

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Old Spanish Fort Developement Company, a corporation,

~~& C. E. Sibley~~ be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to ^{Amended} Bill of Complaint lately exhibited by C. E. Sibley et al,

against said Old Spanish Fort Developement Company,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 20th day of

May 1927

T. W. Richerson Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

SERVE ON _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

C.E. Sibley et al

vs.

Old Spanish Fort Development

Co.

Defendant.

Sheriff.

G.B. Cleveland.

Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this _____

day of _____ 192

Sheriff.

Executed this _____ day of

192

by leaving a copy of the within Summons with

_____ Defendant.

_____ Sheriff.

By _____ Deputy Sheriff.

Recorded in Vol. _____ Page _____

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Old Spanish Fort Development Co,
a Corporation, ~~Old Spanish Fort Development Co~~

of _____ County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to ^{AMENDED} a Bill of Complaint lately exhibited by

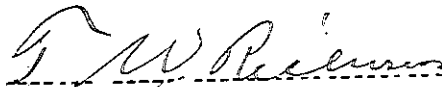
C.E.Sibley, , Theodore S. Searing et al.

against said

Old Spanish Fort Development Co, a Corporation,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 9th day of
June, 1927.

 Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Original

THE STATE OF ALABAMA,
BALDWIN COUNTY.

SERVE ON _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

C. E. Sibley et al.

Received in office this _____
day of _____ 192

Sheriff.

Executed this *22* day of
June 192*7*

by leaving a copy of the within Summons with
to J. Smith as
secretary for the Old Spanish Fort
Development Corporation et al

Defendant.

to J. Smith

Sheriff.

By *B. W. Higgins*
Deputy Sheriff.

vs.

Old Spanish Fort Development
Co et al.

George B. Cleveland.

Solicitor for Complainant

Recorded in Vol _____ Page _____

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Old Spanish Fort Development
Company, a corporation,

of _____ County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a ^{amended} Bill of Complaint lately exhibited by
Clarence E. Sibley et al,

against said _____

Old Spanish Fort Development Co, a corporation,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 1st day of

June, 192 7.

T. W. Richerson Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Chapman

THE STATE OF ALABAMA,
BALDWIN COUNTY.

SERVE ON.....
Circuit Court of Baldwin County
In Equity.

No.

SUMMONS

Clarence E. Sibley et al.

vs.

Old Spanish Fort Development Co,
a corporation et al.

*Recd Copy on the Secretary
of Old Spanish Fort Development Co
who is now at Fairhope Ala*

Geo B. Cleveland.
Solicitor for Complainant

Recorded in Vol..... Page.....

Received in office this June 1st
day of..... 1927

Sheriff.

Executed this *22* day of
June 1927

by leaving a copy of the within Summons with
L. G. Smith as
secretary for the Old Spanish
Fort Development Co, et al.
Cospar, Alabama et al.
Defendant.

L. S. Sibley

Sheriff.

By *D. D. Wiggins*
Deputy Sheriff.

C. E. SIBLEY; ET AL, COMPLAINANTS,)

VS. In Equity. :- In the Circuit of Baldwin Co., Ala.

H. H. MAYNARD, ET AL, DEFENDANTS.)
.....

Amendment.

Comes the complainants and amend their bill of complaint as follows:-

By striking out Hiram H. Maynard as a party defendant and his name where ever it appears in the bill of complaint and substituting therefor : OLD SPANISH FORT DEVELOPEMENT COMPANY, a corporation, and making said corporation a party defendant. By substituting the name of said corporation in the place of Hiram H. Maynard in the prayer for process, and asking that the said corporation, OLD SPANISH FORT DEVELOPEMENT COMPANY, a corporation organized and doing business under the laws of the State of Delaware, with its principal place of business in Mobile, Alabama, be made a party defendant to the bill of complainant and that it be required to answer the same, oath to answer being waived.

Further by inserting under the description of the land set out ~~the~~ in the bill the following: "Except that part of said property described as follows; in so far as it lies in range one east:-

Commencing at the water's edge on the north boundary line of the Alexis Trouillet tract and running thence east 12.64 chains; thence south 3.16 chains; thence west to the waters edge; thence with the meanderings of the same to the same to the place of beginning, containing about four acres.

Also that part of the said property described as follows, in so far as it lies in range one east; Commence at an entwined poplar and black gum on the south side of Bay Minette Bay, at a point bearing south ~~and~~ 58 1/2 degrees east from a point of marsh on the south side and at the mouth of said Bay, running thence south 52 degrees East $\frac{1}{2}$ 2.48 chains to a poplar on the south ~~side~~ bank of Bayou Minette Bay, containing six acres.

~~xxxx~~

Chas Brown Shuland,
Attorney for complainants.

Note: *Complainants ask that the defendants answer the above amendment and the bill of complaint as amended, but their oaths are waived.

Chas Brown Shuland,
Attorney for complainant.

