

2951

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALDWIN
COUNTY, ALABAMA; AND H. E.
BROWN and OLGA HANSEN; AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS,
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY

DEFENDANTS

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

Comes your complainant, Winberg Orchards and Nurseries
Company, Inc., a corporation organized under the laws of the State
of Alabama, and presents this, its bill of complaint against the
following described lands in Baldwin County, Alabama, to-wit:

The Southwest quarter of the Southwest quarter of
Southeast quarter, and the North half of South
half of Southeast quarter of Southwest quarter
all in Section 23, Township 5 South, Range 3 East
Baldwin County, Alabama;

and against H. E. Brown and Olga Hansen, and against any and all
persons, firms, corporations or associations, claiming any title
to, interest in, claim, lien or encumbrances on said lands or any
part or parcel thereof and respectfully shows unto your Honor:

FIRST: That complainant is an Alabama Corporation, its
principal place of business being, Silverhill, Baldwin County,
Alabama, that H. E. Brown and Olga Hansen are non-residents of the
State of Alabama, that complainant has made diligent search to
ascertain the ages and places of residence of the said H. E. Brown
and Olga Hansen; that it has inquired of numerous persons in the

vicinity in which such land is situated and of persons at Bay Minette, including all of the officers, and has searched the Probate and tax records and from such search and inquiry has ascertained and alleges that H. E. Brown and Olga Hansen are over the age of twenty-one years and are non-residents of the State of Alabama, their places of residence being unknown to complainant;

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

The Southwest quarter of Southwest quarter of Southeast quarter and North half of South half of Southeast quarter of Southwest quarter all in Sec. 23, Township 5 South, Range 3 East;

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

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

FOURTH: That the complainant holds title to the Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East by purchase from Martha Winberg and O. F. E. Winberg, December 24, 1938, who acquired the same by mesne conveyances from the United States Government; that it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23,

Township
/5 South, Range 3 East, deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the said lands to complainant in lieu of the said lost deed; that the said Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that each of the said persons from whom complainant purchased the said lands were in possession of the same claiming to own the same at the time of its purchase aforesaid; that your complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with its purchase of the said lands had the same under fence and in cultivation, and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of this bill of complaint and has for more than ten years next preceding the filing of this bill of complaint annually assessed and paid taxes on the said lands.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause made by this bill of complaint and by appropriate process make H. E. Brown and Olga Hansen, and all other persons, firms, associations or corporations claiming any title to, or interest in, claim, lien or encumbrance upon the said lands, to-wit: The Southwest quarter of the Southwest quarter of Southeast quarter, and the North half of South half of Southeast quarter of Southwest quarter, all in Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama, or any part or parcel thereof, be made parties defendant to this bill of complaint and by appropriate process require them and each of them separately and severally to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel thereof, is vested in your complainant, Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, as against H. E. Brown and Olga Hansen, and as against any and all persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be cleared up, and your complainant prays for such other, further, different or general relief as in equity and good conscience shall seem meet and proper.

W. C. Beebe
Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

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

W. C. Beebe

Sworn to and subscribed before me this the 26 day of

January, 1953.

Madeline S. Byars
Notary Public, Baldwin County, Alabama.

W. R. STUART

PROBATE JUDGE

No. 4245

Bay Minette, Ala., 1/27, 1953

Received of Mr. Duck

No.	Description	Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>Wendell Richards & Mary - US - Certain Land</i>					<i>765</i>		<i>265</i>	

FOR RECORD

TOTAL \$ 1030

W. R. Stuart

Judge of Probate.

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA: AND H.
E. BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes the complainant in the above styled cause and requests the oral examination of O. F. E. Winberg, as witness for the complainant, who resides in Baldwin County, State of Alabama, and suggests Madeline S. Bryars of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of said witness.

Witness my hand this the 3 day of April, 1953.

W. C. Beebe
Solicitor for Complainant

I, Alice J. Duck, Register 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 complainant for oral examination of the said O. F. E. Winberg, as witness for complainant and that notice of said motion was given to the defendants by entry on the order book of the register, said entry having been made on the 3 day of April, 1953.

Alice J. Duck
Register of the Circuit Court of Baldwin
County, Alabama.

which should be sent directly to the Secretary of State
in your address box and a separate box for the enclosed to be
sent to the same address. The enclosed should be sent to the
same address as the enclosed to be sent to the Secretary of State
which may perhaps not be sent to the Secretary of State but to
the Secretary of State.

