D. H. FLEISCHER AND ANNA K. FLEISCHER, Complainants, VS. UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als, IN THE CIRCUIT COURT OF BALDWIN, et als,

Respondents.

-. L. Long

DEMAND FOR ORAL EXAMINATION OF WITNESSES

TO R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

You are hereby notified that the Complainants will require and therefore demand an oral examination of the following witnesses: D. O. Callaway R. S. Duck

The examination of the said witnesses to be taken orally before the Commissioner to be appointed by this Court at two o'clock P. M. on July 31, 1945, at Orange Beach, Alabama.

Minnie Lee Brown, of Orange Beach, Alabama is hereby suggested as a Commissioner to take the testimony of the said witnesses.

Dated this 26th day of July, 1945.

Starlalue

ficitor for Complainants.

D. H. FLEISCHER AND ANNA K. FLEISCHER,

VS.

Complainants,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

TO THE UNKNOWN HEIRS OF PHILLIPINE BALDWIN, ALSO KNOWN AS PHILLIPIENA BALDWIN, AND PHILIPINEA BALDWIN, EDNA O. MORGAN, FRED S. BALDWIN AND MRS. FRED S. BALDWIN, AND TO W. I. HAWKINS, AS GUARDIAN AD LITEM:

You are hereby notified that the foregoing requirement for oral examination of witnesses was filed with me on this date and that a Commissioner will be appointed and testimony taken as provided herein.

Decrees Pro Confesso having been rendered against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin, Edna O. Morgan, Fred S. Baldwin and Mrs. Fred S. Baldwin, it is further ORDERED that a copy of this application be placed on the Order Book of the Register for three days. Dated this 26th day of July, 1945.

Register

RECORDEN

DEMAND FOR ORAL EXAMINATION OF WITNESSES AND NOTICE THEREOF.

D. H. FLEISCHER AND ANNA K. FLEISCHER,

Complainants, VS.

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

"ed and dated 26, 1945.

D. H. FLEISCHER AND ANNA K. FLEISCHER,

Complainants,

VS.

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337

IN THE

DECREES PRO CONFESSO

In this cause it appears to the Register that the Order of Publication heretofore made in this cause was published for four consecutive weeks commencing on May 24, 1945, in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama; that a copy of the said order was posted at the front door of the Court House at Bay Minette, in Baldwin County, Alabama, and copies thereof mailed to the following respondents at the following addresses: Edna O. Morgan, Chicago, Illinois; Edna O. Morgan, C/o Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois; Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois; within twenty days after making of such order and further that on May 15, 1945, a copy of the Bill of Complaint filed in this cause, together with a summons requiring Mrs. Fred S. Baldwin to appear and plead, answer or demur to the said Bill of Complaint within thirty days from service thereof, was mailed to her by registered mail, postage prepaid, marked: "For Delivery Only to the Person to Whom Addressed" with return receipt requested, at 902 Dawes Avenue, Wheaton, Illinois; that the said return card or receipt was signed by the said Respondent and received and filed by the Register of this Court on May 21, 1945, and that to the said date the unknown heirs of Phillipine Baldwin, also known as Phillipinea Baldwin and Philipinea Baldwin; Edna O. Morgan, Fred S. Baldwin and Mrs. Fred S. Baldwin, have each and all failed to appear and plead to, answer or demur to the Bill of Complaint filed against them in this cause:

IT IS THEREFORE, on motion of the Complainants, Ordered, and Decreed by the Register that the said Bill of Complaint be and and it hereby is in all things taken as confessed against the said unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Edna O. Morgan, Fred S. Baldwin and Mrs. Fred S. Baldwin.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 26th day of July, 1945.

Sillerof

Register.



D. H. FLEISCHER AND ANNA K. FLEISCHER,

VS.

Complainants,

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337

DUCK

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

NOTICE OF APPOINTMENT, ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

TO W. H. HAWKINS, ESQUIRE:

You are hereby notified that you have been appointed Guardian Ad Litem to represent the minor heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin, and any of the unknown heirs of the said party who are now in the military service.

Register.

Dated this 26th day of July, 1945.

STATE OF ALABAMA BALDWIN COUNTY

I, W. H. Hawkins, do hereby accept appointment as Guardian Ad Litem for any minor heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin, and as Guardian Ad Litem for any of the heirs of the said party who are now in the military service and for answer to the Bill of Complaint filed in this cause and to each and every count thereof separately and severally, I deny each and all of the allegations of the Bill of Complaint and demand strict proof of same.

Dated this 26th day of July, 1945.

aevtins

Guardian Ad Litem.

	RECORDE	U					
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SUMMONS

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Fred S. Baldwin, Mrs. Fred S. Baldwin and Mrs. Edna O. Morgan to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county at the place of holding same, and then and there demur, plead to or answer the Bill of Complaint filed against them by D. H. Fleischer and Anna K. Fleischer.

Witness my hand this 15th day of May, 1945.

 $n \cos(1)$

As Register of the Circuit Court of Baldwin County, Alabama in Equity. TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, D. H. Fleischer and Anna K. Fleischer, present this Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan, and thereupon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orators are each over twenty-one years of age and residents of Pensacola, Florida. The heirs of Phillipine Baldwin, Deceased, also known as Phillipinea Baldwin and Philipinea Baldwin/are unknown; your Orators have made diligent inquiry to ascertain the same and their residence as your Orators believe is not in the State of Alabama. Fred S. Baldwin and Mrs. Fred S. Baldwin are non-residents of the State of Alabama; are each over twenty-one years of age, whose residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; Edna O. Morgan is over twenty-one years of age, is a non-resident of the State of Alabama whose residence and post office address is Chicago, Illinois but is otherwise unknown to your Orators and cannot be ascertained after diligent inquiry to ascertain the same.

2. Your Orators claim to own and are in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing $12\frac{1}{4}$ acres, more or less.

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Range 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land: TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, D. H. Fleischer and Anna K. Fleischer, present this Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan, and there upon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orators are each over twenty-one years of age and residents of Pensacola, Florida. The heirs of Phillipine Baldwin, Deceased, also known as Phillipinea Baldwin and Philipinea Baldwin/are unknown; your Orators have made diligent inquiry to ascertain the same and their residence as your Orators believe is not in the State of Alabama. Fred S. Baldwin and Mrs. Fred S. Baldwin are non-residents of the State of Alabama; are each over twenty-one years of age, whose residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; Edna O. Morgan is over twenty-one years of age, is a non-resident of the State of Alabama whose residence and post office address is Chicago, Illinois but is otherwise unknown to your Orators and cannot be ascertained after diligent inquiry to ascertain the same.

2. Your Orators claim to own and are in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabana, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing $12\frac{1}{2}$ acres, more or less.

The Fractional Southwest (warter of regular Government Section 35, Township 8 South Range 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land: TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, D. H. Fleischer and Anna K. Fleischer, present this Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan, and there upon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orators are each over twenty-one years of age and residents of Pensacola, Florida. The heirs of Phillipine Baldwin, Deceased, also known as Phillipinea Baldwin and Philipinea Baldwin/are unknown; your Orators have made diligent inquiry to ascertain the same and their residence as your Orators believe is not in the State of Alabama. Fred S. Baldwin and Mrs. Fred S. Baldwin are non-residents of the State of Alabama; are each over twenty-one years of age, whose residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; Edna O. Morgan is over twenty-one years of age, is a non-resident of the State of Alabama whose residence and post office address is Chicago, Illinois but is otherwise unknown to your Orators and cannot be ascertained after diligent inquiry to ascertain the same.

2. Your Orators claim to own and are in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing 12¹/₂ acres, more or less.

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Range 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land: EXCEPTION NO.1: Starting at a point 611 feet West of a stake marking the dividing line between the Suarez and Kee Grants; thence South 600 feet; thence due West 360 feet to a stake; thence North to Bay LaLaunch; thence along Bay LaLaunch Eastwardly to starting point, being a part of Section 36, Township 8 South Range 5 East and the property conveyed by W. E. Baldwin, a Widower, to W. H. Hawkins and A. H. Crovatt by deed dated August 1, 1931 and recorded in Deed Book 51 N.S. at page 203, Baldwin County, Alabama Records.

EXCEPTION NO. 2: Begin at the Southeast Corner of the Fractional Southwest Quarter of Regular Government Section 35, Township 8 South Range 5 East, and run thence West 1457 feet to starting point; thence West 100 feet to a stake; thence North 25 degrees West 310 feet to Bay LaLaunch; thence Northeastwardly along Bay 130 feet to a stake; thence South 401 feet to the point of beginning; being a tract of land now or formerly owned by Emanuel 5. Baldwin.

3. The Respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the said lands; no suit is pending to enforce or test the validity of such title, interest in, lien or encumbrance upon the said lands and your Orators present this Bill of Complaint against the said Respondents to settle the title to the said lands and to clear up all doubts and disputes concerning the same. Your Orators here and now call upon the said Respondents to set forth and specify their right, title or interest in, lien or encumbrance on the said lands or any part thereof and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

Your Orators pray that the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan be made parties respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them.