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR

DATE: MAY 21, 1927

MEMORANDUM

TO: THE SECRETARY OF THE INTERIOR

FROM: [Illegible]

Reference is made to the report of the [Illegible] dated [Illegible] and to the report of the [Illegible] dated [Illegible]. The [Illegible] has advised that the [Illegible] is in possession of the [Illegible] and that the [Illegible] is in possession of the [Illegible]. The [Illegible] has advised that the [Illegible] is in possession of the [Illegible] and that the [Illegible] is in possession of the [Illegible].

The [Illegible] has advised that the [Illegible] is in possession of the [Illegible] and that the [Illegible] is in possession of the [Illegible]. The [Illegible] has advised that the [Illegible] is in possession of the [Illegible] and that the [Illegible] is in possession of the [Illegible].

Very respectfully,
[Illegible]

Enclosed for the Secretary are the [Illegible] and the [Illegible].

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Very respectfully,
[Illegible]

Amendment to Bill

Filed May 21/1927
D. W. [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

STEVENS, M'CORVEY, M'LEOD, GOODE & TURNER
ATTORNEYS AT LAW
502-8 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

July 4th, 1927.

THOMAS M. STEVENS
GESSNER T. M'CORVEY
WILLIAM M'LEOD
DAVID B. GOODE
BEN D. TURNER
C. M. A. ROGERS

Hon. F. W. Richardson,
Register, Circuit Court,
Bay Minette, Ala.

Dear Sir:-

Enclosed herewith you will find agreement for the submission of all matters pertaining to the motion of the Old Spanish Fort Development Company to stay proceedings in the case of C. E. Sibley and others vs. H. H. Maynard and others. You will note that the motion is set for Wednesday, July 6th. Please forward all papers, together with this agreement, to Judge Leigh at once.

In this connection I would suggest that you also send him the entire file in the case of Old Spanish Fort Development Company vs. Sections 38 and 39, as this file and the contents thereof are referred to in the said motion to stay. In other words, he will need both of these files in order to intelligently pass upon the question involved.

I will thank you to see that all of the papers are promptly forwarded.

Yours truly,



BDE-S.

CLARENCE E. SIBLEY and
WESLEY R. SIBLEY, et als.,
Complainants,

vs.

HIRAM H. MAYNARD, OLD SPANISH
FORT DEVELOPMENT COMPANY, et als.,
Respondents.

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

Come the complainants and move the Court to dismiss
this cause out of said Court.


ATTORNEY FOR COMPLAINANTS.

7
Clarence E. Sibley and
Wesley R. Sibley, et als.,
vs.
Hiram H. Maynard, Old Spanish
Fort Dev. Co., et als.

Motion to Dismiss case

Filed Oct. 4, 1927.

T. W. Register
Register.

RECORDED

C. E. SIBLEY ET AL.,
Complainants, :
vs. : In the Circuit Court of
H. H. MAYNARD ET AL.,
Respondents. : Baldwin County, Alabama.

This cause coming on to be heard is submitted for decree on motion of the Respondent, Old Spanish Fort Development Company, to stay all proceedings in this cause until the issues raised by the bill of the Old Spanish Fort Development Company versus Sections 38 and 39, Township 4 South, Ranges 1 and 2 East, in Baldwin County, Alabama, and any and all persons, firms or corporations claiming any title to, interest in, or lien or encumbrance on said lands, or any part thereof, may be legally and properly disposed of, and on the motion of Complainant, C. E. Sibley and others, to strike said motion to stay said cause, and on answer of said C. E. Sibley and others to said motion to stay.

It appearing to the Court that all of the parties have had notice of the time and place set for this hearing, and said parties having filed briefs therein, said motion to strike the motion to stay said proceedings coming on to be heard, the Court is of the opinion that said motion to strike should not be granted, and it is ordered, adjudged and decree that the same be and is hereby overruled.

Said cause coming on further to be heard on the said motion of the respondent, Old Spanish Fort Development Company, to stay said cause, and the answer of the said C. E. Sibley and others thereto, and the Court having considered the facts as alleged in said motion to stay and in said answer, and having considered the briefs filed by the several parties in support of their respective contentions, the Court is of the opinion that said motion to stay said proceedings should be allowed and said proceedings stayed.

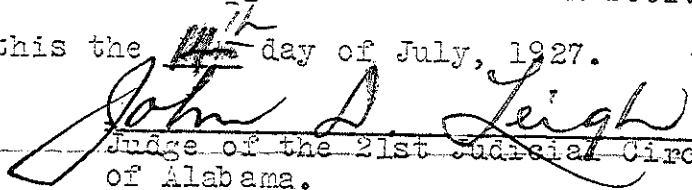
It is therefore ordered, adjudged and decreed by the Court that all proceedings in the case of C. E. Sibley et al., Complainants, vs. H. H. Maynard et al., Respondents, being cause No. 671

on the docket of this Court, be, and the same is hereby, stayed until the issues raised by the suit of the Old Spanish Fort Development Company vs. Sections 38 and 39, Township 4 South, Ranges 1 and 2 East, in Baldwin County, Alabama, this cause being No. 666 on the docket of this court, may be legally and properly disposed of.

