LAW OFFICES OF
CHRIS C. DE LANEY
302-6 FIRST FEDERAL SAVINGS BUILDING
106 ST. JOSEPH STREET
MOBILE 12, ALABAMA

2918

October 31, 1952

Mrs. Alice J. Duck
Clerk of the Circuit Court
Court House
Bay Minette, Alabama

Re: Garet Van Antwerp, III, et al
Vs: Land Described, et al

Dear Mrs. Duck:

I hand you herewith original bill, lis pendens notice and motion to appoint guardian ad litem in the above entitled cause. It will be more than appreciated if you will file the bill, cause the lis pendens to be recorded and published in a paper of general circulation there in Baldwin County and file the motion.

I do not know exactly how you handle publication costs, etc. over there and if you will send me a bill for whatever is necessary, I will be glad to remit.

Thanking you in advance for your courtesy,

I am

Very truly yours,

Chris C. De Laney

Chris C. De Laney

CD/ft
Enc.

LAW OFFICES OF
CHRIS C. DE LANEY
302-6 FIRST FEDERAL SAVINGS BUILDING
106 ST. JOSEPH STREET
MOBILE 12, ALABAMA

January 15, 1953

Mrs. Alice J. Duck
Register in Chancery
Court House
Bay Minette, Alabama

Re: Garet Van Antwerp, III, et al
Vs: Land Described, et al

Dear Mrs. Duck:

The time for filing an answer in the above entitled cause appears to have passed and no answer having been filed, I have prepared a non-military affidavit and motion for a decree pro confesso. It will be appreciated if you will file these and see that the decree pro confesso has been taken. It will also be appreciated if you will advise me of the name of the attorney who has been appointed by the Court to represent the unknown parties in order that I may communicate with him relative the taking of the testimony.

Very truly yours,

Chris C. De Laney

CD/ft
Enc.

GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS,	*	IN THE CIRCUIT COURT OF
	*	BALDWIN COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
	*	NO.
vs	*	
LAND DESCRIBED and PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN BRAVEL and JOHN B. FOLEY,	*	
Respondents.	*	

Now Come GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS, and bring this their bill of complaint against the land hereinafter described and against PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN BRAVEL and JOHN B. FOLEY, if they be living, and against their heirs and devisees, if deceased, and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said property or any part thereof, respectfully show unto the Court as follows:

FIRST: That they are in the actual, peaceable, undisturbed, notorious, adverse possession of that certain parcel of land in Baldwin County, Alabama, more particularly described as follows, to-wit:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama,

and that they own the same absolutely and in fee.

SECOND: Complainants further show that complainants own the following respective interests in said property of complainants:

> Garet Van Antwerp, III - an undivided one-fourth interest in and to the land and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Chris C. De Laney - an undivided one-fourth interest in and to the land, and an undivided one-eighth interest in and to the oil, gas and minerals.

Joseph K. Roe - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Gilette Burton - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Tunstall Bryars - only an undivided one-eighth interest in and to the oil, gas and minerals.

THIRD: Complainants further show that complainant Garet Van Antwerp, III, acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated October 4, 1949, and recorded in Deed Book 145 at page 279 executed by Tunstall Bryars and Mary Bryars, his wife, in favor of the said Garet Van Antwerp, III. Complainant Chris C. De Laney acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated December 6, 1949, recorded in Deed Book 150 at page 127 of the records in the office of the Judge of Probate of Baldwin County, Alabama. Complainant Joseph K. Roe acquired title to the interest hereinabove set out by virtue of that certain deed dated January 28, 1950, recorded in Deed Book 149 at page 28 executed by Gilette Burton and Jane R. Burton in favor of the said Joseph K. Roe. Complainant Gilette Burton acquired title to the property by virtue of that certain deed dated December 23, 1950, recorded in Deed Book 165 at page 113 executed by Mary Bryars and Tunstall Bryars to Gilette Burton, and that certain deed dated January 23, 1950, executed by Mary Bryars and Tunstall Bryars and Garet Van Antwerp, III, and Mary P. Van Antwerp in favor of Gilette Burton. Complainant Tunstall Bryars acquired the interest hereinabove set out by virtue of that certain deed executed by Chris C. De Laney and Cleo J. De Laney in favor of the said Tunstall Bryars and recorded in the records in the office of the Judge of Probate of Baldwin County, Alabama.

FOURTH: Complainants further aver that the title of complainants Garet Van Antwerp, III, Chris C. De Laney, Gilette Burton and Joseph K. Roe descended from a common

grantor, namely Tunstall Bryars; that the said Tunstall Bryars acquired title to said property by virtue of that certain tax deed dated September 27, 1949, and recorded on October 5, 1949, in Deed Book 145 at page 294 and executed by Phillip J. Hammas State Land Commissioner of the State of Alabama in favor of the said Tunstall Bryars.

From the recitations in said deed it appears that the property described in this bill of complaint was sold to the State of Alabama for delinquent taxes on the 17th day of June, 1937, the same having then been regularly assessed to one Paul C. Benedict, one of the respondents herein.

FIFTH: Complainants further show that they and their predecessors in title and possession have been in the actual, peaceable and undisturbed, notorious, adverse, open possession of said property for more than ten years next immediately preceding the filing of this bill of complaint; that your complainants and their predecessors in title and possession have assessed and paid the taxes on this property during said period and that no one else has paid the taxes on same within said period.

SIXTH: Complainants further show that no person has had possession of all or any part of said land, either actually or constructively for more than ten years next immediately preceding the filing of this bill of complaint other than complainants and those through whom they have derived title.

Complainants further show that no one is known to them to claim said land or any part thereof or any interest therein.

SEVENTH: Complainants further show that they have caused an abstract of said lands to be prepared by the Baldwin County Abstract Company of Bay Minette, Alabama, a competent abstracting company for Baldwin County, Alabama, and that an examination thereof discloses that the record title to said property was formerly in Paul C. Benedict, one of the respondents herein, and in the other respondents; that complainants

have made inquiry of old residents in the vicinity of said lands and have investigated the records of Baldwin County, Alabama, and have made diligent effort to ascertain whether the said Paul C. Benedict, William G. Bull, Martin Van Heavel and John B. Foley are living or dead, and if dead, the names and addresses and status of any of their heirs, if any there be. Complainants aver that they have been unable to determine whether the said Paul C. Benedict, William G. Bull, Martin Van Heavel and John B. Foley are dead and the names or addresses of any of their heirs, if any there be.

EIGHTH: Complainants further show that there is no suit pending to test their title to, interest in, or right to possession of the lands herein described.

TO THE END THEREFOR, that equity may be done in the premises, complainants pray that notice of the pendency of this bill of complaint shall be drawn and signed by the Register of this Honorable Court and that such notice shall be published in a newspaper of general circulation in Baldwin County, Alabama, and filed for record in the Probate Court of Baldwin County, Alabama, and that such other or further relief be given and that such proceedings be had in the premises as are provided by law.

Complainants further pray that upon the hearing of this cause, this Honorable Court will establish and quiet the title to said lands and will clear up all doubts or disputes concerning same and will decree that they are the owners of said land in fee simple in accordance with the respective interests of each of them as hereinabove set forth and that no other person has any estate or interest in or encumbrance on such land or any part thereof.

And complainants further pray that they may have such other, further or different relief as they may be entitled to receive, the premises considered.

Chas. B. McLean

COMPLAINANT

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Chris C. De Laney, one of the complainants herein, who is known to me, and who, being by me first duly sworn, deposes and says that he has read the foregoing bill, and that the statements contained therein are true.

Chris C. De Laney

COMPLAINANT

Subscribed and sworn to before me
this 7th day of November, 1952.

