

The State of Alabama, {
Baldwin County.

No. 971.

CIRCUIT COURT, IN EQUITY

Baldwin County Colonization Co,

Complainant.

vs.

Mrs. Susie Thomas et al,

Defendant.

In this cause it appears to the Register
that a Summons requiring the Defendant Mrs. Susie Thomas and Mrs. Lillian
Vaughn,

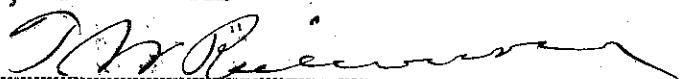
to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the
service of said Summons upon Mrs. Susie Thomas
was served upon her by the Sheriff of Crenshaw County, Alabama, on the
18th, day of June 1931.
and on the 11th day of August 1931 service was had on Mrs. Lillian Vaughn

And the said Defendant^s having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Hybart, Heard, & Chason

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 Mrs. Susie Thomas and Mrs Lillian Vaughn

Defendant^s aforesaid.

This 12th day of Oct, 1931.



Register.

RECORDED

No. 971.

Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

Baldwin Co Colonization Co.

vs.

Mrs. Susie Thomas et al,

Decree Pro Confesso On
Personal Service.

Issued Oct 12th. 1931.

Register.

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 Mrs. Susie Thomas,

Luverne, Alabama, devisee

under the Will of J.W.Thomas, deceased

of Crenshaw 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 Baldwin County Colonization Company, a corporation

against said Certain lands, Mrs. Susie Thomas, 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 18th day of June 1931

T. W. Richerson Register

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

Original

SERVE ON _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Baldwin County Colonization
Company, a corporation

vs.

Mrs. Susie Thomas,
Luverne, Alabama.

Hybart, Heard & Chason
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
RECORDED 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

The State of Alabama, { **CIRCUIT COURT OF BALDWIN COUNTY,**
Baldwin County { **IN EQUITY**

To Any Sheriff of the State of Alabama---GREETING:

WE COMMAND YOU, That you summon Mrs. Lillian Vaughn, over 21 years
of age, Voncille Vaughn, a Minor under the age of 14 years; Susan
Kathryn Vaughn, a minor about one year of age,

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

against said Mrs. Lillian Vaughn, over twenty-one years of age, Von-
cille Vaughn, a minor under the age of fourteen years, Susan
Kathryn Vaughn, a minor about one year of age;

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 10th day of

August 1931.

T. W. Richerson Register.

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

ORIGINAL.

Serve on **RECORDED**

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Baldwin County Colonization

Co. _____

vs.

Mrs. Lillian Vaughn over

21 years of age, Vancille

Vaughn and Susan Kathryn

Vaughn,
(Minors)

Luverne, Ala.

Hybart, Heard & Chason,
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

**The State of Alabama,
BALDWIN COUNTY.**

Received in office this _____

day of _____ 1931

Sheriff.

Executed this 11th day of

August 1931

by leaving a copy of the within Summons with
Mrs. Lillian Vaughn and also
serving a copy on Vancille
Vaughn upon her as the mother
of Vancille Vaughn, a minor her
and also serving a copy on her
for Kathryn Vaughn, as the moth-
er of Kathryn Vaughn, Defendants

Sheriff.

By *W. H. Heard*
Deputy Sheriff.

BALDWIN COUNTY COLONIZATION
COMPANY, a Corporation,

Complainant,

VS.

THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF
THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF
SECTION TWENTY (20) IN TOWNSHIP
SEVEN (7) SOUTH OF RANGE SIX (6)
EAST, in Baldwin County, Alabama;
Mrs. Lillian Vaughn; Vencille
Vaughn and Susan Kathryn Vaughn,
Minors,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 971.

ANSWER AND CROSS BILL.

Come the minor Respondents, Vencille Vaughn and Susan Kathryn Vaughn, minors under the age of fourteen (14) years, by J. B. Blackburn, as Guardian ad litem, and file this their answer to the Bill of Complaint as last amended of the Baldwin County Colonization Company, a Corporation, and this their Cross Bill against the said Baldwin County Colonization Company, A Corporation, and show unto this Honorable Court as follows:

FIRST: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered One of the Bill of Complaint as last amended.