It is further ordered that no respondent in this suit of C. E. Sibley et al. vs. H. H. Maynard et al., be required to answer, demur or plead to the bill of complaint filed therein until the suit of Old Spanish Fort Development Company versus Sections 38 and 39, Township 4, South, Ranges 1 and 2 East, in Baldwin County, Alabama, has been finally disposed of.

It is further ordered that all of the parties in each of the said causes referred to in this decree be given due notice hereof.

ORDERED AND DECREED, this the 14th day of July, 1927.


Judge of the 21st Judicial Circuit
of Alabama.

Deane

Received at the office of the Director of the Social Security Administration on July 16, 1927

Filed July 16/27
J. W. Deane
Director

Received at the office of the Director of the Social Security Administration on July 16, 1927

Received at the office of the Director of the Social Security Administration on July 16, 1927

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J. W. Deane

J. W. Deane

C.E.Sibley, et al, Complainant,)

vs.

:-In the Circuit Court.Equity.

H.H.Maynard, et al,Defendants.)
.....

Answer to Petition to Stay Proceedings.

Come complainants and defendants Theodore F.Searing and and Mrs. Florence S.Baird, and for answer to the petition filed herein by defendant Old Spanish Fort Development Co. to stay this cause until the end of a suit afterwards filed by it to clear title,etc.,to part of the land covered by this bill and other lands,and without in any way waiving their motion to strike the said petition,but dictinctly relying thereon, say:-

1.

In answer to paragraph one they say that is is apparently correct.

2.

In answer to paragraph two, it says that it is true that there- after the petitioner filed its bill to clear title to some property,but it is not true that it is altogether this property.By comparison of the two bills it is seen that this bill covers property not contained in the corporation's bill and the corporation's bill contains property not covered herein.That section twenty four, twonship four south,range one east, is not contained in the corporations bill,nor does this bill cover parts cut out of sections 38 and 39, 4 south, one east, covered by the corporations bills, nor those parts of sections 38 and 39 in range two east.So it is seen that the two bills do not cover the same land and may not have the same defendants. That the said corporation can raise and settle any questions of title to the said lands contained in this bill in this suit, by denying title of any complainant or defendant,and if it contends that there is any interst outstanding not represented by a party hereto, it can require that this party be brought into this suit.In other words it can settle any question of title in regard to lands set out in this suit in this suit,which was first filed.

3.

The exact time at which the deed to the defendant corporation was made is not known to the complainants and respondents to the petition, but they presume it was made sometime previous,but the exact terms thereof,or exact property conveyed are not known to respondent petitioners. The counsel looked over the various deeds,, from some Sib- lays to Moorer, Moorer to Lott and Lott to Maynard and afterwards wrote

having this land divided amongst its owners. *to petitioner.*
prevent the complainants and the defendants other than said corporation
in and by reason of a technical difference, due to its lack of frankness,
but on the contrary, the bill filed by it is a plain attempt to strip
to deprive the defendant corporation of the right to file its bill, etc.,
It is not true, as alleged, that the amendment herein is an attempt
reason.
this later bill litigates with people over this and other lands is out of
To make the parties interested in this land wait until the defendant filing
the lands herein described herein may be interested and parties defendant.
the petition have no interest in, and in which parties not interested in
land not included in this bill, lands some of which these respondents to
includes land not included in the other bill and the other bill includes
the same land as stated, they do not cover the same land. This bill in-
It is not true that both suits to all intents and purposes cover
was filed and four days after this bill originally was filed.
ing out Maynard, two days, it appears, after the bill of the corporation
making the Old Spanish Fort Development Co. a party defendant and strike-
It is true that immediately the complainants amended their bill,
and litigate their titles in another suit.
equity. Partition suits and complaints cannot be required to state in
petition submit is without precedent in law or equity and without

gation over this and other property is ended, which respondents to said
tions bill and now asks that this bill be sidetracked until his bill
velopment Co. was not a party thereto, by error, he filed the corpora-
counsel for respondents, and when he found that the Old Spanish Fort De-
tions. Said Turner knew of this bill being filed, being told so by the
bill, this bill was filed, it having been held up pending these negotia-
could not come together and that the said Turner contemplated filing a
that Maynard was here. When it was finally found that the parties
ing succeeded him, and at one time said Turner mentioned over the telephone
said Turner and knew nothing of the Old Spanish Fort Development Co. hav-
their counsel at all times thought he was negotiating with Maynard through
ceded the deed or were subsequent thereto respondents do not know, but
going on between them for a very long time. Whether the negotiations pre-
spoke to their counsel about the matter and that negotiations have been
was referred to the present counsel for the corporation, Judge Turner, who
ley in the lands in sections 38 and 39, in range 1 east, which letter
said Maynard about purchasing the interests of the said C.B. and W.R. Sib-