PRAYER FOR RELIEF

Your Orators further pray that upon a final hearing of this cause the Court will make and enter a proper decree against the

said Respondents and each of them, quieting your Orators' title to the said lands, adjudging and decreeing that your Orators are the owners thereof in their own right; that title thereto is in them, forever quieting their title against the said Respondents, adjudging and decreeing that the said Respondents and each of them are without right, title or interest in the said lands and have and hold no encumbrance thereon. Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

B. Blacklur Soficitor for Complainants.

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, perdonally appeared D. H. Fleischer and Anna K. Fleischer, who, after being by me first duly and legally sworn, do each depose and say: That the heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Phillipinea Baldwin are unknown to affiants and cannot be ascertained on diligent inquiry; that they have made diligent inquiry to ascertain the same and that their residence, as affiants believe, is not in the State of Alabama.

Affiants further depose and say that they have each read over the foregoing Bill of Complaint and that each and all of the allegations contained therein are true.

2, K. Fleinher Enna & Aleineher

Sworn to and subscribed before me on this the 14 day of May, 1945.

Baldwin County, Alabama.

KNOW ALL MEN BY THESE PRESENTS, That____

Fred S. Baldwin, brother

<u>Edna O. Morgan, sister</u>

of William E. Baldwin, deceased

of Chicago

in the County of <u>Cook</u> and State of <u>Illinios</u> for and in consideration of the sum of _____ lawful money of the United States of America, to _____ in hand paid by _____ ha remised, released and forever discharge, and, by these heirs, executors and adminis-Presents do__, for___ trators, remise, release and forever discharge the said_ heirs, executors and administrators, We the undersigned, relinquish any cla im on property owned by William E. Baldwin deceased, near Orange Beach, Baldwin County, Alabama of and from all manner of actions, cause, and causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts. controversies, agreements, promises, variances, trepasses, damages, judgments executions, claims and demands, whatsoever in law or in equity, which ____ now have against____ or ever had, or which heirs, executors, or administrators, hereafter can, shall or may have, for, upon, or by reason of any matter, cause or thing, whatsoever, from the beginning of the world, to the day of the date of these Presents.

IN WITNESS WHEREOF, we have hereunto set our hand and seal the 29th day of December in the year of our Lord One Thousand Nine Hundred thirty-nine

SEALED AND DELIVERED IN THE PRESENCE OF

Gladys V. Baldwin

Subscribed and sworn to before me a Notary Public in and for Cook County, Illinios

 Fred	S.	Baldwin	(Seal)
Edna	0.	Morgan	(Seal)
			(Seal)

Roy Elis Johnson Notary Public

COPY

Complanants Exhibit 6 Minnie Lee Brown Commissiour.

STATE OF ALABAMA BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That I, HILDUR P. BALDWIN, a widow, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to me in hand paid by D. H. FLEISCHER and ANNA K. FLEISCHER, his wife, the receipt of which is hereby acknowledged, do GRANT, BARGAIN, SEEL, and CONVEY unto the said D. H. FLEISCHER, and ANNA K. FLEISCHER, his wife all the following described lands situated in Baldwin County, Alabama, to-wit:

The Fractional Southwest Quarter $(F-SW_1^1)$ of Section Thirty-five (35) in Township Eight (8), South, and Range Five (5) east; also known as Spanish Grant section Thirty-six (36) in said Township south, and Range east, and containing forty (40) acres, more or less.

ALSO, STARTING AT A STAKE, on Bay La Launch, running seven hundred thirty-five (735) feet, in a southerly direction on a line dividing the lands of L. Walker and G. R. Suarez to a stake; thence, on an easterly direction seven hundred thirty-five (735) feet, to a stake; thence, in a northerly direction seven hundred thirty-five (735) feet to a stake on Bay La Launch; thence, in a westerly direction, seven hundred thirty five (735) feet, along bay shore, to place of BEGIN-NING? and, all being in Section Thirty-five (35), same being part of Grant Section Thirty-six (36) in Township Eight (8), south, and Range Five (5), east. Same containing Twelve and one-quarter (124) acres.

The property to be excepted from above description is that of Crovatt and Hawkins (5 acres); Emanuel S. Baldwin (1 acre) and Edna Morgan (12 acres).

TOGETHER with all and singular, the rights, members, privileges, tenaments, hereditaments and appurtenances thereunto behonging or in anywise appertaining.

TO HAVE AND TO HOLD unto the said D. H. FLEISCHER and ANNA K. FLEISCHER, his wife, their heirs and assigns forever. And I do for myself, my heirs, executors and administrators, covenant with the said D. H. FLEISCHER and ANNA K. FLEISCHER, his wife, their heirs and assigns, that I am lawfully seized in fee simple of said premises; that they are free from all encumbrances and that I have a good right to sell and convey the same as aforesaid; that I will and my heirs, executors, and administrators shall warrant and defend the same to the said D. H. FLEISCHER and ANNA K. FLEISCHER, his wife, their heirs and assigns forever, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this the <u>l6th</u> day of June, 1942.

Hildur Pl Baldwin

(SEAL)

STATE OF <u>ILLINOIS</u>

COOK COUNTY

I, Dorothy Weinsheim , a Notary Public, in and for said County, in said state, hereby certify that HILDUR P. BALDWIN, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date, Given under my hand and seal on this the 16th day of June,

1942.

Dorothy Wemsheim Notary Public, Cook Co., Illinois

COPY

Complements Exhibit 3 Minnie Lee Brown Commissiour.

This instrument was filed for record on June 30, 1942 and is recorded in Deed Book 77 at page 454 Baldwin County, Alabama Records. D. H. FLEISCHER AND ANNA K. FLEISCHER,

VS.

Complainants,

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

MOTION FOR DECRETSPRO CONFESSO

Motion is hereby made for a Decree Pro Confesso against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Edna O. Morgan, Fred S. Baldwin and Mrs. Fred S. Baldwin or the ground that the Order of Publication directed to the said Respondents in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of the said paper of May 24, 1945, May 31, 1945, June 7, 1945 and June 14, 1945, requiring the said Respondents and each of them to appear and plead to, answer or demur to the Bill of Complaint filed against them in this cause before June 25, 1945, or that a Decree Pro Confesso would be taken against them at the expiration of thirty days thereafter and further that a copy of the Bill of Complaint, together with a summons requiring the said Respondent to appear and plead, answer or demur to the Bill of Complaint in this cause within thirty days after service was mailed to the Respondent, Mrs. Fred S. Baldwin, by registered mail, postage prepaid, marked "For Delivery Only to the Person to Whom Addressed" with return receipt requested, directed to the Register of this Court as sending officer, was delivered to the said Respondent who signed the said registered article receipt which was received and filed by the Register of this Court on May 21, 1945, and that to date hereof the said Respondents and each of them have failed to appear and plead, answer or demur to

the said Bill of Complaint, all of which will fully appear from the Certificate of the Register of this Court which bears even to which reference is hereby made date herewith and which has been filed in this cause/ and also from the proof of publication filed herein.

Dated this 26th day of July, 1945.

B. Blackelin

Soffcitor for Complainants.



MOTION FOR DECREES PRO CONFESSO

D. H. FLEISCHER AND ANNA K. FLEISCHER,

Complainants,

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VS.

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

IN THE CIRCULT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

Filed July 26, 1945, July 26,

Complainants,

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

D. H. FLEISCHER AND ANNA K. FLEISCHER,

VS.

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

CERTIFICATE

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

1. That I did on May 15, 1945, mail to Edna O. Morgan, Chicago, Illinois; Edna O. Morgan, C/o Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois; Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois and Mrs. Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois, by registered mail, postage prepaid, marked "For Delivery Only to the Person to Whom Addressed", return receipt requested, a copy of the Bill of Complaint filed against the Respondents in this cause, together with a summons requiring them to appear and plead, answer or demur to the said Bill of Complaint within thirty days from service thereof. The said instruments were mailed to each of the said Respondents separately and not to them jointly.

2. The said registered article addressed to Edna O.Morgan was marked "Return Receipt Requested Showing where Delivered". This registered article was returned undelivered. The said registered article addressed to Edna ^O. Morgan, C/o of Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois, was returned undelivered marked "Not at 902 Dawes Avenue, Wheaton, Illinois. Address unknown!" The said registered article addressed to Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois, was returned undelivered marked: "Not at home. Notice left. 5-18-45." "Delivery Cannot Be Made to Addressee in Person.". 3. I further certify that the said registered article mailed to Mrs. Fred S. Baldwin as aforesaid was delivered to her on May 18, 1945, at which time she signed a return card or receipt which was received and filed by me as sending officer on May 21, 1945.

4. I further certify that I did on May 15, 1945 issue the Order of Publication in this cause and that within twenty days after the issuance of the said Order of Publication I posted a copy thereof at the front door of the Court House at Bay Minette, in Baldwin County, Alabama and mailed a copy thereof to Edna O. Morgan, Chicago, Illinois; Edna O. Morgan, C/o Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois and to Fred S. Baldwin, 902 Dawes Avenue, Wheaton, Illinois, by mail postage prepaid.

