IN CHANCERY

RECORDED

ELAINE PURDY
Plaintiff

V.

WILLIAM G. PURDY
Defendant

BILL FOR DIVORCE

Filed Nov 26/930
D. W. Williams
Register

Lloyd A. Magney
Attorney for Plaintiff

The defendant, William C. Purdy, is hereby required to answer all of the allegations of Part 3 of the above bill, but not under oath, oath to answer being expressly waived.

_____
Solicitor for Plaintiff

STATE OF ALABAMA :
BALDWIN COUNTY :

Elaine Purdy, being first duly sworn, on her oath deposes and says that she is Grantix in the above entitled bill of complaint; that she has read and knows the contents of the same; and that the facts therein set forth are true.

_____

Subscribed in my presence and sworn to
before me, this _____ day of March, 1950

_____
Notary Public

THE UNITED STATES OF AMERICA.

CERTIFICATE)
NO. 6960)

To all to whom these Presents shall come Greeting:-

WHEREAS, Louis Dolive, of Baldwin County, Alabama, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at St. Stephens whereby it appears that full payment has been made by the said Louis Dolive, according to the Provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," for Section Seventeen, in Township Five South, of Range two East, in the District of lands subject to sale at St. Stephens, Alabama, containing Six hundred and forty-one acres and fifty-six hundredths of an acre, according to the official plat of the survey of said lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said Louis Dolive.

NOW KNOW YE, That the United States of America, in consideration of the Premises, and in conformity with the several acts of Congress, in such case made and provided, have given and granted and by these presents do give and grant, unto the said Louis Dolive, and to his heirs, the said tract above described: TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, unto the said Louis Dolive, and to his heirs and assigns forever.

IN TESTIMONY WHEREOF, I, Martin Van Buren, President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the tenth day of October in the year of our Lord one thousand eight hundred and forty and of the Independence of the United States the Sixty-fifth.

(SEAL)

By the President, Martin Van Buren,

By Mr. Van Buren, Sec'y

Recorded, Vol 11, Page 478 E. Jos. S. Wilson, Acting Recorder of the Gen'l Land Office.

Received for record 15th November, 1864,

Recorded 17th November, 1864.

G.W.Wilkins, Judge Probate.

The State of Alabama, }
County of Baldwin. } Probate Court.

I, G.W.Humphries, Judge of Probate of Baldwin County, Alabama, and custodian of the records and files of the same, 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 "H" at page 484.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at Bay Minette, in said county, this the 28th day of June, A.D., 1930.

G.W.Humphries
Judge of Probate Court.

NOTICE

Notice is hereby given to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, individually and as trustees under the terms of the deed from Charles H. Thompson to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, dated August 10th, 1928, and under the terms of the agreement between the said Charles H. Thompson and John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, dated February 11th, 1929 (the said Joseph Pose, Frank D. Rayford and Hyndon H. Hurley being over 21 years of age and residing in Baldwin County, Alabama, and the said John H. McCormick, H. L. Gaines, Jr. and W. J. Parham being over the age of 21 years and residing in Mobile County, Alabama) and to any and all other persons, firms or corporations who claim any title to, interest in, lien or encumbrance on the land hereinafter described, that on the 26th day of February, 1930 Charles H. Thompson filed on the equity side of the Circuit Court of Baldwin County, Alabama his bill of complaint against that certain parcel of land situate in the County of Baldwin, State of Alabama, described as follows:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

and against the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, individually and as trustees under the terms of the deed of trust aforesaid from Charles H. Thompson to them, dated August 10th, 1928 (copy of which is attached as Exhibit "A" to the bill of complaint in said cause) and under the terms of that certain other instrument or agreement dated February 11th, 1929 and signed by said Charles H. Thompson and the said John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham (copy of which is attached as Exhibit "B" to the bill of complaint in said cause) and against any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said land, or any part thereof. Said bill of complaint is filed for the purpose of establishing his, the said Charles H. Thompson's title to and interest in said land, and for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same, and for the purpose of cancelling and setting aside the said deed of trust from Charles H. Thompson to the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, dated August 10th, 1928, as amended by the terms of said other agreement signed by Charles H. Thompson, John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, and attached as Exhibit "B" to the bill of complaint in said cause.

And the said Charles H. Thompson alleges in his said bill of complaint that the title to said lands stands on the records in the Probate Court of Baldwin County, Alabama in the names of Joseph Pose, Frank D. Rayford, Hyndon H. John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, as trustees under the terms of the said instruments of date

August 10th, 1928 and February 11th, 1929, and that he, the said Charles H. Thompson claims title to the said land by and through two deeds, one a deed from W. C. Turner and S. E. Turner, his wife, to C. H. Thompson, dated September 7th, 1897 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Book Y of Deeds, Pp. 138-139, and the other, a deed from W. D. Randall to C. H. Thompson, dated September 7th, 1905 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Record Book 9 N.S., page 332, and also that he claims title to said land by actual, adverse, continuous, open and notorious possession of said property on his part under color of said deeds and under a claim of ownership for more than twenty years last past.

The complainant Charles H. Thompson further alleges in the said bill of complaint that he is in quiet and peaceable possession of said land and claims to own the same absolutely and in fee simple, and that he and those under whom he claims title, have paid taxes on said land for the last twenty years next preceding the filing of his bill of complaint, and that during said time no one else has paid any taxes thereon or been in possession of said land or any part thereof.

T. W. Richerson
Register of the Circuit Court of
Baldwin County, Alabama, In Equity

~~(to be published once a week for four consecutive weeks)~~

I hereby certify that above is true copy of original Notice issued in this cause.
Certified to this February 26, 1930.
T. W. Richerson Register.

Lis Pendens

Joe Pace

Frank D. Rayford

Hyndman M. Manley

John McCormick

To

Charles H. Hampton

THE STATE OF ALABAMA } PROBATE COURT
BALDWIN COUNTY

Filed in office this 1 day of Mar 1930 11:20 Am

and duly recorded in Lis Pendens 1

pages 101-2 and I certify that for ~~[illegible] license or privilege tax, paid as required by an Act of the Legislature, approved September 14, 1929, and for [illegible] license or privilege tax, paid as required by an Act of the Legislature, approved August 12, 1929.~~

G W Humphries

Judge of Probate.

By J D Keeler Clk

J M Rabun

Rec 1.20

3/1/30

11:20 Am

BAY MINETTE, ALA. 3/1/20

M W Richson Clk

THE BALDWIN TIMES

V. G. Richson
N C Stone

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION $2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

20 Notices to Pass Rayford, Hanley et als -
Rec'd 2/27 - 3/2 - 3/3 - 20 - 98 1 into 41 - d

41.90

PUBLISHED EVERY THURSDAY

THE BALDWIN TIMES

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R. B. VAIL
EDITOR AND PROPRIETOR

BAY MINETTE, ALA.

ALFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail 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 Notice to Jos Rose, F D Rayford H H Hurley, Jno H McCormick et al by Chas H Thompson

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

Date of first publication February 27 - 1930 Vol. 41 No. 4
Date of second publication March 6 1930 Vol. 41 No. 5
Date of third publication March 13 1930 Vol. 41 No. 6
Date of fourth publication March 20 1930 Vol. 41 No. 7

Subscribed and sworn to before the undersigned this 27 day of March 1930

R. B. Vail
Publisher.

J M Richerson
Clerk Circuit Court.

Chas H Thompson
vs
Joseph Ford
et al

Filed Nov 27/930
R M Clingman
Recorder

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Publisher.

M M Richerson
Clerk Circuit Court.

NOTICE

Notice is hereby given to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, individually and as trustees under the terms of the deed from Charles H. Thompson to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, and John H. McCormick, dated August 10th, 1928 and under the terms of the agreement between the said Charles H. Thompson and John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, dated February 11th, 1929, (the said Joseph Pose, Frank D. Rayford and Hyndon H. Hurley being over 21 years of age and residing in Baldwin County, Alabama, and the said John H. McCormick, H. L. Gaines, Jr., and W. J. Parham being over the age of 21 years and residing in Mobile County, Alabama,) and to any and all other persons, firms or corporations who claim any title to, interest in, lien or encumbrance on the land hereinafter described, that on the 26th day of February, 1930, Charles H. Thompson filed on the equity side of the Circuit Court of Baldwin County, Alabama, his bill of complaint against that certain parcel of land situated in the County of Baldwin, State of Alabama, described as follows:

Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a begginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighey one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

and against the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, individually and as trustees under the terms of the deed of trust aforesaid from Charles H. Thompson to them, dated August 10th, 1928 (copy of which is attached as Exhibit "A" to the bill of complaint in said cause) and under the terms of that certain other instrument or agreement dated February 11th, 1929, and signed by said Charles H. Thompson and the said John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham (copy of which is attached as Exhibit "B" to the bill of complaint in said cause) and against any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said land, or any part thereof. Said bill of complaint is filed [illegible] establishing his title, the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same, and for the purpose of cancelling and setting aside the said deed of trust from Charles H. Thompson to the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, dated August 10th, 1928, as amended by the terms of said other agreement signed by Charles H. Thompson, John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and

that certain other agreement, dated February 11th, 1929, and signed by said Charles H. Thompson and the said John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham (copy of which is attached as Exhibit "B" to the bill of complaint in said cause) and against any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said land, or any part thereof. Said bill of complaint is filed the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same, and for the purpose of cancelling and setting aside the said deed of trust from Charles H. Thompson to the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, dated August 10th, 1928, as amended by the terms of said other agreement signed by Charles H. Thompson, John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, and attached as Exhibit "B" to the bill of complaint in said cause.

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The complainant, Charles H. Thompson further alleges in the said bill of complaint that he is in quiet and peaceable possession of said land and claims to own the same absolutely and in fee simple, and that he and those under whom he claims title, have paid taxes on said land for the last twenty years next preceding the filing of his bill of complaint, and that during said time no one else has paid any taxes thereon or been in possession of said land or any part thereof.

T. W. RICHERSON,
Register of the Circuit Court of
Baldwin County, Ala., in Equity.

VINCENT F. KILBORN,
NORBORNE STONE,
Solicitors for Complainant. 4-4t.

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T M Rickman
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> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

and against the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, individually and as trustees under the terms of the deed of trust aforesaid from Charles H. Thompson to them, dated August 10th, 1928 (copy of which is attached as Exhibit "A" to the bill of complaint in said cause) and under the terms of that certain other instrument or agreement dated February 11th, 1929 and signed by said Charles H. Thompson and the said John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham (copy of which is attached as Exhibit "B" to the bill of complaint in said cause) and against any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said land, or any part thereof. Said bill of complaint is filed for the purpose of establishing his, the said Charles H. Thompson's title to and interest in said land, and for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same, and for the purpose of cancelling and setting aside the said deed of trust from Charles H. Thompson to the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, dated August 10th, 1928, as amended by the terms of said other agreement signed by Charles H. Thompson, John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, and attached as Exhibit "B" to the bill of complaint in said cause.

And the said Charles H. Thompson alleges in his said bill of complaint that the title to said lands stands on the records in the Probate Court of Baldwin County, Alabama in the names of Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W.J.Parham, as trustees under the terms of the said instruments of date

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The complainant Charles H. Thompson further alleges in the said bill of complaint that he is in quiet and peaceable possession of said land and claims to own the same absolutely and in fee simple, and that he and those under whom he claims title, have paid taxes on said land for the last twenty years next preceding the filing of his bill of complaint, and that during said time no one else has paid any taxes thereon or been in possession of said land or any part thereof.

T. M. Richerson
Register of the Circuit Court of
Baldwin County, Alabama, In Equity

(to be published once a week
for four consecutive weeks)

cuted this March
1930 by delivering
of the within
e on the within
ed. Joseph Jone
ndon H Hurley
Frank D Rayford

Simon
Sheriff

RECORDED

Police

Clear Thompson
vs
Joseph Bone et al

Police

Serve copy on
Joseph Bone
Hyndon H Hurley
& Frank D Rayford

THE STATE OF ALABAMA, } No.
Baldwin County. } CIRCUIT COURT IN EQUITY.

Charles H. Thompson Complainant

vs.

Certain lands therein described, Joseph Pose, et al. Defendant

DEPOSITION OF Charles H. Thompson, the complainant and a witness for Complainant.

By virtue of the ~~Commission hereto annexed, issued by the Register for said Court of said County,~~ written demand and request by Complainant for Oral Examination of above witness in the above stated cause pending in said Court of said County,

I, T. W. Richerson, as Register the ~~Commissioner named in said Commissio~~

have called and caused to come before me

Charles H. Thompson,

Request and Demand for Oral Examination

the witness named in the ~~Commission~~, and having first sworn the said witness to speak the truth, the whol

truth and nothing but the truth, the said witness deposes and says as follows:

CHARLES H. THOMPSON, the Complainant and a witness for Complainant, being duly sworn, testifies as follows:

My name is Charles H. Thompson; I was on February 26, 1930, and am at this time over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama.

I am the Complainant in the cause in which I am giving this testimony and wherein the following described lands in Baldwin County, Alabama, viz.:-

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres,

Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormic H. L. Gaines, Jr., W. J. Parham and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, are parties Respondent

That at the time of the filing of the Original Bill of Complaint in this cause and at this time I was and am in the actu and peaceable possession of said land and every part thereof, cla ing to own the same and every part thereof absolutely and in fee simple, and neither on said date was nor at this time is there an suit pending to test my title to, interest in or right to the pos session of said land.

I obtained the title to and the ownership of said lands by two deeds, one a deed from W. C. Turner and S. E. Turner, his wife, to C. H. Thompson, I being identical with such C. H. Thompson, dated September 7, 1897, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Book "Y" of Deeds, pages 138-9, and the other a deed from W. D. Randall to C. H.

Thompson, I being identical with such C. H. Thompson, dated September 7, 1905, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Record Book 9 N.S., page 332; upon acquiring title to said property under said deed I immediately took charge of same and went into the possession thereof and made improvements thereon; I have added to these improvements from time to time, cleared and fenced the property, erected a dwelling house and other buildings thereon, and all of said property has been under fence and in my actual possession for more than twenty (20) years prior to the filing of the Original Bill of Complaint in this cause; such possession on my part has been open, notorious, hostile, continuous, peaceable, under a claim of absolute ownership and title in fee simple by me, and during no part of said period has any other person, firm or corporation been in possession of or exercised any acts of ownership on or over said land or any part thereof, nor have I ever heard of any other person, firm or corporation claiming to own or have any right, title or interest in said property or encumbrance thereon, or any part thereof, except the said Pose, Rayford, Hurley, McCormick, Gaines, Jr., and Parham above named, and their claim arose from and such interest as they had or thought they had was under the instruments executed by me and described in said Bill of Complaint.