W.R. Sibbald, et al. Defendants
C.B. Sibbald, et al. Complainants
-In the Circuit Court of the State of Missouri
-vs-
W.R. Maynard, et al. Defendants

Answers to petition for summary proceedings.
General complainants and defendants Theodore E. bearing and Mrs.
Reference is being, and for answer to the petition filed herein by de-
fendant Old Spanish Fort Development Co. to stay this case until
the end of a suit afterwards filed by it to clear title, etc., to
part of the land covered by this bill and other lands, and without
in any way retaining their motion to strike the said petition, but distinctly
relying thereon, say:-

1.
In answer to paragraph one they say that it is generally correct.
2.
In answer to paragraph two, it says that it is true that there-
after the petitioner filed its bill to clear title to some property, but
it is not true that it is alleged that this property, by comparison of the
two bills it is seen that this bill covers property not contained in the
corporation's bill and the corporation's bill contains property not cov-
ered therein. That section twenty four, township four south, range one east
is not contained in the corporation's bill, nor does this bill cover parts
out out of sections 38 and 39, a section, one east, covered by the corpora-
tions bills, nor those parts of sections 38 and 39 in range two east. It
is seen that the two bills do not cover the same land and may not
have the same defendants. That the said corporation on one side and
settles any questions of title to the said lands contained in this bill
in this suit, by carrying title of any complaint or defendant, and if it
contends that there is any interest outstanding not represented by a par-
ty hereto, it can require that this party be brought into this suit. In
other words it can settle any question of title in regard to lands set
out in this suit in this suit, which was first filed.

3.
The exact time at which the deed to the defendant corporation
was made is not known to the complainants and respondents to the pe-
tition, but they presume it was made sometime previous, but the exact
date thereof, or exact property conveyed and not known to respondent de-
fendants. The counsel looked over the various deeds, from some Sib-
balds to Moore, Moore to Wolf and Wolf to Maynard and defendants

Filed August 19 1927.
D. M. Beckman
Register

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C. E. Sibley, et al,
Complainants,
vs.
H. H. Maynard, et al,
Respondents.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY.

The respondent, Old Spanish Fort Development Company,
having filed in this cause a motion to stay the proceedings
herein as per grounds set out in that certain written motion
heretofore filed:

It is agreed between the parties hereto that said motion
to stay proceedings herein and all motions, exceptions, demurrers,
or objections to or in connection with said motion, may be set down
for hearing before the Honorable John D. Leigh, Judge of this
Court, at his office at Brewton, Alabama, on Wednesday, July 6th, 1927,
twelve o'clock M, *in brief*

George B. ...
Solicitor for Complainant.

Herrens McCree ...
Solicitors for Old Spanish Fort Development
Company.

C.E.Sibley, et al)

vs.

:--In the Circuit Court of Baldwin Co., Ala. Equity.

MAYNARD, et al.)

.....:

Amendment to Bill of Complaint.

Comes the complainants and amend their bill as last amended as follows, to-wit:-

1st. By adding the name of Theodore F. Searing as a party complainant.

2nd. By striking our paragraph four.

3rd. By adding the following persons as defendants: Mrs. Florence S. Baird, whose address is No. 9718 Jeannette St., New Orleans, La., Fannie Gillespie Searing, Robert George Searing and Dora S. Searing, whose last known address was Chicago, Illinois.

4th. By striking out paragraph four as aforesaid and putting in its place the following:-

"That the defendant the Old Spanish Fort Development Co., ~~is~~ a corporation, owns an undivided 13/21st. and 5 1/4ths of a 21st. interest additional. That the defendants Florence S. Baird owns an undivided one twenty first interest in the property. That the defendants Robert George Searing and Dora S. Searing each own a 42nd. interest in the property, subject to the lower interest of their mother, Fannie Gillespie Searing. That the complainant Theodore F. Searing owns one twenty first interest. All of said interests are undivided, the complainants and defendants being tenants in common. That the remaining complainants C.E. and W.R. Sibley, Leslie, Harold, Lomers and Ruth Sibley, remaining defendants, each own an undivided 2 and 5/8th. of a 21st. interest.

5th. By amending the prayer of the bill of complaint and asking that Florence S. Baird, Mrs. Fannie Gillespie Searing, Robert George Searing and Dora S. Searing, be made parties defendant by due process and be required to answer the bill of complaint, but that the oaths to their answers are waived.

George James Chisland
Attorney for complainants.

Note: Defendants are required to answer all the paragraphs of the bill as last amended.

George James Chisland
Attorney for Comp It.

as hereinafter.

Howe, DeLand and DeLand are referred to herein as the defendants of the bill

Attorney for Defendants

Attorney for Complainant

copies of their answers are attached.

