January 22, 1960, and recorded in Deed Book 290, pages 490-5, Baldwin County, Alabama Records.

PRAYER FOR PROCESS:

Your Orators pray that the said lands hereinabove described, the respondents named herein and their heirs and devisees, if deceased, and the unknown heirs, devisees and personal representatives of the next of kin of the respondents named above who are dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the said lands, or any part thereof, be made parties to this Bill of Complaint and be brought into court by the usual and proper process.

PRAYER FOR RELIEF:

Your Orators pray that each and all of the respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein who are dead, and any and all persons, firms and

corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance, and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an Attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the Military Service of the United States; that upon a final hearing of this cause, it be ordered, adjudged and decreed that your Orators, at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described lands in the following proportions: Richard P. Baer, II., an undivided three-fourths interest, Michael S. Baer, Jr., an undivided one-fourth interest; and that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation, has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up and that your Orators' title to said lands be fully and completely quieted. Your Orators pray for such other, further and general relief as they may be equitably entitled to, the premises considered.


Solicitor for Complainants

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said State in said County, personally appeared J. B. Blackburn, who after being by me first duly and legally sworn, deposes and says:

That he is the solicitor for the complainants in the above styled cause; that he has read over the foregoing Bill of Complaint

and that the facts stated therein are true.

J. T. Blackburn

Sworn to and subscribed before
me on this the 11th day of October, 1960.

[Signature]

Notary Public, Baldwin County, Alabama

FILED

OCT 12, 1960

ALICE J. DUCK, Register

RICHARD P. BAER, II., and
MICHAEL S. BAER, JR.,

BOOK 005 PAGE 415

Complainants,

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA

THE LANDS AND PARTIES HEREBIN-
AFTER DESCRIBED,

IN EQUITY

Respondents.

AMENDED NOTICE OF PENDENCY OF BILL OF COMPLAINT:

Notice is hereby given to each and all of the Respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Richard P. Baer, II., and Michael S. Baer, Jr., did, on the 11th day of October, 1960, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified amended Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:

SECTION:

Southwest Quarter; 35

All of Fractional Section lying East
of Apalachee River; 36

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST:

Fractional Southwest Quarter; 2

Fractional Southeast Quarter; 4

Fractional North half; 10

Fractional North half;
Fractional Southeast Quarter; 11

North half of South half; 22

and against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor and Vencil Taylor, and

against his heirs or devisees, if deceased, and against her heirs, or devisees, if deceased, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrances on the said lands, or any part thereof.

The addresses of the above named Respondents are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same, except Magnolia Land Company, Inc., a corporation, is a corporation organized and existing under the laws of the State of Alabama; Blanche V. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor are residents of Baldwin County, Alabama; Louella T. French is a resident of the State of Texas.

The said amended Bill of Complaint has been filed for the purpose of establishing the title of the said Complainants to all of the said lands, for the purpose of quieting title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainants claim the absolute fee simple title to all of the said lands under, from, by and through the following conveyances:

Deed from Margaret S. Wright, unmarried, to Richard P. Baer, Richard P. Baer, II., and Michael S. Baer, Jr., dated January 22, 1960, and recorded in Deed Book 290 N. S., pages 490-5, Baldwin County, Alabama Records.

Deed from Margaret S. Wright, unmarried, to Richard P. Baer, II., dated March 21, 1960, and recorded in Deed Book 289 N. S., pages 227-8, Baldwin County, Alabama Records.

The Complainants in and by their said amended Bill of Complaint allege and aver that they own the said lands in their own right, absolutely and in fee simple; that they are in the actual peaceable possession of the said lands under claim of ownership; that the title to the said lands stands upon the records in the Office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated in the name of the complainants; that no suit is pending to test complainants' title to,

BOOK 005 PAGE 417

interest in, or right to the possession of the said lands or any part thereof; that complainants and those through whom they claim title have held color of title to and have regularly assessed and paid taxes on these said lands and each and every part thereof for twenty or more consecutive years next prior to the filing of the said amended Bill of Complaint; that no persons, firms or corporations, other than the complainants and those through whom they claim title to the said lands, have paid any taxes on the said lands, or any part thereof, or any interest therein, and no persons, firms or corporations, other than the complainants and those through whom they claim title, have had possession of the said lands, or any part thereof, within twenty years next prior to the filing of the amended Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this court and plead, answer or demur to the said amended Bill of Complaint before the 14th day of December, 1960, or on the said date or any date thereafter a decree pro confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting complainants' title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 11th day of October, 1960.