Very truly yours,
Secretary of State

Request for Oral
Examination

21st April 1953
Aircraft Licence
Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA: AND H.E.
BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

DEFENDANTS

Whereas Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, has filed its bill of complaint on the 26th day of January, 1953, in this court on the Equity side, claiming to be in actual peaceable possession, owning and claiming to own those certain lands, lying and being situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

Southwest quarter of the Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama

Complainant alleges in its bill of complaint that the complainant holds title to the Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East, by purchase from Martha Winberg and O. F. E. Winberg December 24, 1938, who acquired the same by mesne conveyances from the United States Government; and it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South,

Range 3 East, deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the lands to complainant in lieu of the said lost deed; that the said Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that each of the said persons from whom complainant purchased the said lands were in possession of the same claiming to own the same at the time of its purchase aforesaid; that the complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with its purchase of the said lands had the same under fence and in cultivation, and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of this bill of complaint and has for more than ten years next preceding the filing of its bill of complaint annually assessed and paid taxes on the said lands; that H. E. Brown and Olga Hansen claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the Southwest quarter of Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East; or some part or parcel thereof.

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

And it appearing from said bill of complaint, the same

being duly verified, that the places of residence and post office address of the said defendants, H. E. Brown and Olga Hansen, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the places of residence and post office addresses cannot be ascertained.

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

WITNESS my hand and seal this the 26th day of January,
1953.

Robert L. White
Register.

702957

Lis Pen

FILED
JAN 26, 1953
ALICE J. DICK, CLERK

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page]

WINEBERG ORCHARDS AND NURSERIES COMPANY, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SOUTHEAST QUARTER AND NORTH HALF OF SOUTH HALF OF SOUTHEAST QUARTER OF SOUTHWEST QUARTER ALL IN SECTION 23, TOWNSHIP 5 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA; AND H.E. BROWN AND OLGA HANSEN; AND AGAINST ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS, OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM, LIEN OR ENCUMBRANCE ON SAID LANDS OR ANY PART OR PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, decree pro confesso, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, H. E. Brown and Olga Hansen, and any and all other persons, firms, associations or corporations, claiming any title to, interest, in, claim, lie or encumbrance on said lands or any part thereof, has been given in the manner required by law, and that the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainant, Winberg Orchards and Nurseries Company, Inc., is a corporation organized under the laws of the State of Alabama; that at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama,

described as follows, to-wit:

The Southwest quarter of the Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter, all in Section 23, Township 5 South, Range 3 East;

That the complainant obtained title to the said lands described as Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East, by purchase from Martha Winberg and O. F. E. Winberg, December 24, 1936, who acquired the same by mesne conveyances from the United States Government; and it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East; deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the lands to complainant in lieu of the said lost deed; that the Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom it claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Winberg Orchards & Nurseries Company, Inc., at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the said defendants, H. E. Brown and Olga Hansen, nor any and all persons, firms, associations, or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Winberg Orchards & Nurseries Company, Inc., shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Winberg Orchards & Nurseries Company, inc., and the said title so quieted and established in it shall be treated and considered as established in favor of the said Winberg Orchards & Nurseries Company, Inc., and all persons deriving title through it.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Winberg Orchards and Nurseries Company, Inc., be and it is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 15th day of April, 1952.

Hubert M. Hall

Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 30th day of Apr, 1952

Alice J. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 4-30-52 3 P. M.

Deed...book 195...page 104-6

W. R. Street
Judge of Probate

ES

4-10-52
FILED

195-104-6

...of this power for the registration of this county recorder in this office of
...the 14th of October of 1904...
...present there and that his name shall be on the list of the county recorder
...necessarily and in this office...
...to the board of supervisors of this county...
...of the board of supervisors of this county...
...of the board of supervisors of this county...

Wm. H. French
Recorder

...of the board of supervisors of this county...
...of the board of supervisors of this county...
...of the board of supervisors of this county...

1904

FILED
4-10-5
AUGUST 1. DUCK, Registrar

195-104-6

R. V. ...
B. J. ...
...

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Bryars

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 O. F. E. Winberg

as witnesses in behalf of complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Winberg Orchards & Nurseries Co., Inc.

_____, Complainant
and H. E. Brown and Olga Hansen

_____, Respondent

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

Witness 7th day of April, 1953

W. J. [Signature]
Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Winberg Orchards & Nurseries
Company, Inc.

Complainant—

VS.