Process and the return of same are filed of record for the bill

George DeLand and Tom DeLand, by their former attorneys of the

bill, have returned to DeLand, Plaintiff, a copy of the bill, copies

of a bill, answer and return of same are filed of record for the bill

and the bill is returned to DeLand, Plaintiff, for the bill

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and the bill is returned to DeLand, Plaintiff, for the bill

and the bill is returned to DeLand, Plaintiff, for the bill

Filed June 8th/1927
J.W. Williams
Registry

RECORDED

DEPARTMENT OF COMMERCE
BUREAU OF CUSTOMS AND EXCISE
WASHINGTON, D. C.

IN THE MATTER OF THE ESTATE OF GEORGE DE LAND, DECEASED.

Form 101-1

Notice of the death of George De Land, deceased, is hereby given.

George De Land, deceased, was born at New York, N. Y., on

January 1, 1860, and died at New York, N. Y., on June 8, 1927.

His widow, Mrs. Mary De Land, is the surviving spouse.

His children are: John De Land, deceased; and George De Land, deceased.

His grandchildren are: William De Land, deceased; and George De Land, deceased.

His great-grandchildren are: John De Land, deceased; and George De Land, deceased.

His great-great-grandchildren are: John De Land, deceased; and George De Land, deceased.

His great-great-great-grandchildren are: John De Land, deceased; and George De Land, deceased.

C. E. SIBLEY, ET AL, COMPLAINANTS,)

VS. In Equity. :-In the Circuit of Baldwin Co..Ala.

H. H. MAYNARD, ET AL, DEFENDANTS.)

.....

Amendment.

Comes the complainants and amend their bill of complaint as follows:-

By striking out Hiram H. Maynard as a party defendant and his name where ever it appears in the bill of complaint and substituting therefor : OLD SPANISH FORT DEVELOPEMENT COMPANY, a corporation, and making said corporation a party defendant. By substituting the name of said corporation in the place of Hiram H. Maynard in the prayer for process, and asking that the said corporation, OLD SPANISH FORT DEVELOPEMENT COMPANY, a corporation organized and doing business under the laws of the State of Delaware, with its principal place of business in Mobile, Alabama, be made a party defendant to the bill of complainant and that it be required to answer the same, oath to answer being waived.

Further by inserting under the description of the land set out ~~the~~ in the bill the following: Except that part of said property described as follows; in so far as it lies in range one east:-

Commencing at the water's edge on the north boundary line of the Alexis Trouillet tract and running thence east 12.64 chains; thence south 5.16 chains; thence west to the waters edge; thence with the meanderings of the same to the same to the place of beginning, containing about four acres.

Also that part of the said property described as follows, in so far as it lies in range one east; Commence at an entwined poplar and black gum on the south side of Bay Minette Bay, at a point bearing south ~~and~~ 58 1/2 degrees east from a point of marsh on the south side and at the mouth of said Bay, running thence south 52 degrees East 9.48 chains to a poplar on the south ~~side~~ bank of Bayou Minette Bay, containing six acres.

~~side~~

Henry Bowen Shuland
Attorney for complainants.

Note: *Complainants ask that the defendants answer the above amendment and the bill of complaint as amended, but their oaths are waived.

Henry Bowen Shuland
Attorney for complainant.

C. E. Sibley, et al,
Complainants,
vs.
H. H. Maynard, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes Old Spanish Fort Development Company, a Corporation,
and enters its unqualified appearance as a respondent in this
cause on this the 20th day of June, 1927, reserving the right to
plead, answer or demur when directed to do so by the Court.

BY

Henry Moore
Thomas McComy McLeod Good Jones
Its Attorneys.

C. E. Abbey et al

vs.

H. H. Maynard -

General Appraiser
for All Spanish Fort
Development Co.

Filed June 21/1927

T. W. McCremon
Register

RECORDED

RECORDED

C. E. Sibley, et al,
Complainants,
vs.
H. H. Maynard, et al,
Respondents.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY.

Comes your respondent, Old Spanish Fort Development Company,
and respectfully shows to your Honor as follows:

1. That on or about May 17th, 1927, C. E. Sibley, et al,
as Complainants filed their bill of complaint in this cause against
H. H. Maynard, et al, which said bill, as will fully appear from an
inspection thereof, seeks a division of the property described therein
among the joint owners thereof and which said bill avers that the said
H. H. Maynard owns an interest in said property.

2. That on May 19th, 1927, Old Spanish Fort Development Company,
who had long prior thereto acquired all interest which the said H. H.
Maynard owned in and to said property, filed its bill in the Circuit
Court of Baldwin County, Alabama, which said bill seeks to quiet the
title of said Old Spanish Fort Development Company in and to said
property and alleges that it, the Old Spanish Fort Development Company,
is the owner thereof in fee simple.