Alice J. Duck
ALICE J. DUCK,
Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

J. B. BLACKBURN
Solicitor for Complainants.

FILED

OCT 17 1960

ALICE J. DUCK, Register

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

OCT 11 1960 *CEAM*

and that no tax was collected. Recorded in *Exp. time*

Book 5
Page 415 *W.B.K.* Judge of Probate

By *m*

RICHARD P. BAER, ET AL.,

Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4864

CERTIFICATE

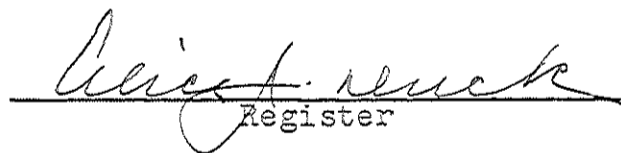
I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify as follows:

1. That the amended notice of pendency of bill of complaint in this cause was filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, on October 11, 1960.

2. The amended notice of pendency of bill of complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on October 13, 1960, October 20, 1960, October 27, 1960, and November 3, 1960.

3. A copy of the amended notice of pendency of bill of complaint in this cause was posted at the front door of the Court-house of Baldwin County, Alabama, on October 11, 1960.

DATED this 14th day of December, 1960.


Register

RICHARD P. BAER, ET AL.,

Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4864

MOTION FOR DECREE PRO CONFESSO

Now come the Complainants in the above styled cause and show unto the Register that an order of publication was made on the 11th day of October, 1960, which order ordered the amended notice of pendency of bill of complaint to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and having general circulation in the county where the lands lie which are involved in this suit, which notice was published in said newspaper once a week for four consecutive weeks commencing on the 13th day of October, 1960, and which was directed to Mary Baugler, Emile Bihler, George Brue, C. R. Chrisholm, Charles R. Chrisholm, Joseph Dassinger, Charles Kountz, Mary Kountz, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson and Lucinda Thompson, Respondents in said cause, which required the said Respondents to plead, answer or demur to the bill of complaint in this cause by the 14th day of December, 1960, which the said Respondents have to this date failed to do.

WHEREFORE, Complainants move for a decree pro confesso against the said Respondents.

DATED this 14th day of December, 1960.

FILED

DEC 14 1960

ALICE J. DUCK, CLERK
REGISTER

J. B. Blalock
Solicitor for Complainants

RICHARD P. BAER, ET AL,
Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

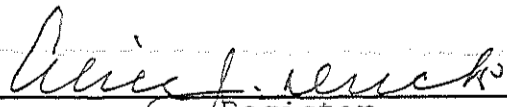
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4864

DECREE PRO CONFESSO

In this cause, it being made to appear to the Court, that an order of publication was made on the 11th day of October, 1960, ordering the amended notice of pendency of bill of complaint to be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, which notice was duly published in said newspaper once a week for four consecutive weeks commencing on the 13th day of October, 1960, which was directed to Mary Baugler, Emile Bihler, George Brue, C. R. Chrisholm, Charles R. Chrisholm, Joseph Dassinger, Charles Kountz, Mary Kountz, Earnest Miller, Mary E. Müller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson and Lucinda Thompson, Respondents in said cause, which required the said Respondents to plead, answer or demur to the bill of complaint in this cause by the 14th day of December, 1960, which the said Respondents have to this date failed to do; it is now, therefore, on motion of Complainants' Solicitor ordered and decreed that the said bill of complaint in this cause be and it hereby is, in all things taken as confessed against the said Respondents.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 14th day of December, 1960.


Register

RICHARD P. BAER, ET AL.,

Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4861

MOTION

Now come the Complainants by their Solicitor, and show unto the Court that all of the Respondents named in the bill of complaint filed in this cause have suffered a decree pro confesso to be taken against them.