SECOND: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered Two of the Bill of Complaint as last amended.

THIRD: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered Three of the Bill of Complaint as last amended.

FOURTH: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered Four of the Bill of Complaint as last amended.

FIFTH: These Respondents and Cross Complainants deny

each and every allegation of paragraph numbered Five of the Bill of Complaint as last amended.

SIXTH: These Respondents and Cross Complainants admit and aver that they and Mrs. Lillian Vaughn claim title to the land described in the Bill of Complaint as last amended, as devisees under the last will of J. W. Thomas, deceased, but deny each and all other allegations of paragraph numbered Six of the Bill of Complaint as last amended and deny each and every other allegation of the said Bill of Complaint not herein specifically answered.

SEVENTH: Answering further the Bill of Complaint as last amended, these Respondents and Cross Complainants show unto this Honorable Court that they, together with Mrs. Lillian Vaughn, claim to own and do own the title to the lands described in the Bill of Complaint as last amended by adverse possession under the ^{said} Statute of Limitations for actions or suits to recover lands claimed and held under tax deeds or titles. These Respondents and Cross Complainants further show that the lands described in the Bill of Complaint as last amended were assessed for taxes owing to the State of Alabama and the County of Baldwin for the tax year 1917 to Martin Portel; that the taxes due to the State of Alabama and the County of Baldwin on the said lands which were assessed for taxation by the said Martin Portel for the tax year of 1917 were not paid by the said Martin Portel or by anyone else assessing and claiming to own the said lands for the said year; these Respondents and Cross Complainants further show that the said Martin Portel failed to pay the taxes due on the said lands assessed to him for the tax year of 1917 and the said lands were sold for the said taxes by the Tax Collector of Baldwin County, Alabama, on to-wit, June 1, 1918, for the taxes due on the said lands for the year of 1917; that as a result of the said sale the said Tax Collector did on to-wit, the 1st day of June, 1918, sell the lands described in the

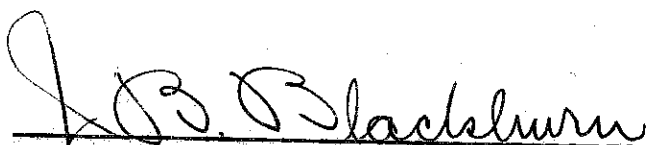
Bill of Complaint as last amended for the said taxes and that at the sale so held J. W. Thomas was the highest, best and last bidder for the said property; that the said J. W. Thomas, at that time, received from the said Tax Collector, of Baldwin County, Alabama, a certificate of purchase dated to-wit, the 1st day of June, 1918; these Respondents and Cross Complainants further show that thereafter the said J. W. Thomas delivered his said certificate of purchase to the Judge of Probate of Baldwin County, Alabama, and that James M. Voltz, Judge of Probate of Baldwin County, Alabama, executed to the said J. W. Thomas, a tax deed for the land described in the Bill of Complaint as last amended, with other property, on to-wit, June 3, 1920, which said deed was filed for record by the said J. W. Thomas on to-wit, June 3, 1920, and thereafter recorded in Deed Book Numbered 29 N. S. at page 553 in the Probate Records of Baldwin County, Alabama.

These Respondents and Cross Complainants further show unto this Honorable Court that the said J. W. Thomas thereafter held the land described in the Bill of Complaint as last amended, under and by virtue of the tax deed hereinbefore fully described, said lands having been adversely held thereunder for a period of more than three years and the said J. W. Thomas, Mrs. Lillian Vaughn and these Respondents and Cross Complainants have been for the said period of more than three years consecutively in the open, notorious, hostile, continuous and peaceable possession of the said lands claiming to own the same and claiming the said lands under and by virtue of the aforesaid deed:

That the interest of the said J. W. Thomas was devised to Mrs. Lillian Vaughn and to these Respondents and Cross Complainants by the last will and testament of the said J. W. Thomas, dated the 24th day of September, 1924, and of record in Book Two (2) at pages 13-14 in the Probate Records of Crenshaw County, Alabama.