H. E. Brown & Olga Hansen
& certain lands

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Madeline S. Bryars

WITNESSES:

O. F. E. Winberg

WINBERG ORCHARDS & NURSERIES COMPANY, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ALABAMA,

COMPLAINANT

VS

IN THE CIRCUIT COURT OF

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SOUTHWEST QUARTER AND NORTH HALF OF SOUTH HALF OF SOUTHWEST QUARTER OF SOUTHWEST QUARTER ALL IN SECTION 23, TOWNSHIP 5 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA: AND H. E. BROWN AND OLGA HANSEN: AND AGAINST ANY AND ALL OTHER PERSONS, FIRMS, ASSOCIATIONS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, CLAIM LIEN OR ENCUMBRANCE ON SAID LANDS OR ANY PART OR PARCEL THEREOF,

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

DEFENDANTS

Notice is hereby given to M. E. Brown and Olga Hansen, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The Southwest quarter of Southwest quarter of Southeast quarter and North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, in Baldwin County, Alabama:

That Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, has filed its bill of complaint on the 26th day of January, 1953, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own that certain land lying and being situated in the County of Baldwin, State of Alabama, described as follows:

The Southwest quarter of Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 east;

complainant alleges in its bill of complaint that it acquired title to the Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East by purchase from Martha

002 PAGE 430

Winberg and O. F. E. Winberg December 24, 1938, who acquired the same by mesne conveyances from the United States Government; and it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East, deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the lands to complainant in lieu of the said lost deed; that the said Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that each of the said persons from whom complainant purchased the said lands were in possession of the same claiming to own the same at the time of its purchase aforesaid; that the complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with its purchase of the said lands had the same under fence and in cultivation, and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of its bill of complaint; that the said H. E. Brown and Olga Hansen claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the Southwest quarter of Southwest quarter of Southeast quarter and North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have, for more than ten years next preceding the filing of said bill of complaint, been in the actual peaceable adverse possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of said lands or any part thereof or assessed or paid

taxes on said lands or any part thereof and that the bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the places of residence and post office addresses of the said defendants, H. E. Brown and Olga Hansen, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the places of residence and post office addresses cannot be ascertained.

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

It is therefore ordered that the said H. E. Brown and Olga Hansen, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: The Southwest quarter of Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 30th day of March, 1953, at which time the said cause shall stand at issue.

Witness my hand this the 26th day of January, 1953.

Asst. - Clerk
Register, Circuit Court, Baldwin County,
Alabama, in equity.

BOOK 002 PAGE 491

BOOK 002 PAGE 482

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, is complainant and H. E. Brown and Olga Hansen, and the following described lands, to-wit: the Southwest quarter of Southwest quarter of Southeast quarter and North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, in Baldwin County, Alabama, and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, Alabama, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 26th day of

January, 1953.

Alice J. Duck
Register.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1-27-53.....3 P. M.
Li. Pend. book 002 page 429-32
M. J. Hunt
Judge of Probate

NO 2957

Wm. H. Miller, Jr.
1918

2-429-30

FILED

JAN 26 1953

ALICE L. DUCK, Clerk

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA; AND H.
E. BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause is submitted for final decree upon bill of complaint,
service by publication, decree pro confesso and deposition of O. F. E.
Winberg, witness for complainant.

This the 10 day of April, 1953.

W. C. Burke
Solicitor for Complainant
Archie J. French
Register.

RETURN TO
SHERIFF'S DEPARTMENT
COURT HOUSE
MILWAUKEE, WIS.

RECEIVED
MAY 10 1953
MILWAUKEE, WIS.

Note of Testimony

FILED
MAY 10 1953
ALICE J. DUCK, Register

WINBERG ORCHARDS AND NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF THE
STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 29, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA; AND H.E.
BROWN AND OLGA HANSEN; AND
AGAINST ANY AND ALL OTHER
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OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
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THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, decree pro confesso, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, H. E. Brown and Olga Hansen, and any and all other persons, firms, associations or corporations, claiming any title to, interest, in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and that the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainant, Winberg Orchards and Nurseries Company, Inc., is a corporation organized under the laws of the State of Alabama; that at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama,

described as follows, to-wit:

The Southwest quarter of the Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter, all in Section 23, Township 5 South, Range 3 East;

That the complainant obtained title to the said lands described as Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East, by purchase from Martha Winberg and C. F. E. Winberg, December 24, 1938, who acquired the same by mesne conveyances from the United States Government; and it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East, deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the lands to complainant in lieu of the said lost deed; that the Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom it claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Winberg Orchards & Nurseries Company, Inc., at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the said defendants, H. E. Brown and Olga Hansen, nor any and all persons, firms, associations, or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Winberg Orchards & Nurseries Company, Inc., shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Winberg Orchards & Nurseries Company, inc., and the said title so quieted and established in it shall be treated and considered as established in favor of the said Winberg Orchards & Nurseries Company, Inc., and all persons deriving title through it.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Winberg Orchards and Nurseries Company, Inc., be and it is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the ___ day of _____, 1952.