WHEREFORE, Complainants pray that the Court will make and enter a proper order or decree setting this cause for hearing, appointing a guardian ad litem to represent any unknown minors, or persons of unsound mind interested in this proceeding and an attorney to represent any party interested in this proceeding who may be in the military service, and prescribing the method of taking the testimony in this cause.

R. B. Blackburn
Solicitor for Complainants

DEC 14 1937
AUG 1 1938

RICHARD P. BAER, ET AL.,	)	IN THE CIRCUIT COURT OF
Complainants,	)	BALDWIN COUNTY, ALABAMA
vs.)	
THE LANDS AND PARTIES HEREIN-	)	IN EQUITY.
AFTER DESCRIBED,)	
Respondents.)	

ORDER:

It is hereby ordered by the Court that the notice provided for by Title 7, Section 1117 of the 1940 Code of Alabama, as amended, by published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and having general circulation in the County where the lands lie which are involved in this suit.

ORDERED this 4 day of March, 1960.

Robert M. Steele

Judge.

FILED
MAR 4 1960
ALICE J. DUCK, Register

RICHARD P. BAER, ET AL.,
Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

DECREE:

This cause coming on to be heard on this date is submitted on the written motion of the Complainants praying that a proper order be made or decree rendered setting this cause for hearing, that a guardian ad litem be appointed to represent any minor or person of unsound mind interested in this proceeding and that an attorney be appointed to represent any person interested in this proceeding who may be in the Military Service, and prescribing the method of taking the testimony in this cause; upon consideration of all of which, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. This cause shall be and it is hereby set for hearing at ten o'clock A. M. on the 11 day of October, 1960.

2. Julius Brantley, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, who is in all respects a fit and proper person to be appointed as guardian ad litem, shall be and he is hereby appointed as guardian ad litem to represent any minor or person of unsound mind interested in this proceeding.

3. Julius Brantley, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, shall be, and he is hereby appointed as attorney to represent any person interested in this proceeding who may be in the Military Service of the United States.

4. Testimony of the witnesses for Complainants shall be taken orally in open court and transcribed in the manner provided by Equity Rule # 56, as amended.

ORDERED, ADJUDGED AND DECREED on this the 20 day
of September, 1960.

Hubert M. Stone

Judge

FILED

9-20-60

ALICE J. DUCK, CLERK
REGISTER

RICHARD P. BAER, II., and
MICHAEL S. BAER, JR.,

Complainants,

VS.

THE LANDS AND THE PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4864

ORDER

It is hereby ordered by the Court that the amended Notice of Pendency of Bill of Complaint in this cause be published in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and having general circulation in the County where the lands lie, which are involved in this suit.

ORDERED this 11th day of October, 1960.

Hubert W. Stace
Judge

FILED

OCT 11, 1960

ALICE J. DUCK, Register

RICHARD P. BAER, ET AL,
Complainants,

VS.

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 4864

DECREE

This cause coming on to be heard on this date is submitted on the written motion of the Complainants praying that a proper order be made or decree rendered setting this cause for hearing, that a guardian ad litem be appointed to represent any persons interested in this proceeding who may be in the military service, and prescribing the method of taking the testimony in this cause; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. This cause shall be and it is hereby set for hearing at 10:00 o'clock A. M. on the 15th day of December, 1960.

2. Tolbert Brantley, an Attorney at Law, and Solicitor in Chancery, practicing in Baldwin County, Alabama, who is in all respects a fit and proper person to be appointed as guardian ad litem, shall be and he is hereby appointed as guardian ad litem to represent any minor or person of unsound mind interested in this proceeding.

3. Tolbert Brantley, an Attorney at Law and Solicitor in Chancery, practicing in Baldwin County, Alabama, shall be, and he is hereby appointed as attorney to represent any person interested in this proceeding who may be in the military service of the United States.

4. Testimony of the witnesses for Complainants shall be taken orally in open court and transcribed in the manner provided by Equity Rule No. 56, as amended.

