

HELEN MOORE BRISTOL, ET ALS,

Complainants

vs.

NORTHEAST QUARTER OF SECTION
SIX, TOWNSHIP EIGHT SOUTH
RANGE SIX EAST, ET AL,

Respondents.

IN THE CIRCUIT COURT
BALDWIN COUNTY, ALABAMA
IN EQUITY.

D E C R E E

This cause coming on to be heard ^{and being submitted} for final decree upon the pleadings and proof as noted by the Register, and it appearing to the satisfaction of the Court by legal evidence that the complainants are entitled to relief, and to have their title in fee simple established in and to the hereinafter described lands:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the complainants are entitled to relief and that the entire fee simple title to the following described tract of land in the County of Baldwin, State of Alabama described as follows, viz:

(a) North East quarter of Section 6 Township 8 South Range 6 East.

(b) South East quarter of Section 9 Township 8 South Range 5 East.

(c) North West quarter of South West quarter of Section 10 Township 8 South Range 5 East.

(d) South West Quarter of Section 5 Township 8 South Range 6 East.

(e) South East quarter of Section 6 Township 8 South Range 6 East.

(f) North East quarter or Lot A of Section 7 Township 8 South Range 6 East.

(g) North West quarter or Lot B of Section 8 Township 8 South Range 6 East.

(h) South West quarter or Lot A of Section 8 Township 8 South Range 6 East.

(i) East half of North West quarter and fractional East half of South West quarter which is also designated as Lot

December 4th 1894 recorded in Book T page 642 of the Probate Records of Baldwin County, Alabama, and more particularly described as follows, viz:-

THIRD EXCEPTION:-All that portion of Section 17 purchased from A. Ard lying adjacent to and West of Soldiers Creek, and bounded on the South by Perdido Bay, containing about 35 acres.

FOURTH EXCEPTION:-Also a triangular piece of land on the East side of Soldiers Creek, containing about 52 acres described as follows:- Beginning at the point designated on Soldiers Creek near Colonel Hatch's residence, where Colonel Hatch and Spinney lands join; then following the contour of Soldiers Creek to the North side of a small bayou to the line of Section 17 dividing the Spinney lands from that of Southern States Land and Timber Company; thence 66 yards North along said line; thence 517 yards due East to the land of Cole, Arnold and Nash; thence in a South-westwardly direction along their line to the point of beginning; all in Baldwin County, Alabama, in Section 17 and in the Joseph Suarez Grant Section 16 Township 8 South Range 6 East.

FIFTH EXCEPTION:- Also except those certain lots which front on Perdido Bay and are numbered from 1 to 34 inclusive and are according to a certain plat made by W. L. Durant, County Surveyor and filed for record on March 6th, 1908 and recorded in Miscellaneous Book 1 on page 228 of the Probate Records of Baldwin County, Alabama. All of which said exceptions hereinabove described lie South and East of a certain line which is described as follows: Beginning at a point on the West boundary line of said Joseph Suarez Grant, which said point is 4248 feet South of the North West corner of said Joseph Suarez Grant; thence running due East 1795 feet to a point; thence running North 43 degrees East 677 feet to a point; thence running North 50 degrees minutes West 462 feet to a point, thence running North 43 degrees 30 minutes East to a point where said line so run intersects the North line of said Joseph Suarez Grant, which said line is shown by that certain map made by George C. Randolph surveyor which is recorded in Miscellaneous record number 1 on pages 318 and 319 of Baldwin County, Alabama.

(1) Also the following described lots and parts of lots lying on and near Perdido Bay being part of the survey made for Daniel Partridge recorded in Map Book 1 page 228 of the records in the office of the Judge of Probate of Baldwin County, Alabama, to-wit: All of Lot 1 and so much off the South West ends of lots 2 to 8 both inclusive, North of Emanuel Bayou, and off the Northwest ends of Lots 8 to 19 both inclusive, South of Emanuel Bayou, as lie within the following described boundaries, to-wit: Begin at a stake on the South line of said lot number 1 which point is 900 feet Westwardly from the shore of Perdido Bay as measured along said South line of said lot number 1; thence run at right angles to said South line of lot number 1 in a Southerly direction to the shore of Perdido Bay; thence run in a Westerly and Southwestwardly direction along the shore of Perdido Bay to the mouth of Emanuel Bayou; thence along the Northern shore or margin of Emanuel Bayou in a Westerly or Northwestwardly direction following the meanderings of said Bayou to a stake; thence in a Southwestwardly direction along a line parallel to the Northwestern boundary line of lots 8 to 19 to a stake on the Southwest line of lot 19; ~~thence in a Northwestwardly direction along the Southwest line of lot 19 to a stake on the Northwest line of lot number 19; thence in a Northeasterly direction along the Northwest line of lots 8 to 19 South of Emanuel Bayou and along an extension of said Northeast line to the Northeast shore or margin of the Northern branch of said bayou; thence in a Northwestwardly or Northern direction along the Northeast shore or margin of said bayou to a point where the South line of said lot number 1, if extended, would intersect said margin of said bayou; thence in an Easterly or Northeasterly direction along the extension of said South line of said lot number 1 and along the South line of the lot itself, to the point of beginning. The area included within~~ thence in a Northwestwardly direction along the Southwest line of lot 19 to a stake on the Northwest line of lot number 19; thence in a Northeasterly direction along the Northwest line of lots 8 to 19 South of Emanuel Bayou and along an extension of said Northeast line to the Northeast shore or margin of the Northern branch of said bayou; thence in a Northwestwardly or Northern direction along the Northeast shore or margin of said bayou to a point where the South line of said lot number 1, if extended, would intersect said margin of said bayou; thence in an Easterly or Northeasterly direction along the extension of said South line of said lot number 1 and along the South line of the lot itself, to the point of beginning. The area included within

D of Section 9 Township 8 South Range 6 East.