Sometime in the early part of August, August 10th I believe, 1928, I made and delivered to the said Joseph Pose and others a deed; the original of said deed I do not have in my possession, but the paper which you have just shown me marked "Exhibi A" and attached to the Original Bill of Complaint in this cause,

is a true copy of such deed; on February 11, 1929, Mr. Hurley, Hyndon H. Hurley, who was one of the Trustees named in said deed just testified to, resigned as one of the Trustees and Mr. H. L. Gaines, Jr., and W. J. Parham were selected as additional Trustees, this all being covered by a paper executed at that time, the original of which I do not have in my possession, but the paper which you have just shown me marked "Exhibit B" and attached to the Original Bill of Complaint in this cause is a true copy thereof; insofar as the record or paper title to the lands in question is concerned, it stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of said parties as Trustees under the two instruments I have just testified about, but of course subject to the trusts created by and the conditions set up in said instruments.

I have regularly and without interruption assessed for taxation the above described land and every part thereof, and have paid the taxes thereon for more than twenty (20) years next immediately preceding the filing of the Bill of Complaint in this cause; during said period no other person, firm or corporation has at any time assessed or paid any taxes on said lands, or any part thereof.

At the time of the filing of the Bill of Complaint in this cause Joseph Pose, Frank D. Rayford and Hyndon H. Hurley were residents of Baldwin County, Alabama, and the said John H. McCormick, H. L. Gaines, Jr., and W. J. Parham were residents of Mobile County, Alabama, and all of said parties were over the age of twenty-one years and of sound mind.

That the two instruments about which I have just testified, and copies of which are attached to the Bill of Complaint as "Exhibits A and B" respectively, were executed and entered into by all of the parties concerned under a mistaken belief and misapprehension as to the legal effect thereof, and since the execution thereof we have all been informed and it was my understanding at the time of the filing of the Bill of Complaint and

and is my understanding and belief at this time that such instruments are nullities and invalid in law and in equity and absolutely fail of the purposes intended and do nothing more than constitute a cloud upon and give rise to disputes and doubts concerning my title to said property.

It is my desire at this time to and I do hereby rescind said instruments in their entirety and revoke the same, and my purpose in filing the Bill of Complaint in this cause was and at this time I desire to have the same cancelled and declared invalid and to remove all doubts and disputes in connection with my title to said property occasioned by the record of said instruments.

E. H. Thompson.

I, T. W. Richerson, as Register ~~the said Commissioner,~~ hereby certify that the regoing testimony was taken down in writing by Ida M. Turnbull, stenographer under by di-estion the words of the witness, and were read over to him, that he assented, swore to and subscribed the me in my presence, the 26th day of June 19 30, at y office in Court House at Bay Minette, Alabama; that I have personal knowledge of, or d proof made before me of the identity of the witness, and that I am not of counsel or of kin to any of the parties to id cause, or in any manner interested in the result thereof.

~~And I enclose the said Deposition, together with the Commission and Interrogatories, Direct and Cross, and docu-ents which were deposed to, in an envelope properly indorsed and sealed and returned to the Register for said Court of id County.~~

Given under my hand and seal, this 26th day of June 19 30

T. W. Richerson (L. S.)
Register ~~Commissioner.~~

WITNESS' FEES.

I hereby certify that the following named witnesses are entitled to the amounts stated below:

Witness....., ...Days attendance at $1.50 per day, $.....
....Miles traveled at 5 cts. per mile, ...
....., ...Days attendance at $1.50 per day, ...
....Miles traveled at 5 cts. per mile, ...
....., ...Days attendance at $1.50 per day, ...
....Miles traveled at 5 cts. per mile, ...
....., ...Days attendance at $1.50 per day, ...
....Miles traveled at 5 cts. per mile, ...

COMMISSIONER'S FEES.

Commissioner....., ...Days at $1.50 per day, $.....
....Words at 20c per 100, ...

883 Page

THE STATE OF ALABAMA, Baldwin County.

RCUIT COURT, IN EQUITY.

Carlisle H Thompson

vs.

Lucia Faucett et al

DEPOSITION TAKEN BEFORE COMMISSIONER

DEPOSITION OF

Carlisle H Thompson

on

Complainant

June 26 19 30

~~Published by order of Court,~~ 19

T W Richerson Register.

Dora Berger, Complainant,

vs. In Circuit Court of Baldwin County, Ala.,

Karl Berger, Defendant In Equity.

To the Honorable Francis W. Hare, Judge of the Circuit Court:

Comes the complainant, Dora Berger and exhibits this her bill of complaint against Karl Berger, the defendant and shows unto your honor, as follows:-

First.

That both your complainant and defendant are bona fide residents of the State of Alabama, residing in Baldwin County, Alabama, and have been such bona fide residents for more than three years next preceding the filing of the bill of complaint in this cause.

Second.

That your complainant and defendant were married on heretofore, to-wit:- August 5, 1926, and that on to-wit:- August 26, 1926, defendant voluntarily abandoned your complainant, without any fault on her part. That she was willing to live with him and is still willing, but he refused and still refuses to live with her or to support her and her children.

Third.

That there was born to complainant and defendant, one son, Eddie Berger, who is now about 3 years old, and your complainant has five minor children by a former marriage, and she is not able to support herself and her children; that defendant has contributed nothing to the support of complainant and their child and her children since he deserted your complainant.

Fourth.

That defendant, Karl Berger, is well able to support his wife and children owning a fine farm, automobile, live stock from whice he gets a good ~~xxxxx~~ income, and is well able to maintain his wife and children.

That your complainant is without any income or funds and not able to earn a livelihood and not possessed of sufficient money or income to properly prosecute this cause.

Prayer for process and relief.

The premises considered, your complainant prays that such orders, decrees, summons and notices be made, entered and issued as will make the said Karl Berger party defendant in said cause, requiring him to appear and plead, answer or demur within the time and under the pains and penalties prescribed by law and the rules and practices of this court; that your honor will order a reference to be held by the Register of this court to ascertain a reasonable amount to be paid by defendant to your complainant as solicitor's fees for complainant in this cause and for alimony pendente lite and for permanent alimony for support of your complainant and the child of your complainant and defendant, and that upon the holding of said reference your Honor will decree unto your complainant an amount to be paid her by the defendant as such solicitor's fees, temporary and permanent alimony and maintenance suitable to her condition and state in life and as in consistent with the property and earning capacity of the defendant, and on the hearing your honor will award the custody of the child, Eddie Berger to your complainant.

Complainant also prays that upon the final hearing of this cause your Honor will grant to complainant a decree of absolute divorce from the said Karl Berger, defendant, on the ground of voluntary abandonment, and such other and further relief may be granted to complainant, as in equity may seem right and proper, and complainant will ever pray etc.

W. H. Hawkins

A. N. Crovatto

Solicitors for complainant.

Foot note- Defendant is required to answer each and every paragraph of this bill of complaint from one to four inclusive, but not under oath, as oath to same is hereby waived.

W. H. Hawkins

A. N. Crovatto

Solicitors for Complainant.

8604 Decree Pro Confesso on Personal Service. 3107 Code Moore Printing Company, Bay Minette, Ala.

The State of Alabama,
Baldwin County.

No. 884 CIRCUIT COURT IN EQUITY.

Dora Berger Complainant

vs.

Karl Berger Defendant

In this cause it appears to the Register, T. W. Richerson, that a summons requiring the Defendant Karl Berger

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Karl Berger was served upon him by the Sheriff of Sheriff County, Alabama, on the 5th day of April 1930

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Plaintiff's Attorney

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Karl Berger

Defendant aforesaid.

This 12th day of May 1930

T. W. Richerson Register.

3

RECORDED

No. 884 Page

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Dora Berger

vs.

Karl Berger

DECREE PRO CONFESSO ON PERSONAL SERVICE

Issued May 12 1934

T M Kiernan

Register.

Moore Printing Company, Bay Minette, Ala.

8600 Motion for Decree Pro Confesso on Personal Service. 3107 Code

The State of Alabama,
Baldwin County.

No. 884 CIRCUIT COURT IN EQUITY.

Dora Berger Complainant

vs.

Karl Berger Defendant

Motion is hereby made for a Decree Pro Confesso against

Karl Berger Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 10th day of May 1930

W. H. Hawkins Solicitor.

No. 884 Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Dora Berger

vs.

Karl Berger

MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE

Filed April 10 1930

D.

Register.

Recorded in Record,

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

8581 NOTE OF TESTIMONY

Dora Perga vs. Karl Perga	THE STATE OF ALABAMA, BALDWIN COUNTY IN EQUITY, CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, decree pro confesso and testimony of Dora Berga and John Burkhardt,

and in behalf of Defendant upon

T. M. Richerson

Register.

5

RECORDED

No. 884

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Dora Berga

vs

Karl Berga

NOTE OF TESTIMONY

Filed in Open Court this 21st

day of May 1930 192

D M Malmoon

Register

MOORE PTG CO

8550 REQUEST FOR DECREE IN VACATION. MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 884 May 21st ~~[illegible]~~, 1930.

Dora Berga, Complainant.

vs.

Karl Berga, Defendant.

To T.W.Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by A.H.Crovatt & W.H.Hawkins Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

A.H.Crovatt & W.H.Hawkins,
Solicitor for Complainant.

RECORDED

No. 884 Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Dora Berga

vs.

Karl Berga

REQUEST FOR DECREE IN VACATION

FILED May 21st 1930

Register

RECORDED IN RECORD

VOL. PAGE

Register

MOORE PTG. CO

SUMMONS—ORIGINAL

Moore Printing Co., Bay Minette, Ala.

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 Karl Berger

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 Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Dora Berger

against said Karl Berger

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 12th day of March 1946

T. W. Richerson Register

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

R 1st original

RECORDED

SERVE ON

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

Dora Berger

vs.

Karl Berger
et al
Near Lillian

Solicitor for Complainant

Recorded in Vol _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 1st
day of April 1930

Sheriff.

Executed this ~~first~~ day of
April 5th 1930
by leaving a copy of the within Summons with
Karl Berger

Defendant

C. Simmons
Sheriff.

By L. Swindoufer
Deputy Sheriff.

ORAL DEPOSITION Moore Ptg. Co., Bay Minette, Ala.

The State of Alabama } Circuit Court of Baldwin County, Alabama,
Baldwin County } (In Equity)

884. Do ra Berga COMPLAINANT

VS.

~~Dora Berga~~ Karl Berga RESPONDENT

I, T.W.Richerson,

as Register and Commissioner

have called and caused to come before me Dora Berga, John Burkheardt,

witnesses named in the Requirement for Oral Examination, on the ~~21~~ day of ~~May~~

1930, at the office of Register,

in Bay Minette, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Witnes es

doth depose and say as follows:

My Name is Dora Berga, I am the complainant in this cause, Karl Berga and I were married on August 5th 1926, Your complainant has been a bonafide resident of Baldwin County, Alabama, for more than 5 years next preceding the filing of the bill of complaint in this cause, Karl Berga the defendant is now living at or near Josephine Baldwin County, Alabama,

On to wit: August 26th 1926, while we were living in Baldwin County, Alabama, Defendant Karl Berga, voluntarily abandoned your complainant and this voluntary abanadonment was wholly without fault on my part, Your complainant was always a dutiful and loving ~~wife was and is still willing to live with her husband~~, but he refused and still refuses to live with her or to support her and her children

Dora Berger

John Burkhardt a witness for complainant who being duly sworn testified as follows:- My name is John Burkhardt, I am the son of Dora Berga the complainant in this cause Dora Berga and Karl Berga were married sometime during the month of August 1926,

ORAL EXAMINATION

I, T.W.Richerson, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and ~~they~~ signed the same in the presence of myself and A.H.Crovatt & W.H.Hawkins Attys for complainant, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses 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 21st day of May 1930.

T.W.Richerson (L. S.)

No. 884. Page

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Dora Berga

COMPLAINANT

vs.

Karl Berga

RESPONDENT

ORAL DEPOSITION

Filed May 21st, 1930

T.W.Richerson, Register

RECORDED IN

Record

Vol. Page

Register

and within a few weeks after the marriage Karl Bega left and abandoned my mother without any cause or fault on her part I lived at the house with them and my mother was always a considerate and dutiful wife, Karl Berga has continued the aban-donment ever since he left her in August 1926.

and has constantly refused to return to her and live with her as man and wife, My mother has been a resident of Baldwin County, Alabama, for more than 5 years next preceding the filing of this bill, Karl Berga resides in Baldwin County, Alabama,

John Burkhardt.

8581 NOTE OF TESTIMONY

Elaine Purdy

vs.

William G. Purdy

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Answer of Deft, decree pro confesso and testimony of Elaine Elaine Ard, Viola Ard, Viola Ard and Elma Carson,

and in behalf of Defendant upon

T. W. Richerson
Register.

No. 886

THE STATE OF ALABAMA
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Elaine Purdy

vs

William G. Purdy

NOTE OF TESTIMONY

Filed in Open Court this 23rd

day of June 1930

D. J. McCurrin

Register

MOORE PTG CO

SUMMONS—ORIGINAL

Moore Printing Co., Bay Minette, Ala.

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 Mr. J. M. Jackson, c/o Louis F. Quint, Guardian.

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 a Bill of Complaint lately exhibited by Anna L. Clarke and J. H. Clarke.

against said J. M. Jackson, Et Al.,

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 27th day of March 1930

T W Richerson Register

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

SERVE ON

Circuit Court of Baldwin County
In Equity

No. 885

SUMMONS

J. M. Jackson c/o Louis F. Quint, Et Al.,

vs.

Anna L. Clarke and J. M. Clarke.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____ 19__

_____
Sheriff.

Executed this _____ day of

_____ 19__

by leaving a copy of the within Summons with

_____
Defendant.

_____
Sheriff.

By _____
Deputy Sheriff.

Copy of Bill & Summons
Registered J M Jackson
C/o Louis F Quint
Hill City Kansas
P M Rivers
Mar 27/938 Register

The State of Alabama, Baldwin County } No. 884 CIRCUIT COURT IN EQUITY

Dora Berga Complainant

vs.

Karl Berga Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in said bill.