5. I further certify that the said Order of Publication was published once a weak for four successive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of May 24, 1945, May 31, 1945, June 7, 1945, June 14, 1945. To date hereof Edna 0. Morgan, Fred S. Baldwin and Mrs. Fred S. Baldwin and the unknown heirs of Phillipine Baldwin, also known as Phillipiens Baldwin and Philipinea Baldwin, and each of them have failed to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the 26% day of July, 1945.

2 Alicers

Register.



LIS PENDENS NOTICE

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

D. H. FLEISCHER AND ANNA K. FLEISCHER,

VS.

Complainants,

THE UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

STATE OF ALABAMA BALDWIN COUNTY TO WHOM IT MAY CONCERN:

Notice is hereby given that the said Complainants did on this date file in the Circuit Court of Baldwin County, Alabama, Equity Side, their Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan, in which they allege that the said Complainants claim to own and are in the actual, peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing 124 acres, more or less.

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Range 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land:

EXCEPTION NO. 1: Starting at a point 611 feet West of a stake marking the dividing line between the Suarez and Kee Grants; thence South 600 feet; thence due West 360 feet to a stake; thence North to Bay LaLaunch; thence along Bay LaLaunch Eastwardly to starting point, being a part of Section 36, Township 8 South Range 5 East and the property conveyed by W. E. Baldwin, a Widower, to W. H. Hawkins and A. H. Crovatt by deed dated August 1, 1931 and recorded in Deed Book 51 N.S. at page 203, Baldwin County, Alabama Records. EXCEPTION NO. 2: Begin at the Southeast Corner of the Fractional Southwest Quarter of Regular Government Section 35, Township 8 South Range 5 East, and run thence West 1457 feet to starting point; thence West 100 feet to a stake; thence North 25 degrees West 310 feet to Bay LaLaunch; thence Northeastwardly along Bay 130 feet to a stake; thence South 401 feet to the point of beginning; being a tract of land now or formerly owned by Emanuel S. Baldwin.

That the Respondents claim or are reputed to claim some right, title or interest in, lien or encumbrance upon the said land, that no suit is pending to enforce or test the validity of such claim; that the said Respondents are called upon to set forth their right, title or interest in the said property.

The prayer of the said Bill of Complaint is that the Complainants' title to the said lands be quieted against the Respondents and each of them and for general relief. All persons are cautioned against acquiring any title whatever to the said property except subject to the rights of the Complainants in this suit.

Dated this 15th day of May, 1945.

hall

Solicitor for Complainants.

JAMES H. FAULKNER

EDITOR AND PUBLISHEP L/D B M Innes ALABAMA'S BEST COUNTY'S-BEST NEWSPAPER BAY MINETTE, ALABAMA ORDER OF PUBLICATION D. H. FLEISCHER and ANNA K. FLEISCHER, Complainants, D. H. FLEISCHER and ANNA K. FLEISCHER, Complainants, vs.
 THE UNKNOWN HEIRS of PHILLIPINE EALDWIN, et als, Repordents.
 In the Circuit Court of Baldwin County, Alabama in Equity.
 It being made to appear in this cause from the atfildait of the Complainants instructe beins of Phillipine Baldwin, peceased, also known as Phillipine Baldwin and Philipines Baldwin, who at one time owned an interest in a part of the property involved in this pro-ceeding, are unknown to the Complain-ants and cannot be ascertained on dif-gent inquiry. That they have made dil-gent inquiry to ascertain the same and that their residence as affiants believe is not in the State of Alabama; that Fred S. Baldwin and Mrs. Fred S. Baldwin are each non-residents of the State of Alabama, each over twen-ty-one years of age whose place of resi-sence and post office address is 900 tawes Avenue, Wheaton, Illinois, that idna O. Morgan is a non-resident of the state of Alabama, is over twenty-one years of age, whose residence and post office address is Chicaro, Illinois, that idna O. Morgan is a non-resident of the state of Alabama, is over twenty-one years of age whose residence and post office address is Chicaro, Illinois, that ints and cannot be ascertained after dilgent inquiry to ascertain the same. IT IS NOW THEREFORE ORDERED ADJUDGED and DECREED that the un-hown helrs of Phillipine Baldwin and Mrs. Fred S. Baldwin and Edna O. Mor-san appear in this Court and demur-plead to or answer the Bill of Com-plaint in this cause before the Sith day of June. 1945, lest on their having failed so to do at the expiration of thirty days from the said date a De-tree Pro Confesso will be taken againt and so the dres. IT IS FURTHER ORDERED AD-UDCED and DECREED that the Res-fere of this Court And Edna O. Morgan failed at Eag Minetre, Ja. Baldwin doubled at Eag Minetre, Ja. Baldwin doubled at Eag Minetre, Ja. Baldwin county, Alabama orce a week for four exemecutive weeks and further that within twenty da VS. THE UNKNOWN HEIRS of AFFIDAVIT OF PUBLICATION STATE OF ALABAMA. BALDWIN COUNTY. , 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 COST STATEMENT WORDS @ #2 cents . I hereby certify this is correct, due and unpaid (paid). Publisher. consecutive weeks in the following issues: Was published in said newspaper for 1 Date of 1st publication Date of 2nd publication. Date of 3rd publication. icitor for Complainant 17-4tc Date of 4th publication. 194 Subscribed and sworn before the undersigned this dav

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Baldwin County

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Publisher.

D. R. FLAISCHER AND ANNA K. FLEISCHER,

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> Complainants, VS. THE UNKNOWN ANIES OF PHILLIPINE BALDWIN, of als. IN SQUITE.

ORDER OF PUPLICAPTOR

Bespondents.

It being made to appear in this cause from the affidavit of the Compleinents that the helve of Phillipine Baldwin, Deceased, also known as Phillipiena Baldwin and Philipines Baldwin, who at one time owned an interest in a part of the property involved in this proceeding, are unknown to the Compleinents and cannot be ascortained on diligent inquiry. That they have made diligent inguiry to ascertain the same and that their realdence as affiants believe is not in the State of Alebens; that Fred S. Baldwin and Mrs. Fred S. Beldwin are such non-realizants of the State of Alabama, each over twenty-one years of age whose place of residence and post office address is 902 Dawes Avenue, Chaston, Illinois; that Sine C. Morgan is a non-realdent of the State of Alabama, is over twentyone years of age, whose residence and post office address is Chicago, Illinois but is otherwise unknown to Compleinant affiants and cannot be accortained after diligent inquiry to ascortain the æmmæ.

IT IS NOW THEREFORE, ORDERED, ADJUNCED AND DECREED that the unknown heirs of Phillipine Baldwin, also known as Phillipiene Baldwin and Philipines Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Réne C. Morgan appear in this Court and demur, plead to or answer the Bill of Complaint in this cause before the 20th day of June, 1945, lest on their having failed so to do at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against each of them. IT IS FURTHER CREEKED, ABJUDGED AND DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama once a week for four consecutive weeks and further that within twenty days from the making of this order he post a copy hereof at the front door of the Court House in Baldwin County, Alabama, and send copies hereof to Fred S. Baldwin, Hrs. Fred S. Baldwin and Edna C. Morgen to their aforesaid places of residence.

ORDERED, ADJUDIED HED DECRETE this 15th day of May,

N. S. DUK, Register of the Circuit Court of Baldwin County, Alebama in Realty.

7. B. HLACKHOMM, Solicitor for Compleinants. TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, D. H. Wleischer and Anna K. Fleischer, present this Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipines Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgam, and thereupon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orators are each over twenty-one years of age and residents of Pensacola, Florida. The heirs of Phillipine Baldwin, Deceased, also known as Phillipinea Baldwin and Philipinea Baldwin/ are unknown; your Orators have made diligent inquiry to escertain the same and their residence andyour Orators believe is not in the State of Alabama. Fred S. Baldwin and Mrs. Fred S. Baldwin are non-residents of the State of Alabama; are each over twenty-one years of age, whose residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; Edna O. Morgan is over twenty-one years of age, is a non-resident of the State of Alabama whose residence and post office address is Chicago, Illinois but is otherwise unknown to your Orators and cannot be ascertained after diligent inquiry to ascertain the same.

2. Your Orators claim to own and are in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing 125 acres, more or less.

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Hange 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North End West by Bay LaLaunch, excepting therefrom the two following described tracts of land: STATE OF ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA:

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You are hereby commanded to summon Fred S. Baldwin, Mrs. Fred S. Baldwin and Mrs. Edna C. Morgan to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county at the place of holding same, and then and there demur, plead to or answer the Bill of Complaint filed against them by D. H. Fleischer and Anna K. Fleischer.

SURACINS

Witness my hand this 15th day of May, 1945.

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

EXCEPTION NO.1: Starting at a point 611 feet West of a stake marking the dividing line between the Sumrez and Kee Grants; thence South 600 feet; thence due West 360 feet to a stake; thence North to Bay LaLaunch; thence along Bay LaLaunch Eastwardly to starting point, being a part of Section 36. Township 8 South Range 5 East and the property conveyed by W. E. Baldwin, a Widower, to W. H. Hawkins and A. H. Crowatt by deed dated August 1, 1931 and recorded in Deed Book 51 N.S. at page 203, Baldwin County, Alabama Records.