3. That when the suit, above referred to, of C. E. Sibley, et al,
vs. Hiram H. Maynard, et al, was filed there was on record in the Probate
Office of Baldwin County, Alabama, deeds from Hiram H. Maynard con-
veying said property to the Old Spanish Fort Development Company, a
Corporation, the exact date of said deeds being not now known to your
respondent but said deeds being recorded in Deed Book 40, N. S., at
page 534 and Deed Book 40, N. S., at page 535, to which reference is
here specifically made for the purpose of fixing the date thereof;
but your petitioner avers that said deeds have remained on record for
more than twelve months prior to the filing of said suit. Your orator
avers that on to-wit the 21st day of May, 1927, and after the Old Spanish
Fort Development Company, a Corporation, had filed its bill in this Court
to quiet the title to said property that the said C. E. Sibley, et al,
Complainants, undertook to amend their said bill of complaint by making

the Old Spanish Fort Development Company, a Corporation, a party thereto.

Your respondent, the Old Spanish Fort Development Company, a Corporation, now shows to the Court that by virtue of said amendment there is now pending in this Court two suits, which, to all intents and purposes, involve the same title and the same subject matter and the same party; that the bill to quiet title filed by the Old Spanish Fort Development Company is a suit in which all questions raised by the suit of the said C. E. Sibley, et al, vs. H. H. Maynard, et al, may be fairly and properly determined; that the said Old Spanish Fort Development Company not having been made a party to the said suit of C. E. Sibley, et al, vs. H. H. Maynard and not being brought in by amendment until after it, the Old Spanish Fort Development Company, had filed its bill to quiet title to said property and said amendment not relating back as against this respondent, has a right to have the issues raised by its bill to quiet title determined in this Court prior to the issues raised in the suit of C. E. Sibley vs. Hiram H. Maynard, et al, to which suit it has now been made a party by amendment.

Your respondent avers that the pendency of both of said suits, if both of said suits are permitted to proceed to trial will result in useless litigation and annoyance, both to the parties and to the Court; that at the time your respondent herein filed its bill as aforesaid to quiet the title to said lands there was no suit pending to test its title to said property and that it had a right to file its bill for that purpose and that the amendment which seeks to make it a respondent to the said bill of C. E. Sibley, et al, vs. Hiram H. Maynard, et al, is but an attempt to deprive it, the said Old Spanish Fort Development Company of its legal right to have the issues raised by its bill to quiet title determined in an orderly and proper manner in this Court.

Therefore, the respondent, the Old Spanish Fort Development Company, a Corporation, files this as its petition in this Court and respectfully prays your Honor that an order may issue staying all proceedings in the case of C. E. Sibley, et al, Complainants, vs. H. H. Maynard, et al, Respondents, until the issues raised by the bill of your said petitioner to quiet title to said property may be legally and properly

disposed of and that this respondent nor any other respondent may be required to answer, demur or plead to the said bill of C. E. Sibley, et al vs. H. H. Maynard, et al, until the trial is had in the cause of Old Spanish Fort Development Company vs. the land referred to in said bill, which is a bill to quiet the title thereto.

Reference is hereby specifically made to each of said bills of complaint now on file in this Court and your petitioner prays that the Court may consider said bills in connection with and as a part of this petition.

Your petitioner respectfully requests the Court that this motion may be set down for hearing upon such notice to the opposite parties, as the Court in its discretion may see fit to fix and that the matter may be speedily heard to the end that useless litigation and confusion may be avoided.

Stevens McCloskey McLeod Good Turner
 Attorneys for Old Spanish Fort Development
 Company, a Corporation.

We hereby certify that we have this day served a copy of the within petition on George B. Cleveland, Attorneys for Complainants, C. E. Sibley, et al.

June 28th, 1927.

Stevens McCloskey McLeod Good Turner
By Ben D. Turner

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

To the Hon. JOHN D. LEIGH, JUDGE:

The bill of complaint of
CLARENCE E. SIBLEY AND WESLEY R. SIBLEY, residents of Mobile Co., Ala.,

VS.

HIRAM H. MAYNARD, of Cook Co., Illinois, and Leslie Sibley, Harold Sibley,
Emmet Sibley, Lomers Sibley and Ruth Sibley, residents of Alabama, Def'ts.

Your complainant respectfully states:-

1.

That the complainants are ~~over~~ the age of 21 years. That the defendant Hiram H. Maynard is over the age of 21 years and his address is 111 West Monroe St., Chicago, Illinois. That Leslie and Harold Sibley are minors over 14 years of age and reside in Mobile, Alabama. That Lomers and Emmet Sibley are minors under 14 years of age, residing in the Presbyterian Orphans Home at Talladega, Alabama. That Ruth Sibley is a minor under 21 years of age, residing with her brother, Claude Sibley, in Mobile, Alabama.

2.

That the complainants and defendants are the tenants in common of the following described property, situated in Baldwin county, Alabama, viz:- the east half of section twenty four in township four south and range one east, and that part of sections 38 and 39 extending into range one east, in said township four south.

4.

That the defendant Hiram H. Maynard owns a 6/7th undivided interest in the said property. That the complainants and the remaining defendants each own 2 1/3 of one twenty first interest therein, undivided.

5.