(j) Also the East fractional half of Section 9 (which is also designated as Lots A, B, and C of Section 9) and the West fractional half of Section 10, excepting from said East fractional half of Section 9 and West fractional half of Section 10, that certain 100 acres now or formerly owned by James Crosby, which begins at the South East corner of the Francis Suares claim, thence running West to the South West corner of said claim; thence South such a distance that a line running from thence East to Perdido Bay will include 100 acres, the North and South boundaries of said 100 acres being parallel; the said excepted lands being the same conveyed to Abashaba Ard from Marion J. Milstead and wife by deed dated February 23rd 1886 and recorded in Record Book 1 pages 155 and 156 of the Probate Records of Baldwin County, Alabama.

And also excepting from said East fractional half of Section 9 and West fractional half of Section 10 so much thereof as lies within those certain lots which front on Perdido Bay and are numbered 1 to 34 inclusive, and are according to a certain plat made by N. L. Durant, County Surveyor, and filed for record on March 6th 1908 and recorded in Miscellaneous Book 1 on page 228 of the Probate Records of Baldwin County, Alabama all in Township 8 South Range 6 East.

(k) Also the Joseph Suarez Grant designated as Section 16 on a certain map of the Government of the United States, said section being bounded on the North by the Southlines of subdivisions C and D of Section 8 and the South lines of subdivisions D and E of Section 9; bounded on the East by the West line of subdivisions C of Section 9 to the point where said line intersects with Perdido Bay; bounded on the West by the East lines of subdivision A of Section 8 and by the East lines of subdivisions A, C, and D of Section 17 and bounded on the other side by Perdido Bay. All being in Township 8 South Range 6 East of Baldwin County, Alabama. Excepting therefrom the following tracts or parcels of land, viz:-

FIRST EXCEPTION:-That certain tract of land conveyed by John G. Fell and Fannie P. Fell to George Randolph Suarez by deed dated May 22nd, 1878 and recorded in Deed Book K page 765 of the Records of Baldwin County, Alabama, and afterwards acquired by Lemuel D. Hatch and more particularly described as follows:-Lot or parcel of land to include 20 acres, the same to be known and designated by a line running across Soldiers Creek Point, and said land to be situated on the West side of said line, the said line to be the boundary on the East; Soldiers Creek on the West, and Perdido Bay on the South, and to run West from said line to include Soldiers Creek Point, West of said line or as much as may be required to make 20 acres; said line will cross Soldiers Creek Point from the Marsh opposite the Hammock to the head of the Bayou on the West, being part of Soldiers Creek water. Said line to be identified by Aubrey Suarez, John G. Fell and George R. Suarez.

SECOND EXCEPTION:- Also except that certain tract of land conveyed by Abashaba Ard and Reuben Ard, her husband, to James S. Shannon and George R. Robbins, by deed dated March 12th 1888 and recorded in Book O page 622 of the Probate Records of Baldwin County, Alabama, and more particularly described as, to-wit:-Beginning at point of intersection of the North East corner of the tract of 20 acres known as the M. Q. Milstead Tract and Perdido Bay on a point of land known as Soldiers Creek and running North Eastwardly along the water line of said Perdido Bay a distance of 3000 feet, thence Northwesterly a distance of 1500 feet, thence Southwesterly a distance of 3000 feet, thence Southeasterly to the point of beginning, containing 100 acres, being a part of the tract known as the Joseph Suarez Tract Spanish Claim in Township 8 South Range 6 East Baldwin County, Alabama.

Also excepting those two certain tracts of land conveyed by Anson B. Spinney and Lottie R. Spinney to Lemuel D. Hatch by deed dated

said bounds, when added to the area of said lot number 1, is exactly 111 acres, all lying in Baldwin County, Alabama; the total area of the land conveyed being 1200 acres. Also the right to use that part of the bayou not included in the grant, and to pass in and out of it, from and to the Bay, such use, however, shall not obstruct or interfere with the use of the other parties owning lands upon said bayou. All in Baldwin County, Alabama.

(m) Also Lots 1, 2, 15, 16 in Crystal Lake Annex, and all that land lying East of Lots 15 and 16 to the middle of the inlet lying East of said lots; all according to the map of Crystal Lake Annex recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Book 1 page 125. All of said land lying in Baldwin County, Alabama.

EXCEPTING HOWEVER FROM ALL OF THE ABOVE PARCELS OF LAND that lot of land in the County of Baldwin, State of Alabama, described as follows; viz:- Lots 14, 15, 16, 17, 18, 19, 20 of Block 5; Lots 5, 6, 7, 8 of Block 4; the entire Block 8 and the entire Block 9 all according to a map showing subdivision of parts of sections 5, 6, 7, 8, 9 and 16 in Township 8 South of Range 6 East of St. Stephens Meridian Baldwin County, Alabama, and designated as "North Perdido Beach" which said map was filed in the office of the Judge of Probate of Baldwin County, Alabama on the 8th day of August 1911 and duly recorded in Miscellaneous Book 1 pages 318 and 319 of said probate records; said lots above described being further designated as in Fractional Subdivision "A" and "B" or the Northwest quarter and Southwest quarter of Section 8 Township 8 South Range 6 East, St. Stephens Meridian.