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the complainant is forever divorced from the Defendant, on account of Voluntary abandonment,

It is further ordered, that the said Dora Berga be, and ~~s~~ he is hereby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Karl Berga pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said Dora Berga,

It is further ordered, adjudged and decreed that the said Dora Berga shall not again marry except to said Karl Berga, until sixty days after this date, and that if an appeal is taken within sixty days ~~s~~ he shall not marry again except to said Karl Berga, during the said pendency of appeal

This 22nd day of May 19 30

D. W. Hare

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY

STATE OF ALABAMA } **BALDWIN COUNTY** } CIRCUIT COURT, IN EQUITY

I, _____, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the _____ day of _____ 9____, in the cause of

_____ Complainant

vs.

_____ Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the _____ day of _____, 19____

_____ Register

M.

RECORDED

No. 884.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
Baldwin County, Ala.

Dora Berga

vs

Karl Berga

DECREE OF DIVORCE

Filed in office this 22 nd

day of May, 19 30

T. W. Richmond

Register.

E. O. M.

ELAINE PURDY Plaintiff	:	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	:	IN CHANCERY
WILLIAM G. PURDY Defendant	:	VOLUNTARY APPEARANCE AND WAIVER OF SUMMONS

Comes now, William G. Purdy, the defendant in the above entitled cause of action and enters his voluntary appearance therein, hereby expressly waiving the issuance and service of process.

Dated, this 19 day of April, 1930

William G. Purdy

In the Presence of

J. T. Hoitt

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

ELAINE PURDY
Plaintiff

VS.

WILLIAM G. PURDY
Defendant

VOLUNTARY APPEARANCE AND
WAIVER OF SUMMONS

Filed this
24 — 1936
Joe Reinecke

Lloyd A. Magney
Attorney for Plaintiff

8550 REQUEST FOR DECREE IN VACATION. MOORE PTG CO.

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 886. Term, 192

Elaine Purdy, Complainant

vs.

William G. Purdy, Defendant

To T.W.Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Lloyd A.Magney Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Llod A.Magney
Solicitor for Complainant.

No. 886 Page

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN EQUITY

Elaine Purdy

vs.

William G. Purdy

REQUEST FOR DECREE IN VACATION

FILED June 23rd, 1930

T. O. Mizemore
Register

RECORDED IN RECORD

VOL. PAGE

Register

MOORE PTG. CO

I, Elma Carson, do hereby certify that the witnesses, Elaine Purdy and Viola Ard, personally appeared before me, and being sworn to speak the truth, the whole truth, and nothing but the truth, testified as hereinbefore set forth, and their testimony was by me reduced to writing and signed by each of said witnesses. That I have personal knowledge of the identity of the witnesses and that I am not of counsel nor kin to any of the parties to said case, nor in any manner interested in the result thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this 18th day of June, 1930.

Elma Carson
Commissioner

This treatment and continual fear in which I lived seriously affected my health, resulted in the loss of 24 pounds in weight, and at last became intolerable, and I was obliged to separate from the defendant, and we have not lived together since about the middle of last January.

I have taken care of my daughter ever since she was born and am capable of doing so without any help from the defendant, and because of his habits he was not a fit person to have the care and custody of her, and I want the Court to give me the exclusive care, custody and control of Clara Elizabeth Purdy.

Elaine Purdy

TESTIMONY OF VIOLA ARD

My name is Viola Ard and I am a sister of Mrs. Elaine Purdy, the plaintiff in this action. During the past two years I have lived with her and am thoroughly familiar with the habits of the defendant and the way he has treated his wife.

I know that during the past two years he has been drunk practically all the time and that he has refused to work and she has been obliged to work and support herself and the baby. I have been present many times when he would come home drunk and threaten to kill her. I know that her health has been affected by his conduct.

She has supported herself and the baby and is capable of doing so without help from him, and is thoroughly competent to take care of the baby and raise it properly.

They are not living together and have not for some months past, and the defendant, I understand, is now somewhere in Kentucky.

Viola Ard.

ELAINE PURDY :
Plaintiff

V.

WILLIAM G. PURDY
Defentant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

DEPOSITIONS OF ELAINE PURDY AND VIOLA ARD, WITNESSES ON BEHALF OF PLAINTIFF.

STATE OF ALABAMA :
BALDWIN COUNTY : SS

By virtue of a commission issued in the above entitled cause, the undersigned has caused Elaine Purdy and Viola Ard, witnesses in said case in behalf of the plaintiff to come before me, who, being first duly cautioned and solemnly sworn, deposed and testified as follows:

TESTIMONY OF ELAINE PURDY

My name is Elaine Purdy and I am the plaintiff in this action for divorce, and was married to William G. Purdy in Bay Minette, Alabama, on May 22, 1925. I have lived in Baldwin County, Alabama, practically all my life, and continuously since I was married, and I intend to reside here permanently.

There is one child from this marriage, Clara Elizabeth Purdy, who is now three yeard old.

Shortly after we were married, the defendant began drinking intoxicating liquor to excess, and in a short time he was drinking so much that he was drunk practically all the time. Sometimes he would stay sober for as much as a week at a time but generally was drunk four or five days out of every week. He would drink at night and get drunk and then lay in bed the next day to sober up. He refused to work and it was necessary for me to work to support myself and the baby.

Whenever he was drunk his treatment of me was very ugly and abusive. He generally carried a knife or gun, and many times has threatened to kill me, especially towards the last after I began to tell him that I could no longer live with him if he continued to drink so. I knew that he was not responsible when drunk and was in very great fear that he might carry out his threats and injure me.

ELAINE PURDY Plaintiff	:	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	:	IN CHANCERY
WILLIAM G. PURDY Defendant	:	BILL FOR DIVORCE

PART 1

To the Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, In Chancery Sitting:

PART 2

Your Oratrix, Elaine Purdy, a resident of the County of Baldwin in this State, and over twenty-one years of age, respectfully exhibits this, her Bill of Complaint, against William G. Purdy, who is also over the age of twenty-one years and a non-resident of the State of Alabama, residing in Bradfordsville, in the State of Kentucky.

PART 3

Your Oratrix complains against the defendant that she and the defendant were legally married in Bay Minette, Alabama, on the 22d day of May, 1925, and that ever since said marriage she has conducted herself towards defendant as a faithful and obedient wife.

That for more than three years last, past and ever since said marriage your Oratrix has been a bona fide resident of Foley in the County of Baldwin, State of Alabama, intending permanently to reside in said County.

That the issue of the marriage between the parties hereto is one child, Clara Elizabeth Purdy, age three years, and your Oratrix avers that she is, and the defendant is not, a fit and proper person to have the care, custody and control of said minor child.

That after the marriage between the parties hereto the defendant became addicted to habitual drunkenness and by reason thereof the married life of your Oratrix has been rendered intolerable to her.

Your Oratrix further avers that many times since said marriage, the defendant when intoxicated has been guilty of such conduct that your Oratrix has been in great fear that he would commit such actual violence on her person as would be attended with danger to her life and health; defendant has threatened to kill your Oratrix and has presented at her a loaded revolver while threatening to shoot her, and such conduct has been so many times and often repeated that the health of your Oratrix has been affected and endangered, and she can no longer live with the defendant as his wife.

PART 4

WHEREFORE, Your Oratrix prays that Your Honor will grant to her a decree of absolute divorce from the defendant, William G. Purdy, and will further grant to her the exclusive care, custody and control of Clara Elizabeth Purdy, the minor child of the parties, and she may have such other and further relief in the premises as may be just and equitable.

PART 5

Your Oratrix further prays that Your Honor direct that the Register of this Court make out and superintend the appropriate order of publication to William G. Purdy, non-resident, commanding him within thirty (30) days after the period specified in the order of publication to appear before Your Honor in this Honorable Court and then and there to answer the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet;

And your Oratrix shall ever pray, &c.

Solicitor for Plaintiff

The defendant, William G. Purdy, is hereby required to answer all of the allegations of Part 3 of the above bill, but not under oath, oath to answer being expressly waived.

Solicitor for Plaintiff

STATE OF ALABAMA :
BALDWIN COUNTY :

Elaine Purdy, being first duly sworn, on her oath deposes and says that she is Oratrix in the above entitled bill of complaint; that she has read and knows the contents of the same; and that the facts therein set forth are true.

Elaine Purdy

Subscribed in my presence and sworn to before me, this 25 day of March, 1930

Notary Public

ELAINE PURDY Plaintiff	:	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
VS.	:	IN CHANCERY
WILLIAM G. PURDY Defendant	:	BILL FOR DIVORCE

PART 1

To the Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama, In Chancery Sitting:

PART 2

Your Oratrix, Elaine Purdy, a resident of the County of Baldwin in this State, and over twenty-one years of age, respectfully exhibits this, her Bill of Complaint, against William G. Purdy, who is also over the age of twenty-one years and a non-resident of the State of Alabama, residing in Bradfordsville, in the State of Kentucky.

PART 3

Your Oratrix complains against the defendant that she and the defendant were legally married in Bay Minette, Alabama, on the 22d day of May, 1925, and that ever since said marriage she has conducted herself towards defendant as a faithful and obedient wife.

That for more than three years last, past and ever since said marriage your Oratrix has been a bona fide resident of Foley in the County of Baldwin, State of Alabama, intending permanently to reside in said County.

That the issue of the marriage between the parties hereto is one child, Clara Elizabeth Purdy, age three years, and your Oratrix avers that she is, and the defendant is not, a fit and proper person to have the care, custody and control of said minor child.

COMMISSION TO TAKE DEPOSITIONS. Moore Printing Co., Bay Minette, Ala.

The State of Alabama, Baldwin County

CIRCUIT COURT

To Miss Edna Carson,

Foley Alabama

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Elaine Purdy and Viola Ard Edna Carson

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Elaine Purdy

Complainant

and William G. Purcy

Defendant,

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

Witness 9th day of June 1930

D M Reaves

REGISTER

COMMISSIONER'S FEE, $

WITNESS' FEES, $

NO.

The State of Alabama
BALDWIN COUNTY

CIRCUIT COURT

Elaine Purdy

Complainant

VS.

William G. Purdy

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Miss Edna Carson

Foley Alabama

WITNESSES:

Filed June 21/930

D. Mitchum

Clerk

Decree of Divorce.

Moore Printing Co. :::: Bay Minette, Ala.

The State of Alabama,
Baldwin County.

No. 886

Circuit Court, in Equity.

Elaine Purdy

Complainant

vs.

William G.Purdy,

Defendant

This cause, coming on to be heard at this Term, was submitted upon the Bill of Complaint, decree pro confesso and the testimony as noted by the Register; and upon consideration thereof, the Court is of opinion that the Complainant is entitled to the relief prayed for in said bill.

IT IS, THEREFORE, Ordered, adjudged and decreed by the Court, that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby dissolved, and the Complainant is forever divorced from the Defendant.

on account of cruelty on the part of William G.Purdy to Elaine Purdy,

It further orderd, that the said Elaine Purdy be, and S. he is hererby permitted to again contract marriage, upon the payment of the costs of Court in this cause.

It is further ordered, that the said Elaine Purdy pay the costs herein taxed, for which execution may issue, and if such execution is returned "no property found," then execution for such costs may issue against the said William G.Purdy

It is further ordered, adjudged and decreed that said Elaine Purdy shall not again marry except to said Willaim G.Purdy until sixty days after this date, and that if an appeal is taken within sixty days he shall not marry again except to said William G.Purdy during the said pendency of appeal

Complainant is granted custody of the child Clara Elizabeth Purdy until further orders of the Court.

This first day of July 1930

F. W. Hare

Judge of the Circuit Court of Baldwin County.

STATE OF ALABAMA,
Baldwin County.

Circuit Court, in Equity.

I, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the day of 192 , in the cause of

Complainant

vs.

Defendant

as appears of record in said Court.

Witness my hand and the seal of said Court, this the day of 192

Register

RECORDED

NO. 886.

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY,
BALDWIN COUNTY, ALA.

Elaine Purdy

vs.

William G. Purdy

DECREE OF DIVORCE.

Filed in office this 1st

day of July, 1930

T. E. Weaver

Register.

E. O. M.

Moore Printing Co. :::: Bay Minette, Ala.

That after the marriage between the parties hereto the defendant became addicted to habitual drunkenness and by reason thereof the married life of your Oratrix has been rendered intolerable to her.

Your Oratrix further avers that many times since said marriage, the defendant when intoxicated has been guilty of such conduct that your Oratrix has been in great fear that he would commit such actual violence on her person as would be attended with danger to her life and health; defendant has threatened to kill your Oratrix and has presented at her a loaded revolver while threatening to shoot her, and such conduct has been so many times and often repeated that the health of your Oratrix has been affected and endangered, and she can no longer live with the defendant as his wife.

PART 4

WHEREFORE, Your Oratrix prays that Your Honor will grant to her a decree of absolute divorce from the defendant, William G. Purdy, and will further grant to her the exclusive care, custody and control of Clara Elizabeth Purdy, the minor child of the parties, and she may have such other and further relief in the premises as may be just and equitable.

PART 5

Your Oratrix further prays that Your Honor direct that the Register of this Court make out and superintend the appropriate order of publication to William G. Purdy, non-resident, commanding him within thirty (30) days after the period specified in the order of publication to appear before Your Honor in this Honorable Court and then and there to answer the premises, and to stand to and abide such order and decree therein as to this Honorable Court shall seem meet;

And your Oratrix shall ever pray, &c.

Solicitor for Plaintiff

That after the marriage between the parties hereto the defendant became addicted to habitual drunkenness and by reason thereof the marriage

CHARLES H. THOMPSON, Complainant, vs. CERTAIN LANDS, JOSEPH POSE, ET AL., Respondents.	IN THE CIRCUIT COURT-EQUITY SIDE STATE OF ALABAMA. BALDWIN COUNTY. NO._____.

REQUEST FOR DECREE.

In this cause all parties defendant being in default, the evidence having been taken and the cause being ready for submission for Final Decree, and no defense having been interposed, the Complainant, by Outlaw & Kilborn and Norborne Stone, as his solicitors of record, files this his Written Request and Motion that the cause be submitted for Final Decree.

Dated this 23 day of June, 1930.

Outlaw & Kilborn

Norborne Stone

Solicitors for Complainant.

The above Motion and Request is hereby granted, and it is ORDERED that the Complainant make out his Note of Testimony, and that upon the same being filed, all papers in the cause be delivered to the Judge for Final Decree.

Done this 23 day of June, 1930.

T. W. Richerson

Register.