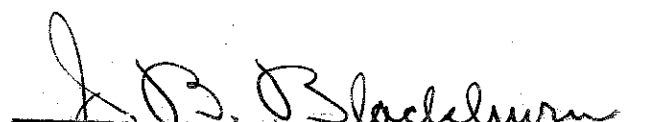
EIGHTH: For further answer to the Bill of Complaint as

a decree denying to the Complainants and Cross Respondents the relief prayed for by them and will enter a decree to the effect that these Respondents and Cross Complainants are the owners of the land involved in this suit and particularly described in the Bill of Complaint as last amended and these Respondents and Cross Complainants further pray that if this Honorable Court should determine that these Respondents and Cross Complainants are entitled to the land made the subject of this suit, your Honor will enter a decree to that effect in their favor quieting their title against the Complainants and Cross Respondents, the Baldwin County Colonization Company, a Corporation, and these Respondents and Cross Complainants further pray that if this Court shall determine that they are not entitled to a decree awarding them the land made the subject of this suit, that then this Honorable Court will determine the amount which they and their predecessors in title have paid as taxes together with interest due them, that this Honorable Court will further award in addition to the purchase price, taxes, interest and Court costs, and a reasonable attorney's fee to these Respondents and Cross Complainants. And if these Respondents and Cross Complainants are mistaken in the relief prayed for, that the Court will grant unto them such other, further and general relief as they may be entitled to the premises considered.



As Guardian ad litem for Voncille
Vaughn and Susan Kathryn Vaughn.

FOOT NOTE: The said Baldwin County Colonization Company, a Corporation, is required to answer each and every allegation of the above Cross Bill but not under oath, its oath thereto being hereby expressly waived.


As Guardian ad litem for Voncille
Vaughn and Susan Kathryn Vaughn.

BALDWIN COUNTY COLONIZATION COMPANY,
A Corporation,

Complainant,

-VS-

THE SOUTHWEST QUARTER OF THE NORTH-
WEST QUARTER SECTION TWENTY TOWN-
SHIP SEVEN SOUTH OF RANGE SIX EAST,
MRS. SUSIE THOMAS AND MRS. LILLIAN
VAUGHN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes the Complainant in the above stated cause and amends the "6th" Paragraph of the Original Bill of Complaint to read as follows:-

6th. Complainant further shows unto the Court that it is in the actual, peaceable possession of said land, claiming to own the same under its said purchase aforesaid and that no one is known to have been in the possession of said land for the past ten years other than the Complainant and Complainant avers that there are no other persons that are known to Complainant to have had any possession whatsoever of said land or any part thereof within the last ten years next preceding the filing of this Bill of Complaint except those heretofore mentioned. And Complainant further avers that no one is known to your Complainant to claim this land or any part thereof or any interest therein, except the Complainant and the following named persons:-

Mrs. Lillian Vaughn, over twenty-one years of age, Georgianna, Alabama;

Voncille Vaughn, a minor under the age of fourteen years;

Susan Kathryn Vaughn, a minor about one year of age;

both of said minors residing with their mother, Mrs. Lillian Vaughn, the said Mrs. Lillian Vaughn and her two children mentioned herein being the devisees under the Last Will of J. W. Thomas, deceased. Complainant avers that it has made a diligent search through its agents and attorneys and has made diligent inquiry to ascertain the residences and addresses of all persons, firms and corporations hereinabove named, whether or not any of them be dead, and if dead to ascertain the names and addresses of the heirs and devisees,

successors or assigns of such deceased person. Complainant avers that in its effort to ascertain these facts it had a complete Abstract of Title made of this property, it then employed attorneys to examine the same and ascertain whom the record showed to have some claim to this property; that they have made a thorough inquiry in the community where this land is located and situated seeking to get any information whatsoever about the said named parties or any other persons who might claim any title to or interest in the said land; that they have interviewed numerous people and made special effort to locate old residents who have inhabited the county near these lands for a long time and all the information they have been able to accumulate relative to prior ownership and possession is herein set out.

Complainant amends its said Bill of Complaint by striking out the name of Mrs. Susie Thomas as a party defendant wherever the same appears in said Original Bill of Complaint.

Complainant also amends its Prayer for Process to read as follows:

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises Complainant prays that your Honor will cause the usual Writ of Process to issue to Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn making them parties defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law and the practice of this Honorable Court, and that your Honor will cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by law in the State of Alabama authorizing the quieting of the title in rem.