Frances E. Stivers

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

FILED
NOV 10 1952
Robert Jones, Jr.
Clerk

8581. NOTE OF TESTIMONY

Printed by the Baldwin Times, Bay Minette, Alabama.

GARET VAN ANTWERP, III, ET AL.

vs.

LANDS DESCRIBED IN BILL, ET AL.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, decree pro confesso, answer of guardian ad litem, and testimony of Chris C. De Laney, Tunstall Bryars and Garet Van Antwerp, III, witnesses for complainants, AND OTHER PLEADINGS ~~as noted by the register.~~

and in behalf of Defendant upon

J. Conrad Dawson, Jr.
Guardian ad Litem

Chris C. De Laney
Solicitor for Complainants

Eric J. Venck
Register.

N

No. .....

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

GARET VAN ANTWERP, III, ET AL.

vs.

LAND DESCRIBED IN BILL ET AL

NOTE OF TESTIMONY

Filed in Open Court this 11th

day of March, 1953

Register.

Printed by the Baldwin Times

W. R. STUART

PROBATE JUDGE

No. 2187 Bay Minette, Ala., 11-13, 1952

Received of Mr. Rack

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		$	Cts.	$	Cts.	$	Cts.	$	Cts.
	Notice					1	15	1	15
	Sale to Satisfy Lien								
								15	

FOR RECORD

TOTAL $ 1

W R Stuart

Judge of Probate.

49434 MARSHALL & BRUCE-NASHVILLE

W. R. STUART

PROBATE JUDGE

No. 3545

Bay Minette, Ala., 3-20, 19 53

Received of Mrs. Duck

No.		Deed Tax $	Deed Tax Cts.	Mortgage Tax $	Mortgage Tax Cts.	Recording Fees $	Recording Fees Cts.	Total $	Total Cts.
	Part Gen Antwerp III et al Lands Described et al					2	00	2	00

FOR RECORD

TOTAL $ 2 00

W R Stuart

Judge of Probate.

49434 MARSHALL & BRUCE-NASHVILLE

E.S.

GARET VAN ANTWERP, III, et al.,	*	IN THE CIRCUIT COURT OF
	*	
Complainants,	*	BALDWIN COUNTY, ALABAMA.
	*	IN EQUITY.
vs	*	
	*	NO.
LAND DESCRIBED, et al.,	*	
	*	
Respondents.	*	

Come now the Complainants and show unto this Honorable Court that the time prescribed by law in which to file an answer by the Respondents has expired; wherefore, Complainants move this Honorable Court to enter a decree pro confesso against the land and against the Respondents.

ATTORNEY FOR COMPLAINANTS

NO. RECORDED

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

GARET VAN ANTWERP, III, et al.,

Complainants,

vs

LAND DESCRIBED, et al.,

Respondents.

MOTION FOR DECREE PRO CONFESSO

FILED

1-16-53

MAUDE L. BROOK, Registrar

SOLICITOR FOR COMPLAINANTS

GARET VAN ANTWERP, III, et al., COMPLAINANTS,	()	IN THE CIRCUIT COURT OF
VS	()	BALDWIN COUNTY, ALABAMA
LAND DESCRIBED, et al., RESPONDENTS.	()	IN EQUITY. NO. 2918

It appearing to the court that some of the Respondents in the above styled cause are unknown, and that their names and addresses cannot be ascertained after a diligent search and inquiry.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by the court, that J. Connor Owens, Jr., a practicing attorney at Bay Minette, Baldwin County, Alabama, be and he is hereby appointed guardian ad litem to represent and protect the interest of the Respondents, in the above styled cause, whose names and addresses are unknown, and cannot be ascertained after a diligent search and inquiry.

IT IS FURTHER ORDERED that the said J. Connor Owens, Jr., be notified of his appointment, and of the time fixed to take testimony in the cause.

Dated this the 21st day of January, 1953.

Eric Fenche

I hereby consent to act as guardian ad litem in the above styled cause for all parties whose names and addresses are unknown and cannot be ascertained after a diligent search and inquiry. I, as guardian ad litem for the unknown respondents deny all the material allegations contained in the bill of complaint and demands strict proof of the same.

Dated this 22 day of January, 1953.

J. Connor Owens, Jr.

RECORDED

GARET VAN ANTWERP, III, et al.,

Complainants,

vs

LAND DESCRIBED, et al.,

Respondents,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 2918

APPOINTMENT OF GUARDIAN AD
LITEM AND ACCEPTANCE

FILED
JAN 23 1953

ALICE J. DUCK, Register

GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS,	)	IN THE CIRCUIT COURT OF
Complainants,	)	
vs.	)	BALDWIN COUNTY, ALABAMA
LAND DESCRIBED and PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL, and JOHN B. FOLEY,	)	IN EQUITY
Respondents	)	

Comes now the complainant in the above styled cause and requests the oral examination of Tunstall Bryars, Garet Van Antwerp, III, and Chris C. De Laney, as witnesses for the complainants, who reside in Mobile County, State of Alabama, and suggest that Frank P. Propst of the Town of Bay Minette, as a suitable person to act as commissioner to take the depositions of the said witnesses.

This the 10 day of March, 1953.

Chris C. DeLaney
Solicitor for Complainant

I, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a true and correct copy of the motion and application of the plaintiffs for oral examination of the said Garet Van Antwerp, III, and Chris C. De Laney, as witnesses for the complainants, and that notice of the motion was given to the defendants by entry on the order book of the Register, said entry having been made on the 10th day of March, 1953.

Alice J. Duck
Register

****

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

****

GARET VAN ANTWERP, III,
CHRIS C. DE LANEY, JOSEPH
K. ROE, GILETTE BURTON,
and TUNSTALL BRYARS

V.

LANDS DESCRIBED, and
PAUL C. BENEDICT, WILLIAM
G. BULL, MARTIN VAN
HEAVEL, and JOHN B. FOLEY

****

DEMAND FOR ORAL EXAMINATION

****

FILED 3-12-53

Alice J. Lenck

GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS,	*	IN THE CIRCUIT COURT OF
	*	BALDWIN COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
	*	NO.
vs	*	
LAND DESCRIBED and PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL and JOHN B. FOLEY,	*	
Respondents.	*	

Now Come GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS, and bring this their bill of complaint against the land hereinafter described and against PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL and JOHN B. FOLEY, if they be living, and against their heirs and devisees, if deceased, and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said property or any part thereof, respectfully show unto the Court as follows:

FIRST: That they are in the actual, peaceable, undisturbed, notorious, adverse possession of that certain parcel of land in Baldwin County, Alabama, more particularly described as follows, to-wit:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama,

and that they own the same absolutely and in fee.

SECOND: Complainants further show that complainants own the following respective interests in said property of complainants:

> Garet Van Antwerp, III - an undivided one-fourth interest in and to the land and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Chris C. De Laney - an undivided one-fourth interest in and to the land, and an undivided one-eighth interest in and to the oil, gas and minerals.

Joseph K. Roe - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Gilette Burton - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Tunstall Bryars - only an undivided one-eighth interest in and to the oil, gas and minerals.