OUTLAW & KILBORN
LAWYERS
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

G. C. OUTLAW
VINCENT F. KILBORN

May 14, 1930

Mr. T. W. Richerson,
Register, Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Mr. Richerson:

It appears from your letter of May 12th that the case of Charles H. Thompson against John H. McCormick is now at issue, and therefore I am herewith enclosing you request for commission to take the deposition of Mr. Thompson.

Please issue the commission and send it to me, and I will notify Mr. Thompson and take evidence in this case so that it can be disposed of at an early date.

Sincerely your friend,

VINCENT F. KILBORN

VFK:RP

Recd May 15 1930

C.11—W.P.Co.

The State of Alabama, ~~Mobile~~ BALDWIN County

CHARLES H. THOMPSON, Complainant

No. vs.

JOHN H. McCORMICK, et al. Defendants

Circuit Court of ~~Mobile~~ BALDWIN County

IN EQUITY.

The complainant, Charles H. Thompson,

requests the oral examination of the following named witness

on his behalf, viz.:

CHARLES H. THOMPSON

said witness ~~xx~~ resides near Daphne, Baldwin County,

State of Alabama.

ROSE PRINCE,

who resides at 505 First National Bank Building, Mobile, Alabama,

is suggested as a suitable person to be appointed Commissioner to take deposition of said

witness on such oral examination.

Solicitor for Complainant

No.....

Circuit Court of ~~Mobile~~ BALDWIN County

Bay Minette, ~~Mobile~~, Alabama.

IN EQUITY.

CHARLES H. THOMPSON

vs.

JOHN H. McCORMICK, et al.

DEMAND FOR ORAL EXAMINATION

Filed May 15th 1930

R. V. Simmons

Register.

CHARLES H. THOMPSON, Complainant, vs. CERTAIN LANDS, JOSEPH POSE, ET AL., Respondents.	IN THE CIRCUIT COURT-EQUITY SIDE STATE OF ALABAMA. BALDWIN COUNTY. NO._____.

This cause coming on to be heard, is submitted on Motion of the Register of this Court to prescribe in what newspaper the Notice of Publication necessary in said cause be published; it is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court that all Notices and Orders of Publication necessary in this cause be published in The Baldwin Times, a newspaper printed in the English language and of general circulation in Baldwin County, the County where published.

This the 26th day of February, 1930.

R. W. Hare
Judge.

CHARLES H. THOMPSON, Complainant,	IN THE CIRCUIT COURT-EQUITY SIDE
vs.	STATE OF ALABAMA.
	BALDWIN COUNTY.
CERTAIN LANDS, JOSEPH POSE, ET AL., Respondents.	NO._____.

CERTIFICATE BY REGISTER AS TO ISSUANCE, RECORDING AND PUBLICATION OF NOTICE OF PENDENCY OF BILL OF COMPLAINT.

I, T. W. Richerson, as Register of the Circuit Court-Equity Side, State of Alabama, Baldwin County, do hereby certify that in the above styled cause Notice of Pendency of Bill of Complaint was by me on the 26th day of February, 1930, duly drawn and signed and was by me published once a week for four consecutive weeks in The Baldwin Times, a newspaper having general circulation and published in the County where the lands covered by this suit lie, and being the paper prescribed by the Court by an Order made in this cause on February 26, 1930, said Notice being published in the issues of February 27th, March 6th, March 13th and March 20th, 1930.

I further certify that a copy of said Notice, certified by me as such Register as being correct, was by me filed for record on February 26, 1930, in the office of the Judge of Probate of Baldwin County, Alabama, the County where said lands lie, said notice being recorded in Lis Pendens Book Number 1, pages 101-2.

I further certify that said notice showed by what title Complainant claims the lands described in the Bill of Complaint and his interest therein, and in whose name the title to said lands and the interest therein sought to be established stands on the records of the Probate Court of Baldwin County, Alabama, the County where the lands lie, and who, if any one, is known to have paid taxes upon said property or to have been in possession of said lands or of any part thereof, within ten (10) years next prior to the filing of the Bill of Complaint.

IN WITNESS WHEREOF, I hereunto set my hand as Register and affix the seal of the Circuit Court of Baldwin County, Alabama, this 9 day of June, 1930.

T. W. Richerson
As Register.

CHARLES H. THOMPSON, Complainant, vs. THE FOLLOWING DESCRIBED LANDS IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, VIZ.: COMMENCING AT A STAKE TWENTY-SEVEN AND NINETY-TWO ONE-HUNDREDTHS (27.92) CHAINS NORTH OF THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2, RUNNING THENCE NORTH ONE HUNDRED (100) FEET FOR A BEGINNING; THENCE NORTH ONE HUNDRED EIGHT AND EIGHTY-NINE ONE-HUNDREDTHS (108.89) FEET, EAST SIXTEEN AND EIGHTY ONE-HUNDREDTHS (16.80) CHAINS, SOUTH NINE AND FIFTY-FOUR ONE-HUNDREDTHS (9.54) CHAINS, WEST THREE AND FORTY ONE-HUNDREDTHS (3.40) CHAINS, NORTH SIX AND THIRTY-EIGHT ONE-HUNDREDTHS (6.38) CHAINS, WEST SEVEN AND THIRTY-FOUR ONE-HUNDREDTHS (7.34) CHAINS, NORTH ONE HUNDRED (100) FEET; THENCE WEST FOUR HUNDRED (400) FEET TO THE PLACE OF BEGINNING, AND CONTAINING SIX AND ONE-HALF (6½) ACRES; JOSEPH POSE, FRANK D. RAYFORD, HYNDON H. HURLEY, JOHN H. McCORMICK, H. L. GAINES, JR., AND W. H. PARHAM, INDIVIDUALLY AND AS TRUSTEES, AND ANY AND ALL OTHER PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON THE ABOVE DESCRIBED LANDS, OR ANY PART THEREOF, Respondents.	IN THE CIRCUIT COURT EQUITY SIDE. STATE OF ALABAMA. BALDWIN COUNTY. NO. 883.

FINAL DECREE.

This cause coming on to be heard, is submitted for Final Decree on the Original Bill of Complaint as filed in this cause on February 26, 1950, the Order of the Judge of this Court of date February 26, 1950, prescribing the paper in which the Notice of the Pendency of the Bill of Complaint be published, Original Notice of Pendency of Bill of Complaint as drawn and signed by the Register of this Court on February 26, 1950, Proof of Publication of Notice of Pendency of Bill of Complaint in The Baldwin Times, Certified Copy of Notice of Pendency of Bill of Complaint as certified by the Register and recorded as a Lis Pendens in the Office of the Judge of Probate of Baldwin County, Alabama, in Lis Pendens Record Number 1, pages 101 et seq., with Certificate of the Judge of Pro-

bate thereon, Certificate of Register as to Issuance, Publication and Recording of Notice of Pendency of Bill of Complaint, Evidence offered by Complainant in said cause as shown by the Note of Testimony, Request for Decree in Vacation as filed in this cause on June 28, 1930, and Note of Testimony as filed in this cause on June 28, 1930; whereupon the Court ascertains and decrees that this cause is at issue and proceeds to the consideration thereof.

Upon consideration of said cause, it is made to appear to the satisfaction of the Court and the Court hereby ascertains that the Complainant was at the time of the filing of the Bill of Complaint over the age of twenty-one years and was and is at this time in the actual peaceable possession of, claiming to own in his own right the following described lands in Baldwin County, Alabama, viz.:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

claiming title thereto absolutely and in fee simple, his title being derived from the persons and sources as set out in paragraph of the Original Bill of Complaint designated "3"; that at the time of the filing of said Bill of Complaint and at this time no suit was or is pending to contest Complainant's title to, interest in, or right to the possession of said lands, and that the Complainant and those through whom he claims title, as stated in said Bill of Complaint, have held color of title to, claimed and have been in the actual adverse possession of all of the said lands above described during the whole period of ten (10) consecutive years next preceding the filing of the Bill of Complaint and without interruption; that no other person, firm or corporation have paid

any taxes on or been in the possession of said lands, or any part thereof, at any time during said period; that Complainant has exercised and up to and at the time of the filing of the Original Bill of Complaint in this cause had exercised diligence to ascertain the facts with regard to the matters and things referred to and covered by said Original Bill of Complaint and which were not known to Complainant.

It is further made to appear to the satisfaction of and it is hereby ascertained by the Court that that certain instrument executed by Charles H. Thompson to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, purporting to convey the above described lands in trust for certain uses and purposes and certain cestui que trustents therein named, dated August 10, 1928, of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 44, pages 72-3, a copy of which is attached to the Original Bill of Complaint as "Exhibit A", and that certain instrument executed by John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose, W. J. Parham and Charles H. Thompson, of date February 11, 1929, of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book Number 47NS, pages 17-18, and relating to the resignation of the respondent, Hyndon H. Hurley, as Trustee, and the election of the respondents, H. L. Gaines, Jr. and W. J. Parham, as Trustees, and the increase in the number of Trustees under said instrument of August 10, 1928, are without effect in law or equity, and are null and void and ought to be cancelled, set aside and annulled as clouds on or against the title of the Complainant in and to the above described lands.

It is further made to appear to the satisfaction of and it is hereby ascertained by the Court that the allegations of the Complaint are true and duly proven by legal testimony, and that the title to the property described in the Bill of Complaint has been by the Complainant duly proven to be in him and that the Complainant is entitled to the relief prayed for in said Bill.

IT IS NOW, THEREFORE, HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT:

That the Complainant have and he hereby is given judgment as prayed for in his Bill of Complaint.

That the said instrument executed by Charles H. Thompson to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, conveying and covering the lands hereinabove described, of date August 10, 1928, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 44, pages 72-3, and that certain instrument executed by John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose, W. J. Parham and Charles H. Thompson, of date February 11, 1929, of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 47NS., pages 17-18, and covering and relating to said instrument of August 10, 1928, and the above described lands, be and the same hereby are cancelled, set aside, annulled and declared of no force and effect in law or equity, and the Register of this Court be and he hereby is ordered and directed to endorse across the face of the page of the record where each of said instruments is recorded, the following, viz.: "This Instrument cancelled, set aside and annulled and declared of no force and effect in law or equity by Decree of the Circuit Court-Equity Side of Baldwin County, Alabama, duly rendered on the 7th day of June, 1930", and shall sign the same as such Register.

That the Complainant, Charles H. Thompson, is the true and legal owner in fee simple of the following described property in Baldwin County, Alabama, being the property included and covered by the Bill of Complaint in this cause, viz.:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West Three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400)

feet to the place of beginning, and containing six and one-half (6½) acres.

That the absolute fee simple title to said lands and to every part thereof is in the Complainant, Charles H. Thompson, free and clear of any claim or claims of Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, individually and/or as Trustees, and/or any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the above described lands, or any part thereof.

That the Complainant have and hereby is given judgment against said lands and against Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, individually and/or as Trustees, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the above described lands, or any part thereof, ~~and that the claims or liens of all said~~ or such persons, firms or corporations claiming any title to, interest in or lien or encumbrance on said lands, or any part thereof, are hereby adjudged and decreed to be invalid, groundless and of no effect, Complainant's title thereto being hereby quieted against all of said and such persons, firms or corporations.

That a certified copy of this Decree be by the Register within thirty (30) days from the rendition hereof filed in the office of the Judge of Probate of Baldwin County, Alabama, and the expenses thereof be taxed as a part of the costs of this cause.

That the Judge of Probate of Baldwin County, Alabama, shall record such certified copy of this Decree in the same book and manner in which Deeds are recorded, and shall index the same in the names of Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., W. J. Parham, Joseph Pose, as Trustee, Frank D. Rayford, as Trustee, Hyndon H. Hurley, as Trustee, John H. McCormick, as Trustee, H. L. Gaines, Jr., as Trustee, and W. J. Parham, as Trustee, in the direct index, and shall index the same in the name of Charles H. Thompson in the indirect index

of the record thereof.

That the title hereby decreed to be in the Complainant shall enure to the benefit of all persons who derive title to said lands or any interest therein, from or through the Complainant, Charles H. Thompson.

That the Complainant be taxed with all costs of this cause, for which let execution issue.

Done this 7th day of July, 1950.

R. N. Hare
Judge of the Twenty-first Judicial Circuit of the State of Alabama.

CHARLES H. THOMPSON, Complainant, vs. CERTAIN LANDS, JOSEPH POSE, ET AL., Respondents.	IN THE CIRCUIT COURT-EQUITY SIDE STATE OF ALABAMA. BALDWIN COUNTY. NO._____.

NOTE OF TESTIMONY.

Complainant being called, offers the following testimony and prays that the same be noted on the Note of Testimony in this cause:

1. The Original Bill of Complaint as filed in this cause on February 26, 1930.

2. Order of the Judge of this Court of date February 26, 1930, prescribing newspaper in which Notice of Pendency of Bill of Complaint in this cause be published.

3. Original Notice of Pendency of Bill of Complaint in this cause as drawn and signed by the Register of this Court on February 26, 1930.

4. Proof of Publication of the Notice of the Pendency of the Bill of Complaint in The Baldwin Times, as filed in this cause on the 27 day of March, 1930.

5. Copy of the Notice of the Pendency of the Bill of Complaint certified by the Register as being correct, and recorded as a Lis Pendens in the Office of the Judge of Probate of Baldwin County, Alabama, in Lis Pendens Record Number 1, pages 101-2, with Certificate of the Judge of Probate thereon.

6. Certificate by Register as to the Issuance, Recording and Publication of the Notice of Pendency of Bill of Complaint.

7. Application and Request by Complainant for Oral Examination of Charles H. Thompson, the Complainant and a Witness for Complainant, before T. W. Richerson, as Register, as filed on June 9, 1930, and Order granting same, fixing date for taking of such Testimony and prescribing Notice to be given thereof.

8. Notice of Request for and of the day set for the taking of Oral Testimony of Witness for Complainant, as issued by the Register on the 9 day of June, 1930, with Certificate of Register thereto attached showing manner of giving such notice.

9. Testimony of Charles H. Thompson, the Complainant and a Witness for Complainant, taken before the Register on the 23 day of June, 1930.

10. Original Deed from W. C. Turner et ux. to C. H. Thompson, dated September 7, 1897, of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book "Y", pages 138-9, and covering a portion of the lands described in the Bill of Complaint.

11. Original Deed from W. D. Randall to C. H. Thompson, of date September 7, 1905, of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 9 N.S., page 372, and covering a portion of the lands described in the Bill of Complaint.