EXCEPTION NO. 2: Begin at the Southeast Corner of the Fraction al Southwest Quarter of Regular Government Section 35, Township 8 South Range 5 East, and run thence West 1457 feet to starting point; thence West 100 feet to a stake; thence North 25 degrees West 310 feet to Bay LaLaunch; thence Northeastwardly along Bay 130 feet to a stake; thence South 401 feet to the point of beginning; being a tract of Land now or formerly owned by Emanuel 5. Baldwin.

3. The Respondents chaim or are reputed to chaim some right, title or interest in or encumbrance upon the said hands; no suit is pending to enforce or test the validity of such title, interest in, lies or encumbrance upon the said hands and your Orators present this Bill of Complaint against the said Respondents to settle the title to the said hands and to chear up all doubts and disputes concerning the same. Your Orators here and now call upon the said Respondents to set forth and specify their right, title or interest in, lies or encumbrance on the said hands or any part thereof and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

Your Oretors pray that the unknown heirs of Phillipine Baldwin, also known as Phillipiene Baldwin and Philipines Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan be made parties respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them.

PRAYER FOR RELIKE

Your Orators further pray that upon a final hearing of this cause the Court will make and enter a proper decree against the said Respondents and each of them, quieting your Grators' title to the said lands, adjudging and decreeing that your Grators are the owners thereof in their own right; that title thereto is in them, forever quieting their title against the said Respondents, adjudging and decreeing that the said Respondents and each of them are without right, title or interest in the said lands and have and hold no encumbrance thereon. Your Grators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

Thachlu

Solf of tor Complainants.

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned authority within and for seid County in said State, perdonally appeared D. H. Helscher and Anna K. Fleischer, who, after being by me first duly and legally sworm, do each depose and say: That the hears of Phillipine Baldwin, also known as Phillipiene Baldwin and Phillipines Baldwin are unknown to affirmts and cannot be ascertained on diligent inquiry; that they have made diligent inquiry to ascertain the same and that their residence, as affirmts believe, is not in the State of Q

Affishts further depose and say that they have each read over the foregoing Bill of Complaint and that each and all of the allegations contained therein are true.

D. J. Fleischer Anna K. Hleischer

Sworn to and subscribed defore me on this the /// day of May, 1945.

Public,

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Balawia County, Alabama.

(Copy) . Mar 040 1 ŝ. SUMMONS AND ŝ. c_{i}, c_{i}, r_{i} BILL OFCOMPLAIN And And And 10 m ALL ALL 100 427 D, H. FLEISCHER, i. 29 an aigu ar a 100 OT WY O ED 19 MAR harden T. and H. Court and M. THE STATE Complainants, and the Sou PHILLIPINE C. Wels al de Ś 043 vŝ. UNKNOWN HEIRSOF a de la come 1000 M THE No Se 22 Respondents BALDWIN, et als 6.4 18 80 A.C No. Alto Section and An all and the second Ē. 3 100 AN 1012 200 miles 1. U.S. Mar. Ś 1 and a start of the second s 32235 ý., 2001 Ş é S Ż and an and 222 and the second second second IN Ċ CIRCUIT COURT THE 0F BALDWIN COUNTY, ALABAMA. 2. N 50 - Mary Rivers West CAN WERE 3 S. 12 IN EQUITY. Con Constantion) North NY N - 104 con 1. aza (h. 1993) 19 4 CO (* 20.25 tine sets sets 24 100 All and and No. Control of the second 100 r na siler in multiply and i Se r so so so 10 I.W. 0 15th STATE OF 10.15 day of and the second second second CONTRACTOR OF this (Natio Filed . TO 2220 May T.CO.T. SALAR 1945 N. 40 nder inder der and a second second The South of the THE SE New Sec. and the second ster. el, mu Ris Jaw Regi Q.E. . Warren of An L.A. 02.02 WIDE IN A 5 × 27.00 10 and the first state was 83. M. 1397 and the second second 0.1.00 and the second CW LO 100 hel. STRANCE. Contraction of the 22302 And and a set 100 M

TESTIMONY OF D. U. CALLOWAY

My name is D. O. Calloway. I am 59 years of age and reside at Orange Beach in Baldwin County, Alabama, where I have resided practically all of my life. I live within one and one half miles of the property involved in this suit and have lived in this location for more than thirty years, during all of which time I have known all of the lands involved in this suit and the parties who were in possession of the property claiming to own it.

The part of the lands involved in this suit which are in the William Kee Grant were formerly owned by G. H. Suarez. He built a house on a part of the property in the said William Kee Grant which is involved in this suit and lived in it on this proper ty for approximately ten years and until he sold the property to W. E. Baldwin and Phillipine Baldwin during the month of March, 1922.

Complainants introduce in evidence certified copy of Warranty Deed from G. H. Suarez and wife to W. E. Baldwin and Phillipine Baldwin, dated March 11, 1922, and recorded in Deed Book No. 42 at pages 244-5, Baldwin County, Alabama, Records, and ask that it be identified as Exhibit 1 to the testimony of this witness.

Immediately after the Baldwin purchased the property they moved on it, where they resided until Mrs. Phillipine Baldwin died intestate during the month of June, 1930. Mr. W. E. Baldwin continued to meside on the property and lived on it up to the time of his death, which was in the month of July, 1939. After the death of Mrs. Phillipine Baldwin and before the death of W. E. Baldwin, he remarried and left surviving him his widow, Hildur P. Baldwin. After the death of W. E. Baldwin, the part of the property that is involved in this suit, which is situated in the William Kee Grant, was in the possession of Hildur P. Baldwin until she sold the property to the Complainants in this suit during the month of June, 1942.

Complainants introduce in evidence original deed from Hildur P. Baldwin, a widow, to D. H. Fleischer and Anna K. Fleischer dated June 16, 1942 and recorded in Deed Book 77 at page 454, Baldwin County, Alabama necords and ask that it be identified as Exhibit 2 to the testimony of this witness.

D. H. Fleischer and Anna K. Fleischer remained in the possession of the said property continuously from the time they purchased it up to this date.

The part of the property involved in this suit, which is situated in the Samuel Guarez Spanish Grant, was owned and claimed by L. Walker, who was in possession of the said property when I first knew it. He remained in possession of that part of the property until he sold it to W. E. Baldwin in April, 1922.

Complainants introduce in evidence a certified copy of the deed from L. Walker and wife to W. E. Baldwin, dated April 3, 1922 and recorded in Deed Book No. 32 N. S. at pages 156-7, Baldwin County, Alabama Records and ask that it be identified as Exhibit 3 to the testimony of this witness.

Mr. W. E. Baldwin took possession of this tract of land and remained in the actual, open, notorious, hostile, exclusive, continuous and peaceable possession of it up to the time of his death in 1939. After his death it was in possession of his widow, Hildur P. Baldwin, up to the time that it was sold to the Complainants in this suit and conveyed by the above described deed and the Complainants were in the actual, quiet and peaceable possession of the said property from the time they purchased it up to the time this suit was filed and up to this date. During all of the time that I have known all of the said property, it has been in the possession of the above named parties in the order outlined above and their title has not been disputed or their possession interfered with during all of the time that I have known the property, which has been for much over thirty years.

I know that Mrs. Phillipine Baldwin did not have any children and insofar as I know, her only heir was her husband, W. E. Baldwin.

For the purpose of showing the heirs of the said W. E. Baldwin, who was also known as William E. Baldwin, Complainants introduce in evidence a certified copy of the Petition for Letters of Administration, filed by Hildur P. Baldwin in the Probate Court of Baldwin County, Alabama and ask that it be identified as Exhibit 4 to the testimony of this witness.

The Complainants in this suit were in the undisputed, actual and peaceable possession of all of the property involved in this suit at the time it was filed and have remained in the actual undisputed possession of the said property up to this date. During all of this time the Complainants have claimed to own the property and their claim of ownership or right to possession has not been disputed in any way.

Doballarray

CROSS EXAMINATION BY HONORABLE W. H. HAWKINS, GUARDIAN AD LITEM: NONE.

TESTIMONY OF D. L. LONG

My name is D. L. Long. I am 58 years of age and a resident of Monroe County, Alabama, but spend a good part of my time near Orange Beach in Baldwin County, Alabama, where I have a home. This home is situated within -300 feet of the lands involved in this suit.

I have known the property and the parties who were in possession of it for a little over seven years. I knew the property during the life time of William E. Baldwin, who was also known as W. E. Baldwin, and have known it continuously since the date of his death. All of the property involved in this suit was in the actual possession of W. E. Baldwin until the date of his death. After his death it was in the actual, peaceable possession of his widow, Hildur P. Baldwin, who claimed to own it until she sold it to the Complainants in this suit. It was in the actual, quiet and peaceable possession of the Complainants in this suit from the time they purchased it in 1942 up to the date of this suit, that is, the date this suit was filed, which was on May 15, 1945 and, in fact, up to this date, during all of which time they claimed to own it.