That the said property can be divided in kind, it consisting of wild land, unimproved and uncultivated, lying on the waterfront of rivers on the eastern shore of the system of rivers between Mobile city and the Baldwin county mainland.

Premises considered, complainants pray that the said Hiram H. Maynard, Leslie Sibley, Harold Sibley, Emmet Sibley, Lomers Sibley, and Ruth Sibley, be made defendant by due process and required to answer, but their oaths are waived. That a guardian ad litem be appointed to defend for the minor defendants, if they have no regular guardian.

1st Original Bill

Blum & Seley
OS et al

Howard E. Maynard
et al

Filed May 17th 8³⁰ am
1927.

T. W. Richmond
Register

RECORDED

1

G. E. SIBLEY, ET AL, COMPLAINANTS,)

vs. In Equity: in the Circuit of Baldwin Co., Ala.

M. H. HAYWARD, ET AL, DEFENDANTS.)
.....

Amendment.

Come the complainants and amend their bill of complaint as follows:-

By striking out Hiram H. Hayward as a party defendant and his name where ever it appears in the bill of complaint and substituting therefor : OLD SPANISH FORT DEVELOPMENT COMPANY, a corporation, and making said corporation a party defendant. By substituting the name of said corporation in the place of Hiram H. Hayward in the prayer for process, and asking that the said corporation, OLD SPANISH FORT DEVELOPMENT COMPANY, a corporation organized and doing business under the laws of the State of Delaware, with its principal place of business in Mobile, Alabama, be made a party defendant to the bill of complaint and that it be required to answer the same, oath to answer being waived.

Further by inserting under the description of the land set out ~~in~~ in the bill the following: Except that part of said property described as follows; in so far as it lies in range one east:-

Commencing at the water's edge on the north boundary line of the Alexis Trouillet tract and running thence east 12.64 chains; thence south 8.16 chains; thence west to the waters edge; thence with the meanderings of the same to the same to the place of beginning, containing about four acres.

Also that part of the said property described as follows, in so far as it lies in range one east: Commence at an entwined poplar and black gum on the south side of Bay Minette Bay, at a point bearing south and 88 1/2 degrees east from a point of marsh on the south side and at the mouth of said Bay, running thence south 52 degrees east 2.48 chains to a poplar on the south side bank of Bayou Minette Bay, containing six acres.

Gary Owen Cludman
Attorney for complainants.

Note: Complainants ask that the defendants answer the above amendment and the bill of complaint as amended, but their oaths are waived.

Gary Owen Cludman
Attorney for complainant.

C. E. SIBLEY, et al., complainants,)

vs. In Equity :- In the Circuit of Baldwin Co., Ala.

M. M. WYLAND, et al., defendants.)

Amendment.

Does the complainants and amend their bill of complaint as follows:-

By striking out Siras H. Baynard as a party defendant and his name where ever it appears in the bill of complaint and substituting therefor : THE OKLAHOMA BANK DEVELOPMENT COMPANY, a corporation, and making said corporation a party defendant. By substituting the name of said corporation in the place of Siras H. Baynard in the prayer for process, and making that the said corporation, THE OKLAHOMA BANK DEVELOPMENT COMPANY, a corporation organized and doing business under the laws of the State of Oklahoma, with its principal place of business in Mobile, Alabama, to make a party defendant to the bill of complaint and that it is required to answer the same, both its name being added.

Further by inserting under the description of the land set out ~~in~~ in the bill the following: Except that part of said property described as follows, in so far as it lies in range one east:-

Commencing at the water's edge on the north boundary line of the Alexis Mirellot tract and running thence east 12.16 chains; thence south 2.16 chains; thence west to the water's edge; with the meandering of the same to the edge to the piece of beginning, containing about four acres.

Also that part of the said property described as follows, in so far as it lies in range one east, thence at an entwined poplar and black gum on the south side of Bay Minette Bay, at a point bearing south 22 1/2 degrees east from a point of rough on the south side and at the mouth of said Bay, running thence south 22 degrees west 6.48 chains to a poplar on the south main bank of Bay Minette Bay, containing six acres.

George Bruce Cleveland,
Attorney for complainants.

Note: complainants ask that the defendants answer the above amendment and the bill of complaint as amended, if their claims are valid.

George Bruce Cleveland,
Attorney for complainant.

C. E. SIBLEY, ET AL, COMPLAINANTS,

vs. In Equity: -in the Circuit of Baldwin Co., Ala.

H. M. WATSON, ET AL, DEFENDANTS.

Amendment.

Where the complainants and a part their bill of complaint as follows:

By striking out Hiram H. Watson as a party defendant and his name where ever it appears in the bill of complaint and substituting therefor: THE WATSON TRUST DEVELOPMENT COMPANY, a corporation, and making said corporation a party defendant. By substituting the name of said corporation in the place of Hiram H. Watson in the prayer for process, and making that the said corporation, THE WATSON TRUST DEVELOPMENT COMPANY, a corporation organized and doing business under the laws of the State of Alabama, with its principal place of business in Mobile, Alabama, be made a party defendant to the bill of complaint and that it be required to answer the same, both its answer being waived.