12. Certified copy of Tax Records of Baldwin County, Alabama, covering assessments of and taxes on the lands described in the Bill of Complaint for the years 1920-1929 inclusive, and certified to by G. W. Humphries, Judge of Probate of Baldwin County, Alabama, on the 3d day of July, 1930.

13. Request for Decree in Vacation as made by solicitors of record for Complainant on the 23 day of June, 1930, and Order of Register granting same as made on the 23 day of June, 1930, said Request and Order being filed on the 23 day of June, 1930.

14. Certified copy of United States Patent dated the 10 day of Oct, 1840, to Louis Dolive, covering the lands described in the Bill of Complaint, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book H, pages 484.

Solicitors for Complainant.

15. Original Deed of Trust Charles H. Thompson, unmarried, to Joseph Pose et al., dated August 10, 1928, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 44, pages 72-3.

16. Original Agreement between Charles H. Thompson and Joseph Pose et al., dated February 11, 1929, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 47 N.S., pages 17-18.

Outlaw & Kilborn
Nolan Hall
Solicitors for Complainant.

I hereby certify that the foregoing Note of Testimony is correct.

Dated this 5th day of July, 1930.

T. W. Richerson
Register.

CHARLES H. THOMPSON, Complainant, vs. CERTAIN LANDS, JOSEPH POSE, ET AL., Respondents.	IN THE CIRCUIT COURT-EQUITY SIDE STATE OF ALABAMA. BALDWIN COUNTY. NO._____.

APPLICATION AND REQUEST FOR ORAL EXAMINATION.

Comes Charles H. Thompson, the Complainant, by Outlaw & Kilborn and Norborne Stone, as his Solicitors of record, and makes this his Application and Request to the Register of this Court for an oral examination of the following witness for Complainant, said witness being a resident of and residing in the State of Alabama, viz.:

CHARLES H. THOMPSON, DAPHNE, ALABAMA.

Such examination to be taken before T. W. Richerson as the Register of this Court.

Outlaw & Kilborn
Norborne Stone
Solicitors for Complainant.

The foregoing Application and Request coming on to be heard, is granted, and it is ORDERED that the Oral Examination of said Witness be had at the office of the Register at the Court House at Bay Minette, Alabama, on the 23d day of June, 1930, at 2:00 o'clock P. M.; that notice thereof be given for ten (10) days by an entry on the Order Book of the Register.

Dated this 9 day of June, 1930.

T. W. Richerson
Register.

CHARLES H. THOMPSON, Complainant vs The Land Described in This Bill of Complaint, JOSEPH POSE, et al., Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. In Equity

TO THE HONORABLE THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your orator, Charles H. Thompson, brings this his bill of complaint against that certain piece, parcel or tract of land lying and being in the County of Baldwin, State of Alabama, more particularly described as follows:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty-one hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said land, or any part thereof, and your orator respectfully shows unto the court as follows:

1.

That your orator is over the age of twenty-one years and is a resident of the County of Baldwin in the State of Alabama.

2.

That the land against which this proceeding is brought is situated in Baldwin County, Alabama, and is described as follows:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty-one hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres.

3.

That your orator is in actual and peaceable possession of the land described in paragraph 2 of this bill of complaint, and claims to own the same absolutely and in fee simple. No suit is pending to test your orator's title to, interest in, or his right to the possession of said land. Your orator obtained his title to and ownership of said land by two deeds, one a deed from W. C. Turner and S. E. Turner, his wife, to C. H. Thompson, dated September 7th,1897 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Book Y of Deeds, Pp. 138-139; and the other, a deed from W. D. Randall to C. H. Thompson, dated September 7th, 1905 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Record Book 9 N.S., page 332, and by actual, adverse, continuous, open and notorious possession of said property on the part of your orator under color of said deeds, and under claim of ownership for more than twenty years last past, and he claims title to said land under the aforesaid

two deeds and by virtue of his said adverse possession of said property.

4.

On, to-wit, August 10th, 1928 your orator made and delivered the deed to Joseph Pose, et al., copy of which is hereto attached and marked Exhibit "A", and on, to-wit, February 11th, 1929 Hyndon H. Hurley, who was one of the trustees named in the said deed of August 10th, 1928, resigned as trustee, and two additional trustees, viz: H. L. Gaines, Jr. and W. J. Parham were selected, all as appears by the terms of the instrument dated February 11th, 1929, copy of which is hereto attached and marked Exhibit "B", and the title to the land described in paragraph two of this bill now stands upon the records of the Probate Court of Baldwin County, Alabama in the names of Joseph Pose, Frank D. Rayford, Hyndon H. Hurley John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, as trustees under the terms of the said instruments of date August 10th, 1928 and February 11th, 1929 (copy of which are attached as exhibits "A" and "B" to this complaint) for the uses and purposes stated in the said two instruments.

5.

Your orator avers that he has regularly assessed and paid taxes on said land for the period of twenty years continuously and successively immediately preceding the date of the filing of this bill, and that no person, firm or corporation other than your orator has at any time within twenty years next preceding the filing of this bill of complaint, paid any taxes upon the said land or any part thereof, nor has any person, firm or corporation other than your orator had possession of said land or any part thereof at any time within twenty years next preceding the filing of this bill of complaint.

Joseph Pose, Frank D. Rayford, John H. McCormick, H. L. Gaines, Jr., W. J. Parham and Hyndon H. Hurley, as trustees for the use and benefit of Alabama members of the fraternal order known as Ancient Free & Accepted Masons, their widows, orphans and dependents, under the terms of the said deed of August 10th, 1928 (copy of which is attached as Exhibit "A" to the bill of complaint) and the instrument, (copy of which is attached as Exhibit "B" to the complaint), claim said land or some interest therein, and they are the only persons known to complainant who claim said land or any part thereof, or interest therein.

7.

Said Joseph Pose, Frank D. Rayford and Hyndon H. Hurley are all over twenty-one years of age, and reside in Baldwin County, Alabama, and the said John H. McCormick, H. L. Gaines, Jr. and W. J. Parham are all over the age of twenty-one years and reside in Mobile County, Alabama.

8.

While your orator admits making, signing and delivering deed from himself to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, as trustees aforesaid, copy of which deed is hereto attached and marked Exhibit "A" to the bill of complaint, and the instrument signed by your orator and the said John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, dated February 11th, 1929, copy of which is attached as Exhibit "B" to the bill of complaint, your orator alleges and shows to the court that said instruments were made, executed, signed and delivered under mutual mistake and misapprehension on the part of your orator and all of the parties whose names appear in the said instruments, and further, that your orator was to receive

title or interest or encumbrance, and set forth how and by what instrument the same was derived or created, as is required by law.

And your orator further prays that on the final hearing of this cause the court will order, adjudge and decree that the fee simple ~~title~~ and unencumbered title to said property is established in your orator, and that your orator, at the time of the filing of this bill of complaint, had the legal title to the above described land, and no other persons owns the same or any part thereof, or has any right, title or interest therein or thereto, or any lien or encumbrance thereon, and that the court will enter a decree quieting your orator's title to said land, and cancelling, setting aside and holding for naught said deed of trust of August 10th, 1928, and adjudging that the said trustees, nor any of them, nor the cestuis que trustent whom they represent, have any right, title or interest in the said land, and your orator prays for such other and further or different order, decree and general relief as in equity and good conscience he may be entitled to receive in the premises.

Luther O. Kilgore

Norborne Stone

Solicitors for Complainant

FOOT NOTE:

The respondents are required to answer each paragraph of the foregoing bill of complaint, from paragraph one to ten both inclusive, but not under oath, oath to their said answers being hereby expressly waived.

Luther O. Kilgore

Norborne Stone

Solicitors for Complainant

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, Rose Prince, a Notary Public in and for said State and County, personally appeared Charles H. Thompson, who being first duly sworn, says that he is the complainant in the above bill of complaint, and that he has read the said bill of complaint and knows the contents thereof, and that the allegations thereof are true and correct.

Charles H. Thompson.

C. H. Thompson.

Subscribed and sworn to
before me this 22nd day
of February, 1930.

Rose Prince
Notary Public, Mobile County, Alabama.

certain considerations for signing said instruments, and that he has not received said consideration or any consideration for signing or delivering said instruments, and there has been a failure of consideration for said instruments, and that on account of the aforesaid mutual mistake and failure of consideration, it is desired by your orator and also the said trustees, Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, to rescind the transaction evidenced by said instruments (copies of which are attached as Exhibits "A" and "B" to the bill of complaint) and to set aside and cancel same and to re-invest your orator with the fee simple title to the property described in paragraph 2 of this bill of complaint, free from any claim or claims on the part of the said Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr. and W. J. Parham, individually or as trustees under the terms of said instruments, and free from any claim on the part of any of the beneficiaries or cestuis que trustent for whose use and benefit the said deed of August 10th, 1928 was made.

9.

Your orator further alleges that he is informed and believes, and on such information and belief he charges the fact to be, that the said conveyance (copy of which is attached as Exhibit "A" to the bill of complaint) is invalid and ineffectual for the uses and purposes stated therein, or for any valid and lawful use or purpose, for the reason that the beneficiaries or cestuis que trustent are so indefinite as to name, number and class, as that the said instrument does not constitute a valid or lawful deed of trust, and your orator alleges that the said deed of trust, together with the instrument attached as Exhibit "B" to the bill of complaint, constitutes and is a mere cloud on the title of your orator, which he has the right to clear up and desires to clear up and extinguish through

the proceedings instituted in and by this bill of complaint.

10.

Your orator avers that he brings this his bill of complaint against the land above described, and also against all persons, firms or corporations claiming said land or any part thereof, or any interest therein, or any lien or encumbrance thereon for the purpose of establishing your orator's title to and his interest in said land, and for the purpose of clearing up all doubts and disputes concerning the same, and quieting your orator's title against the claims of any and all persons whomsoever.

PRAYER FOR PROCESS

WHEREFORE, THE PREMISES CONSIDERED, your orator prays that the land above described, and also Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H.L. Gaines, Jr. and W. J. Parham, individually and as trustees under the terms of the deed of trust from your orator to them, dated August 10th, 1928 (copy of which is attached as Exhibit "A" to the bill of complaint), and under the terms of that certain other instrument dated February 11th, 1929 and signed by your orator and the said John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose and W. J. Parham, (copy of which is attached as Exhibit "B" to the bill of complaint) be made parties defendant to this bill of complaint, and that process may issue to and be served upon them, and due notice of these proceedings given as required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your orator prays that if any person, firm or corporation claims the said land or any part thereof, or any interest therein or encumbrance thereon, that he or they be required to appear and set forth and specify such claim,

Tax Book, 1920, Baldwin County,

Assessment of Taxes on Real Estate and Personal Property in the county of Baldwin, State of Alabama, for the year 1920, Page 40.

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Thompson, C.H.; Line No. 31; number of Assessment 382;

Lands--Description:-
Com. at a stake 27.92 chs N of SW cor, of Sec. 17, 5S, 2E, run 100 ft for pt. of begn, thence N 108.89 ft., thence E 16.80 chs, thence S 9.54 chs, thence W 3.40 chs, thence N. 6.38 chs thence W 7.34 chs, thence N. 100 ft., thence W. 400 ft, dividing a house in center to pt. of begn, Section 17, township 5 S, Range 2 E.

Assessed value of improvements, 350,

Assessed value of lands, 500,

Total assessed value of real estate, 850,

Total assessed value of real estate and personal property, 850,

Total State Taxes, 5.52^{50},

Total county taxes, 9.77^{50},

Total State and County Taxes, 15.30,

Number of District 14,

District School Tax, 2.55,

Citation fee, 25,

Assessment Marked,Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Montrose Beat, No. 8, for the year 1920.

Receipt No. 506,

Assessment Book No. 2, Page 40,

Names of Parties:-
Thompson, C.E.,

Assessment No. 380,

Total Assessed value of real estate, 850,

State Tax on Real and Personal Property, 5.52^{50}

County Tax on Real and Personal Property, 9.77^{50}

Total State and County Taxes on Real and Personal Property, 15,30,

District School Tax, 2.55-#14,

Citation Fee, 25,

Tax Book, 1921, Baldwin county.

Assessment of taxes on Real Estate and Personal Property in the County of Baldwin, State of Alabama, for the year 1921, Page 37,

Daphne Beat, No. 8,

Names of Parties Assessed:-
Thompson, O.H.; Line 47, Assessment No. 353;

Lands--Description:-
Com. at a stake 27.94 chs N of SW cor. Sec. 17, 5S,2, run N 100 ft. for begn. pt., thence N 108.98 ft, thence E 16.80 chs, thence S 9.54 chs, thence W 3.40 chs., thence N. 6.38 chs., thence W 7.54 chs, thence N 100 ft., thence W 400 ft, dividing a house in the center to pt. of begn, Section 17, township 5 S, Range 2;

No. of acres unimproved, 7,

Total No. of acres, 7,

Total assessed value of lands, 500,

Total assessed value of improvements, 350,

Total assessed value of real estate and ~~personal~~-improvements, 850

Total assessed value of real estate and personal property, 850,

Total State Tax, 5.52^{50}

Total County Tax, 9.77^{50},

Total State and County Tax, 15.30,

Number of District, 14,

Special District School tax, 2.55,

Assessment marked, Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Montrose, Beat No. 8, for the year, 1921,

Receipt No. 1058,

Assessment Book No. 2, Page 37,

Names of Parties:-
Thompson, C.H.,

Assessment No. 353,

Total Assessed Value of Real Estate, 850,

State Tax on Real and Personal Property, 5.52^{50}

County Tax on Real and Personal Property, 9.77^{50}

Total State and County Taxes on Real and Personal Property, 15.50,

District School Tax, 2.55 #14.

Tax Book, 1922, Baldwin county,

Assessment of taxes on Real Estate and Personal Property in the County of Baldwin, State of Alabama, for the year 1922, Page 40,

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Thompson C.E.; Line No. 40; No. of assessment 360;

Lands--Description:-
Commence at stake 27.92 chs. N of SW cor. Sec 17, 5S, 2e, run N 100 ft for begn pt. thence N 108.89 ft., thence e 16.80 chs., thence S 9.54 chs., thence W 3.40 chs., thence N. 6.38 chs., thence W 7.34, chs, thence N. 100 ft., thence N 400 ft, dividing a house in the center to pt. of begn, Section 17, Township 5 S, Range 2 E.