The property that is involved in this suit, which is situated nearest my property, has a small lake thereon and several years ago I received permission from the Complainants to put a boat in this lake and maintain the boat there, which I have done continuously up to this time. I have, in a sense, acted as a caretaker for that part of the property which is nearest me in return for their allowing me to keep my boat in this lake. During all of the time that I have known the said property, I have never heard of any claim being made to it by any person other than wihliam E. Baldwin, who is also known as W. E. Baldwin, Hildur P. Baldwin and the Complainants in this suit and during all of the time that I have known the property no one, other than these parties, have been in the possession of any part of the property or claimed it or had any interest therein.

The part of the property that is situated in the William Kee Grant is under fence and has buildings thereon. The part of the property that is involved in this suit that is situated in the Samuel Suarez Grant has been under fence for many years, but this fence is not now in a good state of repair.

The Complainants were in the actual, visible, quiet and undisputed possession of all of the property involved in this suit at the time this suit was filed and they have continuously remained in possession of the said property up to this date, during all of which time they have claimed to own it.

CROSS EXAMINATION BY HONORABLE W. H. HAWKINS, GUARDIAN (AD LITEM, NONE.
TESTIMONY OF R. S. DUCK

My name is R. S. Duck. I am over twenty-one years of age and a resident of Baldwin County, Alabama. I am Clerk of the Circuit Court of Baldwin County, Alabama and Register of the Circuit Court of Baldwin County, Alabama, in Equity.

No suit is pending to enforce or test the validity of the title to, interest in, lien or other encumbrance on all of the lands involved in this suit, which the Respondents named in this suit claim, or are reputed to claim, except, of course, this pending case.

RS Duck

CROSS EXAMINATION BY HONORABLE W. H. HAWKINS, GUARDIAN AD LITEM: NONE.

Complainants introduce in evidence the Original Verified Bill of Complaint that has been filed in this cause and ask that it be identified as Complainants' Exhibit 5.

Complainants introduce in evidence an Original Deed or Release from Fred S. Baldwin and Edna O. Morgan, dated December 29, 1939, which has not been recorded, and ask that it be identified as Complainants' Exhibit 6. STONE (

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I, MINNIE LEE BROWN

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 <u>them</u> and <u>they</u> signed the same in the presence of myself , J. B. Blackburn and W. H. Hawkins

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof 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 <u>31stay</u> of <u>July</u>

Minnie V

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-, as XXXXXXXXX Commissioner hereby certify



Commission To Take Depositions.	e ant	Printed 1	y The Baldwir	Times, Bay	Minerte.
THE STATE OF ALABAMA, Baldwin County	• • • • • • • • • • • • • • • • • • •	IRCUIT COL	JRT		
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ORDER OF PUBLICATION

D. H. M. MICCHER AND AMMA K. MICHER,

VS.

Compleinence,

THE UNLIGHE BUILDS OF PHILLIPIER BALLWIN, et als. IN THE CLEOULT COURT OF BALDEIN COUNTY, ALADAMA. IN BOULTY.

Respondents.

It being made to appear in this cause from the affidavit of the Compleinents that the helps of Phillipine Beldwin, Decessed, also known as Phillipiona Baldwin and Philipines Baldwin, who at one time owned an interest in a part of the property involved in this proceeding, are uninown to the Compleinents and cannot be secertained on diligent inquiry. That they have made diligent inquiry to accertain the same and that their residence as affiants believe is not in the State of Alabama; that Fred 5. Belowin and Mrs. Fred S. Baldwin are each non-realdents of the State of Alabama, each over twenty-one years of age whose place of residence and post office address is 982 News Avenue, Wheeton, Illinois; that Home 0. Morgan is a non-realdent of the State of Alabama, is over twentyone years of age, whose residence and post office address is Chicago, Illinois but is otherwise unknown to Compleinant affiants and cannot be ascertained after dlligent inguiry to ascertain the diala a

IT IS NOW THEREFORE, OFFERED, ADJUDNED AND DECREED that the unknown heirs of Phillipine Baldwin, also known as Phillipiene Baldwin and Philipines Baldwin; Pred S. Baldwin, Mrs. Fred S. Baldwin and Réme C. Morgan appear in this Court and demur, plead to or answer the Bill of Complaint in this cause before the 20th day of June, 1945, lest on their having failed so to do at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against each of them. IT IS FURTHER ORDERED, ADJUDDED AND DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama once a week for four consecutive weeks and further that within twenty days from the making of this order he post a copy hereof at the front door of the Court House in Baldwin County, Alabama, and send copies hereof to Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna C. Morgan to their aforesaid places of residence.

ORDERED, ANJURDED AND DESCRIPTION this 15th day of May,

Equi ty.

H. S. MOK, Register of the Circuit Court of Baldwin County, Alabama in

J. B. HLARKBURK,

Solicitor for Complainants.

1945.

STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

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You are hereby commanded to summon Fred S. Baldwin, Mrs. Fred S. Baldwin and Mrs. Edna C. Morgan to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county at the place of holding same, and then and there demur, plead to or answer the Bill of Complaint filed against them by D. H. Fleischer and Anna K. Fleischer.

SUMMONS

Witness my hand this 15th day of May, 1945.

As Register of the Circuit Court of Baldwin County, Alabama in Equity. TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALLWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, D. H. Fleischer and Anna X. Fleischer, present this Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan, and thereupon your Orators complain and show unto the Court and your Honor as follows:

Your Orators are each over twenty-one years of age and 1. residents of Pensacola, Florida. The heirs of Phillipine Beldwin. Deceased, also known as Phillipinea Baldwin and Philipinea Baldwin/are unknown; your Orators have made diligent inquiry to ascertain the same and their residence as your Orators believe is not in the Fred S. Baldwin and Mrs. Fred S. Baldwin are State of Alabana. non-residents of the State of Alabama; are each over twenty-one years of age, whose residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; Edna O. Morgan is over twenty-one years of age, is a non-resident of the State of Alabama whose residence and post office address is Chicago, Illinois but is otherwise unknown to your Orators and cannot be ascertained after diligent inquiry to ascertain the same.

2. Your Orators claim to own and are in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Semuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly slong the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing 122 acres, more or less.

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Range 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land: EXCEPTION NO.1: Starting at a point 611 feet West of a stake marking the dividing line between the Suarez and Kee Grants; thence South 600 feet; thence due West 360 feet to a stake; thence North to Bay LaLaunch; thence along Bay LaLaunch Rastwardly to starting point, being a part of Section 36, Township 8 South Hange 5 Bast and the property conveyed by W. E. Baldwin, a Widower, to W. H. Hawkins and A. H. Crovatt by deed dated August 1, 1931 and recorded in Deed Book 51 N.S. at page 205, Baldwin County, Alabama Records.

EXCEPTION NO. 2: Begin at the Southeast Corner of the Fractional Southwest Quarter of Regular Government Section 35, Township 8 South Range 5 East, and run thence West 1457 feet to starting point; thence West 100 feet to a stake; thence North 25 degrees West 310 feet to Bay LaLaunch; thence Northeastwardly along Bay 150 feet to a stake; thence South 401 feet to the point of beginning; being a tract of land now or formerly owned by Enanuel 5. Baldwin.

3. The Respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the said lands; no suit is pending to enforce or test the validity of such title, interest in, liem or encumbrance upon the said lands and your Orators present this Bill of Complaint against the said Respondents to settle the title to the said lands and to clear up all doubts and disputes concerning the same. Your Orators here and now call upon the said Respondents to set forth and specify their right, title or interest in, liem or encumbrance on the said lands or any part thereof and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

Your Orators pray that the unknown heirs of Phillipine Baldwin, also known as Phillipiens Baldwin and Philipines Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna C. Morgan be made parties respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them.

PRAYER FOR RELIEF

Your Orators further pray that upon a final hearing of this cause the Court will make and enter a proper decree against the

188 - 97 1 said Respondents and each of them, quieting your Orators' title to the said lands, adjudging and decreeing that your Orators are the owners thereof in their own right; that title thereto is in them, forever quieting their title against the said Respondents, adjudging and decreeing that the said Respondents and each of them are without right, title or interest in the said lands and have and hold no encumbrance thereon. Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

Solicitor for Complainants.

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, perdonally appeared D. H. Fleischer and Anna K. Fleischer, who, after being by me first duly and legally sworm, do each deposed and say: That the heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Phillipines Baldwin are unknown to affiants and cannot be ascertained on diligent indulry; that they have made diligent induiry to ascertain the same and that their residence, as affiants believe, is not in the State of Alabama.

Affiants further depose and say that they have each read over the foregoing Bill of Complaint and that each and all of the allegations contained therein are true.

Baldwin County, Alabama.

D. N. Fleicher anna K. & leischer

Sworn to and subscribed before me on this the 14 day of May, 1945.

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ORINE OF PUBLICATION

*22

IN THE CLEOULT COURT OF

🛔 🔰 BALDWIN COUNTY, ALABAMA.