Hyfart, Heard & Thomas
Solicitors for Complainant.

The State of Alabama,

Baldwin County.

{ No. 971 CIRCUIT COURT IN EQUITY.

Baldwin County Colonization Company,

Complainant

vs.

Mrs. Susie Thomas and Mrs Lillian Vaughn et al,

Defendant

Motion is hereby made for a Decree Pro Confesso against Mrs. Susie Thomas and

Mrs. Lillian Vaughn

Defendant

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

This 10th day of October, 1931.

Hyatt, Heard & Chan Solicitor.

No. 971.

Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

Baldwin County Colonization Co.

vs.

Mrs. Susie Thomas et al.

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed Sept 10th, 19 31.

Wm. R. ...
Register.

Recorded in Record,

Vol. Page.

Register.

TO THE HONORABLE JUDGE OF THE TWENTY-FIRST JUDICIAL CIR-
CUIT OF ALABAMA, SITTING IN EQUITY:-

Comes your Complainant, Baldwin County Colonization Com-
pany, a Corporation with its principal place of business at Elberta,
Alabama, and presents this its Bill of Complaint against that cer-
tain tract of land in the County of Baldwin, State of Alabama, des-
cribed as follows:-

Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$) of
NW $\frac{1}{4}$) Section Twenty (20) Township Seven (7)
South of Range Six (6) East;

and Complainant further shows and presents this Bill of Complaint
against any and all persons claiming any title to, interest in,
lien or encumbrance on the said land or any part thereof, and Com-
plainant respectfully shows unto your Honor:-

1. That it is in the actual, peaceable possession of
said tract of land, claiming to own the same in its own right in
fee simple.

2. That no suit is pending to test Complainant's title
to, interest in or its right to the possession of said land.

3. Complainant further shows that it claims the entire
fee simple title in and to said land, having acquired the same by
purchase from the Southern States Lumber Company, a Corporation
which has recently been lawfully dissolved, who owned the lands
at the time the same were sold and conveyed by it to Complainant.

4. Complainant further shows that the title to said
lands stands on the record in the Probate Court of Baldwin County
in the name of the following Corporation:- Complainant. The Com-
plainant has used such diligence in trying to ascertain these facts
as shown by Paragraph "5" of this Bill of Complaint.

5. Complainant further shows that no one has within the
ten years next preceding the filing of this Bill of Complaint paid
any taxes upon the said lands herein mentioned or any part of the
same, other than the Complainant. Complainant has used such dili-
gence in trying to ascertain these facts as shown by paragraph "6"
of this Bill of Complaint.

6. Complainant further shows unto the Court that he is
in the actual, peaceable possession of said land, claiming to own

the same under his said purchase aforesaid and that no one is known to have been in the possession of said land for the past ten years other than the Complainant. And Plaintiff avers that there are no other persons that are known to your Complainant to have had any possession whatsoever of said lands or any part thereof within the last ten years next preceding the filing of this Bill of Complaint, except those heretofore mentioned, and Complainant further avers that no one is known to your Complainant to claim this land or any part thereof or any interest therein, except the Complainant and the following named persons:- Mrs. Susie Thomas, Luverne, Alabama, and Mrs. Lillian Vaughn, Georgianna, Alabama, devisees under the last Will of J. W. Thomas, Deceased.

Complainant avers that it made a diligent search, through its agents and attorneys, and inquiry to ascertain the residences and addresses of all persons, firms and corporations hereinabove named, and whether or not any of them be dead, and if dead to ascertain the names and addresses of their heirs and devisees, successors or assigns, of such deceased person. Complainant avers that in its effort to ascertain these facts it had a complete Abstract of Title made of this property; it then employed attorneys to examine the same and ascertain whom the record showed to have some claim to this property; that they have made a thorough inquiry in the community where this land is located and situated, seeking to get any information whatsoever about the said named parties or any other persons who might claim any title to or interest in said lands; that they have interviewed numerous people and made special effort to locate old residents who have inhabited the country near these lands for a long time, and all the information they have been able to accumulate relative to prior ownership and possession is herein set out.