All according to a map attached to the original bill of complaint in this cause which map shows the property described in descriptions "A", "D", E, F, G, H, I, J, K, L with the various parcels excepted from the foregoing descriptions except the last exception noted above which map is hereby referred to and made a part of this decree,

is in the complainants and that the complainants own said property in fee simple, each complainant owning an undivided one-third interest therein, and that no other person has any estate or interest in, claim or title to, or lien or encumbrance upon said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, and that the same be indexed in the direct index as a deed by Richard Hampson, J. P. Mix, A. B. McCorvey, George Terrill, J. M. Hobdy, H. S. Derby, Eli T. Mesone; W. S. Sikes; W. R. Sikes, A. B. Spinney, John Innerarity, Marmaduke H. Bell, Abigah Sterdivant, Willis Sturdivant, Abashaba Ard, Dr. Isaac Hulse, Joseph Suarez Sr., James M. McIntosh, James Farley Cox, John R. Brooks, Sterrett Ramsey, John Lacoste, Rowena Lacoste, Cyrus Lacoste, Irene Lacoste, Jane Lacoste, Fernando Lacoste, Augustine Lacoste, Claudine Roberts, Corinne Barlow, Patite Simmons,

Frank Suares, Aubrey Suares, A. Suares, John G. Fell, John E. Milstead, John I. Milstead, Anson B. Spinney, Robert T. Saunders, Robert Joyner, Harold Hobdy, C. S. Rabb, Ille Trailo Mesone, A. Chapman, Eli T. Mesoni, Baldwin County Colonization Company, Southern States Lumber Company, Southern Dredging Company, Southern States Land and Timber Company, John Greenwood, Joel E. Mathews, Joel E. Mathews Jr., Joseph Suares, Augustine T. Crosby, Esme Crosby, J. B. Ray, W. E. Kerwin Jr., J. Bauer, A. E. Sturdevant, heirs of A. Suares, Lizzie Suares, Thermon Suares, Norman Suares, Randolph Suares, Mina Suares, Elmer Suarez, Corona Suares, Menna Katherine Suares, Gasque Suares, heirs of John G. Fell, Fannie Fell, Lizzie Fell Gonzales, Wesley Fell, Frank Fell, Violet Fell, Agnes Fell Bowman, Lela Quarrier, Mrs. Henri Fell Rogers, heirs of John I. Milstead, Georgia H. Milstead, Leon Milstead, Annie Milstead, Roy Milstead, Hampton Milstead, Hasting Milstead, Dudley Milstead, Viola LeBlanc, Quinton Welsh, Florence Welsh, Son Welsh, Williamene Nix, Marie Jackson, Fred Price, Lee Price, Sybil Price, Leonard Price, heirs of George Randolph Suarez, Mildred Suarez, Wilhemena Ketterer, Aubrey Suarez, Gasque Suarez, W. R. Suarez, Mrs. R. S. McPherson, Therman Suarez, Norman Suarez, heirs of Frank Suarez, Mrs. Ethel McGill, Mrs. Carrie Crona, heirs of Aubrey Suarez, Lizzie Suarez, heirs of Fred Hatch, Lucie P. Hatch, Henry Goldthwaite, George C. Randolph, Fannie Fell, George W. Robinson, Henry C. Bartling, H. C. Bartling, Anna E. Foley, W. R. Sikes, Mary Arnitta Skinner, Mrs. Jennie Virginia Alberson, Joseph A. Cory, Mrs. Minnie Lucille Burkett, Mrs. Annie Maud Carroll, J. B. Ray, W. M. Sikes, Mrs. Clara M. Dick, Mrs. Annie Gurnsey, Mrs. Effie Nelson, Mrs. Julia Garcia, Calvin Sturdivant, Abijah Sturdivant, Ebb Sturdivant, Allen H. Sturdivant, Mathew Sturdivant, Mrs. Ida Solloman, W. C. Thames, J. W. Thames, James Manning, Maggie Defee, W. E. Kirvin, Annie Martin, Maggie Ray Kirvin, Alice Graham, Amanda Whitehurst, Mollie Pritchett, Fannie Williams, Willie Ray, Hall Ray, Jonnie Ray Phelps, Mattie Fewell, David Johnson, Walter Johnson, Ervin Johnson, Stella Johnson, Camille Johnson,

Ellen Seals, Edward Johnson, Alice Jones, Rosa Bryars, Emma
Roe, George A. Sturdivant, Goode G. Sturdivant, Edith Cory
to Helen Moore Bristol, Amanda Moore Goldthwaite and Rittenhouse
R. Moore and that it be indexed on the indirect index of the
records of the Probate Court of Baldwin County, Alabama as a
deed to Helen Moore Bristol, Amanda Moore Goldwaithe and
Rittenhouse R. Moore by the above named parties.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the
Court that the complainants pay all the costs of this proceeding,
for which let execution issue.

Done in term time this 18th day of June, 1932.

F. W. Hare
JUDGE.

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA. SITTING IN EQUITY.

Comes your complainants Helen Moore Bristol, Amanda Moore Goldthwaite, and Rittenhouse R. Moore, a non compos mentis, suing by his next friend Sadie W. Moore, who is his legal guardian under the laws of Virginia, all of whom are over the age of 21 years, and respectfully exhibit this their bill of complaint against the Assets Realization Company, Inc., a corporation, who resides at Mobile, Alabama. And complainants respectfully show unto the court as follows:-

1. That they are in the actual, peaceful possession of the following tract of land in the County of Baldwin, State of Alabama, described as follows:-

The Northeast Quarter of the Southwest Quarter;
The Northwest Quarter of the Southwest Quarter;
The Southeast Quarter of the Southwest Quarter,
Section 5, Township 8 South of Range 6 East.

2. That the complainants own said land in their own right, and that their title thereto is denied or disputed by the respondent, or said respondent claims or is reputed to own the same, or some part thereof, or some interest therein, or to hold some lien or encumbrance thereon.

3, No suit is pending to enforce or test the validity of such title, claim or encumbrance of said respondent, and that, therefore, the complainants bring this suit to settle the title to said land and to clear up all doubts or disputes concerning the same.