Judge

FILED
1952
MAY 10 1952

FILED

FILED

4-10-52

ALICE J. DUCK, Register

Page

Page of the volume which will be referred to in the

of this proceeding for which the description is

provided and recorded on the map of the land of the

It is further stated that the land is

to be used for a part of the cost of the

the amount which will be used for the

the office of the State of Michigan

of this State for the purpose of the

It is further stated that the

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Winberg Orchards & Nurseries Complainant

VS.

H. E. Brown, Olga Hansen & certain lands Respondent

I, Madeline S. Bryars

as ~~Register and~~ Commissioner

have called and caused to come before me O. F. E. Winberg

witness _____ named in the Requirement for Oral Examination, on the 10 day of April 1953, at the office of W. C. Bebbe in Bay Minette, Alabama, and having first sworn said Witness _____ to speak the truth, the whole truth, and nothing but the truth, the said O. F. E. Winberg

_____ doth depose and say as follows:

My name is O. F. E. Winberg, I am president of Winberg Orchards & Nurseries, Co., Inc. a corporation organized under the laws of the State of Alabama. Its principal place of business being at Silverhill, in Baldwin County, Alabama. I have known continuously for more than 30 years the lands described in its complaint against H. E. Brown and Olga Hansen in the Circuit Court of Baldwin County, Alabama. The defendants, H. E. Brown and Olga Hansen, are both non-residents of the state of Alabama, and at some time resided in the State of Illinois. I have not known or heard from them or either of them for more than 20 years and I have made diligent search and inquiry to ascertain their present places of residence, and have been unable to do so. I have inquired of numerous persons in Chicago, Illinois, and persons around Silverhill, Alabama, and found no person who has seen or heard from them for more than 20 years. I have also inquired of the County officers and searched the tax and deed records at Bay Minette in Baldwin County, Alabama, and have been unable to ascertain the place of residence of either H. E. Brown or Olga Hansen. Both are over the age of twenty-one years of age and are non-residents of Alabama. Winberg Orchards & Nurseries Company at the time of filing this suit and at this time own the lands described in its bill of complaint filed in the Circuit Court to quiet-title against the said H. E. Brown and Olga Hansen and the lands described in the bill of complaint. It holds title to the Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East by purchase from Martha Winberg and O. F. E. Winberg, December 24, 1938, that on said date the said Martha Winberg was the owner of the said lands by mesne conveyances from the United States Government. The complainant holds title to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East, from the Southern Alabama Plantation Company. It having acquired the same sometime during the year 1932 by deed from Southern Alabama Plantation Company which has been lost. November 20, 1952 the Southern Alabama Plantation Company executed another deed to complainant in lieu of lost deed. The Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government. At the time of the purchase by the Winberg Orchards & Nurseries Company of each of the said tracts of land the persons from whom it purchased were in possession of the respective tract claiming to own them. Upon its purchase Winberg Orchards & Nurseries Company, Inc., went into possession of each of the said tracts claiming to own them. It has each year subsequent to its purchase assessed these lands for taxes in Baldwin County, Alabama, and paid taxes thereon.

H. E. Brown and Olga Hansen, defendants, each claim or are reputed to claim some right title or interest in the said lands, or some part thereof. There is no suit pending, other than this, to try or test complainant's title to such lands or any part thereof. The title to these lands stands on the records of Baldwin County in Complainant's name. The complainant has been in possession of these lands continuously for more than 20 years next preceding the filing of its bill of complaint, claiming to own the same under color or title, assessing and paying taxes thereon. During such 20 year period neither the said H. E. Brown nor the said Olga Hansen have had any possession of or claimed any right to possession of the said lands, or any part thereof, and no person other than Winberg Orchards & Nurseries Company, Inc., during such 20 year period, has had any possession of the said lands or any part thereof. More than 10 years ago Winberg Orchards & Nurseries, Company, Inc., fenced the said lands and has continuously for 10 years maintained such fence and has used these lands by its self or by tenant, farming the same in crops or pasturing stock thereon. Prior to the time of fencing the said lands complainant turpented the said lands by tenant and cut and removed timber therefrom.

O. F. E. Winberg

ORAL EXAMINATION.

I, Madeline S. Bryars, as ~~Register~~ and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness _____ and read over to him and he signed the same in the presence of myself and W. C. Beebe

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

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

Given under my hand and seal, this 10 day of April, 1943

Madeline Bryars (L. S.)