No of acres unimproved 7,

Total No. of acres, 7,

Total assessed value of lands, 500,

Total assessed value of improvements, Lands, 350,

Total assessed value of real estate and improvements, 850,

Total assessed value of real estate and personal property, 850,

Total State and County taxes, 15.30,

Number of District, 14,

Special District School Tax, 2.55,

Assessment marked, Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Belforest Beat No. 8, for the year 1922,

Receipt No. 1741,

Assessment Book, No. 2, page 40,

Names of Parties:-
Thompson, C.H.

Assessment No. 360,

Total Assessed value of Real estate, 850,

Total State & County Taxes on Real and Personal Property, 15.50,

District No. 14,

District School Tax, 2,55,

Tax Book, 1923, Baldwin county.

Assessment of taxes on real estate and personal property in the county of Baldwin, State of Alabama, for the year 1923.
Page 21.

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Thompson, C.H.; Line 49; Number of assessment, 360.

Lands--Description:-
For description see 1922 assessment Book #2, page 40;

No. of acres unimproved, 7,

Total No. of Acres, 7,

Total Assessed value of lands, 850,

Total assessed value of real estate and improvements, 850,

Total value of real estate and personal property, 850,

Total State and County Taxes, 15.30,

Special District School Tax, 14,

Special District School Tax, 2.55

Assessment marked Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Bel
forest Beat, No. 8, for the year 1923,

Receipt No. 1460,

Assessment Book No. 2, Page 21,

Names of Parties:
Thompson, C.H.,

Assessment No. 360,

Total Assessed value of Real Estate, 850,

Total State & County Taxes of Real and Personal Property, 15,30,

District No. 14,

District School tax, 2.55,

Tax Book, 1924, Baldwin County.

Assessment of Taxes on Real Estate and Personal Property in the County of Baldwin, State of Alabama for the year 1924. Page 17.

Daphne and Belforest Beat, No. 8.

Names of Parties Assessed:-

Thompson, O.H.; Line 40; No. of Assessment 324;

Lands--Description:-
Com. at a stake 27.92 chs N of SW cor. 17, 5s, 2, run N 100 ft. for begn cor, thence N 108.89 ft, E 16.80 chs, S 9.54 chs, W 3.40 chs, N 6.38 chs, W 7.34 chs, N 100 ft, W 400 ft, Dir. a house in middle or center to begn, Section 17 Township 5 S, Range 2.

No. of acres unimproved, 6½,

Total No. of acres, 6½,

Total assessed value of lands, 850,

Total Assessed value of real estate and improvements, 850,

Total assessed value of real estate and personal property, 850,

Total State and County Taxes, 15.30,

Number of District, 14,

Special District School Tax, 2.55.

Assessment marked, Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Belforest Beat, No. 8. for the year 1924.

Receipt No. 1676,

Assessment Book No. 2, Page 10, Assessment No.524,

Names of Parties:-
Thompson, C.H.,

Total Assessed value of Real Estate, 850,

Total State and County Taxes on Real and Personal Property, 15.30.

District No., 14.

District School Tax, 2.55.

Tax Book, 1925, Baldwin County,

Assessment of taxes on Real Estate and Personal Property in the County of Baldwin, State of Alabama, for the year 1925, Page 23.

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Thompson, C.H.; Line 8, Number of Assessment 333.

Lands--Description:-
Commencing at a stake 27.92 chs N of SW cor. Sect. 17, ~~ts~~, 2, run N 100 ft. for begn, thence N 108.89 ft, thence E. 16.80 chs, thence S 9.54 chs, thence W 5.40 chs., thence N 6.38 chs., thence W 7.34 chs., thence N 100 ft., thence W 400 ft. dividing a house in center or middle to begn, Section 17, township 5 S, Range 2;

No. of acres unimproved, 7,

Total No. of acres, 7,

Total assessed value of lands, 850.

Total assessed value of real estate and improvements, 850,

Total assessed value of real estate and personal property, 580,

Total State and County Taxes, 15.30,

Number of District, 14,

Special District School Tax, 2.55,

Assessment marked, Pd.

Tax Book, 1927, Baldwin County.

Assessment of Taxes on Real Estate and Personal Property in the county of Baldwin, State of Alabama, for the year 1927, Page 26.

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Thompson, C.H.; Line 40; No. of Assessment 370.

Lands--Description:-
Com at a stake 27.92 chs N of SW of Sec. 17, 5S,2, run N 100 ft for a begn, thence N 108.87 chs, E 16.80 chs, S 9.54 chs, W 3.40 chs, N. 6.38 chs, W 7.34 chs, N. 100 ft. W 400 ft. to begn Sec 17, Township 5 S, Range 2;

Number of acres improved 3,

No. of acres unimproved 4,

Total Number of acres, 7.

Total Assessed value of lands, 325,

Total Assessed value of improvements, Lands, 1800.

Total Assessed value of real estate and improvements, 2125,

Total Assessed value of real estate and Personal Property, 2125,

Total State and County Taxes, 38.25,

No. of District, 14,

Special District School Tax, 6.38.

Assessment Marked Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Belforest Beat, No. 8, for the year 1927,

Receipt No. 1018,

Assessment Book, No 2, page 26,

Names of Parties,
Thompson, C.H.,

Assessment No. 369,

Total assessed value of Real Estate, 2125,

Total State and County Taxes on Real and Personal Property, 38.25,

District No. 14,

District School Tax, 6.38,

Tax Book, 1928, Baldwin County.

Assessment of taxes on Real Estate and Personal Property in the county of Baldwin, State of Alabama, for the year 1928, Page 30,

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:- Thompson, C.H., Com. at a stake 27.92 chs N of SW cor. of sec. 17, 5S,2, run N. 100 ft. for a begn, thence N. 108.89 chs., E 16.80 chs S 9.54 h chs N. 3.40 chs, E. 6.38 chs, W 7.34 chs, N. 100 ft. N 400 ft. to begn. Section 17, T 5 S, Range 2.

Number of acres improved 3,

No. of acres unimproved, 7,

Total No. of Acres, 7,

Total assessed value of lands 850,

Total assessed value of improvements, 1800.

Total Assessed value of real estate and improvements, 2650,

Total assessed value of real estate and persona property, 2650,

Total State and County taxes, 47.70,

Number of District, 14,

Special district school tax, 7.95,

Assessment marked, Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Belforest Beat, No. 8, for the year 1928.

Receipt No. 6599,

Assessment Book No. 2, Page 30,

Names of Parties:
Thompson, C.H.,

Assessment No. 383,

Total Assessed value of Real Estate, 2650,

Total State and County Taxes on Real and Personal Property, 47.70,

District No. 14,

District School Tax, 7.95,

STATE OF ALABAMA, }
COUNTY OF BALDWIN. } PROBATE COURT.

I, G.W.Humphries, Judge of Probate of Baldwin County, Alabama, and Custodian of all of the Books and Records on file in the office of the Judge of Probate of said County, do hereby certify that the foregoing and annexed pages, numbered from One (1) to Nineteen (19) both inclusive, contain a full, true, correct and complete copy and transcript of the Tax Assessment Books and Tax Collector's Abstract Books of Baldwin County, Alabama, for the years 1920 to 1929, both inclusive, and which are on file in my office and in my custody, insofar as the same relates to or covers the lands described in the foregoing pages.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal at Bay Minette, in said county on this the 3rd day of July, A.D., 1930.

PROBATE COURT BALDWIN COUNTY ALABAMA

G W Humphries
Judge of Probate.

Tax Book, 1929, Baldwin County,

Assessment of taxes on real estate and personal property in the county of Baldwin, State of Alabama, for the year 1929, Page 37.,

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Masonic Recreation Home; Line 5; No. of Assessment, 543,

Lands--Description:-
Com at a stake 27.92 chs. N of SW cor. of Sec. 17, 5s, 2, run N 100 ft. for a begn, thence N 108.09 chs., E 16.80 chs., S 9.54 chs, W 3.40 chs, N 6.38 chs., W 7.34 chs., N. 100 ft. W 400 ft. to begn, Section 17, Township 5 S, Range 2,

No. of acres unproved, 3,

No. of acres unimproved, 4,

Total No. o5 acres, 7,

Total assessed value of lands, 850,

Total assessed value of improvements, Lands, 1000,

10% Penalty, 185,

Total assessed value of real estate and improvements, 2035,

Total assessed value of real estate and personal property, 2035,

Total State and County Taxes, 36.63,

Number of District, 14,

Special District School Tax, 6.11,

Assessors fee, 50,

Assessment Marked, Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Belforest Beat, No. 8, for the year 1929, Page 17,

Receipt No. 252,

Assessment Book No. 2, Page 37,

Names of Parties:
Masonic Recreation Home,

Assessment No. 543,

Total assessed value of Real Estate, 2035,

Total State and County taxes on Real and Personal Propert, 36.63,

District No. 14,

District School Tax, 6.11,

Assessors Fee, 50.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne and Belforest Beat, No. 8, for the year 1926, Line 29, Page 11,

Receipt No. 3726,

Assessment Book No. 2, page 23,

Names of Parties:
Thompson, C.H.,

Assessment No. 360,

Total Assessed value of Real Estate, 850,

Total State and County Taxes on real and personal property, 15.30,

District No. 14,

District School Tax, 2.55,

Tax Book, 1926, Baldwin County,

Assessment of taxes on real estate and personal property in the county of Baldwin, State of Alabama, for the year 1926, Page 23,

Daphne and Belforest Beat, No. 8,

Names of Parties Assessed:-
Thompson, O.H.; Line 32; No. ~~es~~ of Assessment, 561,

Lands--Description:-
Com. at a stake 27.92 chs. N. of SW cor. Sec. 17, 5s, 2, run N 100 ft. for begn cor., thence N 108.89 ft. E 16.80 chs, S 9.54 chs, W 3.40 chs, N 6.38 chs, W 7.34 chs, N 100 ft, W 400 ft div'd a house in center or middle to begn, Section 17, Township5 S, Range 2,

Total assessed value of lands, 850,

Total assessed value of real estate and improvements, 850.

T otal assessed value of real estate and personal property, 850,

Total State and County Taxes, 15.30,

Number of District, 14,

Special District School Tax, 2.55,

Assessment marked, Pd.

Tax Collector's Abstract Book, Baldwin County, Alabama, Daphne & Belforest Beat No. 8, for the year 1925,

Receipt No. 2369,

Assessment Book No 2, Page 23,

Names of Parties,
Thompson, C.H.,

Assessment No. 353,

Total Assessed value of Real Estate, 850,

Total State & County Taxes on Real and Personal Property, 15.30

District No. 14,

District School Tax, 2.55,

STATE OF ALABAMA,

BALDWIN COUNTY .

KNOW ALL MEN BY THESE PRESENTS, that I, CHARLES H. THOMPSON (now unmarried) of the County of Baldwin in the State of Alabama, for One ($1.00) Dollar and other good and valuable considerations paid to me by JOSEPH POSE, FRANK D. RAYFORD, HYNDON H. HURLEY and JOHN H. McCORMICK, the grantees, receipt whereof is acknowledged, do hereby, subject to the reservations and upon the trusts herein contained, GIVE, GRANT, BARGAIN, SELL and CONVEY unto the said grantees and their successors, in trust, all that certain real property in Baldwin County, Alabama on which I now reside, described as follows, viz:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty-one-hundredths (16.80) chains, South nine and fifty-four one hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres.
>
> Also all other real property situate in Baldwin County, Alabama which I now own, or in which I have any interest.

TOGETHER WITH ALL AND SINGULAR, the improvements, rights and privileges thereunto belonging or in anywise appertaining, IN TRUST, for the following uses and purposes, viz:

To establish and maintain thereon a Masonic orphans and/or old folks home and/or outing camp for the use and benefit of Alabama Masons, their widows, orphans and dependents; and/or to cultivate and let out the same and only to a Mason and use the income and profits therefrom for the relief of needy Alabama Masons, their widows, orphans and dependents; and/or for such other Masonic charitable enterprises in this State as they and their successors in trust may deem fitting and proper.

The said John H. McCormick is a member of the Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons, and the other three trustees herein named are members of Daphne Lodge #826 A. F. & A. M., Daphne, Alabama, and the trustees herein named and their successors to be selected as hereinafter stated, shall constitute a Board for the management and control of said property, its income and profits. Whenever a vacancy shall occur on the said Board of Trustees, whether by death, removal from the State, resignation, or from whatever cause, then the remaining trustees shall fill the vacancy by selection from one of the Masonic bodies hereinbefore named, and in such manner as to always maintain the proportion of three trustees from the membership of Daphne Lodge #826 and one from the membership of Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons.

The trustees herein named, and their successors in office, shall have full power, authority and discretion to manage, control and use the said property, its income and profits, for the uses and purposes herein named, but said property shall never be sold or mortgaged for any purpose.

I hereby expressly reserve the right to the exclusive possession and use of all of the above described real property and the income and profits therefrom, so long as I am physically able to care for the trees and improvements situate thereon, and stipulate that I shall be the sole judge of whether or not I am able so to do. So long as I remain in possession of said real property, I agree to pay all taxes and fire insurance thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 10th day of August, 1928.

Witness
C. P. Nelson
T. E. Hanson

Charles H. Thompson (SEAL)

STATE OF ALABAMA,
BALDWIN COUNTY .

I, B. L. Randall , a Notary Public in and for said State and County, hereby certify that Charles H. Thompson, unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this 10th day of August, 1928.

B. L. Randall
Notary Public, ~~Mobile~~ Baldwin County, Alabama.

STATE OF ALABAMA ,

COUNTY OF BALDWIN.

WHEREAS, by deed dated August 10th, 1928 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Mortgage Book 44, Pp. 72-73, the undersigned Charles H. Thompson conveyed certain property, viz: that certain property in Baldwin County, Alabama, described as follows:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty-one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

to the undersigned Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, in trust, for the uses and purposes stated in said deed, and provided that the property conveyed thereby should be controlled by the trustees named in said deed and their successors; and

WHEREAS, said deed of trust provided for the filling of vacancies on said Board of Trustees, and the parties to this present agreement desire to change the trustees for the management and control of said property, and to change the manner of filling vacancies in the Board of Trustees named in said deed;

NOW THEREFORE, in consideration of the premises and for One ($1.00) Dollar and other good and valuable

considerations paid to the undersigned Charles H. Thompson, it is understood and agreed by and between the parties to this instrument as follows:

1.