4. The complainants further show unto the Court that they own the entire fee simple title to said property, and

that the respondent claims, or is reputed to claim, some right, title or interest in, or encumbrance upon said land, and the complainants call upon the respondent to set forth and specify its title, claim, interest or encumbrance, and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

The premises considered complainants pray the Court to take jurisdiction of this cause and have its process issue to the respondent commanding it to plead, answer or demur to this bill of complaint within the time required by law.

PRAYER FOR RELIEF

And complainants further pray that upon a final hearing of this cause, the Court will be pleased to ascertain and settle the title to such land, and clear up all doubts or disputes concerning the same, and decree that the complainants own said land in fee simple, and that the respondent has no estate or interest in, or encumbrance upon said land or any part thereof. And complainants pray for all such other, further and different relief as they may be entitled to receive the premises considered.

George A. Rossman
Solicitor for Complainants.

FOOT NOTE:- The respondent is required to answer each and every allegation of the foregoing bill of complaint, from paragraph One to Paragraph Four, inclusive, but not under oath, answer under oath being hereby expressly waived.

George A. Rossman
Solicitor for Complainants.

Bill of Complaint

Helen Moore

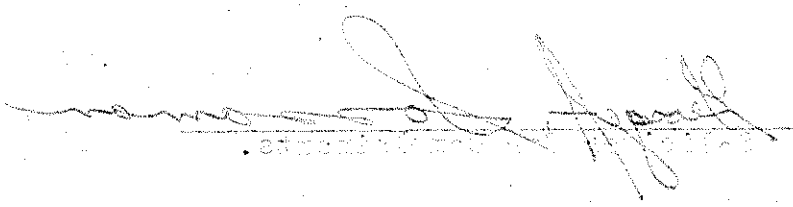
Private, Etal

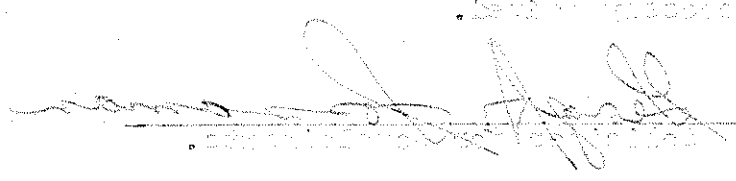
vs.

Costs Realization
Company, a corp.

Filed August 1, 1933.

Mary Alice Stone
Requiem





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 Assets Realization Company,
Inc., a corporation

of Mobile 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 Helen Moore Bristol, Amanda Moore Goldthwaite, and Rittenhouse R. Moore, a non compos mentis, by his next friend Sadie W. Moore

against said Assets Realization Company, Inc., a corporation

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

WITNESS, T. W. Richerson, Register of said Circuit Court, this 2nd day of

August 193 3

Mary Alice Stone Register

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

14 N. 2nd Street
Birmingham
Alabama

SERVE ON

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

HELEN MOORE BRISTOL, ET AL.

VS.

ASSETS REALIZATION COMPANY,
INC., a corporation

George A. Sossamen
Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this

day of 19

Sheriff

Executed this 8 day of

by leaving a copy of the within Summons with

J. W. Pate, Jr., Sheriff
Realtors Co., d. n. e. a copy
Dr. R. D. Williams, Jr.
Defendant

By George A. Sossamen
Deputy Sheriff

HELEN MOORE BRISTOL
ET AL.,

Complainants,

vs.

ASSETS REALIZATION COMPANY,
INC., a corporation,

Respondent.

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

Comes the respondent, and for answer to the Complainants' Bill of Complaint and to each allegation and paragraph thereof, separately and severally, says:

1. The respondent denies that the complainants are in actual peaceable possession of the land described in the bill of complaint and demands strict proof of the same.

2. The respondent denies that the complainants own the land described in the said bill of complaint in their own right, and says that it is the owner in fee simple of said land.

3. For answer to Paragraph 5, the respondent admits that no suit is pending to enforce or test the validity of its title or claim.

4. The respondent denies that the complainants own the entire fee simple title to said property, and admits that it claims to own the said land in fee simple; that it acquired title to said lands under and by virtue of the following instruments:

(a) Deed from John Brandon, State Auditor, to Julius A. Dale, dated May 14, 1931, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on May 18, 1931, and recorded in Deed Book 50 N.S., pages 505-6, conveying the Northeast quarter of the Southwest quarter of Section five (5), Township eight (8) South of Range six (6) East; (b) Deed from John Brandon, State Auditor, to Julius A. Dale, dated May 14, 1931, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on May 18, 1931, and recorded therein in Deed Book 50 N.S., page 508, conveying the Northwest quarter of the Southwest quarter of Sec-

tion five (5), Township eight (8) South of Range six (6) East; (c) Deed from John Brandon, State Auditor, to Julius A. Dale, dated May 14, 1931, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on May 18, 1931, and recorded therein in Deed Book 50 N.S., pages 506-7, conveying the Southeast quarter of the Southwest quarter of Section five (5), Township eight (8) South of Range six (6) East; (d) Quit Claim Deed from Julius A. Dale, a single man, to Assets Realization Company, Inc., dated May 18, 1931, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on May 18, 1931, and recorded therein in Deed Book 50 N.S., page 509, conveying the Northeast quarter of the Southwest quarter, the Northwest quarter of the Southwest quarter and the Southeast quarter of the Southwest quarter of Section five (5), Township eight (8) South of Range six (6) East.

The respondent denies each and every allegation contained in said bill of complaint, not herein specifically admitted, and demands strict proof of the same.

And further answering the Complainants' bill of complaint, the respondent says:

1. That it is the owner in fee simple of said lands, having acquired title to the same as hereinabove set out; that immediately upon acquiring title to the same it went into possession thereof, and has been in the open, visible, notorious, adverse and continuous possession of the same since that time.