THIRD: Complainants further show that complainant Garet Van Antwerp, III, acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated October 4, 1949, and recorded in Deed Book 145 at page 279 executed by Tunstall Bryars and Mary Bryars, his wife, in favor of the said Garet Van Antwerp, III. Complainant Chris C. De Laney acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated December 6, 1949, recorded in Deed Book 150 at page 127 of the records in the office of the Judge of Probate of Baldwin County, Alabama. Complainant Joseph K. Roe acquired title to the interest hereinabove set out by virtue of that certain deed dated January 28, 1950, recorded in Deed Book 149 at page 28 executed by Gilette Burton and Jane R. Burton in favor of the said Joseph K. Roe. Complainant Gilette Burton acquired title to the property by virtue of that certain deed dated December 23, 1950, recorded in Deed Book 165 at page 113 executed by Mary Bryars and Tunstall Bryars to Gilette Burton, and that certain deed dated January 23, 1950, executed by Mary Bryars and Tunstall Bryars and Garet Van Antwerp, III, and Mary P. Van Antwerp in favor of Gilette Burton. Complainant Tunstall Bryars acquired the interest hereinabove set out by virtue of that certain deed executed by Chris C. De Laney and Cleo J. De Laney in favor of the said Tunstall Bryars and recorded in the records in the office of the Judge of Probate of Baldwin County, Alabama.

FOURTH: Complainants further aver that the title of complainants Garet Van Antwerp, III, Chris C. De Laney, Gilette Burton and Joseph K. Roe descended from a common

grantor, namely Tunstall Bryars; that the said Tunstall Bryars acquired title to said property by virtue of that certain tax deed dated September 27, 1949, and recorded on October 5, 1949, in Deed Book 145 at page 294 and executed by Phillip J. Hamm as State Land Commissioner of the State of Alabama in favor of the said Tunstall Bryars.

From the recitations in said deed it appears that the property described in this bill of complaint was sold to the State of Alabama for delinquent taxes on the 17th day of June, 1937, the same having then been regularly assessed to one Paul C. Benedict, one of the respondents herein.

FIFTH: Complainants further show that they and their predecessors in title and possession have been in the actual, peaceable and undisturbed, notorious, adverse, open possession of said property for more than ten years next immediately preceding the filing of this bill of complaint; that your complainants and their predecessors in title and possession have assessed and paid the taxes on this property during said period and that no one else has paid the taxes on same within said period.

SIXTH: Complainants further show that no person has had possession of all or any part of said land, either actually or constructively for more than ten years next immediately preceding the filing of this bill of complaint other than complainants and those through whom they have derived title.

Complainants further show that no one is known to them to claim said land or any part thereof or any interest therein.

SEVENTH: Complainants further show that they have caused an abstract of said lands to be prepared by the Baldwin County Abstract Company of Bay Minette, Alabama, a competent abstracting company for Baldwin County, Alabama, and that an examination thereof discloses that the record title to said property was formerly in Paul C. Benedict, one of the respondents herein, and in the other respondents; that complainants

have made inquiry of old residents in the vicinity of said lands and have investigated the records of Baldwin County, Alabama, and have made diligent effort to ascertain whether the said Paul C. Benedict, William G. Bull, Martin Van Heavel and John B. Foley are living or dead, and if dead, the names and addresses and status of any of their heirs, if any there be. Complainants aver that they have been unable to determine whether the said Paul C. Benedict, William G. Bull, Martin Van Heavel and John B. Foley are dead and the names or addresses of any of their heirs, if any there be.

EIGHTH: Complainants further show that there is no suit pending to test their title to, interest in, or right to possession of the lands herein described.

TO THE END THEREFOR, that equity may be done in the premises, complainants pray that notice of the pendency of this bill of complaint shall be drawn and signed by the Register of this Honorable Court and that such notice shall be published in a newspaper of general circulation in Baldwin County, Alabama, and filed for record in the Probate Court of Baldwin County, Alabama, and that such other or further relief be given and that such proceedings be had in the premises as are provided by law.

Complainants further pray that upon the hearing of this cause, this Honorable Court will establish and quiet the title to said lands and will clear up all doubts or disputes concerning same and will decree that they are the owners of said land in fee simple in accordance with the respective interests of each of them as hereinabove set forth and that no other person has any estate or interest in or encumbrance on such land or any part thereof.

And complainants further pray that they may have such other, further or different relief as they may be entitled to receive, the premises considered.

Chas. L. Wilson

COMPLAINANT

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Chris C. De Laney, one of the complainants herein, who is known to me, and who, being by me first duly sworn, deposes and says that he has read the foregoing bill, and that the statements contained therein are true.

Chris C. De Laney

COMPLAINANT

Subscribed and sworn to before me
this 5th day of November, 1952.

Frances S. Stevens

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

NO. [illegible]

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

RECORDED

GARET VAN ANTWERP, III, et al.,

Complainants,

vs

LAND DESCRIBED, et al.,

Respondents.

BILL OF COMPLAINT

FILED
NOV 10 1952
ALICE J. BECK, Register

CHRIS C. DE LANEY
SOLICITOR FOR COMPLAINANTS

GARET VAN ANTWERP, III, et al.,	*	IN THE CIRCUIT COURT OF
Complainants,	*	BALDWIN COUNTY, ALABAMA.
vs	*	IN EQUITY.
LAND DESCRIBED, et al.,	*	NO.
Respondents.	*	
	*	

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Chris C. De Laney, who, being by me first duly sworn, deposes and says that he is the solicitor for the Complainants in the above styled cause, and that to the best of his knowledge, information and belief none of the respondents in this cause, whose names and addresses are unknown to affiant, are in the military or naval service and they are not prevented by military or naval service from appearing and defending in this cause.

Chris C. DeLaney

Subscribed and sworn to before me
this day of January, 1953.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

NO. RECORDED

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY

GARET VAN ANTWERP, III, et al.,

Complainants,

vs

LAND DESCRIBED, et al.,

Respondents.

NON-MILITARY AFFIDAVIT

FILED

1-16-58

ALICE J. DUCK, Register

CHRIS C. DE LANEY
SOLICITOR FOR COMPLAINANTS

NOTICE

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY. CASE NO. 2918, GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS, Complainants, vs. Lands hereinafter described, PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL and JOHN B. FOLEY, and against their heirs and devisees, if deceased, their heirs being unknown and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said property or any part thereof, Respondents:

Notice is hereby given that GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON and TUNSTALL BRYARS, on the day of November, 1952, filed a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, claiming to be in the exclusive, actual, peaceable, undisturbed, adverse possession of and claiming to own absolutely and in fee simple the following described real property situated in the County of Baldwin, State of Alabama, more particularly described as follows, to-wit:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama.

Complainants allege in their bill of complaint that they acquired title to the above described land from a common grantor, viz, the complainant Tunstall Bryars, and that the said Tunstall Bryars acquired title to the said land by virtue of that certain tax deed dated September 27, 1949, and recorded in Deed Book 145 at page 294 of the records in the office of the Judge of Probate of Baldwin County, Alabama, from the recitations in which deed it appears that the property had been sold to the State of Alabama for delinquent taxes in the year 1937.

Complainants allege in their bill that the record title to the property stands in their name but that prior to

the acquisition of the property by the Complainants, the respondents or some of them had claimed or asserted some right, title, interest in or to said property or a part thereof.

Complainants further allege in their bill that they and their predecessors in title and possession have been in the actual, peaceable, notorious, undisturbed, adverse, open possession of said property for more than ten years next immediately preceding the filing of the bill of complaint; that complainants and their predecessors in title and possession have assessed and paid the taxes on said property during said period and that no one else has paid the taxes on same within said period.

Complainants further allege that no one is known to them to claim said land or any part thereof or interest therein; that there is no suit pending to test their title to, interest in or right to possession of said land.

Complainants further allege that the defendants have or are reputed to have some right, title or interest to said lands and call upon them to specify what right, title, interest or demand they have in said property and pray that the Court will in said cause enter its decree confirming the title of the complainants in and to said property in the proportionate interests hereinabove set our and quieting any and all claims of the respondents in and to the same, and for such other, further or different relief that they might be entitled to in the premises.