Further by inserting under the description of the land set out in the bill the following: Except that part of said property described as follows; in so far as it lies in range one east:-

Commencing at the water's edge on the north boundary line of the Alexis Trouillet tract and running thence east 12.48 chains; thence south 2.18 chains; thence west to the water edge; thence with the meanderings of the same to the same to the place of beginning, containing about four acres.

Also that part of the said property described as follows, in so far as it lies in range one east; commencing at an enclosed pole and black gum on the south side of Bay Sixette Bay, at a point bearing south 22 1/2 degrees east from a point of which on the south side end of the mouth of said Bay, running thence south 40 degrees east 7 1/2 chains to a pole on the north side of Bay Sixette Bay, containing six acres.

Gary Owen Chabane
Attorney for complainants.

Note: Complainants ask that the defendants answer the above amendment and the bill of complaint as amended, but their bills are waived.

Gary Owen Chabane
Attorney for complainants.

GEORGE BOWEN CLEVELAND

ATTORNEY-AT-LAW

BOX 704

MOBILE, ALABAMA

June 4th, 1927.

Mr. T. M. Richardson, Register,

Bay Minette, Ala.

Dear Sir:-

I enclose you an amendment in re Sibleys vs. Maynard, et al, and ~~5~~ 5 copies.

You can serve the amendment on the Old Spanish Fort Development Co. by serving its secretary, at the Fairhope Inn, if he is still there I think he is, but if service cannot be had on him, I will write you how to serve under the act relative to serving foreign corporations. Please advise me whether the amended bill was served on him. Also advise whether the sheriff here has served the defendants here, and the ^{other} defendants elsewhere where have been served.

I will be glad if you will advise me whether the decree has been signed in Hall vs. Hall.

Please submit the motion I sent you in Hutchinson vs. Sibleys and advise me whether or not the Judge has made any order ~~xxxx~~ extending the time. Also whether or not the sheriff has ever returned the original interrogatories and notice. If so, when was the service had and what day were the answers filed?

Sorry to trouble you this hot weather, but its all in the job.

252 St. Francis St.

Yours truly,

George Bowen Cleveland

Copy

C. W. ...

... the ...

...

... of ...

...

1st. By ...

2nd. By ...

3rd. By ...

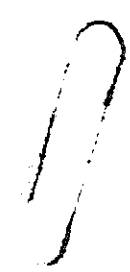
4th. By ...

5th. By ...

Henry Bowen Cleveland
Attorney for complainant.

...

Henry Bowen Cleveland
Attorney for Comp. It.



Refers to 3

Amended

4
3
2
1

Filed June 7/1927

T. W. McMillan

Register

RECORDED

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Old Spanish Fort Developement Co,

of _____ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to ^{Cross} Bill of Complaint lately exhibited by

Clarence E. Sibley, Robert Wesley Sibley, Theodore F. Searing, Mrs. Florence S. Baird,

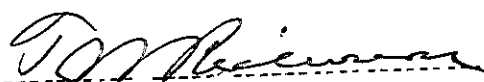
against said

Old Spanish Fort Developement Co.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this _____ 20th _____ day of

July _____ 1927.

 Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Argonne

THE STATE OF ALABAMA,
BALDWIN COUNTY.

SERVE ON _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Clarence E. Sibley et al

Received in office this 30

day of July 1927

Paul Payne
Sheriff.

Executed this 30 day of

July 1927

by leaving a copy of the within Summons with

John Ben Hume

(CROSS COMPLAINANT'S

vs.

Old Spanish Fort Development
Co, Cross Respondents.

Defendant.

Paul Payne
Sheriff.

Serve Copy on Hon. Ben
D. Turner, Atty, for Old Spanish Fort Dev- Co.
Mobile Alabama.

By A. H. Hodge
Deputy Sheriff.

G. B. Cleveland,
Solicitor for Cross Complainant

Recorded in Vol. _____ Page _____

*Page
7/30/27*

*Rec'd in office of
General Clerk Sept 21/1927
+ Filed
J. W. Robinson
Clerk.*

The State of Alabama,
Baldwin County.

Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Old Spanish Fort Develop-

ment Company, a corporation,

of Baldwin County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to ^{Consolidated} ~~a~~ Bill of Complaint lately exhibited by
C. B. Ribley et al.

against said Old Spanish Fort Development Company,

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant shall in no wise omit, under penalty, etc. And we further command that you return
this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 21st day of

May 1927

Register.

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

Copy

SERVE ON _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

B. E. Dickey et al

vs.

*Old Spanish Fort
Development Co.*

G. B. Cleveland

Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this _____

day of _____ 192 _____

Sheriff.

Executed this _____ day of

_____ 192 _____

by leaving a copy of the within Summons with

Defendant.

Sheriff.

By _____
Deputy Sheriff.

Recorded in Vol. _____ Page _____