2. That said lands were regularly assessed for taxes for the year 1927; that said taxes were not paid; that on the 16th day of April, 1928, the Probate Court of Baldwin County rendered a decree for the sale of said lands for the payment of the State and County taxes then due from Owner Unknown, the owner of said lands, and for the payment of the fees, costs and expenses of and under said decree, and a sale had in execution thereof; that thereafter on, to-wit, the 20th day of May, 1928, said lands were regularly offered for sale by the Tax Collector of Baldwin County,

Alabama, for said taxes, fees and costs, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs and expenses; that the time allowed by law for the redemption of said lands elapsed and the same not being redeemed, the title under said sale was in the State; that said lands were entered upon the books of the Revenue Department of the State of Alabama, and the Auditor and Treasurer, with the approval of the Governor, fixed the price of said lands; that application was made to the Auditor of the State by Julius A. Dale to purchase said lands; that said lands were sold to the said Julius A. Dale by the said John Brandon, as Auditor of the State of Alabama; that said lands were subsequent thereto, as shown hereinabove, conveyed by the said Julius A. Dale to the respondent herein.

WHEREFORE, the premises considered, the respondent prays that this Honorable Court will take jurisdiction of the cause set out by the respondent's answer and cross bill, and that your Honor will, by proper process, make the said complainants, Helen Moore Bristol, Amanda Moore Goldthwaite and Rittenhouse R. Moore, parties respondent to this the respondent's cross bill, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

The respondent and cross complainant further prays that upon a final hearing of this cause that this Honorable Court establish the title of this respondent and cross-complainant in and to said lands herein described, and further find and decree that the complainants and cross-respondents, Helen Moore Bristol, Amanda Moore Goldthwaite and Rittenhouse R. Moore, have no claim, right, title or interest in or incumbrance upon the lands herein described, or any part thereof.

The respondent and cross-complainant further prays that in the event it is not entitled to the relief hereinabove prayed for, that your Honor will, upon a final hearing hereof, ascertain

what amount it is entitled to by virtue of the title held by it, acquired as hereinabove set out from the State of Alabama as a result of moneys paid by it to the State of Alabama for the lien or title of the State of Alabama as a result of taxes then due against said lands, together with any amount that it has paid subsequent thereto for taxes, together with interest thereon, and also such a reasonable attorneys' fee as may seem meet and proper; and that a lien be established against said lands for the payment of said amount so found to be due.

The respondent and cross-complainant prays that your Honor will grant unto it such other, further, different or general relief as it may be in equity and good conscience entitled to receive, and as in duty bound the respondent and cross-complainant will ever pray.

Barber & Hall

Solicitors for Respondent and
Cross-Complainant.

FOOT NOTE:

The Complainants and Cross-Respondents are required to answer each and every allegation contained in the respondent and cross-complainant's cross-bill set out in Paragraphs 1 and 2 inclusive, but not under oath, oath being hereby expressly waived.

Barber & Hall

Solicitors for Respondent and
Cross-Complainant.

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Shew Moorfield & Co

Shew Moorfield & Co.

Shew

Filed Aug 3, 1933

m. a. Stone
elms.

Good & Co

GEORGE A. SOSSAMAN
LAWYER
FIRST NATIONAL BANK BUILDING
MOBILE, ALA.
September 7th, 1933.

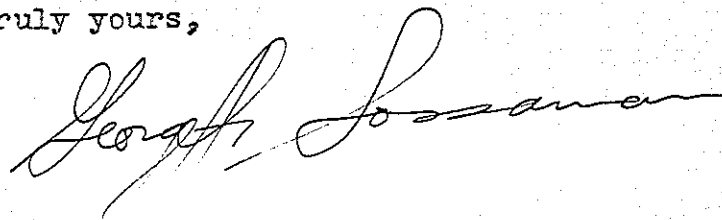
The Register of the Circuit Court,
Bay Minette, Alabama.

Dear Madam:

I enclose herewith answer to
cross bill in the case of Helen Moore
Bristol et al, vs. Assets Realization
Company.

I also enclose one copy of said
answer which you will please hand to
Messrs. Beebe & Hall.

Very truly yours,

A handwritten signature in cursive script, reading "George A. Sossaman". The signature is written in dark ink and is positioned to the right of the typed name "George A. Sossaman".

GAS:TP

HELEN MOORE BRISTOL, ET AL,	}	
Complainants,	}	IN THE CIRCUIT COURT
.vs.	}	BALDWIN COUNTY, ALABAMA.
ASSETS REALIZATION COMPANY,	}	<u>IN EQUITY.</u>
INC., a Corporation,	}	
Respondent.	}	

Comes the complainant and cross-respondent, and for answer to the cross bill heretofore filed in this cause says:-

1. They deny that the respondent and cross-complainant is the owner in fee simple of said land.
2. They deny that the deeds as set out in paragraph four of the answer and cross complaint constitutes any valid claim of title upon said lands.
3. They deny that upon acquiring title as set out in paragraph four of the cross complaint that the cross-complainants went into possession of said lands, and they deny that the cross-complainant has been in the open, visible, notorious and continuous possession of the same since that time.
4. They deny that there were any taxes due upon said land at the time of the alleged tax sale as set out in paragraph two of the cross complaint, and they deny that the purported sale of said land and all proceedings leading up to the same were valid, and demand strict proof of all the proceedings leading up to the issuance of said tax deeds.
5. And further answering the cross complaint, the complainants and cross-respondent say that on September 23rd, 1930 they filed a bill of complaint in the Circuit

Court of Baldwin County, Alabama sitting in equity, against the lands described in this bill of complaint, and against any and all persons claiming any title to, interest in, lien or encumbrance upon, said land or any part thereof.