Alice Linecke
REGISTER

STATE OF ALABAMA, BALDWIN COUNTY
Filed 11-13-57 2 P M
Recorded Lia Paul book 2 page 420-1
G M Stuart
Judge of Probate

2

21.15
Mrs. Duck

FILED
NOV 10 1952

ALICE J. BUCK, Register

GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS,	*	IN THE CIRCUIT COURT OF
	*	BALDWIN COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
vs	*	NO.
LAND DESCRIBED and PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL and JOHN B. FOLEY,	*	
Respondents.	*	

Come now the complainants and show unto the Court that some of the respondents herein are within the contemplation of the law, unknown parties, wherefore complainants move the Court to appoint a guardian ad litem to represent their respective interests.

Chas. Morgan

SOLICITOR FOR COMPLAINANTS

RECORDED NO. 2778

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY.

GARET VAN ANTWERP, III, et al.,

Complainants,

vs

LAND DESCRIBED, et al.,

Respondents.

MOTION TO APPOINT GUARDIAN
AD LITEM

FILED
NOV 10 1952
ALEX J. DECK, Register

CHRIS C. DE LANEY
SOLICITOR FOR COMPLAINANTS

Decree Pro Confesso of Publication. MPCO

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 2918 _____, Term, 19____

GARET VAN ANTWERP et al _____ Complainant

Vs.

LAND DESCRIBED et al _____ Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 20th day of November, 19 52, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 10th day of November 194 52 and _____

And it now further appearing to the Register Alice J. Duck, that the said Defendants Paul C. Benedict, Martin Van Havel, and John B. Foley and their heirs and Devisees

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Defendants

This 16th day of January 19 53

Alice J. Duck Register.

RECORDED

No. 2918 Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

GARET VAN ANTWERP et al

Vs.

LANDS DESCRIBED et al

Decree Pro Confesso of Publication

Issued 1-16-53 19

Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Co., Bay Minette, Ala.

COMMISSION TO TAKE DEPOSITIONS

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA,
BALDWIN COUNTY

Circuit Court

To FRANK P. PROPST

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine ~~Garet Van Antwerp, III, and Chris C. DeLaney~~ and Tunstall Bryars.

as witnesses in behalf of the complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Garet Van Antwerp, III, Chris C. DeLaney, Joseph K. Roe, Gillette Burton, and Tunstall Bryars

Complainant s

and Land described, and Paul C.Benedict, William G. Bull, Martin Van Heavel, and John B. Foley,

Respondents

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

Witness 11th day of March, 19 53

Register

Commissioner's Fee, $

Witness' Fees, $

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

GARET VAN ANTWERP, III, et al

Complainant s

VS.

Lands described, et al

Defendant s

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Frank P. Propst

WITNESSES:

Garet Van Antwerp, III

Chris C. De Laney

GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS,	)	IN THE CIRCUIT COURT OF
Complainants,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY
LAND DESCRIBED and PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL, and JOHN B. FOLEY,	)	
Defendants	)	

To the unknown heirs, devisees and personal representatives of Paul C. Benedict, William G. Bull, Martin Van Heavel, and John B. Foley, and to J. Connor Owens, Jr., guardian ad litem for them:

Notice is hereby given that the testimony of Tunstall Bryars, Chris C. De Laney and Garet Van Antwerp, III, witnesses for the complainants in the above styled cause will be taken orally before Frank P. Propst, commissioner, heretofore duly appointed, at the commissioner's office in the Baldwin County Bank Building, Bay Minette, Alabama, at 9:30 o'clock, A.M., on the 11th day of March, 1953.

Frank P. Propst
Commissioner

Chris C. DeLaney
Solicitor for the Complainants

****

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

****

GARET VAN ANTWERP, III,
CHRIS C. DE LANEY, JOSEPH K.
ROE, GILETTE BURTON, and
TUNSTALL BRYARS,

COMPLAINANTS,

V.

LAND DESCRIBED, and PAUL C.
BENEDICT, WILLIAM G. BULL,
MARTIN VAN HEAVEL, and JOHN
B. FOLEY,

DEFENDANTS

****

NOTICE OF ORAL TESTIMONY

****

FILED 3-12-53

Register

****

GARET VAN ANTWERP, III, ET AL,	)	
Complainants	)	IN THE CIRCUIT COURT OF
v.	)	BALDWIN COUNTY, ALABAMA
LANDS DESCRIBED, ET AL,	)	IN EQUITY
Respondents.	)	

Now comes J. Connor Owens, Jr., guardian ad litem for the unknown defendants in the above-styled cause, and waives notice of the time of the taking of testimony for the complainants.

J. Connor Owens, Jr.
Guardian ad litem

****

In the Circuit Court of

Baldwin County, Alabama

In Equity

****

Garet Van Antwerp, III,
et al,

Complainants

v.

Lands Described, et al

Respondents

****

Waiver of Notice of Oral

Testimony

****

FILED 3-11-53

GARET VAN ANTWERP, III,
CHRIS C. DE LANEY, JOSEPH
K. ROE, GILETTE BURTON, and
TUNSTALL BRYARS,

Complainants,

vs

LAND DESCRIBED and PAUL C.
BENEDICT, WILLIAM G. BULL,
MARTIN VAN HEAVEL and JOHN
B. FOLEY,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO.

Come now the complainants and show unto the Court that some of the respondents herein are within the contemplation of the law, unknown parties, wherefore complainants move the Court to appoint a guardian ad litem to represent their respective interests.

SOLICITOR FOR COMPLAINANTS

FILED
NOV 30 1965

GARET VAN ANTWERP, III, ET AL.,	*	IN THE CIRCUIT COURT OF
	*	MOBILE COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
vs	*	NO.
LANDS DESCRIBED, ET AL.,	*	
Respondents.	*	

THIS CAUSE coming on to be heard, is submitted on the bill of complaint, decrees pro confesso, answer of the guardian ad litem, ~~[illegible]~~, and testimony as noted by the Register and other pleadings as noted by the Register, and it appearing to the Court that all of the defendants are over the age of twenty-one years, and from affidavit filed herein are not in the Army or military forces of the United States; and

It appearing to the Court that due notice of the pendency of the bill of complaint in this cause signed by the Register of the Court has been published once a week for three consecutive weeks in a newspaper having a general circulation in Baldwin County, Alabama, all in conformity with Section 1119 and 1121 of Title 7 of the Code of 1940; and

It further appearing to the Court that more than sixty days have elapsed since the first publication of the notice as provided by statute, and that the cause is at issue; and

It further appearing to the Court that the Complainants are in the open, actual, peaceable, exclusive and adverse possession of the land described in the bill of complaint, and claim to own the same in fee simple; that they and those through whom they claim title have been in the open, actual, continuous, peaceful, exclusive and adverse possession of said property for much more than ten years prior to the filing of the bill

of complaint, and that complainants and those through whom they claim title have assessed said property for taxes and have paid the taxes on said property during said period, and that no other persons have assessed said property for taxes or paid any taxes thereon during said time, and that no other parties, so far as they know and believe have claimed or asserted any title to said property throughout said period.

It further appearing to the Court that no suit is pending to test the title of the complainants to said property or their right to the possession thereof;

The Court is of the opinion that the Complainants are entitled to the relief prayed for in said bill of complaint against the land described therein and the Respondents named therein and each of them.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the title in fee simple to that certain property described in the bill of complaint and more particularly described as:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama,

be and the same is hereby vested and established in the complainants and their heirs and assigns, forever, and they hereby have the following respective interests:

> Garet Van Antwerp, III - an undivided one-fourth interest in and to the land and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Chris C. De Laney - an undivided one-fourth interest in and to the land, and an undivided one-eighth interest in and to the oil, gas and minerals.
>
> Joseph K. Roe - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Gilette Burton - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Tunstall Bryars - only an undivided one-eighth interest in and to the oil, gas and minerals.