ORDERED, ADJUDGED AND DECREED on this 14th day of December, 1960.


Judge

RICHARD P. BAER, ET AL,)	
Complainants,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
THE LANDS AND PARTIES HEREIN-	)	IN EQUITY
AFTER DESCRIBED,	)	NO. 4864
Respondents.)	

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of the Complainants upon the following:

1. Original Bill of Complaint.
2. Amended Bill of Complaint.
3. Notice of Pendency of Bill of Complaint.
4. Notice of Pendency of Amended Bill of Complaint.
5. Proof of publication of Notice of Pendency of Bill of Complaint.
6. Proof of publication of Notice of Pendency of Amended Bill of Complaint.
7. Disclaimer of Charles C. Taylor.
8. Order of publication dated March 4, 1960.
9. Certificate of Alice J. Duck, Register, dated September 20, 1960.
10. Order of publication dated October 11, 1960.
11. Motion for Decree Pro Confesso dated September 12, 1960.
12. Motion of Complainant for an order or decree setting this cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the Military Service of the United States.
13. Decree Pro Confesso dated February 12, 1960.
14. Decree dated September 20, 1960.
15. Notice of appointment of guardian ad litem and attorney to represent parties in the Military Service.
16. Answer of guardian ad litem for unknown minors and insane persons and as attorney for any unknown person interested

in this proceeding who may be in the Military Service of the United States.

17. Motion for Decree Pro Confesso dated December 14, 1960.

18. Decree Pro Confesso dated December 14, 1960.

19. Certificate of Alice J. Duck, Register, dated December 14, 1960.

20. Motion filed December 14, 1960.

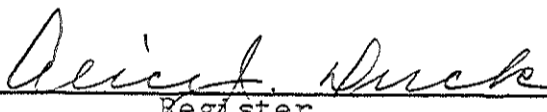
21. Decree dated December 14, 1960.

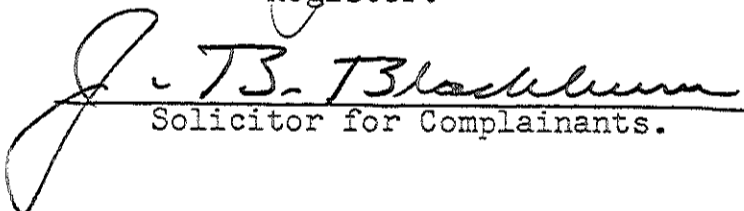
22. Order dated December 15, 1960, continuing cause to February 13, 1961.

23. Testimony of Michael S. Baer, Jr., and W. F. Meaher witnesses for the Complainants taken in open court in the manner provided by Equity Rule No. 56, as amended.

24. Exhibits numbered 1 and 2 to testimony of Complainants' witnesses.

DATED this 13th day of February, 1961.


Register.


Solicitor for Complainants.

SUMMONS AND COMPLAINT

4864

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4864

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Magnolia Land Company, Inc., Blanche V. Taylor,
Burwood Taylor, Frank M. Taylor, Vencil Taylor, Charles C. Taylor, & Louella
T. French

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Certain Lands, et al

-----, Defendant

by Richard P. Gray, et al

-----, Plaintiff

Witness my hand this 2nd day of March 19 60

Alice J. Luck, Clerk

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

Your Orators, Richard P. Baer, Richard P. Baer, II., and
Michael S. Baer, Jr., present this Bill of Complaint against the
following described lands situated in Baldwin County, Alabama,
to-wit:

<u>IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:</u>	<u>SECTION:</u>
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	36
<u>IN TOWNSHIP 2 SOUTH, RANGE 1 EAST:</u>	
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North half;	10
Fractional North half;	
Fractional Southeast quarter;	11
North half of South half;	22

and against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm,
Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles
Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation,
Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman,
Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder,
Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles
C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and
against his heirs or devisees, if deceased, and against her heirs
or devisees, if deceased, and against the heirs and devisees of
such of the said parties as may be dead, and against any and all
persons, firms or corporations claiming any title to, interest in,
lien or encumbrance on the said lands, or any part thereof, and
thereupon, your Orators complain and show unto the Court and unto
your Honor as follows:

1. Richard P. Baer is over the age of twenty-one years
and is a resident of Baltimore City County, Maryland; Richard P.
Baer, II, is over the age of twenty-one years and is a resident of
Chowan County, North Carolina; and Michael S. Baer, Jr., is over
the age of twenty-one years and is a resident of Washington Parish,
Louisiana.