That said complaint was filed under the Statute providing for "in rem" proceedings to quiet title to lands as provided in the Code of Alabama, and that said bill of complaint in said cause in all respects conformed to the laws providing for the filing of such bills of complaint. That on, to-wit, the same day a lis pendens notice was filed and recorded in the Probate Court of Baldwin County, Alabama giving notice that said suit had been filed, which lis pendens notice in all respects conformed to the laws providing for the filing of same as required by said "in rem" statutes. That upon, to-wit, the same day notice of said proceeding was published in the Baldwin County Times, a newspaper of general circulation in Baldwin County, giving due and legal notice of said proceedings in all respects as required by said "in rem" statutes, which notice was published for four consecutive weeks. That on June 18th, 1932, a final decree was rendered in said cause adjudging that the complainants owned the entire fee simple title to the lands described in the bill of complaint in this cause, and further decreeing that no other person had at that time any estate or interest in, claim or title to, or lien or encumbrance, upon said lands or any part thereof. And Complainant and cross-respondent further aver that while said suit was pending, and after publication of notice thereof, and after the recording of notice thereof in the lis pendens record in the Probate Court of Baldwin County, Alabama that the cross-complainant hereto did on, to-wit, May 18th, 1931 purchase said lands and did

not intervene in said cause or otherwise make his purchase known, or propound his title in said cause, and that therefore he purchased said lands with full knowledge of the defects in the title and with full knowledge of his duty to propound his claim in said cause, and that having failed to do so, he is now barred from asserting any title to said lands relying upon a title acquired prior to June 18th, 1932.

And now having fully answered said cross complaint, your complainant and cross-respondent pray that the cross complaint be dismissed.


Solicitor for Complainant
and Cross-Respondent.

HELEN MOORE BRISTOL ET AL.,
Complainants,

vs.

ASSETS REALIZATION COMPANY,
a corporation,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 1124.

Comes the respondent and cross-complainant, and excepts to the answer heretofore filed by complainant and cross-respondent in this cause on September 8, 1953, and each allegation and paragraph therein contained, separately and severally, and for ground thereof says:

1. The facts therein alleged constitute no defense to the respondent's and cross complainant's answer and cross bill.

2. That the alleged lis pendens notice did not operate against the State of Alabama, who held the title to said lands by virtue of a tax sale, and hence would not be binding on the respondent and cross complainant who held by mesne conveyances from the State of Alabama.

Beebe & Stace

Solicitors for Respondent and Cross
Complainant.

1124 - 9838

ORIGINAL

RECORDED

HELEN MOORE BRISTOL, ET AL.,
Complainants,

-VS-

ASSETS REALIZATION COMPANY,
a corporation,
Respondent.

EXEMPTION

Filed this the 25 day of
July, 1934.

W. A. Black
Clerk.

copy made Aug 29, 1934

J. D. RUSS SR., J. D. RUSS
JR., H. E. WICKERSHAM and
S. W. PORTER, Partners doing
business under the firm name
of LILLIAN TURPENTINE COMPANY,

Complainants,

-VS-

C. M. LARKIN,

Respondent.

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

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT:-

Come your Orators humbly complaining of the Respondent
in a matter as will hereinafter appear, and show unto your Honor
as follows:-

FIRST:

That your Complainants are all over the age of twenty-
one years and are residents of Pensacola, Florida; that the Respon-
dent, C. M. Larkin, is over the age of twenty-one years, and is a
resident of Escambia County, Florida.

SECOND:

Your Orators further show unto your Honor that they are
the owners of the lands, a description of which is hereto attached
marked Exhibit "A" to this Bill of Complaint, and which is made a
part and parcel of the same. That flowing through said lands is a
non-navigable stream known as Blackwater Creek; that they are the
owners of the bed of said creek, and situated and located thereon
are many pine logs which are the property of your Orators; that
they are in the open, notorious and exclusive possession of said
lands and said logs.

THIRD:

Your Orators further show unto your Honor that the Re-
spondent, individually and through his agents or servants, is wrong-
fully removing from said Blackwater Creek on your Orators' land
a great many logs which are known as "Deadheads", or submerged
timbers, which are the property, as heretofore averred, of your
Complainants. Your Orators further show unto your Honor that it
is the intention of the said Respondent to remove all of said sub-
merged logs or deadheads, the property of your Orators, from the

bed of said Creek unless he is restrained and enjoined from doing so. Your Orators further show unto your Honor that said trespasses of Respondent are numerous and will necessitate a multiplicity of suits. Your Orators further show unto your Honor that the said C. M. Larkin is insolvent and will be unable to respond in damages in a Court of law.

PRAYER FOR PROCESS.

Your Orators pray that your Honor will cause the usual writ of process to issue to the said C. M. Larkin, requiring him to plead, answer or demur to the foregoing Bill of Complaint within the time as required by law, and that your Honor will also grant to your Orators a temporary Writ of Injunction against the said C. M. Larkin, under such conditions and requirements as your Honor may fix, restraining him from removing said timber or logs which are located upon said lands, and which are submerged in the waters of said Creek, or which may be partly submerged, or which may be located upon any of said lands.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Orators pray that upon a final hearing of this cause your Honor will cause said temporary Writ of Injunction to be made perpetual and forever restraining the said Respondent, C. M. Larkin, from removing or attempting to remove any of said timbers from said creek; that your Honor will also order a reference to ascertain the value of all logs which the said C. M. Larkin has removed from said lands, or from the bottom of said creek, on the lands heretofore mentioned, and that your Honor will ascertain the amount due your Orators as damages, and that upon a final hearing of this cause, your Honor will enter up such a Judgment for damages as the evidence in the case may show. Your Orators pray for such other, further, general or different relief as in equity may seem just and meet.

Hybart, Herd & Cheson
Solicitors for Complainants.

FOOT NOTE:-

Respondent is required to answer Paragraphs "First" to "Third", inclusive, but answer under oath is hereby expressly waived.