It is further ORDERED, ADJUDGED and DECREED by the Court that neither the Respondents nor any of them, nor any other person, firm or corporation has any estate, right, title, interest in or encumbrance upon said lands or any part thereof.

It is further Ordered, Adjudged and Decreed by the Court that a certified copy of this decree be and the Register is directed to cause a certified copy thereof to be recorded in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days from the date hereof, indexed on the direct index in the name of each of the Respondents to each of the Complainants, and indexed on the indirect index in the name of each of the Complainants from each of the Respondents, and the expense thereof shall be taxed as a part of the costs of this cause.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants be taxed with all of the costs in this cause, for which let execution issue.

DONE in term time this 12th day of March, 1953.

Hubert M Hare

JUDGE

NO.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY.

GARET VAN ANTWERP, III, ET AL.,

Complainants,

vs

LANDSDESCRIBED, ET AL.,

Respondents.

DECREE

FILED
3-12-63
ALICE J. BUCK, Register

CHRIS C. DE LANEY
SOLICITOR FOR COMPLAINANTS

Legal Notice

In The Circuit Court of Baldwin County, Alabama, In Equity
Case No. 2913

GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS, Complainants,

Vs.

Lands hereinafter described, PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN HEAVEL and JOHN B. FOLEY, and against their heirs and devisees, if deceased, their heirs being unknown and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said property or any part thereof, Respondents:

Notice is hereby given that GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON and TUNSTALL BRYARS, on the 10th day of November, 1952, filed a bill of complaint in the Circuit Court of Baldwin County, Alabama, in Equity, claiming to be in the exclusive, actual, peaceable, undisturbed, adverse possession of and claiming to own absolutely and in fee simple the following described real property situated in the County of Baldwin, State of Alabama, more particularly described as follows, to-wit:

All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama.

Complainants allege in their bill of complaint that they acquired title to the above described land from a common grantor, viz, the complainant Tunstall Bryars, and that the said Tunstall Bryars acquired title to the said land by virtue of that certain tax deed dated September 27, 1949, and recorded in Deed Book 145 at page 294 of the records in the office of the Judge of Probate of Baldwin County, Alabama, from the recitations in which deed it appears that the property had been sold to the State of Alabama for delinquent taxes in the year 1937.

Complainants allege in their bill that the record title to the property stands in their name but that prior to the acquisition of the property by the Complainants, the respondents or some of them had claimed or asserted some right, title, interest in or to said property or a part thereof.

Complainants further allege in their bill that they and their predecessors in title and possession have been in the actual, peaceable, notorious, undisturbed, adverse, open possession of said property for more than ten years next immediately preceding the filing of the bill of complaint; that complainants and their predecessors in title and possession have assessed and paid the taxes on said property during said period and that no one else has paid the taxes on same within said period.

Complainants further allege that no one is known to them to claim said land or any part thereof or interest therein; that there is no suit pending to test their title to, interest in or right to possession of said land.

Complainants further allege that the defendants have or are reputed to have some right, title or interest to said lands and call upon them to specify what right, title, interest or demand they have in said property and pray that the Court will at said cause enter its decree confirming the title of the complainants in and to said property in the proportionate interests hereinabove set out and quieting they and all claims of the respondents in and to the same, and for such other, further or different relief that they might be entitled to in the premises.

ALICE J. DUCK
Register.

Chris De Laney
Solicitor for Complainant 44-4tc.

JIMMY FAULKNER
EDITOR AND PUBLISHER

the BALDWIN TIMES

COUNTY'S- BEST NEWSPAPER

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Garet Van Antwerp vs.
Cer. Lands

COST STATEMENT

601 WORDS @ 6½ cents — — — $39.06

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

Jimmy Faulkner
Publisher.

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

Date of 1st publication Nov. 20, 1952 Vol. 63 No. 44

Date of 2nd publication Nov. 27, 1952 Vol. 63 No. 45

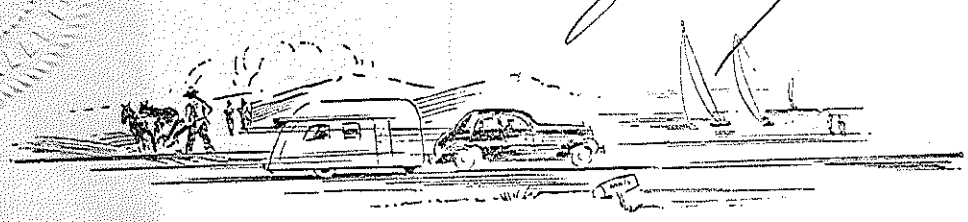
Date of 3rd publication Dec. 4, 1952 Vol. 63 No. 46

Date of 4th publication Dec. 11, 1952 Vol. 63 No. 47

Subscribed and sworn before the undersigned this 12 day of Dec, 1952

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS,	*	IN THE CIRCUIT COURT OF
	*	BALDWIN COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
	*	NO.
vs	*	
LAND DESCRIBED and PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN BRAVEL and JOHN B. FOLEY,	*	
Respondents.	*	

Now Come GARET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH K. ROE, GILETTE BURTON, and TUNSTALL BRYARS, and bring this their bill of complaint against the land hereinafter described and against PAUL C. BENEDICT, WILLIAM G. BULL, MARTIN VAN BRAVEL and JOHN B. FOLEY, if they be living, and against their heirs and devisees, if deceased, and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said property or any part thereof, respectfully show unto the Court as follows:

FIRST: That they are in the actual, peaceable, undisturbed, notorious, adverse possession of that certain parcel of land in Baldwin County, Alabama, more particularly described as follows, to-wit:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama,

and that they own the same absolutely and in fee.

SECOND: Complainants further show that complainants own the following respective interests in said property of complainants:

> Garet Van Antwerp, III - an undivided one-fourth interest in and to the land and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Chris C. De Laney - an undivided one-fourth interest in and to the land, and an undivided one-eighth interest in and to the oil, gas and minerals.

Joseph K. Roe - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Gilette Burton - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Tunstall Bryars - only an undivided one-eighth interest in and to the oil, gas and minerals.

THIRD: Complainants further show that complainant Garet Van Antwerp, III, acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated October 4, 1949, and recorded in Deed Book 145 at page 279 executed by Tunstall Bryars and Mary Bryars, his wife, in favor of the said Garet Van Antwerp, III. Complainant Chris C. De Laney acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated December 6, 1949, recorded in Deed Book 150 at page 127 of the records in the office of the Judge of Probate of Baldwin County, Alabama. Complainant Joseph K. Roe acquired title to the interest hereinabove set out by virtue of that certain deed dated January 28, 1950, recorded in Deed Book 149 at page 28 executed by Gilette Burton and Jane R. Burton in favor of the said Joseph K. Roe. Complainant Gilette Burton acquired title to the property by virtue of that certain deed dated December 23, 1950, recorded in Deed Book 165 at page 113 executed by Mary Bryars and Tunstall Bryars to Gilette Burton, and that certain deed dated January 23, 1950, executed by Mary Bryars and Tunstall Bryars and Garet Van Antwerp, III, and Mary P. Van Antwerp in favor of Gilette Burton. Complainant Tunstall Bryars acquired the interest hereinabove set out by virtue of that certain deed executed by Chris C. De Laney and Cleo J. De Laney in favor of the said Tunstall Bryars and recorded in the records in the office of the Judge of Probate of Baldwin County, Alabama.