2. Magnolia Land Company, Inc., a corporation, is a corporation organized and existing under the laws of the State of Alabama.

Blanche V. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, are each over the age of twenty-one years and are residents of Baldwin County, Alabama.

Charles C. Taylor is a member of the Armed Forces of the United States, but his Post Office address is unknown at this time.

Louella T. French is over the age of twenty-one years, a non-resident of the State of Alabama, and presently resides in the State of Texas, but her Post Office address is unknown at this time.

Each of the other individual respondents specifically named herein are, if living, over twenty-one years of age, but their respective places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.

3. Your Orators are in the actual, peaceable possession of all of the above described lands situated in Baldwin County, Alabama, and claim to own the said lands in their own right, absolutely and in fee simple. Your Orators, Richard P. Baer and Richard P. Baer, II, claim to own an undivided three-fourths interest in the said lands in their own right, absolutely and in fee simple. Your Orator, Michael S. Baer, Jr., claims to own an undivided one-fourth interest in the said lands in his own right, absolutely and in fee simple.

4. Your Orators, and those through whom they claim title, have paid taxes on the said lands for a period of twenty or more consecutive years next preceding the filing of this Bill of Complaint and no other person, firm, or corporation, other than your Orators, and those through whom they claim title, have paid taxes on, or have been in possession of the above described lands, or any part thereof, for a period of twenty or more consecutive years next prior to the filing of this Bill of Complaint.

5. No suit is pending to test your Orators' title to, right to possession of the said lands, or any part thereof.

6. Your Orators have made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of all persons, firms or corporation who might make, or who are making any claim to the said lands, or any part thereof, or any interest therein, or any encumbrances thereon. Your Orators further aver that these inquiries have continued faithfully and diligently for the past three years; that within the past three years they have employed an Abstract Company to make an examination of the records of Baldwin County, Alabama, and prepare an Abstract of Title to all of the above described property; that they have employed an Attorney to examine the said Abstract, the records in the Courthouse in Bay Minette, Baldwin County, Alabama, and have made and caused their said Attorney to make inquiry about the ages, addresses and heirs of any persons interested or who may be interested in the said property; that your Orators have made and caused a thorough inquiry to be made in the vicinity where the said property is situated for the purpose of ascertaining any claimants to it and for the the purpose of obtaining any other information having any bearing on the title to the said property; that your Orators have caused the records in the Probate Office of Baldwin County, Alabama, to be examined to determine if there are any other claimants to the said property and to search for any other information having any bearing on the title to the said property. These efforts by your Orators, their agent, servants and employees have continued faithfully and diligently for a long period of time and that all of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the individual respondents named herein, and the status of the said firms or companies is as hereinabove set out.

7. The Respondents claim, or are reputed to claim, some right, title, interest in, or encumbrance on the above described lands.

PRAYER FOR PROCESS:

Your Orators pray that the said lands hereinabove described, the Respondents named herein and their heirs and devisees, if deceased, and the unknown heirs, devisees and personal representatives of the next of kin of the respondents named above who are dead, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the said lands, or any part thereof, be made parties to this Bill of Complaint and be brought into court by the usual and proper process.

PRAYER FOR RELIEF:

Your Orators pray that each and all of the respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of such of the respondents named herein who are dead, and any and all persons, firms and corporations who claim to own the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, right, title, interest, lien or encumbrance, and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the Military Service of the United States; that upon a final hearing of this cause, it be ordered, adjudged and decreed that your Orators, at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described lands in the following proportions, Richard P. Baer and Richard P. Baer, II., an undivided three-fourths interest, and Michael S. Baer, Jr., an undivided one-fourth interest; and that none of the respondents herein specifically named, their heirs or devisees, or any other person, firm or corporation, has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up and that your Orators' title to said lands be fully and

completely quieted. Your Orators pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

J. B. Blackburn
Solicitor for Complainants.

STATE OF LOUISIANA)
WASHINGTON PARISH)

Before me, the undersigned authority, within and for said Parish in said State, personally appeared Michael S. Baer, Jr., who after being by me first duly and legally sworn, deposes and says:

That he is one of the Complainants in the above styled cause; that he has read over the foregoing Bill of Complaint and that the facts stated therein are true.