NO. _____ PAGE _____

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

vs. Complainant

Respondent.

Oral Deposition

Filed April 10, 1943
W. C. Beebe, Register.
Recorded in _____
Record _____

Vol. _____ Page _____
_____, Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

~~Winberg Orchards & Nurseries Company, Inc.~~ Complainant

Vs.

H. E. Brown, Olga Hansen & certain lands Defendant^s

Motion is hereby made for a Decree Pro Confesso against ~~H. E. Brown and Olga Hansen~~

_____ Defendant^s

in the annexed stated cause. on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 3rd day of April 1953

746 Code



Solicitor.

No. _____ **RECORDED** _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Winberg Orchards & Nurseries

Company, Inc.

Complainant

Vs.

H. E. Brown, Olga Hansen &

certain lands.

Defendant

Motion for Decree Pro Confesso
on Publication

Filed April 3 1953

W. J. [Signature]
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA: AND H.
E. BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To H. E. Brown and Olga Hansen, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The Southwest quarter of the Southwest quarter of the Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama;

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of O. F. E. Winberg, witness for the complainant in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witness.

Witness this the 3 day of April, 1953.

L. C. Barber
SOLICITOR FOR COMPLAINANT

W. J. H. H. H.
Register

TO THE HONORABLE SENATE
OF THE STATE OF TEXAS
COMMISSIONERS OF THE GENERAL LAND OFFICE
DALLAS, TEXAS

REPLY TO SENATE MESSAGE NO. 10

THE COMMISSIONERS OF THE GENERAL LAND OFFICE
HAVE THE HONOR TO ACKNOWLEDGE THE RECEIPT
OF YOUR MESSAGE OF THE 28th INSTANT,
RELATIVE TO THE PROPOSED SALE OF
LAND BELONGING TO THE STATE OF TEXAS
AND TO ADVISE YOU THAT THE COMMISSIONERS
ARE IN FULL AGREEMENT WITH THE
PROVISIONS OF SAID MESSAGE AND
WILL PROMPTLY TAKE THE NECESSARY
ACTION TO CARRY OUT THE SAME.

VERY RESPECTFULLY,
COMMISSIONERS OF THE GENERAL LAND OFFICE

SENATE MESSAGE NO. 10, APRIL 28, 1953

Filed April 3, 1953
p. 1
R. J. [Signature]

100-100000-100000

RECEIVED
APR 3 1953

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

WINBERG ORCHARDS & NURSERIES COMPANY, INC. Complainant

Vs.

H. E. BROWN AND OLGA HANSEN & certain lands 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 29th day of January, 1953, 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 26 day of January 1953 and _____

And it now further appearing to the Register Alice J. Duck, that the said H. E. Brown and Olga Hansen

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant _____, ordered and decreed by the Register Alice J. Duck _____ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said H. E. Brown and Olga Hansen

This 3rd day _____ day of April 1953

Alice J. Duck Register.

RECORDED

No. _____

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Winberg Orchards & Nurseries
Company Inc.

Vs.

H. E. Brown and Olga Hansen &
certain lands.

Decree Pro Confesso of Publication

Issued April 3 1953

W. J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA: AND H.
E. BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Notice is hereby given to H. E. Brown and Olga Hansen, and to any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The Southwest quarter of Southwest quarter of Southeast quarter and North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, in Baldwin County, Alabama:

That Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, has filed its bill of complaint on the 26 day of January, 1953, in this court on the equity side claiming to be in actual peaceable possession, owning and claiming to own that certain land lying and being situated in the County of Baldwin, State of Alabama, described as follows:

The Southwest quarter of Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 east;

complainant alleges in its bill of complaint that it acquired title to the Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East by purchase from Martha

Winberg and O. F. E. Winberg December 24, 1938, who acquired the same by mesne conveyances from the United States Government; and it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East, deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the lands to complainant in lieu of the said lost deed; that the said Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that each of the said persons from whom complainant purchased the said lands were in possession of the same claiming to own the same at the time of its purchase aforesaid; that the complainant immediately upon its purchase of the said lands went into possession of the same, claiming to own the same, and has continuously each year commencing with its purchase of the said lands had the same under fence and in cultivation, and that it has been in the actual, peaceable, continuous and adverse possession of the same for more than twenty years next preceding the filing of its bill of complaint; that the said H. E. Brown and Olga Hansen claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the Southwest quarter of Southwest quarter of Southeast quarter and North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, in Baldwin County, Alabama, or some part or parcel thereof.