FOURTH: Complainants further aver that the title of complainants Garet Van Antwerp, III, Chris C. De Laney, Gilette Burton and Joseph K. Roe descended from a common

grantor, namely Tunstall Bryars; that the said Tunstall Bryars acquired title to said property by virtue of that certain tax deed dated September 27, 1949, and recorded on October 5, 1949, in Deed Book 145 at page 294 and executed by Phillip J. Hammas State Land Commissioner of the State of Alabama in favor of the said Tunstall Bryars.

From the recitations in said deed it appears that the property described in this bill of complaint was sold to the State of Alabama for delinquent taxes on the 17th day of June, 1937, the same having then been regularly assessed to one Paul C. Benedict, one of the respondents herein.

FIFTH: Complainants further show that they and their predecessors in title and possession have been in the actual, peaceable and undisturbed, notorious, adverse, open possession of said property for more than ten years next immediately preceding the filing of this bill of complaint; that your complainants and their predecessors in title and possession have assessed and paid the taxes on this property during said period and that no one else has paid the taxes on same within said period.

SIXTH: Complainants further show that no person has had possession of all or any part of said land, either actually or constructively for more than ten years next immediately preceding the filing of this bill of complaint other than complainants and those through whom they have derived title.

Complainants further show that no one is known to them to claim said land or any part thereof or any interest therein.

SEVENTH: Complainants further show that they have caused an abstract of said lands to be prepared by the Baldwin County Abstract Company of Bay Minette, Alabama, a competent abstracting company for Baldwin County, Alabama, and that an examination thereof discloses that the record title to said property was formerly in Paul C. Benedict, one of the respondents herein, and in the other respondents; that complainants

have made inquiry of old residents in the vicinity of said lands and have investigated the records of Baldwin County, Alabama, and have made diligent effort to ascertain whether the said Paul C. Benedict, William G. Bull, Martin Van Heavel and John B. Foley are living or dead, and if dead, the names and addresses and status of any of their heirs, if any there be. Complainants aver that they have been unable to determine whether the said Paul C. Benedict, William G. Bull, Martin Van Heavel and John B. Foley are dead and the names or addresses of any of their heirs, if any there be.

EIGHTH: Complainants further show that there is no suit pending to test their title to, interest in, or right to possession of the lands herein described.

TO THE END THEREFOR, that equity may be done in the premises, complainants pray that notice of the pendency of this bill of complaint shall be drawn and signed by the Register of this Honorable Court and that such notice shall be published in a newspaper of general circulation in Baldwin County, Alabama, and filed for record in the Probate Court of Baldwin County, Alabama, and that such other or further relief be given and that such proceedings be had in the premises as are provided by law.

Complainants further pray that upon the hearing of this cause, this Honorable Court will establish and quiet the title to said lands and will clear up all doubts or disputes concerning same and will decree that they are the owners of said land in fee simple in accordance with the respective interests of each of them as hereinabove set forth and that no other person has any estate or interest in or encumbrance on such land or any part thereof.

And complainants further pray that they may have such other, further or different relief as they may be entitled to receive, the premises considered.

COMPLAINANT

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Chris C. De Laney, one of the complainants herein, who is known to me, and who, being by me first duly sworn, deposes and says that he has read the foregoing bill, and that the statements contained therein are true.

Chris C. DeLaney

COMPLAINANT

Subscribed and sworn to before me
this 8th day of November, 1952.

Frances E. Stevens

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

FILED
NOV 10 1952
MOBILE, ALA.

GARRET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH E. ROE, GILBERT BURTON, and TUNSTALL EHYARS,	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
Complainants,	IN EQUITY.
vs	NO.
LAND DESCRIBED and PAUL C. PEMBERTON, WILLIAM G. BULL, MARTIN VAN BRAVEL and JOHN B. FOLEY,	
Respondents.	

Now Come GARRET VAN ANTWERP, III, CHRIS C. DE LANEY, JOSEPH E. ROE, GILBERT BURTON, and TUNSTALL EHYARS, and bring this their bill of complaint against the land hereinafter described and against PAUL C. PEMBERTON, WILLIAM G. BULL, MARTIN VAN BRAVEL and JOHN B. FOLEY, if they be living, and against their heirs and devisees, if deceased, and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said property or any part thereof, respectfully show unto the Court as follows:

FIRST: That they are in the actual, peaceable, undisturbed, notorious, adverse possession of that certain parcel of land in Baldwin County, Alabama, more particularly described as follows, to-wit:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama,

and that they own the same absolutely and in fee.

SECOND: Complainants further show that complainants own the following respective interests in said property of complainants:

> Garet Van Antwerp, III - an undivided one-fourth interest in and to the land and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Chris C. De Laney - an undivided one-fourth interest in and to the land, and an undivided one-eighth interest in and to the oil, gas and minerals.

Joseph E. Roe - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Gilette Burton - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.

Funstall Bryars - only an undivided one-eighth interest in and to the oil, gas and minerals.

THIRD: Complainants further show that complainant Garet Van Antwerp, III, acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated October 4, 1949, and recorded in Deed Book 145 at page 278 executed by Funstall Bryars and Mary Bryars, his wife, in favor of the said Garet Van Antwerp, III. Complainant Chris C. De Laney Acquired title to the interest hereinabove set out in said property by virtue of that certain deed dated December 6, 1949, recorded in Deed Book 150 at page 127 of the records in the office of the Judge of Probate of Baldwin County, Alabama. Complainant Joseph E. Roe acquired title to the interest hereinabove set out by virtue of that certain deed dated January 28, 1950, recorded in Deed Book 149 at page 28 executed by Gilette Burton and Jane R. Burton in favor of the said Joseph E. Roe. Complainant Gilette Burton acquired title to the property by virtue of that certain deed dated December 23, 1950, recorded in Deed Book 165 at page 113 executed by Mary Bryars and Funstall Bryars to Gilette Burton, and that certain deed dated January 23, 1950, executed by Mary Bryars and Funstall Bryars and Garet Van Antwerp, III, and Mary P. Van Antwerp in favor of Gilette Burton. Complainant Funstall Bryars acquired the interest hereinabove set out by virtue of that certain deed executed by Chris C. De Laney and Cleo J. De Laney in favor of the said Funstall Bryars and recorded in the records in the office of the Judge of Probate of Baldwin County, Alabama.

FOURTH: Complainants further aver that the title of complainants Garet Van Antwerp, III, Chris C. De Laney, Gilette Burton and Joseph E. Roe descended from a common

grantor, namely Dunstall Bryars; that the said Dunstall Bryars acquired title to said property by virtue of that certain tax deed dated September 27, 1949, and recorded on October 5, 1949, in Deed Book 145 at page 294 and executed by Phillip J. Hammes State Land Commissioner of the State of Alabama in favor of the said Dunstall Bryars.

From the recitations in said deed it appears that the property described in this bill of complaint was sold to the State of Alabama for delinquent taxes on the 17th day of June, 1927, the same having them been regularly assessed to one Paul C. Benedict, one of the respondents herein.

FIFTH: Complainants further show that they and their predecessors in title and possession have been in the actual, peaceable and undisturbed, notorious, adverse, open possession of said property for more than ten years next immediately preceding the filing of this bill of complaint; that your complainants and their predecessors in title and possession have assessed and paid the taxes on this property during said period and that no one else has paid the taxes on same within said period.

SIXTH: Complainants further show that no person has had possession of all or any part of said land, either actually or constructively for more than ten years next immediately preceding the filing of this bill of complaint other than complainants and those through whom they have derived title.