That Hyndon H. Hurley hereby resigns as one of the trustees named in said deed, and that the Board of Trustees for the management of said property shall always consist of five trustees, instead of four, and that said board of five shall have all of the powers and authority conferred by the said deed of August 10th, 1928, and that whenever a vacancy shall occur on said Board of Trustees, then the remaining trustees shall fill the vacancy from the membership of Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons, Daphne Lodge #826 A. F. & A. M., Daphne, Alabama, and Athelstan Lodge #369 A. F. & A. M. of Mobile, Alabama, so as to always maintain the proportion of one trustee from the membership of Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons, two trustees from the membership of Daphne Lodge #826, two from the membership of Athelstan Lodge #369.

The undersigned, other than Hyndon H. Hurley, proceeding to fill the vacancies on the said Board, created by the resignation of Hyndon H. Hurley and by the increase in the number of trustees to five instead of four, hereby select H. L. Gaines, Jr. and W. J. Parham of Athelstan Lodge as trustees to fill said vacancies, so that the said board, upon the signing of this instrument, shall be constituted of the following named parties, viz:

John H. McCormick of Mobile Lodge of Perfection;
Joseph Pose & Frank D. Rayford of Daphne Lodge;
H.L.Gaines, Jr. & W.J.Parham of Athelstan Lodge.

IN WITNESS WHEREOF, the parties have hereunto set

their respective hands and seals on this 11th day of February, 1929.

John H McCormick (SEAL)

_____ (SEAL)

H. L. Gaines Jr (SEAL)

Frank D Rayford (SEAL)

Joseph Pose (SEAL)

W. J. Parham (SEAL)

Charles H. Thompson (SEAL)

STATE OF ALABAMA)

COUNTY OF MOBILE)

I, Nellie P. Vickers, a Notary Public in and for said State and County, hereby certify that Joseph Pose, Frank D. Rayford, ~~Hyndon H. Hurley~~, John H. McCormick, H. L. Gaines, Jr., W. J. Parham and Charles H. Thompson, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand this 11th day of February, 1929.

NELLIE P. VICKERS NOTARY PUBLIC MOBILE COUNTY, ALA.

Nellie P. Vickers
Notary Public, Mobile County, Alabama.

WARRANTY DEED. PRINTED AND SOLD BY MOBILE STATIONERY CO.

State of Alabama,
Baldwin County.

Know all Men by these Presents, That for and in consideration of the sum of One ($1.00) Dollar and other Valuable and sufficient consideration ~~Dollars,~~ to him in hand paid by C. H. Thompson the receipt whereof is hereby acknowledged I, W. D. Randall unmarried, ~~do grant, bargain, sell and convey unto the said~~ C. H. Thompson the following described lands situated in Baldwin County, Alabama, to wit:

Start at the south east corner of a 2 acre lot owned by Jessie Taylor, thence east along the north margin of Randall avenue eight ($8\frac{64}{100}$) and $\frac{64}{100}$ chains to a stake, thence north nine and $\frac{54}{100}$ ($9\frac{54}{100}$) chains to Wilson lot acquired of Gaylord, thence west five and $\frac{57}{100}$ ($5\frac{57}{100}$) chains to a stake, thence south three and $\frac{16}{100}$ ($3\frac{16}{100}$) chains to a stake, thence west three and $\frac{15}{100}$ ($3\frac{15}{100}$) chains to the north east corner of the Jessie Taylor lot, thence south six and $\frac{38}{100}$ ($6\frac{38}{100}$) chains to the place of beginning containing $7\frac{27}{100}$ acres, all in Section 17 Township 5 South of Range 2 east -

TO HAVE AND TO HOLD to the said C. H. Thompson, his heirs and assigns forever.

And I do covenant with the said C. H. Thompson that I am seized in fee of the above described premises; that I have the right to sell and convey the same; that the said premises are free from all incumbrances; and that I will, and my heirs, executors and administrators shall, forever WARRANT AND DEFEND the same to the said C. H. Thompson, his heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS my hand and seal this 7th day of September 1905

WITNESS:

Oscar Hall

W. D. Randall L. S.

L. S.

L. S.

State of Alabama,
Baldwin County.

I, Oscar Hall

a Notary Public in and for said State and County, hereby certify that W. D. Randall

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 said conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand this 7th day of September 1905

Oscar Hall
Notary Public Bald Co Ala

State of Alabama,
_____ County.

I, _____

a _____ in and for said State and County, do hereby certify that on the _____ day of _____ 190 , came before me the within named _____, known to me to be the wife of the within named _____, who being examined separate and apart from her husband in reference to 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 the husband.

In witness whereof, I hereunto set my hand, this _____ day of _____ 190____

_____

12

W. D. Randall
To
C. N. Thompson

Mort deed

5.1
6
7.27
100

Filed 6/23/30
[illegible]
Register

The State of Alabama, } Office of the Judge of
Baldwin County, } the Probate Court.

I, J. H. H. Smith, Judge of said Court in and for said County, do hereby certify that the within instrument was filed in this office for record on the 9 day of September 1905 at 8 o'clock A.M. and I further certify that the same is duly recorded in Record Book No. 2 Page 532 and duly examined.

Witness my hand this the 11 day of September 1905

J. H. H. Smith
Judge of Probate Court, Baldwin County.

9/9/05 $100

CHARLES H. THOMPSON, Complainant, vs. CERTAIN LANDS, JOSEPH POSE, ET AL., Respondents.	IN THE CIRCUIT COURT-EQUITY SIDE. STATE OF ALABAMA. BALDWIN COUNTY. NO._____.

NOTICE OF REQUEST FOR AND DAY SET FOR THE TAKING OF TESTIMONY ON ORAL EXAMINATION.

TO THE FOLLOWING DESCRIBED LANDS IN BALDWIN COUNTY, ALABAMA: COMMENCING AT A STAKE TWENTY-SEVEN AND NINETY-TWO ONE-HUNDREDTHS (27.92) CHAINS NORTH OF THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2, RUNNING THENCE NORTH ONE HUNDRED (100) FEET FOR A BEGINNING; THENCE NORTH ONE HUNDRED EIGHT AND EIGHTY-NINE ONE-HUNDREDTHS (108.89) FEET, EAST SIXTEEN AND EIGHTY ONE-HUNDREDTHS (16.80) CHAINS, SOUTH NINE AND FIFTY-FOUR ONE-HUNDREDTHS (9.54) CHAINS, WEST THREE AND FORTY ONE-HUNDREDTHS (3.40) CHAINS, NORTH SIX AND THIRTY-EIGHT ONE-HUNDREDTHS (6.38) CHAINS, WEST SEVEN AND THIRTY-FOUR ONE-HUNDREDTHS (7.34) CHAINS, NORTH ONE HUNDRED (100) FEET; THENCE WEST FOUR HUNDRED (400) FEET TO THE PLACE OF BEGINNING, AND CONTAINING SIX AND ONE-HALF (6½) ACRES; JOSEPH POSE, FRANK D. RAYFORD, HYNDON H. HURLEY, JOHN H. McCORMICK, H. L. GAINES, JR., W. J. PARHAM AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, LIEN OR INCUMBRANCE ON SAID LANDS, OR ANY PART THEREOF:

TAKE NOTICE that Outlaw & Kilborn and Norborne Stone, as Solicitors of record for Complainant in said cause, desire and have requested the Oral Examination of Charles H. Thompson, the Complainant and a material witness for Complainant, and who resides within this State; such request and application have been filed in this cause on the 9th day of June, 1930.

You are further notified that on the 23 day of June, 1930, such Oral Examination of said witness will be had before T. W. Richerson, the Register of said Court, in his office at the Court House in Bay Minette, Alabama, beginning at 2:00 o'clock P. M.

Dated this 9th day of June, 1930.

T W Richerson
Register.

I, T. W. Richerson, as Register, hereby certify that the above and foregoing is a true and correct copy of the Notice of Requirement for and day set for taking of Testimony on Oral Examination of Charles H. Thompson, the Complainant and a witness for Complainant, issued by me on the 9th day of June, 1930,

and on the same day entered on the Order Book of said Court.

IN WITNESS WHEREOF, I hereunto set my hand as Register, on this the 23 day of June, 1950.

T. M. Rickman
As Register.

CHARLES H. THOMPSON, Complainant, vs. THE FOLLOWING DESCRIBED LANDS IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, VIZ.: COMMENCING AT A STAKE TWENTY-SEVEN AND NINETY-TWO ONE-HUNDREDTHS (27.92) CHAINS NORTH OF THE SOUTH-WEST CORNER OF SECTION 17, TOWNSHIP 5 SOUTH, RANGE 2, RUNNING THENCE NORTH ONE HUNDRED (100) FEET FOR A BEGINNING; THENCE NORTH ONE HUNDRED EIGHT AND EIGHTY-NINE ONE-HUNDREDTHS (108.89) FEET, EAST SIXTEEN AND EIGHTY ONE-HUNDREDTHS (16.80) CHAINS, SOUTH NINE AND FIFTY-FOUR ONE-HUNDREDTHS (9.54) CHAINS, WEST THREE AND FORTY ONE-HUNDREDTHS (3.40) CHAINS, NORTH SIX AND THIRTY-EIGHT ONE-HUNDREDTHS (6.38) CHAINS, WEST SEVEN AND THIRTY-FOUR ONE-HUNDREDTHS (7.34) CHAINS, NORTH ONE HUNDRED (100) FEET; THENCE WEST FOUR HUNDRED (400) FEET TO THE PLACE OF BEGINNING, AND CONTAINING SIX AND ONE-HALF (6½) ACRES; JOSEPH POSE, FRANK D. RAYFORD, HYNDON H. HURLEY, JOHN H. McCORMICK, H. L. GAINES, JR., AND W. H. PARHAM, INDIVIDUALLY AND AS TRUSTEES, AND ANY AND ALL OTHER PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY TITLE TO, INTEREST IN, LIEN OR ENCUMBRANCE ON THE ABOVE DESCRIBED LANDS, OR ANY PART THEREOF, Respondents.	IN THE CIRCUIT COURT EQUITY SIDE. STATE OF ALABAMA. BALDWIN COUNTY. NO. 863.

FINAL DECREE.

This cause coming on to be heard, is submitted for Final Decree on the Original Bill of Complaint as filed in this cause on February 26, 1930, the Order of the Judge of this Court of date February 26, 1930, prescribing the paper in which the Notice of the Pendency of the Bill of Complaint be published, Original Notice of Pendency of Bill of Complaint as drawn and signed by the Register of this Court on February 26, 1930, Proof of Publication of Notice of Pendency of Bill of Complaint in The Baldwin Times, Certified Copy of Notice of Pendency of Bill of Complaint as certified by the Register and recorded as a Lis Pendens in the Office of the Judge of Probate of Baldwin County, Alabama, in Lis Pendens Record Number 1, pages 101 et seq., with Certificate of the Judge of Pro-

bate thereon, Certificate of Register as to Issuance, Publication and Recording of Notice of Pendency of Bill of Complaint, Evidence offered by Complainant in said cause as shown by the Note of Testimony, Request for Decree in Vacation as filed in this cause on June 28, 1930, and Note of Testimony as filed in this cause on June 28, 1930; whereupon the Court ascertains and decrees that this cause is at issue and proceeds to the consideration thereof.

Upon consideration of said cause, it is made to appear to the satisfaction of the Court and the Court hereby ascertains that the Complainant was at the time of the filing of the Bill of Complaint over the age of twenty-one years and was and is at this time in the actual peaceable possession of, claiming to own in his own right the following described lands in Baldwin County, Alabama, viz.:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

claiming title thereto absolutely and in fee simple, his title being derived from the persons and sources as set out in paragraph of the Original Bill of Complaint designated "3"; that at the time of the filing of said Bill of Complaint and at this time no suit was or is pending to contest Complainant's title to, interest in, or right to the possession of said lands, and that the Complainant and those through whom he claims title, as stated in said Bill of Complaint, have held color of title to, claimed and have been in the actual adverse possession of all of the said lands above described during the whole period of ten (10) consecutive years next preceding the filing of the Bill of Complaint and without interruption; that no other person, firm or corporation have paid

any taxes on or been in the possession of said lands, or any part thereof, at any time during said period; that Complainant has exercised and up to and at the time of the filing of the Original Bill of Complaint in this cause had exercised diligence to ascertain the facts with regard to the matters and things referred to and covered by said Original Bill of Complaint and which were not known to Complainant.

It is further made to appear to the satisfaction of and it is hereby ascertained by the Court that that certain instrument executed by Charles H. Thompson to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, purporting to convey the above described lands in trust for certain uses and purposes and certain cestui que trustents therein named, dated August 10, 1928, of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 44, pages 72-3, a copy of which is attached to the Original Bill of Complaint as "Exhibit A", and that certain instrument executed by John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose, W. J. Parham and Charles H. Thompson, of date February 11, 1929, of record in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book Number 47 N.S., page 17-18, and relating to the resignation of the respondent, Hyndon H. Hurley, as Trustee, and the election of the respondents, H. L. Gaines, Jr. and W. J. Parham, as Trustees, and the increase in the number of Trustees under said instrument of August 10, 1928, are without effect in law or equity, and are null and void and ought to be cancelled, set aside and annulled as clouds on or against the title of the Complainant in and to the above described lands.

It is further made to appear to the satisfaction of and it is hereby ascertained by the Court that the allegations of the Complaint are true and duly proven by legal testimony, and that the title to the property described in the Bill of Complaint has been by the Complainant duly proven to be in him and that the Complainant is entitled to the relief prayed for in said Bill.

IT IS NOW, THEREFORE, HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT:

That the Complainant have and he hereby is given judgment as prayed for in his Bill of Complaint.

That the said instrument executed by Charles H. Thompson to Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, conveying and covering the lands hereinabove described, of date August 10, 1928, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 44, pages 72-3, and that certain instrument executed by John H. McCormick, H. L. Gaines, Jr., Frank D. Rayford, Joseph Pose, W. J. Parham and Charles H. Thompson, of date February 11, 1929, of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 47 N.S., pages 17-18, and covering and relating to said instrument of August 10, 1928, and the above described lands, beand the same hereby are cancelled, set aside, annulled and declared of no force and effect in law or equity, and the Register of this Court be and he hereby is ordered and directed to endorse across the face of the page of the record where each of said instruments is recorded, the following, viz.: "This Instrument cancelled, set aside and annulled and declared of no force and effect in law or equity by Decree of the Circuit Court-Equity Side of Baldwin County, Alabama, duly rendered on the 7th day of June, 1930", and shall sign the same as such Register.