Complainant further alleges that it and those through whom it claims have, for more than ten years next preceding the filing of said bill of complaint, been in the actual peaceable adverse possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of said lands or any part thereof or assessed or paid

taxes on said lands or any part thereof and that the bill of complaint is filed for the purpose of establishing its title to and interest in the said lands and clearing up doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified that the places of residence and post office addresses of the said defendants, H. E. Brown and Olga Hansen, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the places of residence and post office addresses cannot be ascertained.

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

It is therefore ordered that the said H. E. Brown and Olga Hansen, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: The Southwest quarter of Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 30th day of March, 1953, at which time the said cause shall stand at issue.

Witness my hand this the 26th day of January, 1953.

Archie A. Henrich
Register, Circuit Court, Baldwin County,
Alabama, in equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein Winberg Orchards & Nurseries Company, Inc., a corporation organized under the laws of the State of Alabama, is complainant, and H. E. Brown and Olga Hansen, and the following described land, to-wit: The Southwest quarter of Southwest Quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East; and any and all persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the said land are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama under and in pursuance of an order of this court made in said cause on the ___ day of January, 1953, and I do further certify that the same was published in the Baldwin Times, the newspaper designated therein in its issues of January 29, 1953, February 5, 1953, February 12, 1953, February 19, 1953.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, recorded by the said Judge of Probate in Lis Pendens 002, page K29-32, on the 27 day of Jan., 1953.

Witness my hand this the 20 day of February, 1953.

Alice J. Duck
Register

72V 2951

FILED
JAN 26, 1952
ALICE J. DUCK, Clerk

[Faint, illegible handwriting]

[Faint, illegible handwriting]

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA: AND H.
E. BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To H. E. Brown and Olga Hansen and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The Southwest quarter of the Southwest quarter of the Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter all in Section 23, Township 5 South, Range 3 East, Baldwin County, Alabama;

Notice is hereby given that the testimony of O. F. E. Winberg, witness for the complainant in the above styled cause will be taken orally before Madeline, S. Bryars, commissioner, heretofore duly appointed, at the office of W. C. Beebe, attorney for the complainant, at 9:30 o'clock A.M. on the 10 day of April, 1953.

This the 7 day of April, 1953.

Madeline S. Bryars
Commissioner
W. C. Beebe
Solicitor for complainant

I, Alice J. Duck, Register of the Circuit Court of Baldwin County,
in equity, do hereby certify that the foregoing notice of the time and place
of taking deposition of complainant's witness was filed and entered on the
order book of the Register on the 7 day of April, 1953.

Alice J. Duck
Register

Filed: April 7, 1953
Alice J. Nevek
Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
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E. BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Testimony having been taken in this cause and the same being
ready for final decree, motion is hereby made that the said cause be set
down for final decree this the 11 day of April, 1953.


Solicitor for complainant

RECEIVED THE REGISTER

THE REGISTER HAS RECEIVED THE
NOTICE OF THE DEPARTMENT OF THE INTERIOR
AND THE BUREAU OF LAND MANAGEMENT
AND THE BUREAU OF MINES AND GEOLOGICAL SURVEY
AND THE BUREAU OF RECLAMATION AND SOIL CONSERVATION
AND THE BUREAU OF INDIAN AFFAIRS AND THE BUREAU OF THE CENSUS
AND THE BUREAU OF ECONOMIC ANALYSIS AND THE BUREAU OF STATISTICS
AND THE BUREAU OF AGRICULTURE AND THE BUREAU OF COMMERCE
AND THE BUREAU OF EDUCATION AND THE BUREAU OF LABOR RELATIONS
AND THE BUREAU OF MARITIME SERVICE AND THE BUREAU OF POSTAL SERVICE
AND THE BUREAU OF PUBLIC HEALTH AND THE BUREAU OF THE ARMY
AND THE BUREAU OF THE NAVY AND THE BUREAU OF THE AIR FORCE
AND THE BUREAU OF THE COAST AND GEODETIC SURVEY
AND THE BUREAU OF THE INSULAR AFFAIRS AND THE BUREAU OF THE INTERIOR
AND THE BUREAU OF THE LAND OFFICE AND THE BUREAU OF THE MINES
AND THE BUREAU OF THE NATIONAL BUREAU OF STANDARDS
AND THE BUREAU OF THE NATIONAL BUREAU OF STANDARDS
AND THE BUREAU OF THE NATIONAL BUREAU OF STANDARDS

FILED
4-10-53
AISE J. DUCK, Register

RECEIVED THE REGISTER

RECEIVED THE REGISTER

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
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E. BROWN AND OLGA HANSEN: AND
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PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Complainant having on the 3 day of April, 1953, filed his motion and request for oral examination of O. F. E. Winberg, witness for complainant and due and proper notice thereof having been given as required by law on the Order Book of this Court and Madeline S. Bryars of the Town of Bay Minette being a suitable person to act as commissioner to take the deposition of said witness;

It is therefore ordered, adjudged and decreed that the said motion for the oral examination of O. F. E. Winberg, witness for complainant, be and is hereby granted.