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises Complainant prays that your Honor will cause the usual Writ of Process to issue to Mrs. Susie Thomas and Lillian Vaughn making them parties Defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required

by law in the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by law in the State of Alabama, authorizing the quieting of the title in rem.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause that your Honor will be pleased to establish Complainant's right of title to, and will decree that Complainant is the owner in fee simple of said lands above described, and that no other person has any title to, or interest in, or lien or encumbrance upon the lands or any part thereof and that in said Decree your Honor will direct in whose name it shall be indexed upon the direct index and whose name it shall be indexed in the indirect index of the records thereof in the Probate Court of Baldwin County, Alabama; that your Honor will order a certified copy of said decree to be copied in the Probate Court of Baldwin County, and Complainant further prays for such other, further and different relief as in equity may seem just and meet, and Complainant will ever pray.

Hylant, Heard & Shaw
Solicitor for Complainant.

FOOT NOTE:-

All persons claiming any title to, interest in, lien or encumbrance upon the property described in the Bill of Complaint or any part thereof, and all persons mentioned as Defendants in this Bill of Complaint are required to answer all of the allegations of said Bill of Complaint from Paragraphs "1" to "5" inclusive, but answer under oath is hereby expressly waived.

Hylant, Heard & Shaw
Solicitor for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Personally appeared before me, Katherine Hicks
a Notary Public in and for said State and County, R. C. Heard, who upon oath deposes and says:-

That he is the agent of the Complainant in the above cause and duly authorized by him to make this oath and that the facts stated in the foregoing Bill of Complaint, upon knowledge, are true, and that he is informed as to the facts stated upon information and belief as therein stated and verily believes, and so states, that the same are true.

W. C. Heard

from to not subscribed before
on this 17 day of June, 1921.

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TO THE HONORABLE JUDGE OF THE TWENTY-FIRST JUDICIAL CIR-
CUIT OF ALABAMA, SITTING IN EQUITY:-

Comes your Complainant, Baldwin County Colonization Com-
pany, a Corporation with its principal place of business at Elberta,
Alabama, and presents this its Bill of Complaint against that cer-
tain tract of land in the County of Baldwin, State of Alabama, des-
cribed as follows:-

Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$ of
NW $\frac{1}{4}$) Section Twenty (20) Township Seven (7)
South of Range Six (6) East;

and Complainant further shows and presents this Bill of Complaint
against any and all persons claiming any title to, interest in,
lien or encumbrance on the said land or any part thereof, and Com-
plainant respectfully shows unto your Honor:-

1. That it is in the actual, peaceable possession of
said tract of land, claiming to own the same in its own right in
fee simple.

2. That no suit is pending to test Complainant's title
to, interest in or its right to the possession of said land.

3. Complainant further shows that it claims the entire
fee simple title in and to said land, having acquired the same by
purchase from the Southern States Lumber Company, a Corporation
which has recently been lawfully dissolved, who owned the lands
at the time the same were sold and conveyed by it to Complainant.

4. Complainant further shows that the title to said
lands stands on the record in the Probate Court of Baldwin County
in the name of the following Corporation:- Complainant. The Com-
plainant has used such diligence in trying to ascertain these facts
as shown by Paragraph "6" of this Bill of Complaint.

5. Complainant further shows that no one has within the
ten years next preceding the filing of this Bill of Complaint paid
any taxes upon the said lands herein mentioned or any part of the
same, other than the Complainant. Complainant has used such dili-
gence in trying to ascertain these facts as shown by paragraph "6"
of this Bill of Complaint.

6. Complainant further shows unto the Court that he is
in the actual, peaceable possession of said land, claiming to own
-page one-

the same under his said purchase aforesaid and that no one is known to have been in the possession of said land for the past ten years other than the Complainant. And Plaintiff avers that there are no other persons that are known to your Complainant to have had any possession whatsoever of said lands or any part thereof within the last ten years next preceding the filing of this Bill of Complaint, except those heretofore mentioned, and Complainant further avers that no one is known to your Complainant to claim this land or any part thereof or any interest therein, except the Complainant and the following named persons:- Mrs. Susie Thomas, Luverne, Alabama, and Mrs. Lillian Vaughn, Georgianna, Alabama, devisees under the last Will of J. W. Thomas, Deceased.