Complainants further show that no one is known to them to claim said land or any part thereof or any interest therein.

SEVENTH: Complainants further show that they have caused an abstract of said lands to be prepared by the Baldwin County Abstract Company of Bay Minette, Alabama, a competent abstracting company for Baldwin County, Alabama, and that an examination thereof discloses that the record title to said property was formerly in Paul C. Benedict, one of the respondents herein, and in the other respondents; that complainants

have made inquiry of old residents in the vicinity of said lands and have investigated the records of Baldwin County, Alabama, and have made diligent effort to ascertain whether the said Paul C. Benedict, William G. Bull, Martin Van Beavel and John B. Foley are living or dead, and if dead, the names and addresses and status of any of their heirs, if any there be. Complainants aver that they have been unable to determine whether the said Paul C. Benedict, William G. Bull, Martin Van Beavel and John B. Foley are dead and the names or addresses of any of their heirs, if any there be.

SIXTH: Complainants further show that there is no suit pending to test their title to, interest in, or right to possession of the lands herein described.

TO THE END THEREFOR, that equity may be done in the premises, complainants pray that notice of the pendency of this bill of complaint shall be drawn and signed by the Register of this Honorable Court and that such notice shall be published in a newspaper of general circulation in Baldwin County, Alabama, and filed for record in the Probate Court of Baldwin County, Alabama, and that such other or further relief be given and that such proceedings be had in the premises as are provided by law.

Complainants further pray that upon the hearing of this cause, this Honorable Court will establish and quiet the title to said lands and will clear up all doubts or disputes concerning same and will decree that they are the owners of said land in fee simple in accordance with the respective interests of each of them as hereinabove set forth and that no other person has any estate or interest in or encumbrance on such land or any part thereof.

And complainants further pray that they may have such other, further or different relief as they may be entitled to receive, the premises considered.

COMPLAINANT

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Chris C. DeLaney, one of the complainants herein, who is known to me, and who, being by me first duly sworn, deposes and says that he has read the foregoing bill, and that the statements contained therein are true.

Chris C. DeLaney
COMPLAINANT

Subscribed and sworn to before me
this 5th day of November, 1952.

Frances E. Stinson
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

FILED
NOV 10 1952
Albert J. Tate
Clerk

ORAL DEPOSITION

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THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Garet Van Antwerp, III, Chris C. De Laney, Gilette Burton, J. K. Roe, Tunstall Bryars Complainant

VS.

~~Lands described, et al~~ Respondent

I, ~~Frank B. Propst~~

as Register and Commissioner ~~in the above-styled cause~~

have called and caused to come before me Garet Van Antwerp, III, Chris C. ~~DeLaney, and Tunstall Bryars~~

witness~~es~~ named in the Requirement for Oral Examination, on the 11 day of March 19~~4~~53, at the office of the commissioner

in Baldwin County, Alabama, and having first sworn said Witness~~es~~ to speak the truth, the whole truth, and nothing but the truth, the said Garet Van Antwerp, III, Chris C. ~~DeLaney, Tunstall Bryars~~ doth depose and say as follows:

My name is Chris C. De Laney, and I live in Mobile, Alabama. I am over the age of 21 years, and a resident of the State of Alabama, and am one of the complainants in this cause.

I am familiar with that certain real property located in Baldwin County, Alabama more particularly described as Section 37, Township 4 South, Range 1 East, which is the same property described in the Bill in the above styled cause. This property was assessed to one Paul C. Benedict for 1936 taxes due the State of Alabama, and was sold to the State of Alabama for taxes on June 13, 1937, under the regular assessment of the said Paul C. Benedict. Title to the land remained in the State of Alabama until Sept. 27, 1949, at which time the State of Alabama, acting through the State Land Commissioner, conveyed the property to Tunstall Bryars by virtue of that certain deed recorded in Deed Book 145, page 294, of Baldwin County. Tunstall Bryars conveyed an undivided half interest in the said property, to Mary Bryars, such deed being recorded in Deed Book 145, page 297-8, of Baldwin County, Alabama. Garet Van Antwerp, III, acquired title to an undivided $\frac{1}{4}$ interest in and to the land, and to an $\frac{1}{4}$ undivided interest in and to oil, gas and minerals by a deed executed by Mary and Tunstall Bryars on October 4, 1949, and recorded in Deed Book 145, page 279, of Baldwin County, Ala. Chris C. De Laney acquired title to $\frac{1}{4}$ undivided interest in the land, and 1/8 undivided interest in the oil, gas and minerals by virtue of a deed executed by Mary and Tunstall Bryars on December 6, 1949, and recorded in Deed Book 150, page 127, of Baldwin County, Alabama. Joseph K. Roe acquired title to $\frac{1}{4}$ undivided interest in the land, and a $\frac{1}{4}$ undivided interest in gas, oil and minerals by virtue of a deed executed by Jane R. and Gilette Burton on January 28, 1950, and recorded in Deed Book 149, page 28 of Baldwin County, Alabama. Gilette Burton acquired title to the property by virtue of the deed dated December 23, 1950, recorded in Deed Book 165, page 113, of Baldwin County executed by Mary Bryars and Tunstall Bryars, and that certain deed dated January 23, 1950, executed by Mary and Tunstall Bryars and Garet Van Antwerp, III, and Mary P. Van Antwerp, such property consisting of undivided $\frac{1}{4}$ interest in the land, and an undivided $\frac{1}{4}$ interest in gas, oil and minerals. Complainant Tunstall Bryars has an undivided 1/8 interest in the oil, gas and minerals, by virtue of that deed executed by Chris C. De Laney and Cleo J. De Laney.

I made a search for those persons, respondents herein. I inquired of old residents in the vicinty of the land, and also searched the records of Baldwin County, Alabama. I know that Paul C. Benedict was a resident of the City of New Haven, Conn, about ten or fifteen years ago. I wrote several letters to him, which letters were returned marked "Not Found". I wrote to the New Haven, Conn., Chamber of

Commerce, and was advised that no such person as Paul C. Benedict resided in New Haven. This was done in 1952. The other parties respondent are non-residents as far as I know. I do not know whether any of the respondents are living or dead, and if dead, I have been unable to ascertain the names of their next of kin. I know that Paul Benedict was about 55 years of age in 1936, and I understand from people who knew the other respondents, that those respondents, if living, would be about the same age as Paul Benedict.

I know that as soon as Tunstall Bryars received his deed to the property from the State of Alabama, he immediately went into actual possession of it. In 1949 and subsequently, Garet Van Antwerp, III and myself have each placed "No Trespassing" signs on the property, and these signs are in evidence at the present time. In the fall of 1949, I, on behalf of all of the complainants, employed an old trapper named Dave Summerlin to look out for the land and to trap muskrats on it. Summerlin lives just across Spanish River from the property. Since that time up to and until the present time he has maintained no trespassing signs on the land, has trapped muskrats, and has otherwise cared for the property. The taxes have been regularly paid since 1949 by the complainants under the assessment of Garet Van Antwerp and since 1937, no one other than the complainants and their predecessors in title have paid any taxes or assessed the land for taxes. I know of my personal knowledge that no one other than the complainants and their predecessors in title have been in the actual or constructive possession of all or any part of the property since the year 1937, and I know that the complainants are now in the actual, peaceable and undisturbed, open, notorious, adverse possession of all the property described in the Bill of Complaint. I know that no suit is pending to test the complainants' title to the land ~~of the complainant~~.

My name is Tunstall Bryars, and I live in Mobile, Alabama. I am over the age of 21 years, and a resident of the State of Alabama, and I am one of the complainants in this cause.