And that Madeline S. Bryars be and she is hereby appointed as commissioner to take the deposition of said witness.

Witness my hand this the 7 day of April, 1953.

Arice J. Wickett
REGISTER

Molitor Oral Examination

Filed April 7, 1953

Archie Leuck
Register

WINBERG ORCHARDS AND NURSERIES
COMPANY, INCL, A CORPORATION
ORGANIZED UNDER THE LAWS OF THE
STATE OF ALABAMA,

COMPLAINANT

VS

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA; AND H.E.
BROWN AND OLGA HANSEN: AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRM, ASSOCIATIONS,
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final decree upon behalf of the complainant, upon the original bill of complaint and upon the service, decree pro confesso, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, H. E. Brown and Olga Hansen, and any and all other persons, firms, associations or corporations, claiming any title to, interest, in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and that the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainant, Winberg Orchards and Nurseries Company, Inc., is a corporation organized under the laws of the State of Alabama; that at the time of the filing of the said bill of complaint and at the time of the submission of this cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama,

described as follows, to-wit:

The Southwest quarter of the Southwest quarter of Southeast quarter and the North half of South half of Southeast quarter of Southwest quarter, all in Section 23, Township 5 South, Range 3 East;

That the complainant obtained title to the said lands described as Southwest quarter of Southwest quarter of Southeast quarter of Section 23, Township 5 South, Range 3 East, by purchase from Martha Winberg and O. F. E. Winberg, December 24, 1938, who acquired the same by mesne conveyances from the United States Government; and it holds title from the Southern Alabama Plantation Company as to the North half of South half of Southeast quarter of Southwest quarter of Section 23, Township 5 South, Range 3 East, deed for which was executed by the said Southern Alabama Plantation Company sometime during the year 1932, which said deed has been lost and that on to-wit: the 20th day of November, 1952, the said Southern Alabama Plantation Company executed a deed to convey the lands to complainant in lieu of the said lost deed; that the Southern Alabama Plantation Company held title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom it claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Winberg Orchards & Nurseries Company, Inc., at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the said defendants, H. E. Brown and Olga Hansen, nor any and all persons, firms, associations, or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said Winberg Orchards & Nurseries Company, Inc., shall inure to the benefit of all persons deriving title to said lands or any part thereof, from or through the said Winberg Orchards & Nurseries Company, inc., and the said title so quieted and established in it shall be treated and considered as established in favor of the said Winberg Orchards & Nurseries Company, Inc., and all persons deriving title through it.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Winberg Orchards and Nurseries Company, Inc., be and it is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 15 day of April, 1953.

Robert M. Jace
Judge

1562

The following is a copy of the report of the ...
The following is a copy of the report of the ...
The following is a copy of the report of the ...
The following is a copy of the report of the ...
The following is a copy of the report of the ...

...
...

FILED
H-30-53
ALICE J. DUCK, Register

ALICE J. DUCK, REGISTER
#100-31
FILED



LEGAL NOTICE
In The Circuit Court of Baldwin County,
Alabama, In Equity

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION
ORGANIZED UNDER THE LAWS OF
THE STATE OF ALABAMA,
Complainant.

Vs.

THE SOUTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SOUTH-
EAST QUARTER AND NORTH HALF
OF SOUTH HALF OF SOUTHEAST
QUARTER OF SOUTHWEST QUARTER
ALL IN SECTION 23, TOWNSHIP
5 SOUTH, RANGE 3 EAST, BALD-
WIN COUNTY, ALABAMA; AND H.
E. BROWN AND OLGA HANSEN; AND
AGAINST ANY AND ALL OTHER
PERSONS, FIRMS, ASSOCIATIONS
OR CORPORATIONS CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF.

Derendants.