D. H. FLEISCHER AND ANNA K. FLAISCHER,

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THE UNENDAM HEIRS OF PHILLIPINE BALDWIN, ot als,

Respondents.

Complainants,

It being made to appear in this cause from the affidavit of the Complainants that the heirs of Phillipine Baldwin, Deceased, also known as Phillipiesa Baldwin and Philipines Baldwin, who at one time owned an interest in a part of the property involved in this proceeding, are unknown to the Complainants and cannot be ascertained on diligent inquiry. That they have made diligent inquiry to ascertain the same and that their residence as affiants believe is not in the State of Alabama; that Pred S. Baldwin and Mrs. Fred S. Baldwin are each non-residents of the State of Alabama, each over twenty-one years of age whose place of residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; that Edna 0. Morgan is a non-resident of the State of Alabama, is over twentyone years of age, whose residence and post office address is Chicago, Illinois but is otherwise unknown to Complainant affiants and cannot be ascertained after diligent inquiry to ascertain the

same.

IT IS THEREFORE, ORDERED, ADJUIGED AND DECREED that the unknown heirs of Phillipine Baldwin, also known as Phillipiens Baldwin and Philipines Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna C. Morgan appear in this Court and desur, plead to or answer the Bill of Complaint in this cause before the 25th day of June, 1945, lest on their having failed so to do at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against each of them. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama once a week for four consecutive weeks and further that within twenty days from the making of this order he post a copy hereof at the front door of the Court House in Baldwin County, Alabama, and send copies hereof to Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan to their aforesaid places of residence.

ORDERED, ADJUDGED AND DECREED this 15th day of May,

1945.

J. B. BLACEBURN,

Solicitor for Compleinents.

New Street Street

R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama in Equity. In The Matter of The Estate of WILLIAM E. BALDWIN, DECEASED In the Probate Court of Baldwin County, Alabama, Petition for Letters.

To the Honorable G.W.Robertson, Judge of Probate for Baldwin County:

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Your petitioner Hildur P. Baldwin, a resident of this State and over the age of twenty-one years, respectfully represents that William E. Baldwin departed this life intestate on the 31st day of July, 1939, leaving property in this State of about the value of Five Hundred and oc/100 (\$500.00) dollars; that the said William E. Baldwin was an inhabitant of this county at the time of his death.

That your petitioner is the widow of said deceased.

That the heirs and distributees of the estate of said deceased, as your petitioner is advised and believes, are as follows:

Your petitioner, Hildur P. Baldwin.

Mrs. Edna Morgan, a married woman of full age, whose address is 438 South Lombard Avenue, Oak Park, Illinois, a sister of said deceased.

Fred S. Baldwin, of full age, whose address is 438 South Lombard Avenue, a brother of said deceased.

Wherefore your petitioner prays that letters of administration upon the estate be granted to her according to law upon her giving the requisite bond and security.

HILDUR P. BALDWIN

Subscribed in my presence and sworn before me this 7th day of May, 1941.

(Seal) DOROTHY WEINSHEIM, Notary Public. Filed in office of Judge of Probate Court, Baldwin Co., Ala., May 20, 1941.

> G.W.Robertson, Judge of Probate, By J.L.Kessler, clk.

THE STATE OF ALABAMA, I BALDWIN COUNTY.

I, W.R.Stuart, Judge of the Probate Court and Custodian of the Records and Files of the same, in and for said Baldwin County, State of Alabama, do hereby certify that the above and foregoing is a true, correct and complete copy of the Petition of Hildur P. Baldwin for appointment of Administratrix of the estate of WILLIAM E. BALDWIN, Deceased, as the same appears from the files and records of said Court.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at Bay Minette, in said county, this the 21st day of July, A.D., 1945.

Judge of Probate.

DEED WITH WARRANTY.

This Deed made the 3rd day of April, 1922, between L. Walker and his wife Mary F. Walker of the first part and W.E. 1922, Baldwin of the second part,

Witnesseth, That the partys of the first part, in consider-ation of Fifty Dollars, to them in hand paid by the party of the second part the receipt of which is hereby acknowledged, has bargained and sold, and by these presents do grant, bargain, sell, convey and deliver unto the said party of the second part his heirs and assigns, forever, all that real property in Bald-win county, Alabama, described as follows, to-wit: Starting at a state on Bay LaLaunch, running Seven hundred and thirty-five (735) feet in a Southerly direction on a line dividing the land of L. Walker and G.R.Suarez to a stake. Thence in an Easterly direction seven hundred and thirty five (735) feet to a stake, thence in a northerly direction seven and thirty five (735) feet to a stake on Bay LaLaunch, thence in westerly direction seven hundred and thirty five (735) feet along Bay Shore to the place of Beginning and all in Sec. thirty-five (35). Same being part of Grant Sec. thirty-six (36) township Hight (8) South, Range Five (5) east. Same containing twelve and one-fourth (124) acres.

Together with all appirtenances thereunto belonging, to have and to hold forever and against any person lawfully claim-ing the same, said part of the first part shall ever warrant and defend.

In witness where of, the partys of the first part ha here-unto set they hand and seal the day and year first above written.

							L. W Meru		ER Walker	(Seal) (Seal)	
	Signed,	seal	leđ	and	delivere	d in		£•	Marker.	(Sear)	
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e			Mrs	•M•P	Subrez.						

(50¢ U.S.I.R.stamp attached.)

State of Alabama, Baldwin county.

I, G.R.Suarez, Justice of <u>Piece</u> in and for said county and State, hereby certify that L. Walker whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance did executed the same voluntarily on the day the same bears date.

Given under my hand this 3 day of April, 1922. (Seal) G.R.Suarez, Justice of Piece

State of Alabama, Baldwin County.

I. G.R.Suarez, Justice of <u>Piece</u> in and for said county and State, do hereby certify that on the 3 day of April, 1922, came before me the within named Mary F. Walker, known to me to be the wife of the within named L. Walker, who being examined, separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of her husband.

In witness whereof, I hereunto set my hand this 3 day of April, 1922.

G.R.Suarez, Justice of Piece Filed for record May 9th, 1922 at 1 PM Recorded May 17th, 1922. Jas M. Voltz, Judge of Probate.

THE STATE OF ALABAMA, A BALDWIN COUNTY. A ss.

I, W.R.Stuart, Judge of the Probate Court and Custodian of the Records and files of the same, in and for said Baldwin County, State of Alabama, do hereby certify that the above and foregoing is a true, correct and complete copy of an Instrument of Writing as the same appears of record in Deed Record 32 N.S., at pages 156 and 157, now on file in the office of Judge of Probate Court, Baldwin County, Alabama.

Witness my hand and the seal of the Probate Court of Baldwin county, Alabama, this the 24th day of July, A.D., 1945.

UN. Stunt

Judge of Probate.

DEED WITH WARRANTY.

THIS DEED made the 11th day of March, 1922, between G.R. Suarez & Mildred M. Suarez of the first part and W.E.Baldwin and Phillipine Baldwin of the second part, WITNESSETH, That the par-ty of the first part, in consideration of One dollar and other considerations dollars, to me in hand paid by the party of the second part, the receipt of which is hereby acknowledged, ha bargained and sold, and by these presents does grant, bargain, sell, convey and deliver unto the said party of the second part, heirs and assigns forever, all that real property in Baldwin County, Alabama, described as follows, to-wit: The fractional Southwest quarter SW2 of Section thirty-five, in Township eight (8) South, Range Five (5) also known as Spanish Grant Sec-tion thirty-six (36), containing forty acres, more or less.

TOGETHER with all appurtenances thereunto belonging, to have and to hold forever and against any person lawfully claim-ing the same, said part of the first part shall ever warrant and defend.

IN WITNESS WHEREOF, the party of the first part has here-unto set his hand and seal the day and year first above written.

	G.R.SUAREZ Mildred M. Suarez	(Seal) (Seal)
Signed, Sealed and De	elivered	(
in the presence of		
Claude Pettet.	(2.00 of U.S.I.R, Stamps)	

STATE OF ALABAMA, BALDWIN COUNTY.

I, Claude Peteet, Notary Public in and for said county and State, hereby certify that G.R.Suarez & wife, Mildred M. Suarez, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date. Given under my hand and official seal this 11 day of March, 1922.

(Seal)

CLAUDE PETEET, Notary Public, Baldwin County, Ala. My commission expires November lŽth, 1923.

STATE OF ALABAMA, BALDWIN COUNTY.

I, Claude Peteet, Notary Public in and for said County and State, do hereby certify that on the 11 day of March, 1922, came before me the within named Mildred M. Suarez, known to me to be the wife of the withinnamed G.R.Suarez, who being examined separate and a part from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the parts of her husband. In Witness Whereof, I hereunto set my hand and official

seal this 11 day of March, 1922. (Seal)

Claude Peteet, Notary Public, Baldwin County, Ala. My commission expires November 12th, 1923.

State of Alabama, Ĭ Baldwin County. Ĭ I, G.W.Humphries, Judge of Probate for said county, hereby certify that the following privilege tax has been paid on the within instrument as required by acts 1923 \$2 cts 00.