Michael S. Baer, Jr.

Sworn to and subscribed before me on this the 29th day of

February, 1960.

Henry R. Richardson

Notary Public, Washington Parish, Louisiana.



NOTARY PUBLIC
MICHAEL S. BAER, JR.
WASHINGTON PARISH, LOUISIANA

I certify that this instrument was filed on

FEB 16 1961 10:00 AM

and that no tax was collected. Recorded in Deed

RICHARD P. BAER, ET

Book 301
Page 400-02
W. F. Meaher
Judge of Probate

Complainants,

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA

THE LANDS AND PARTIES HEREIN-
AFTER DESCRIBED,

IN EQUITY NO. 4864

Respondents.

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the Complainants upon original Bill of Complaint; amended Bill of Complaint; Notice of Pendency of Bill of Complaint; Notice of Pendency of Amended Bill of Complaint; proof of publication of Notice of Pendency of Amended Bill of Complaint; Disclaimer of Charles C. Taylor; Order of publication dated March 4, 1960; Certificate of Alice J. Duck, Register, dated September 20, 1960; Order of publication dated October 11, 1960; Motion for Decree Pro Confesso dated September 12, 1960; Decree Pro Confesso dated February 12, 1960; Motion of Complainants for an order or decree setting this cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the Military Service of the United States; Decree dated September 20, 1960; Notice of appointment of guardian ad litem and attorney to represent parties in the Military Service; Answer of guardian ad litem for unknown minors and insane persons and as attorney for any unknown person interested in this proceeding who may be in the Military Service of the United States; Motion for Decree Pro Confesso dated December 14, 1960; Decree Pro Confesso dated December 14, 1960; Certificate of Alice J. Duck, Register, dated December 14, 1960; Motion filed December 14, 1960; Decree dated December 14, 1960; Order dated December 15, 1960, continuing cause to February 13, 1961; Testimony of Michael S. Baer, Jr., and W. F. Meaher, witnesses for the Complainants taken in open court in the manner provided by Equity Rule No. 56, as amended, and Exhibits numbered 1 and 2 to the testimony of the Complainants' witnesses, all of which has been noted by the Register; upon con-

301-400

sideration of all of which it appears to the Court that all persons, firms or corporations named in the Bill of Complaint filed in this cause have permitted a decree pro confesso to be taken against them; that all the unknown parties and insane persons interested in this proceeding and unknown parties interested in this proceeding who may be in the Military Service were represented by Tolbert M. Brantley, as their guardian ad litem; that the allegations of the said Bill of Complaint are true, and that the Complainants are entitled to a decree quieting title to the lands described in the said Bill of Complaint, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Complainants, Richard P. Baer, II., and Michael S. Baer, Jr., are the lawful owners in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

<u>IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:</u>	<u>SECTION:</u>
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	36
 <u>IN TOWNSHIP 4 SOUTH, RANGE 1 EAST:</u>	
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North Half;	10
Fractional North Half; Fractional Southeast Quarter;	11
North Half of South Half;	22

that the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the Complainants, Richard P. Baer, II., and Michael S. Baer, Jr., free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainants have and are hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The Complainants' title to the said lands is hereby quieted against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the Office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the Direct Indexes in the name of Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and shall index the same in the Indirect or Reverse Indexes of said records in the names of Richard P. Baer, II., and Michael S. Baer, Jr.

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.

Jimmy Faulkner, 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

Baer vs. Lands

COST STATEMENT

898 WORDS @ 6 1/2 cents — — — \$ 58³⁷

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner, Jr.
Editor.