Complainant avers that it made a diligent search, through its agents and attorneys, and inquiry to ascertain the residences and addresses of all persons, firms and corporations hereinabove named, and whether or not any of them be dead, and if dead to ascertain the names and addresses of their heirs and devisees, successors or assigns, of such deceased person. Complainant avers that in its effort to ascertain these facts it had a complete Abstract of Title made of this property; it then employed attorneys to examine the same and ascertain whom the record showed to have some claim to this property; that they have made a thorough inquiry in the community where this land is located and situated, seeking to get any information whatsoever about the said named parties or any other persons who might claim any title to or interest in said lands; that they have interviewed numerous people and made special effort to locate old residents who have inhabited the country near these lands for a long time, and all the information they have been able to accumulate relative to prior ownership and possession is herein set out.

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises Complainant prays that your Honor will cause the usual Writ of Process to issue to Mrs. Susie Thomas and Lillian Vaughn making them parties Defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required

Court and recorded there, and is to be indexed in the direct index in said office in the name of J. W. Thomas, and in the indirect index in the name of The Baldwin County Colonization Company.

Filed 1st January 1932 *D. W. Hare*
Judge of the Twenty-first
Judicial Circuit of Alabama.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT,
IN EQUITY.

I, T.W. Richerson, Register of said 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 1st day of January, 1932, in the cause of BALDWIN COUNTY COLONIZATION COMPANY, a corporation, Complainant, vs. THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER SECTION TWENTY, TOWNSHIP SEVEN SOUTH OF RANGE SIX EAST, MRS. LILLIAN VAUGHN AND VONCILLE VAUGHN, a minor under the age of Fourteen years, and SUSAN KATHRYN VAUGHN, a minor under the age of fourteen years, respondents, as appears of record in said court.

Witness my hand and the seal of said court, this the 25th day of January, 1932.

T. W. Richerson
REGISTER.

by law in the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by law in the State of Alabama, authorizing the quieting of the title in rem.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause that your Honor will be pleased to establish Complainant's right of title to, and will decree that Complainant is the owner in fee simple of said lands above described, and that no other person has any title to, or interest in, or lien or encumbrance upon the lands or any part thereof and that in said Decree your Honor will direct in whose name it shall be indexed upon the direct index and whose name it shall be indexed in the indirect index of the records thereof in the Probate Court of Baldwin County, Alabama, that your Honor will order a certified copy of said decree to be copied in the Probate Court of Baldwin County, and Complainant further prays for such other, further and different relief as in equity may seem just and meet, and Complainant will ever pray.

Hylbert, Heard & Chason
Solicitor for Complainant.

FOOT NOTE:-

All persons claiming any title to, interest in, lien or encumbrance upon the property described in the Bill of Complaint or any part thereof, and all persons mentioned as Defendants in this Bill of Complaint are required to answer all of the allegations of said Bill of Complaint from Paragraphs "1" to "6" inclusive, but answer under oath is hereby expressly waived.

Hylbert, Heard & Chason
Solicitor for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Personally appeared before me, Therese Hicks
a Notary Public in and for said State and County, R. C. Heard, who upon oath deposes and says:-

That he is the agent of the Complainant in the above cause and duly authorized by him to make this oath and that the facts stated in the foregoing Bill of Complaint, upon knowledge, are true, and that he is informed as to the facts stated upon information and belief as therein stated and verily believes, and so states, that the same are true.

[illegible]

The Baltimore County Colon
ization Company, & Dryden
-185-

Stoughton Dec 20 1871
 8 Madison Avenue

Miss D. June 1861

BALDWIN COUNTY COLONIZATION COMPANY,
A Corporation,

Complainant,

-VS-

THE SOUTHWEST QUARTER OF THE NORTH-
WEST QUARTER SECTION TWENTY, TOWN-
SHIP SEVEN SOUTH OF RANGE SIX EAST,
MRS. LILLIAN VAUGHN AND VONCILLE
VAUGHN, a Minor under the age of
Fourteen years, and SUSAN KATHRYN
VAUGHN, a Minor under the age of
Fourteen years,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,

ALABAMA.

SITTING IN EQUITY.

O P I N I O N.