G.W.Humphries, Judge of Probate, By J.L.Kessler, clerk.

Filed for record February 25th, 1927 at 3:00P.M. Recorded February 26th, 1927. G.W.Humphries, Judge of Probate.

Ì The State of Alabama, Baldwin County. SS.

I, W.R.Stuart, Judge of the Probate Court and Custodian of the Records and Files of the same, in and for said Baldwin of the Records and Files of the same, in and for said Baldwin County, State of Alabama, do hereby certify that the above and foregoing is a true, correct and complete copy of an Instrument in Writing as the same appears of record in Deed Record #42, at pages 244 and 245, now on file in the office of Judge of Probate of Baldwin County, Alabama. In Testimony Whereof, I have hereunto set my hand and affix-ed my official seal, at Bay Minette, in said county, this the 23rd day of July, A.D., 1945.

Judge of Probate.

D. H. FLEISCHER and ANNA K. FLEISCHER,

VS.

HALLE THE MUT DOWN

Complainants,

Respondents.

THE UNKNOWN HEIRS OF PEILLIPINE I BALDWIN, et als, IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. 1337.

MOTION

Now come the Complainants in this cause by their Solicitor and respectfully represent that they have introduced in evidence in this cause the Original Deed from Hildur P. Baldwin to D. H. Fleischer and Anna K. Fleischer, dated June 16, 1942 and recorded in Deed Book 77 at page 454, Baldwin County, Alabama Hecords, which is identified as Complainants; Exhibit 2, and an Original Deed or Release from Fred S. Baldwin and Edna O. Morgan, dated December 29, 1939, which has not been recorded.

Complainants desire to withdraw these said original instruments from the file in this case and substitute therefor copies of the said instruments; wherefore, Complainants move the Court to make and enter a proper order allowing the removal of the said instruments and the substitution of copies therefor.

Respectfully submitted,

Solicitor for Complainants.

ORDER

The foregoing Motion having been presented on this date and considered by the Court, it is ordered that the Complainants shall be and they are hereby permitted to withdraw from the file in this case the two original instruments described in the foregoing Motion.

Judge.

Dated this <u>J</u> day of August, 1945. A. W. Hare

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	MOTION AND ORDER			
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	D. H. FLEISCHER and ANNA K.			
	FLEISCHER,			
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	VS.			
	THE UNKNOWN HEIRS OF PHILLIPI BALDWIN, et als,			
	Respondents.			
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D. H. FLEISCHER and ANNA K. FLEISCHER,

Complainants,

Respondents.

vs.

THE UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als, IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NO. 1337.

FINAL DECREE

This cause coming on to be heard on this date is submitted for final decree on behalf of the Complainants upon the Original Verified Bill of Complaint, Order of Publication, Proof of Publication, Register's Certificate as to service, Motion for Decrees Pro Confesso, Decrees Pro Confesso against the Respondents, Motion for Appointment of Guardian Ad Litem, Order Appointing Guardian Ad Litem, Notice of Appointment, Acceptance and Answer of Guardian Ad Litem, Requirement of oral examination of witnesses . and notice thereof and the testimony as noted by the Register, from all of which it appears to the Court that the Complainants were, at the time of the filing of this suit, in the actual, peaceable possession of the lands described in the Bill of Complaint, which are the lands hereinafter described under claim of ownership, and that no suit is pending to enforce or test the title to the said property and further that the Complainants are entitled to the relief prayed for by them in their said Bill of Complaint: Whereupon, it is therefore ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Complainants, D. H. Fleischer and Anna K. Fleischer are as against the Mespondents, the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin; Mrs. Fred S. Baldwin and Edna O. Morgan, the true and lawful owners in their own right of the following described real property situated in Baldwin County, Alabama, to-wit: Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Hange 5 Hast intersects the South line of the said Bay and run thence South 735 feet to a point; thence Hast 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Hay and following the meanders thereof 735 feet more or less to the point of place of beginning, containing $12\frac{1}{4}$ acres, more or less,

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Hange 5 Hast, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Hange 5 Hast, which is bounded on the Hast by the Hast line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land:

EXCEPTION NO. 1: Starting at a point 611 feet West of a stake marking the dividing line between the Suarez and Kee Grants; thence South 600 feet; thence due West 360 feet to a stake; thence North to Bay LaLaunch; thence along Bay LaLaunch Eastwardly to starting point, being a part of Section 36, Township 8 South Range 5 East and the property conveyed by W. E. Baldwin, a Widower, to W. H. Hawkins and A. H. Crovatt by deed dated August 1, 1931 and recorded in Deed Book 51 N. S. at page 203, Baldwin County, Alabama Records.

EXCEPTION NO. 2: Begin at the Southeast Corner of the Fractional Southwest Quarter of Regular Government Section 35, Township 8 South Hange 5 East, and run thence West 1457 feet to starting point; thence West 100 feet to a stake; thence North 25 degrees West 310 feet to Bay LaLaunch; thence Northeastwardly along Bay 130 feet to a stake; thence South 401 feet to the point of beginning; being a tract of land now or formerly owned by Emanuel S. Baldwin.

2. Title to the said land is in the said D. H. Fleischer and Anna K. Fleischer and their title thereto is forever quieted against the Mespondents, the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin; Mrs. Fred S. Baldwin and Edna O. Morgan and the said Respondents, and each of them, are without any right, title or interest in the said lands or any part thereof and have and hold no encumbrance on the said property or any part thereof or any interest therein.

3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified transcript hereof for record in the office of the Probate Judge of Baldwin County, Alabama and tax the expenses thereof as a part of the costs of this suit.

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

ORDERED, ADJUDGED AND DECREED this

1945.

Q

10 Judge of the Circuit Court of Baldwin

day of August,

County, Alabama, Sitting in Equity.
D. H. FLEISCHER and ANNA K. FLEISCHER, IN THE CIRCUIT COURT OF Complainants, VS. BALDWIN COUNTY, ALABAMA. THE UNKNOWN HEIRS OF PHILLIPINE IN EQUITY. NO. 1337. BALDWIN, et als, Respondents. Ĩ NOTE OF TESTIMONY This cause is submitted for final decree on behalf of the Complainants upon the following: 1. Original verified Bill of Complaint. 2. Order of Publication. Proof of Publication.
Register's Certificate as to service. 5. Motion for Decrees Pro Confesso. Decrees Pro Confesso against Hespondents. 6.3 7. Motion for Appointment of Guardian Ad Litem. 8. Order appointing Guardian Ad Litem. 9. Notice of appointment, acceptance and answer of Guardian Ad Litem. 10. Notice of requirement of oral examination of witnesses and notice thereof. 11. Order Appointing Commissioner. Oral depositions of D. O. Calloway, D. L. Long and R. S. Duck, taken before Minnie Lee Brown, as Com-missioner. Complainants' Exhibits 1 to 6, both in-12. clusive. Dated this 1st day of August, 1945. 5-Register. achl Sofficitor for Complainants.

REDRICK OF ROCK

NOTE OF TESTIMONY

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D. H. FLEISCHER AND ANNA K. FLEISCHER,

VS.

Complainants,

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM TO R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY,

Now come the Complainants in this cause by their solicitar and respectfully represent unto the Court and your Honor that this suit has been filed against the unknown heirs of Phillipine Baldwin also known as Phillipiena Baldwin and Philipinea Baldwin and other parties and that if their are heirs of the said Phillipine Baldwin, also known as Philipiena Baldwin and Philipinea Baldwin, it is possible that some of them are minors or that some of them are in the military service.

Complainants further represent that if any of the said Respondents are minors or in the military service their interest in this cause can be properly protected and they can be properly represented by a guardian ad litem to be appointed for them by this Court.

WHEREFORE, Compleinants move the Court to appoint a guard ian ad litem to represent any and all of the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin, who are minors or who are in the military service. Respectfully submitted,

Blackle licitor for Complainants.

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM.

ROOM

D. H. FLEISCHER AND ANNA K. FLEISCHER,

Complainant,

VS.

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

IN THE CINCUIT COURT OF BALIMIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

Filed July 25, 1945-Registre

D. H. FLEISCHER AND ANNA K. FLEISCHER, Complainants,

UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

VS.

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

ORDER APPOINTING GUARDIAN AD LITEM

In this cause it being made to appear to the Register that this suit has been filed against various Respondents, some of which are the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin, and that the Complainants have filed a motion in this cause requesting appointment of a Quardian Ad Litem to represent any of the said unknown heirs which may be minors or in the military service.

It further appearing to the Register that the attorney hereinafter named is not of kin or counsel to any of the parties to this suit or in any way interested in the results thereof, and is in all respects qualified to act as Guardian Ad Litem for any of the said unknown heirs who are minors or in the military service:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Register that <u>W.H.Hawkins</u> be, and he is hereby appointed as Guardian Ad Litem to represent any of the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin who are minors or in the military service.

Dated this 26th day of July, 1945.

REDenk

Register.

RECORDED

ORDER APPOINTING GUARDIAN AD LITEM.