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

Date of 1st publication 10-13, 1960 Vol. 72 No. 40

Date of 2nd publication 10-20, 1960 Vol. 72 No. 41

Date of 3rd publication 10-27, 1960 Vol. 72 No. 42

Date of 4th publication 11-3, 1960 Vol. 72 No. 43

Subscribed and sworn before the undersigned this 3 day of Nov, 1960

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner, Jr.
Editor.

LEGAL NOTICE

RICHARD P. BAER, II, and
MICHAEL S. BAER, JR., Complainants

vs.

Respondents

AFTER DESCRIBED
THE LANDS AND PARTIES HEREIN
In the Circuit Court of Baldwin
County, Alabama, in Equity.

as joined the staff of the Bay
Minette Clinic and hospital as
Jules F. Palmer of Pensacola
Fla.,
Gowan,
agens, Mr. and Mrs. Randolph
a few days visit with her
arrived Sunday night
Mrs. C. C. Gray of Fresco,
nd son of Baytown, Texas
r. and Mrs. Louis Billington
ave as their guests this week,
Mr. and Mrs. M. J. Reedy
ome with her family.
nd Mrs. P. S. Roberts, returned
ctober with her parents, Mr.
n, who spent the month of
e first of the week, Mrs. Bill-
ong visitors in Bay Minette
an of Uland, Ind., were a-
Harold Ehlson and two child-
myth.
on-in-law, Mr. and Mrs. Frank
oley with her daughter and
he greater part of the week in
Mrs. C. S. Woodson spent
urn University.
nd visit was Tonya Vines from
Mrs. Mack Vines, for a week-
Joining her parents, Mr. and
ebb in Montgomery.
uest of Mr. and Mrs. Horace
Miss West was the overnight
irmingham. Enroute home,
achers of French held in
ill attended a meeting of M.
y Miss Ann White of Spring Ar
Miss Ruth West, accompanied
Mr. and Mrs. Carnice F. Boy-
ation, nee Ludeen McConnell.
Bay Minette announce the
Mr. and Mrs. W. G. Hall and
ughter, Julia Carnassa, re-
med to their home in Pen-
cola Saturday following a
ort stay in the home of Mrs.
G. Hall and Miss Mary

L. Hogan

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

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

LEGAL NOTICE

RICHARD P. BAER, RICHARD P. BAER, II, and MICHAEL S. BAER, JR.

Complainants,

vs.

THE LANDS AND PARTIES HEREIN-AFTER DESCRIBED.

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

Notice is hereby given to each and all of the Responder's named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described or any part thereof, that Richard P. Baer, Richard P. Baer, II, and Michael S. Baer, Jr., did, on the 2nd day of March, 1960, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Ala.

HOLIDAY!
BRING THE FAMILY

Word was received from...
green, very picturesque...
trees in a glow of red and...
a background of wild maple...
to Jim Swoboda's lake against...
George Lyrene's hillside gar...
among the pines, as well as th...
campus, the Gilbert Garden...
Woodhaven Farm, the schoo...
lovely Clattfelder Gardens a...
dens, the Dvorak Garden, th...
orial Park, the Armstrong Gar...
Silverhill Oscar Johnson Mem...
ing along the street, then th...
colors, also the azaleas bloom...
is gorgeous in its array o...
foremost the town square, i...
spots in Silverhill are first an...
and out-of-town, the beaut...
home flower gardens in tow...
so many more. Besides all th...
Narcissus, and ever and eve...
Violets, Snap Dragon, Pansy...
Wreath, Thrift, Dogwood, Tit...
where, as well as do the Brides

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

Baer vs Lands and Parties

COST STATEMENT

860 WORDS @ 6 1/2 cents = \$ 55.90

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

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

Date of 1st publication March 10, 1960 Vol 72 No 9

Date of 2nd publication March 17, 1960 Vol 72 No 10

Date of 3rd publication March 24, 1960 Vol 72 No 11

Date of 4th publication March 31, 1960 Vol 72 No 12

Subscribed and sworn before the undersigned this 11 day of Apr, 1960

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.