That the Complainant, Charles H. Thompson, is the true and legal owner in fee simple of the following described property in Baldwin County, Alabama, being the property included and covered by the Bill of Complaint in this cause, viz.:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West Three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.54) chains, North one hundred (100) feet; thence West four hundred (400)

feet to the place of beginning, and containing six and one-half ($6\frac{1}{2}$) acres.

That the absolute fee simple title to said lands and to every part thereof is in the Complainant, Charles H. Thompson, free and clear of any claim or claims of Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, individually and/or as Trustees, and/or any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the above described lands, or any part thereof.

That the Complainant have and hereby is given judgment against said lands and against Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., and W. J. Parham, individually and/or as Trustees, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the above described lands, or any part thereof, and that the claims or liens of all said or such persons, firms or corporations claiming any title to, interest in or lien or encumbrance on said lands, or any part thereof, are hereby adjudged and decreed to be invalid, groundless and of no effect, Complainant's title thereto being hereby quieted against all of said and such persons, firms or corporations.

That a certified copy of this Decree be by the Register within thirty (30) days from the rendition hereof filed in the office of the Judge of Probate of Baldwin County, Alabama, and the expenses thereof be taxed as a part of the costs of this cause.

That the Judge of Probate of Baldwin County, Alabama, shall record such certified copy of this Decree in the same book and manner in which Deeds are recorded, and shall index the same in the names of Joseph Pose, Frank D. Rayford, Hyndon H. Hurley, John H. McCormick, H. L. Gaines, Jr., W. J. Parham, Joseph Pose, as Trustee, Frank D. Rayford, as Trustee, Hyndon H. Hurley, as Trustee, John H. McCormick, as Trustee, H. L. Gaines, Jr., as Trustee, and W. J. Parham, as Trustee, in the direct index, and shall index the same in the name of Charles H. Thompson in the indirect index

of the record thereof.

That the title hereby decreed to be in the Complainant shall enure to the benefit of all persons who derive title to said lands or any interest therein, from or through the Complainant, Charles H. Thompson.

That the Complainant be taxed with all costs of this cause, for which let execution issue.

Done this 7th day of July 1930.

F. W. Hare
Judge of the Twenty-First Judicial Circuit of the State of Alabama.

STATE OF ALABAMA.

BALDWIN COUNTY.

I, T. W. Richerson, as Register of the Circuit Court-Equity Side of Baldwin County, Alabama, hereby certify that the foregoing pages numbered from 1 to 6 inclusive, constitute a full, true and correct copy of the "FINAL DECREE" in the cause of Charles H. Thompson, Complainant, vs. Certain Lands therein Described, et al., Respondents, being cause numbered 883, pending in said Court, as the same appears on file and recorded in said Court.

IN WITNESS WHEREOF, I hereunto set my hand as Register and affix the seal of said Court, on this the 8 day of July 1930.

T. W. Richerson
As Register of the Circuit Court-Equity Side, Baldwin County, Alabama.

their respective hands and seals on this 11th day of February, 1929.

(Signed) John H. McCormick (SEAL)
" H. L. Gaines, Jr. "
" Frank D. Rayford "
" Joseph Pose "
" W. J. Parham "
" Charles H. Thompson "

RECORDED

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, Nellie R. Vickers, a Notary Public in and for said State and County, hereby certify that Joseph Pose, Frank D. Rayford, John H. McCormick, H. L. Gaines, Jr., W. J. Parham and Charles H. Thompson, whose names are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand this 11th day of February, 1929.

(Signed) Nellie R. Vickers
Notary Public, Mobile County, Alabama.

Exhibit "B"

STATE OF ALABAMA,

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that I, CHARLES H. THOMPSON (now unmarried) of the County of Baldwin in the State of Alabama, for One ($1.00) Dollar and other good and valuable considerations paid to me by JOSEPH POSE, FRANK D. RAYFORD, HYNDON H. HURLEY and JOHN H. McCORMICK, the grantees, receipt whereof is acknowledged, do hereby, subject to the reservations and upon the trusts herein contained, GIVE, GRANT, BARGAIN, SELL and CONVEY unto the said grantees and their successors, in trust, all that certain real property in Baldwin County, Alabama on which I now reside, described as follows, viz:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty-one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres.
>
> Also all other real property situate in Baldwin County, Alabama which I now own, or in which I have any interest.

TOGETHER WITH ALL AND SINGULAR, the improvements, rights and privileges thereunto belonging or in anywise appertaining, IN TRUST, for the following uses and purposes, viz:

To establish and maintain thereon a Masonic orphans and/or old folks home and/or outing camp for the use and benefit of Alabama Masons, their widows, orphans and dependents; and/or to cultivate and let out the same

Exhibit "A"

and only to a Mason, and use the income and profits therefrom for the relief of needy Alabama Masons, their widows, orphans and dependents; and/or for such other Masonic charitable enterprises in this State as they and their successors in trust may deem fitting and proper.

The said John H. McCormick is a member of the Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons, and the other three trustees herein named are members of Daphne Lodge #826 A. F. & A. M., Daphne, Alabama, and the trustees herein named and their successors to be selected as hereinafter stated, shall constitute a Board for the management and control of said property, its income and profits. Whenever a vacancy shall occur on the said Board of Trustees, whether by death, removal from the State, resignation, or from whatever cause, then the remaining trustees shall fill the vacancy by selection from one of the Masonic bodies hereinbefore named, and in such manner as to always maintain the proportion of three trustees from the membership of Daphne Lodge #826 and one from the membership of Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons.

The trustees herein named, and their successors in office, shall have full power, authority and discretion to manage, control and use the said property, its income and profits, for the uses and purposes herein named, but said property shall never be sold or mortgaged for any purpose.

I hereby expressly reserve the right to the exclusive possession and use of all of the above described real property and the income and profits therefrom, so long as I am physically able to care for the trees and improvements situate thereon, and stipulate that I shall be the sole judge

Exhibit "A"

of whether or not I am able so to do. So long as I remain in possession of said real property, I agree to pay all taxes and fire insurance thereon.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 10th day of August, 1928.

WITNESSES:

(Signed) C. P. NELSON

" T. E. HONSON

(Signed) CHARLES H. THOMPSON (SEAL)

STATE OF ALABAMA,

BALDWIN COUNTY.

I, B. L. Randall, a Notary Public in and for said State and County, hereby certify that Charles H. Thompson, unmarried, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand this 10th day of August, 1928.

(Signed) B. L. RANDALL

Notary Public, Baldwin County, Alabama.

Exhibit "A"

STATE OF ALABAMA,

COUNTY OF BALDWIN.

WHEREAS, by deed dated August 10th, 1928 and recorded in the office of the Probate Judge of Baldwin County, Alabama in Mortgage Book 44, Pp. 72-73, the undersigned Charles H. Thompson conveyed certain property, viz: that certain property in Baldwin County, Alabama, described as follows:

> Commencing at a stake twenty-seven and ninety-two one-hundredths (27.92) chains North of the Southwest corner of Section 17, Township 5 South, Range 2, running thence North one hundred (100) feet for a beginning; thence North one hundred eight and eighty-nine one-hundredths (108.89) feet, East sixteen and eighty-one-hundredths (16.80) chains, South nine and fifty-four one-hundredths (9.54) chains, West three and forty one-hundredths (3.40) chains, North six and thirty-eight one-hundredths (6.38) chains, West seven and thirty-four one-hundredths (7.34) chains, North one hundred (100) feet; thence West four hundred (400) feet to the place of beginning, and containing six and one-half (6½) acres;

to the undersigned Joseph Pose, Frank D. Rayford, Hyndon H. Hurley and John H. McCormick, in trust, for the uses and purposes stated in said deed, and provided that the property conveyed thereby should be controlled by the trustees named in said deed and their successors; and,

WHEREAS, said deed of trust provided for the filling of vacancies on said Board of Trustees, and the parties to this present agreement desire to change the trustees for the management and control of said property, and to change the manner of filling vacancies in the Board of Trustees named in said deed;

NOW THEREFORE, in consideration of the premises and for One ($1.00) Dollar and other good and valuable

Exhibit "B"

considerations paid to the undersigned Charles H. Thompson, it is understood and agreed by and between the parties to this instrument as follows:

1.

That Hyndon H. Hurley hereby resigns as one of the trustees named in said deed, and that the Board of Trustees for the management of said property shall always consist of five trustees, instead of four, and that said board of five shall have all of the powers and authority conferred by the said deed of August 10th, 1928 and that whenever a vacancy shall occur on said Board of Trustees, then the remaining trustees shall fill the vacancy from the membership of Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons, Daphne Lodge #826 A. F. & A. M. of Mobile, Alabama, so as to always maintain the proportion of one trustee from the membership of Mobile Lodge of Perfection Ancient & Accepted Scottish Rite Masons, two trustees from the membership of Daphne Lodge #826, two from the membership of Athelstan Lodge #369.

The undersigned, other than Hyndon H. Hurley, proceeding to fill the vacancies on the said Board, created by the resignation of Hyndon H. Hurley and by the increase in the number of trustees to five instead of four, hereby select H. L. Gaines, Jr. and W. J. Parham of Athelstan Lodge as trustees to fill said vacancies, so that the said board, upon the signing of this instrument, shall be constituted of the following named parties, viz:

John H. McCormick of Mobile Lodge of Perfection;
Joseph Pose & Frank D. Rayford of Daphne Lodge;
H. L. Gaines, Jr. & W. J. Parham of Athelstan Lodge.

IN WITNESS WHEREOF, the parties have hereunto set

Exhibit "B"

DEED WITH WARRANTY.

This Indenture, Made the 7th day of September in the year of our Lord one thousand eight hundred and ninety Seven between

W. C. Turner and S. E. Turner, his wife of the first part, and

C. H. Thompson of the second part

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Thirty + 00/100 Dollars, lawful money of the United States of America, to them in hand paid, by the said party of the second part, at or before the ensealing and delivery of these Presents, the receipt whereof is hereby acknowledged, and the said party of the second part his heirs, executors, and administrators, forever released and discharged from the same by these presents, have granted, bargained, sold, aliened, remised, released, enfeoffed, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said party of the second part his heirs and assigns forever, ALL

That certain lot of land, lying and being in the County of Baldwin and State of Alabama, in Section Seventeen (17) Township Five (5) South, Range Two (2) East, described and bounded as follows, to wit:

Beginning at a stake on the Section line dividing Sections Seventeen (17) and Eighteen (18) said Township, Twenty-Seven chains and ninety two links ($27\frac{92}{}$ ch) north of the Southwest corner of said Section Seventeen (17), Thence North, Three + 16½/100 chains, Thence East, Ten + 14/100 chains; Thence South Three + 16½/100 chains, thence West, Ten + 14/100 chains, to the place of beginning, containing Three and one sixth (3⅙) acres more or

Lord one thousand eight hundred and ninety Seven between

W. C. Turner and S. E. Turner, his wife of the first part, and

C. H. Thompson of the second part

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Thirty + 00/100 Dollars, lawful money of the United States of America, to them in hand paid, by the said party of the second part, at or before the ensealing and delivery of these Presents, the receipt whereof is hereby acknowledged, and the said party of the second part his heirs, executors, and administrators, forever released and discharged from the same by these presents, have granted, bargained, sold, aliened, remised, released, enfeoffed, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, enfeoff, convey and confirm unto the said party of the second part his heirs and assigns forever, ALL

That certain lot of land, lying and being in the County of Baldwin and State of Alabama, in Section Seventeen (17) Township Five (5) South, Range Two (2) East, described and bounded as follows, to wit:

Beginning at a stake on the Section line dividing Sections Seventeen (17) and Eighteen (18) said Township, Twenty-Seven chains and ninety two links (27 92/100 chs) north of the Southwest corner of said Section Seventeen (17), Thence North Three + 16½/100 chains, Thence East, Ten + 14/100 chains; Thence South Three + 16½/100 chains, thence West, Ten + 14/100 chains, to the place of beginning, containing Three and one sixth (3 1/6) acres more or less.

TOGETHER with all and singular the te
tioned and described premises, belonging, nements, hereditaments, rights, members, privileges and appurtenances unto the above me
with the appurtenances, unto the said part or any wise appertaining; TO HAVE AND TO HOLD, the above granted and described premis
the said party of the second part, his y of the second part, his heirs and assigns, to the so e and proper use, benefit and behoof
S. E. Turner, heirs and assigns forever. And the said W. C. Turner and
scribed and hereby granted and released p is wife for themselves and their heirs the above d
said party of the second part, his hei emises, and every part and parcel thereof, with the hereditaments, and appurtenances unto t
person and persons, whomsoever, lawfully s and assigns against the said parties of the first part, and their heirs, and against all and eve
IN WITNESS WHEREOF claiming or to claim the same, shall and will WARRANT and by these Presents forever DEFEN
day and year first above written. The parties of the first part to these Presents have unto set their hands and seals t
SEALED AND DELIVERED IN PRESENCE OF

W. C. Turner (SEA
S. E. Turner (SEA

The State of Alabama,
Baldwin COUNTY,

I, George A. Hoyle, Clerk of the Circuit Court for said Coun
hereby certify that W. C. Turner and S. E. Turner whose names are signed
the foregoing conveyance, and who are known to me, acknowledged before me, on this day that being informed of the contents
the conveyance they executed the sa me voluntarily on the day the same bears date.

GIVEN under my hand this 7th day of September A. D. 1897

George A. Hoyle,
Clerk of the Circuit Court of Baldwin County, Al

WARRANTY DEED.

FROM

W. C. Turner & Wife

TO

C. H. Thompson

RECORDED:

_____ 189

Judge of Probate.

Deed Book No. ..... Page .....

STATE OF ALABAMA, BALDWIN COUNTY.
PROBATE COURT.

August 18th 1898

Filed in office of PROBATE JUDGE this day and duly recorded in Book G. of Deeds pp. 138-139.

Witness my hand this 11th day of August 1898 Chas. Hall

Judge of Probate.

6 & 5.

THE STATE OF ALABAMA,
_____ COUNTY.

I, _____ do hereby certify that on the _____ day of _____ 189 came before me the within named _____ known to me to be the wife of the within named _____ who being examined separate and apart from the husband touching her signature to the within _____ acknowledged that she signed the same of her own free will and accord, and without fear, constrant or threats on the part of the husband.

In witness whereof, I hereunto set my hand, this _____ day of _____ 189

Filed 6/23/30

T. W. Reeves

Register