D. H. FLEISCHER AND ANNA K. FLEISCHER,

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Complainants, VS. UNKNOWN HEIRS OF PHILLIPINE BALDWIN, et als,

Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY. NUMBER 1337.

ONDER OF FUELTOR

D. H. YLNISCHER AFD Adma K. M. RISCHER,

Complainants, IN THE CIRCUIT COUNT OF NS. BALDWIN COUNTY, ALADAMA. THE UNKNOWS BELRS OF FRILLIPING BALDWIN, et als.

Respondents.

It being made to uppear in this cause from the afficient of the Compleinants that the heirs of Phillipine Baldwin, Deceased, also known as Phillipiene Baldwin and Philipines Baldwin, who at one time caused an interest in a part of the property involved in this proceeding, are unknown to the Compleinants and cannot be ascertained on diligent inquiry. That they have made diligent

inquiry to accertain the same and that their residence as affiants believe is not in the State of Alabama; that Fred S. Baldwin and Mrs. Fred S. Baldwin are sach non-residents of the State of Alabama, each over twenty-one years of age whose place of residence and post office address is 902 Daves Avenue, Wheston, Illinois; that Mans O. Morgan is a non-resident of the State of Alabama, is over twentyone years of age, whose residence and post office address is "bloage, Thineis but is otherwise unknown to Compleinant affiants and cannot be escertained after diligent inquiry to ascertain the same.

IT IS NOW THEREFORE, ORDERED, ADJUDGED AND DECRETED that the unknown being of Philliping Baldwin, else known as Phillipians Baldwin and Philipings Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Mine C. Margen appear in this Court and desur, plead to or answer the Hill of Complaint in this cause before the 20th day of June, 1945, last on their having failed so to do at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against each of them. IT IS FURTHER ORDERED, ADJUDORD AND DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Rey Minetta, in Baldwin County, Alabama once a weak for four consecutive weaks and further that within twenty days from the mating of this order he post a copy hereof at the front door of the Court House in Baldwin County, Alabama, and sand copies hereof to Fred S. Baldwin, Mrs. Fred S. Baldwin and Edas C. Morgan to their aforesaid places of residence.

ORDERED, ADJUIDED AND DECERTED this 15th day of May,

1.945.

T. B. HLACKNER,

Solicitor for Compleinmits.

N. S. NVCK, Register of the Circuit Court of Beldwin County, Alebane in Equity. STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Ĩ

You are hereby commanded to summon Fred S. Baldwin, Mrs. Fred S. Baldwin and Mrs. Edna O. Morgan to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county at the place of holding same, and then and there demur, plead to or answer the Bill of Complaint filed against them by D. H. Fleischer and Anna K. Fleischer.

SUMMONS

Witness my hand this 15th day of May, 1945.

As Register of the Circuit Court of Baldwin County, Alabama in Equity. TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, D. H. Fleischer and Anna K. Fleischer, present this Bill of Complaint against the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan, and thereupon your Orators complain and show unto the Court and your Honor as follows:

1. Your Orators are each over twenty-one years of age and residents of Pensacola, Florida. The heirs of Phillipine Baldwin, also known as Phillipinea Baldwin and Philipinea Baldwin/are unknown; your Orators have made diligent inquiry to ascertain the same and their residence asdyour Orators believe is not in the State of Alabama. Fred S. Baldwin and Mrs. Fred S. Baldwin are non-residents of the State of Alabama; are each over twenty-one years of age, whose residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; Edna O. Morgan is over twenty-one years of age, is a non-resident of the State of Alabama whose residence and post office address is Chicago, Illinois but is otherwise unknown to your Orators and cannot be ascertained after diligent inquiry to ascertain the same.

2. Your Orators claim to own and are in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South side of Bay LaLaunch where the line dividing the William Kee Spanish Grant and the Samuel Suarez Spanish Grant in Townships 8 and 9 South Range 5 East intersects the South line of the said Bay and run thence South 735 feet to a point; thence East 735 feet to a point; thence North 735 feet more or less to a stake on the South side of Bay LaLaunch; thence Westwardly along the Bay and following the meanders thereof 735 feet more or less to the point or place of beginning, containing 124 acres, more or less.

The Fractional Southwest Quarter of regular Government Section 35, Township 8 South Range 5 East, which property is otherwise described as that part of the William Kee Spanish Grant (Grant Section 36) Township 8 South Range 5 East, which is bounded on the East by the East line of the said Grant, on the South by the Township line dividing Townships 8 and 9 South and on the North and West by Bay LaLaunch, excepting therefrom the two following described tracts of land: EXCEPTION NO.1: Starting at a point 611 feet West of a stake marking the dividing line between the Suarez and Kee Grants; thence South 600 feet; thence due West 360 feet to a stake; thence North to Bay LaLaunch; thence along Bay LaLaunch Eastwardly to starting point, being a part of Section 36, Township 8 South Range 5 East and the property conveyed by W. E. Baldwin, a Widower, to W. H. Hawkins and A. H. Crovatt by deed dated August 1, 1931 and recorded in Deed Book 51 N.S. at page 203, Baldwin County, Alabama Records.

EXCEPTION NO. 2: Begin at the Southeast Corner of the Fractional Southwest Quarter of Regular Government Section 35, Township 8 South Range 5 East, and run thence West 1457 feet to starting point; thence West 100 feet to a stake; thence North 25 degrees West 510 feet to Bay LaLaunch; thence Northeastwardly along Bay 130 feet to a stake; thence South 401 feet to the point of beginning; being a tract of land now or formerly owned by Emanuel 5. Baldwin.

3. The Respondents claim or are reputed to claim some right, title or interest in or encumbrance upon the said lands; no suit is pending to enforce or test the validity of such title, interest in, lien or encumbrance upon the said lands and your Orators present this Bill of Complaint against the said Respondents to settle the title to the said lands and to clear up all doubts and disputes concerning the same. Your Orators here and now call upon the said Respondents to set forth and specify their right, title or interest in, lien or encumbrance on the said lands or any part thereof and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

Your Orators pray that the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan be made parties respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to them.

PRAYER FOR RELIEF

Your Orators further pray that upon a final hearing of this cause the Court will make and enter a proper decree against the said Respondents and each of them, quieting your Orators' title to the said lands, adjudging and decreeing that your Orators are the owners thereof in their own right; that title thereto is in them, forever quieting their title against the said Respondents, adjudging and decreeing that the said Respondents and each of them are without right, title or interest in the said lands and have and hold no encumbrance thereon. Your Orators further pray for such other, further and general relief as they may be equitably entitled to the premises considered.

Søl/icitor for Compleinents.

Slacklun

STATE OF ALABAMA BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, perdonally appeared D. H. Fleischer and Anna K. Eleischer, who, after being by me first duly and legally sworn, to each depose and say: That the heirs of Phillipine Baldwin, also mown to artients and cannot be ascentained on diligent inquiry; that they have made diligent inquiry to escentain the seme and that their residence, as affigure believe, is not in the Shate of

Alabena.⁰⁰

Triants further depose and say heat they have each read

D. N. Sleischer auna fr. Heinehel

Sworn to and subscribed before me on this the 1/1/ day of May, 1945.

Nozary Public, Baldwin County, Alabama.

ORDER OF PUBLICATION

d. H. FLEISC ANNA K. FLEI	
	Complainants,
VS.	
THE UNKNOWN	HEIRS OF

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

THE UNKNOWN HELRS OF PHILLIPINE BALDWIN, et als,

Respondents.

It being made to appear in this cause from the affidavit of the Complainants that the heirs of Phillipine Baldwin, Deceased, also known as Phillipiena Baldwin and Philipinea Baldwin, who at one time owned an interest in a part of the property involved in this proceeding, are unknown to the Compleinants and cannot be ascertained on diligent inquiry. That they have made diligent inquiry to ascertain the same and that their residence as affiants believe is not in the State of Alabama; that Fred S. Baldwin and Mrs. Fred S. Baldwin are each non-residents of the State of Alabama, each over twenty-one years of age whose place of residence and post office address is 902 Dawes Avenue, Wheaton, Illinois; that Edna O. Morgan is a non-resident of the State of Alabama, is over twentyone years of age, whose residence and post office address is Chicago, Illinois but is otherwise unknown to Complainant affiants and cannot be ascertained after diligent inquiry to ascertain the same.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the unknown heirs of Phillipine Baldwin, also known as Phillipiena Baldwin and Philipinea Baldwin; Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan appear in this Court and demur, plead to or answer the Bill of Complaint in this cause before the 25th day of June, 1945, lest on their having failed so to do at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against each of them. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register of this Court have this order published with as little delay as may be in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama once a week for four consecutive weeks and further that within twenty days from the making of this order he post a copy hereof at the front door of the Court House in Baldwin County, Alabama, and send copies hereof to Fred S. Baldwin, Mrs. Fred S. Baldwin and Edna O. Morgan to their aforesaid places of residence.

ORDERED, ADJUDGED AND DECREED this 15th day of May,

1945.

J. B. BLACKBURN,

Solicitor for Complainants.

was

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