Hybont, Wend Olson
Solicitors for Complainants.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Mary E. Green, a Notary Public in and for said State and County, personally appeared R. C. Heard, who is known to me and who, after being by me first duly and legally sworn, doth depose and say under oath as follows:-

That he is one of the solicitors of record for the Complainants, and as such is duly authorized to make this Affidavit; that the allegations contained in the foregoing Bill of Complaint are true and correct.

R. C. Heard

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 10th day of August, 1935.

Mary E. Green
Notary Public, Baldwin County,
State of Alabama.

TO THE REGISTER OF THE CIRCUIT COURT, BALDWIN COUNTY, ALABAMA:-

Upon the Complainants entering into Bond with good and sufficient sureties in the sum of Three Hundred and no Dollars (\$ 300.00), to be approved by you, you will issue the temporary Writ of Injunction as prayed for.

Dated this 10th day of August, 1935.

J. W. Hase
Judge.

EXHIBIT "A".

The following described lands in Baldwin County,
Alabama:-

Description	Sec.	Tp.	Rg.	Acres.
SE $\frac{1}{2}$	24	6S	5E	160.64
W $\frac{1}{2}$ of NE $\frac{1}{2}$, that part of NW $\frac{1}{2}$ East of Blackwater River, that part of NW $\frac{1}{2}$ of SW $\frac{1}{2}$ East of Blackwater, SW $\frac{1}{2}$ of SW $\frac{1}{2}$	25	6S	5E	234.18
NE $\frac{1}{2}$ of NW $\frac{1}{2}$	36	6S	5E	40.01
S $\frac{1}{2}$ of NW $\frac{1}{2}$ South of Blackwater River; N $\frac{1}{2}$ of SW $\frac{1}{2}$, NW $\frac{1}{2}$ of SE $\frac{1}{2}$, NE $\frac{1}{2}$ of SE $\frac{1}{2}$ South of Blackwater River; SW $\frac{1}{2}$ of SE $\frac{1}{2}$	19	6S	6E	277.00
W $\frac{1}{2}$ West of Blackwater River; SW $\frac{1}{2}$ of SE $\frac{1}{2}$ West of Blackwater River	29	6S	6E	294.00
NE $\frac{1}{2}$	30	6S	6E	160.00
NE $\frac{1}{2}$ of NE $\frac{1}{2}$; N $\frac{1}{2}$ of SE $\frac{1}{2}$; SE $\frac{1}{2}$ of SE $\frac{1}{2}$; NW $\frac{1}{2}$ of SW $\frac{1}{2}$; S $\frac{1}{2}$ of SW $\frac{1}{2}$	31	6S	6E	274.51
E $\frac{1}{2}$	32	6S	6E	320.00
NW $\frac{1}{2}$ of SE $\frac{1}{2}$; S $\frac{1}{2}$ of SE $\frac{1}{2}$; SW $\frac{1}{2}$	33	6S	6E	277.02

J. D. RUSS SR., J. D. RUSS
JR., H. E. WICKERSHAM and
S. W. PORTER, Partners doing
business under the firm name
of LILLIAN TURPENTINE COMPANY,

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

Complainants,

BALDWIN COUNTY.

vs.

C. M. LARKIN,

Respondent.

Comes the respondent in the above styled cause, and
demurring to complainants' complaint, says:

There is no equity in the bill.

Beebe & Hall

Solicitors for Respondent.

#1128

1128

RECORDED
INDEXED

Copy

Filed Sept. 12, 1933
m. & Stone
Clark

J. D. RUSS SR., J. D. RUSS
JR., H. E. WICKERSHAM and
S. W. PORTER, Partners doing
business under the firm name
of LILLIAN TURPENTINE COMPANY,

Complainants,

-vs-

C. M. LARKIN,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF SAID STATE-GREETINGS:-

We command you that without delay you execute this Writ
and due return thereof to make to us instanter, at a term of our
Circuit Court-In Equity, to be held at Bay Minette, Alabama, on the
12th day of Sept, 1953.

TO C. M. LARKIN, GREETINGS:-

WHEREAS, J. D. Russ Sr., J. D. Russ Jr., H. E. Wicker-
sham and S. W. Porter, partners doing business under the firm name
of Lillian Turpentine Company, have exhibited their Bill of Complaint
in the Circuit Court of Baldwin County, Alabama-In Equity, and hath
obtained from the Hon. F. W. Hare, Judge of said Court, an order
for the issuance of a temporary Injunction to restrain and enjoin
you as hereinafter mentioned;

NOW, THEREFORE, you, the said C. M. Larkin, individual-
ly, and your agents and servants, are hereby commanded and strict-
ly enjoined from removing any logs known as "deadheads", or sub-
merged timbers, from any of the waters of Blackwater Creek, or
interfering with the possession of said Complainants in and to
said property which is in Blackwater Creek in Baldwin County, Ala-
bama, so far as the said waters of Blackwater Creek touch the lands
described in Exhibit "A" attached to this Writ and made a part and
parcel hereof, until further orders of this Court.

Witness my hand as Register, and the seal of said Cir-
cuit Court-In Equity, this 11th day of August, 1953.

W. A. Starnes
Register.

EXHIBIT "A".