I bought the land from the State of Alabama for deliquent taxes on September 27, 1949, and I went into possession of the property, posted it by placing signs thereon. At the time I bought it and went into possession, the entire tract of land was bare and open marsh land. There were no houses on it, no fences and no one was in possession. I have never seen any signs of occupancy on the land, and I was familiar with the land for a number of years before I bought it. I am a surveyor and had frequent occasion to observe the land. I know that I and the other complainants have been in the actual, open, notorious, peaceable, and adverse possession, which has been continuous and hostile since I orginally acquired the property.

My name is Garet Van Antwerp, III, and I am 38 years of age and a resident of the State of Alabama and one of the complainants in this cause.

I am familiar with the land described in the bill of complaint in this cause and have been personally and thoroughly familiar with it for fifteen years or more; during said period of time I have frequently been on and around said land, have hunted on and about it and have observed it frequently during said period of time; in the year 1949 in about the month of September Tunstall Bryars acquired title to this land from the State Land Commissioner and shortly after he did so I acquired an interest in the land from said Bryars and his wife; the land is now owned by Gillette Burton, Joeseph K. Roe, Chris Delaney and myself, with Tunstall Bryars still owning an interest in the minerals; since I acquired an interest in this land I have been on and about it frequently and have placed and assisted in maintaining no trespass signs on it, and I and my co-owners have since September, 1949 been in possession thereof, and no one else other than ourselves have been in possession of it for more than 10 years next preceding the filing of the bill of complaint in this cause, and I know that no one other than ourselves have assessed said land or paid any taxes on it during said period of time; and I know that, since September 1949, we have been in the open, notorious, continuous, undisturbed, hostile and

adverse possession of said land; and I know that no one else has tried to claim the land or raised any question as to our ownership and posession thereof; I know that all of the complainants in this cause are over the age of twenty-one and that they are all bona fide resident citizens of the State of Alabama.

Chris C. McLaney

Dunstace Bryars

Geo Van Pelsinger

ORAL EXAMINATION.

I, Frank P. Propst, as Register and Commissioner hereby certify that the foregoing deposition~~s~~ on Oral Examination was taken down by me in writing in the words of the witness~~es~~ and read over to them and they signed the same in the presence of myself and A. Connor Owens, Jr.

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

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

Given under my hand and seal, this 11 day of March, 1953

Frank P. Propst (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Ernest Van Fleet et al

vs. Complainant

Louis Desorbed, et al

Respondent.

Oral Deposition

Filed 3-11, 1953

Lucie A. Reed, Register.

Recorded in _____ Record

Vol. _____ Page _____

_____, Register.

GARET VAN ANTWERP, III, et al.,	*	IN THE CIRCUIT COURT OF
Complainants,	*	BALDWIN COUNTY, ALABAMA.
vs	*	IN EQUITY.
LAND DESCRIBED, et al.,	*	NO.
Respondents.	*	

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared this day Chris C. De Laney, who, being by me first duly sworn, deposes and says that he is the solicitor for the Complainants in the above styled cause, and that to the best of his knowledge, information and belief none of the respondents in this cause, whose names and addresses are unknown to affiant, are in the military or naval service and they are not prevented by military or naval service from appearing and defending in this cause.

Chris C. DeLaney

Subscribed and sworn to before me
this day of January, 1953.

NOTARY PUBLIC, MOBILE COUNTY, ALABAMA.

GARET VAN ANTWERP, III, et al.,	*	IN THE CIRCUIT COURT OF
	*	BALDWIN COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
vs	*	NO.
LAND DESCRIBED, et al.,	*	
Respondents.	*	

Come now the Complainants and show unto this Honorable Court that the time prescribed by law in which to file an answer by the Respondents has expired; wherefore, Complainants move this Honorable Court to enter a decree pro confesso against the land and against the Respondents.

ATTORNEY FOR COMPLAINANTS

GAREET VAN ANTWERP, III, ET AL.,	*	IN THE CIRCUIT COURT OF
	*	MOBILE COUNTY, ALABAMA.
Complainants,	*	IN EQUITY.
vs	*	NO.
LANDS DESCRIBED, ET AL.,	*	
Respondents.	*	

THIS CAUSE coming on to be heard, is submitted on the bill of complaint, decrees pro confesso, answer of the guardian ad litem, ~~[illegible]~~, and testimony as noted by the Register and other pleadings as noted by the Register, and it appearing to the Court that all of the defendants are over the age of twenty-one years, and from affidavit filed herein are not in the Army or military forces of the United States; and

It appearing to the Court that due notice of the pendency of the bill of complaint in this cause signed by the Register of the Court has been published once a week for three consecutive weeks in a newspaper having a general circulation in Baldwin County, Alabama, all in conformity with Section 1119 and 1121 of Title 7 of the Code of 1940; and

It further appearing to the Court that more than sixty days have elapsed since the first publication of the notice as provided by statute, and that the cause is at issue; and

It further appearing to the Court that the Complainants are in the open, actual, peaceable, exclusive and adverse possession of the land described in the bill of complaint, and claim to own the same in fee simple; that they and those through whom they claim title have been in the open, actual, continuous peaceful, exclusive and adverse possession of said property for much more than ten years prior to the filing of the bill

of complaint, and that complainants and those through whom they claim title have assessed said property for taxes and have paid the taxes on said property during said period, and that no other persons have assessed said property for taxes or paid any taxes thereon during said time, and that no other parties, so far as they know and believe have claimed or asserted any title to said property throughout said period.

It further appearing to the Court that no suit is pending to test the title of the complainants to said property or their right to the possession thereof;

The Court is of the opinion that the Complainants are entitled to the relief prayed for in said bill of complaint against the land described therein and the Respondents named therein and each of them.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the title in fee simple to that certain property described in the bill of complaint and more particularly described as:

> All of Section 37, Township 4 South, Range 1 East of St. Stephens Meredian, according to the official plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama,

be and the same is hereby vested and established in the complainants and their heirs and assigns, forever, and they hereby have the following respective interests:

> Garet Van Antwerp, III - an undivided one-fourth interest in and to the land and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Chris C. De Laney - an undivided one-fourth interest in and to the land, and an undivided one-eighth interest in and to the oil, gas and minerals.
>
> Joseph K. Roe - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Gilette Burton - an undivided one-fourth interest in and to the land, and an undivided one-fourth interest in and to the oil, gas and minerals.
>
> Tunstall Bryars - only an undivided one-eighth interest in and to the oil, gas and minerals.

It is further ORDERED, ADJUDGED and DECREED by the Court that neither the Respondents nor any of them, nor any other person, firm or corporation has any estate, right, title, interest in or encumbrance upon said lands or any part thereof.

It is further Ordered, Adjudged and Decreed by the Court that a certified copy of this decree be and the Register is directed to cause a certified copy thereof to be recorded in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days from the date hereof, indexed on the direct index in the name of each of the Respondents to each of the Complainants, and indexed on the indirect index in the name of each of the Complainants from each of the Respondents, and the expense thereof shall be taxed as a part of the costs of this cause.

It is further ORDERED, ADJUDGED and DECREED by the Court that the Complainants be taxed with all of the costs in this cause, for which let execution issue.

DONE in term time this 12th day of March, 1953.

Hubert M. Hall
JUDGE

I, Alice I. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stalled cause, which said decree is on file and enrolled in my office.
WITNESS MY HAND AND SEAL THIS THE 12th day of March, 1953

Alice I. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY
Filed 3-20-53 9:30 A.M.
Recorded Vol. book 192 page 447-9
W. C. Stewart
Judge of Probate
E. S.

BOOK 192 PAGE 449