RICHARD P. BAER, ET AL,)	
Complainants,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
THE LANDS AND PARTIES HEREIN-	)	IN EQUITY
AFTER DESCRIBED,	)	NO. 4864
Respondents.)	

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the Complainants upon original Bill of Complaint; amended Bill of Complaint; Notice of Pendency of Bill of Complaint; Notice of Pendency of Amended Bill of Complaint; proof of publication of Notice of Pendency of Amended Bill of Complaint; Disclaimer of Charles C. Taylor; Order of publication dated March 4, 1960; Certificate of Alice J. Duck, Register, dated September 20, 1960; Order of publication dated October 11, 1960; Motion for Decree Pro Confesso dated September 12, 1960; Decree Pro Confesso dated February 12, 1960; Motion of Complainants for an order or decree setting this cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the Military Service of the United States; Decree dated September 20, 1960; Notice of appointment of guardian ad litem and attorney to represent parties in the Military Service; Answer of guardian ad litem for unknown minors and insane persons and as attorney for any unknown person interested in this proceeding who may be in the Military Service of the United States; Motion for Decree Pro Confesso dated December 14, 1960; Decree Pro Confesso dated December 14, 1960; Certificate of Alice J. Duck, Register, dated December 14, 1960; Motion filed December 14, 1960; Decree dated December 14, 1960; Order dated December 15, 1960, continuing cause to February 13, 1961; Testimony of Michael S. Baer, Jr., and W. F. Meaher, witnesses for the Complainants taken in open court in the manner provided by Equity Rule No. 56, as amended, and Exhibits numbered 1 and 2 to the testimony of the Complainants witnesses, all of which has been noted by the Register; upon con-

sideration of all of which it appears to the Court that all persons, firms or corporations named in the Bill of Complaint filed in this cause have permitted a decree pro confesso to be taken against them; that all the unknown parties and insane persons interested in this proceeding and unknown parties interested in this proceeding who may be in the Military Service were represented by Tolbert M. Brantley, as their guardian ad litem; that the allegations of the said Bill of Complaint are true, and that the Complainants are entitled to a decree quieting title to the lands described in the said Bill of Complaint, upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Complainants, Richard P. Baer, II., and Michael S. Baer, Jr., are the lawful owners in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

<u>IN TOWNSHIP 3 SOUTH, RANGE 1 EAST:</u>	<u>SECTION:</u>
Southwest Quarter;	35
All of Fractional Section lying East of Apalachee River;	36
 <u>IN TOWNSHIP 4 SOUTH, RANGE 1 EAST:</u>	
Fractional Southwest Quarter;	2
Fractional Southeast Quarter;	4
Fractional North Half;	10
Fractional North Half; Fractional Southeast Quarter;	11
North Half of South Half;	22

that the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the Complainants, Richard P. Baer, II., and Michael S. Baer, Jr., free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainants have and are hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The Complainants' title to the said lands is hereby quieted against Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and against the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the Office of the Judge of Probate of Baldwin County, Alabama, for record therein and tax the cost of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded, and shall index the same in the Direct Indexes in the name of Mary Baugle, Emile Bihler, George Brue, C. R. Chisholm, Charles R. Chisholm, Joseph Dassinger, Louella T. French, Charles Kountz, Mary Kountz, Magnolia Land Company, Inc., a corporation, Earnest Miller, Mary E. Muller, J. W. Newman, J. Willard Newman, Audley H. Pazzam, Elijah Read, Nicholas Smith, Frank Stouder, Lucenda T. Thompson, Lucinda Thompson, Blanche V. Taylor, Charles C. Taylor, Durwood Taylor, Frank M. Taylor, and Vencil Taylor, and shall index the same in the Indirect or Reverse Indexes of said records in the names of Richard P. Baer, II., and Michael S. Baer, Jr.

5. The title hereby adjudged and decreed to be in the said Complainants, Richard P. Baer, II., and Michael S. Baer, Jr., shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainants, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainants.

6. The costs of this proceeding are hereby taxed against the Complainants for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 15 day of February, 1961.

Hubert M. Hall

Judge

FILED
FEB 15 1961
ALICE I. DUCK, CLERK
REGISTER