The following described lands in Baldwin County,
Alabama:-

Description	Sec.	Tp.	Rg.	Acres.
SE $\frac{1}{4}$	24	6S	5E	160.64
W $\frac{1}{2}$ of NE $\frac{1}{4}$, that part of NW $\frac{1}{4}$ East of Blackwater River, that part of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ East of Blackwater, SW $\frac{1}{4}$ of SW $\frac{1}{4}$	25	6S	5E	234.18
NE $\frac{1}{4}$ of NW $\frac{1}{4}$	56	6S	5E	40.01
S $\frac{1}{2}$ of NW $\frac{1}{4}$ South of Blackwater River, N $\frac{1}{2}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ South of Blackwater River; SW $\frac{1}{4}$ of SE $\frac{1}{4}$	19	6S	6E	277.00
W $\frac{1}{2}$ West of Blackwater River; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ West of Blackwater River	29	6S	6E	294.00
NE $\frac{1}{4}$	30	6S	6E	160.00
NE $\frac{1}{4}$ of NE $\frac{1}{4}$; N $\frac{1}{2}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$; NW $\frac{1}{4}$ of SW $\frac{1}{4}$; S $\frac{1}{2}$ of SW $\frac{1}{4}$	31	6S	6E	274.51
E $\frac{1}{2}$	32	6S	6E	320.00
NW $\frac{1}{4}$ of SE $\frac{1}{4}$; S $\frac{1}{2}$ of SE $\frac{1}{4}$; SW $\frac{1}{4}$	33	6S	6E	277.02

11
Received Aug 11th 1933
Mr. E. Stearns
Register
Rock

Miss J. Sigmond

Original
Entered this
15th day of
August 1933.

By receiving copy
on to Mr. Jackson
Mr. R. Stewart
Sheriff

By H. M. Wiley

D. K.

STATE OF ALABAMA,
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, LILLIAN TURPENTINE COMPANY, a Co-partnership composed of J. D. Russ Sr., J. D. Russ Jr., H. E. Wickersham and S. W. Porter, and ~~MITCHELL STORES COMPANY, a Co-partnership composed of R. E. Mitchell, C. B. Mitchell and C. L. Tucker,~~ and the undersigned, as Sureties, are held and firmly bound unto the Register of the Circuit Court, in Equity, for said County, in the sum of 500⁰⁰ Dollars, for the payment of which to the said Register, or to his successors, we bind ourselves, our executors and administrators, jointly and severally.

Sealed with our seals and dated this 11th day of August 1935.

WHEREAS, the said Lillian Turpentine Company and ~~Mitche~~
~~Mitche~~ ~~Stores Company~~ have filed their Bill of Complaint in the said Circuit Court, in Equity, and have obtained thereon an Order for the issuance of an Injunction from the Hon. F. W. Hare, Judge, to restrain and enjoin C. M. Larkin, his agents, servants or employees from trespassing upon or removing logs, dead heads or any timber or wood from the waters of Blackwater Creek where the same flows through the lands of said Lillian Turpentine Company and ~~Mitche~~
~~Mitche~~ ~~Stores Company~~, or where the lands on either side of said Creek are owned by the said Lillian Turpentine Company or ~~Mitche~~
~~Mitche~~ ~~Stores Company~~, or from removing any timbers or wood of any kind or description which may be in the waters of Blackwater Creek where the land on either side of said creek is owned by the above named companies.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH:- That if the said Lillian Turpentine Company and ~~Mitche~~
~~Mitche~~ ~~Stores Company~~, their successors or assigns, or any of them, shall well and truly pay or cause to be paid all damages which any person may sustain by the suing out of said Injunction if the same is dissolved by the Circuit Court, in Equity, on the Bill filed by the said Lillian Turpentine Company and ~~Mitche~~ ~~Stores Company~~

(page two)

~~any~~, as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

Witness our hands and seals on the day and year first above written.

LILLIAN TURPENTINE COMPANY,
A Co-partnership,

By S. H. Porter SEAL
As a member of said partnership.

MITCHELL NAVAL STORES COMPANY,
A Co-partnership

By C. B. Mitchell SEAL
As a member of said partnership.

S. H. Porter SEAL
C. B. Mitchell SEAL

Taken and approved this

11th day of August, 1933.

W. A. Stone
Register.

(out side)

When the above conditions are met, the above conditions are met.

There is no need to make any further changes.

There are no changes in the above conditions.

There are no changes in the above conditions.

There are no changes in the above conditions.

There are no changes in the above conditions.

There are no changes in the above conditions.

There are no changes in the above conditions.

There are no changes in the above conditions.

Filed Aug 11th 1933

W. A. Stone

Register

Entry 1128

De Haven Insurance Co

Mitchell Haverd Stone
C. M. Gordon

J. D. RUSS SR., J. D. RUSS
JR., H. E. WICKERSHAM and
S. W. PORTER, Partners doing
business under the firm name
of LILLIAN TURPENTINE COMPANY,

Complainants,

-VS-

C. M. LARKIN,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

STATE OF ALABAMA,

BALDWIN COUNTY.

TO ANY SHERIFF OF SAID STATE-GREETINGS:-

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and due return thereof to make to us instantler, at a term of our
Circuit Court-In Equity, to be held at Bay Minette, Alabama, on the
12th day of Sept, 1933.

TO C. M. LARKIN, GREETINGS:-

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sham and S. W. Porter, partners doing business under the firm name
of Lillian Turpentine Company, have exhibited their Bill of Complaint
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obtained from the Hon. F. W. Hare, Judge of said Court, an order
for the issuance of a temporary Injunction to restrain and enjoin
you as hereinafter mentioned;

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ly, and your agents and servants, are hereby commanded and strict-
ly enjoined from removing any logs known as "deadheads", or sub-
merged timbers, from any of the waters of Blackwater Creek, or
interfering with the possession of said Complainants in and to
said property which is in Blackwater Creek in Baldwin County, Ala-
bama, so far as the said waters of Blackwater Creek touch the lands
described in Exhibit "A" attached to this Writ and made a part and
parcel hereof, until further orders of this Court.

Witness my hand as Register, and the seal of said Cir-
cuit Court-In Equity, this 11th day of August, 1933.

G. A. Storie
Register.

EXHIBIT "A".

The following described lands in Baldwin County,
Alabama:-

Description	Sec.	Tp.	Rg.	Acres.
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