Notice is hereby given to H. E. Brown
and Olga Hansen, and to any and all
persons, firms, associations or corpora-
tions claiming any title to, interest in,
claim, lien or encumbrance upon the
following described lands: The South-
west quarter of Southwest quarter of
Southeast quarter and North half of
South half of Southeast quarter of South-
west quarter all in Section 23, Township 5
South, Range 3 East, in Baldwin County,
Alabama:

That Winberg Orchards & Nurseries
Company, Inc., a corporation organized
under the laws of the State of Alabama,
has filed its bill of complaint on the
26th day of January, 1953, in this
court on the equity side claiming
to be in actual peaceable possession
owning and claiming to own
that certain land lying and being sit-
uated in the County of Baldwin, State
of Alabama, described as follows:

The Southwest quarter of Southwest
quarter of Southeast quarter and the
North half of South half of Southeast
quarter of Southwest quarter all in
Section 23, Township 5 South, range
3 east;

complainant alleges in its bill of com-
plaint that it acquired title to the South-
west quarter of Southwest quarter of
Southeast quarter of Section 23, Township
5 South, Range 3 East by purchase from
Martha Winberg and O. F. E. Winberg
December 24, 1938, who acquired the
same by mesne conveyances from the
United States Government; and it holds
title from the Southern Alabama Planta-
tion Company as to the North half of
South half of Southeast quarter of
Southwest quarter of Section 23, Town-
ship 5 South, Range 3 East, deed for
which was executed by the said
Southern Alabama Plantation Company
sometime during the year 1932, which
said deed has been lost and that on
to-wit: the 20th day of November, 1952,
the said Southern Alabama Plantation
Company executed a deed to convey the
lands to complainant in lieu of the said
lost deed; that the said Southern Ala-
bama Plantation Company held title to
the said lands by mesne conveyances
from the United States Government; that
each of the said persons from whom
complainant purchased the said lands
were in possession of the same claim-
ing to own the same at the time of its
purchase aforesaid; that the complain-
ant immediately upon its purchase of
the said lands went into possession of
the same, claiming to own the same, and
has continuously each year commenc-
ing with its purchase of the said lands
had the same under fence and in cul-
tivation, and that it has been in the
actual, peaceable, continuous and ad-
verse possession of the same for more
than twenty years next preceding the
filing of its bill of complaint; that the
said H. E. Brown and Olga Hansen
claim or are reputed to claim some title
to, interest in, claim, lien or encum-
brance upon the Southwest quarter of
Southwest quarter of Southeast quarter
and North half of South half of South-
east quarter of Southwest quarter all
in Section 23, Township 5 South, Range
3 East, in Baldwin County, Alabama, or
some part or parcel thereof.

Complainant further alleges that it
and those through whom it claims have,
for more than ten years next preced-
ing the filing of said bill of complaint,
been in the actual peaceable adverse
possession of the said lands and have
annually assessed and paid taxes there-
on and that during such period no
other person has been in possession of
said lands or any part thereof or asses-
sed or paid taxes on said lands or any
part thereof and that the bill of com-
plaint is filed for the purpose of estab-
lishing its title to and interest in the
said lands and clearing up doubts and
disputes concerning the same.

And it appearing from said bill of
complaint, the same being duly verified
that the places of residence and post
office addresses of the said defendants,
H. E. Brown and Olga Hansen, are un-
known and cannot be ascertained upon
diligent inquiry, and proof being made
that diligent inquiry was made and the
places of residence and post office ad-
dresses cannot be ascertained.

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

bama;
It is therefore ordered that the said
H. E. Brown and Olga Hansen, and any
and all other persons, firms, associations
or corporations claiming any title to,
interest in, claim, lien or encumbrance
upon said lands described as follows:
The Southwest quarter of Southwest
quarter of Southeast quarter and the
North half of South half of Southeast
quarter of Southwest quarter all in sec-
tion 23, Township 5 South, Range 3
East, Baldwin County, Alabama, appear
and plead, answer or demur to the said
bill of complaint within sixty days after
the first publication of this notice, namely
the 30th day of March, 1953, at which
time the said cause shall stand at issue.
Witness my hand this the 26th day of
January, 1953.

ALICE J. DUCK,
Register, Circuit Court,
Baldwin County, Alabama,
in equity.

2-41a

JIMMY FAULKNER
EDITOR AND PUBLISHER

NEWSPAPER

, 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 pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Winberg Orchards vs.
C. L. Lunds.

COST STATEMENT

1106 WORDS @ 6 1/2 cents ----- \$ 71 89
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 Jan. 29, 1953 Vol. 64 No. 2
Date of 2nd publication Feb. 5, 1953 Vol. 64 No. 3
Date of 3rd publication Feb. 12, 1953 Vol. 64 No. 4
Date of 4th publication Feb. 19, 1953 Vol. 64 No. 5

Subscribed and sworn before the undersigned this 19 day of Feb., 1953.

Saraty Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.