This cause being submitted on the original Bill of
Complaint, Amended Bill of Complaint, Answer and Cross Bill
of Respondent minors, Voncille and Susan Kathryn Vaughn as
filed by their guardian ad litem, J. B. Blackburn, Esq., upon
the Decree proconfesso against Mrs. Lillian Vaughn, and the
testimony of L. Lindoerfer and A. Krieger and R. C. Heard. ✓
Answer of Complainant to Cross Bill

The pleading and evidence in this cause shows that
the Baldwin County Colonization Company, sometime before
the year, 1910 acquired the aforesaid lands from the Southern
States Lumber Company. That in 1910 the Baldwin County Colon-
ization Company sold the lands to one, Martin Portel, who
went into, under his said purchase from the Baldwin County
Colonization Company, the open, notorious, exclusive and
adverse possession of said lands.

The records further disclose that Martin Portel
executed a mortgage to the Baldwin County Colonization
Company on said lands, which mortgage was foreclosed in
January, 1920. That the said possession of the said Martin
Portel, as aforesaid, continued up until the foreclosure
of said mortgage, at which time the Baldwin County Coloni-
zation Company, having purchased said lands at said fore-

closure sale, went into the actual, open, notorious and exclusive possession of said lands, and have continued in said possession ever since, and that the Baldwin County Colonization Company has been paying the taxes upon said lands since 1920.

The records further disclose that on June 1, 1918, said lands were sold for taxes due thereon for the year 1917, and that these lands were purchased at said tax sale by J. W. Thomas, who has since died. That on June 3, 1920, a tax deed was duly executed to J. W. Thomas in and to said lands, and that J. W. Thomas paid the taxes on said lands from 1918 to 1925 inclusive, and that whatever interest the said J. W. Thomas had in and to said lands by way of said tax deed and the payment of the aforesaid taxes as aforestated was devised by the said Thomas in his last Will and Testament dated the 24th. day of September, 1924, and which has been duly probated, to Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kayhryn Vaughn. That the total amount due the said Respondents as agreed upon by and between the Plaintiff and J. B. Blackburn, as Guardian ad litem for Voncille Vaughn and Susan Kathryn Vaughn, minors, is EIGHTY AND 87/100 (\$80.87) DOLLARS, said amount covering the purchase price of said lands paid by the said J. W. Thomas at the tax sale thereof, and the several items of taxes paid by him, together with the interest thereon at the legal rate of interest.

It being agreed by and between the parties that the aforesaid amount is now due the Respondents and Cross Complainants by way of payment of purchase price at the tax sale and the payment of the taxes during the several years heretofore mentioned takes out of this cause the question as to the liability of the Complainant for the aforesaid amount, and also the question as to whether the

Respondents have a lien on said lands for the amount of money that has been expended by their testator in and by said taxes.

The records disclose that the Complainant, The Baldwin County Colonization Company, has the fee simple title in and to said lands, and is entitled to have its said title to be declared absolute and in fee simple, subject, however, by its agreement to have fastened thereon a lien in favor of the Respondents and Cross Complainants in the sum of EIGHTY AND 87/100 (\$80.87) DOLLARS, being the amount paid by the testator and Respondents and Cross Complainants as aforestated.

D E C R E E.

It is, therefore, ordered, adjudged and decreed that the Complainant, the Baldwin County Colonization Company, is the absolute owner of the following described property, to-wit:-

The Southwest Quarter of the Northwest Quarter of Section Twenty, in Township Seven South of Range Six East, in Baldwin County, Alabama.

in fee simple in its own right, and that no other party, individual, or corporation has any interest, right, title, lien or incumbrance upon the same except Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn, jointly who have a lien upon said lands for the sum of EIGHTY AND 87/100 (\$80/87) DOLLARS, expended by their testator, J. W. Thomas.

It is further ordered, adjudged and decreed that all claims, rights, title, interest in or incumbrance upon said lands held by any one other than Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn are hereby and herein declared null and void, and is decreed to be a cloud upon the title of Complainant and removed as

such.

It is further ordered, adjudged and decreed that upon the payment, within sixty days from the date of this decree into the Registry of this Court by Complainant, the sum of EIGHTY AND 87/100 (\$80.87) DOLLARS, for the use and benefit of the said Lillian Vaughn, Voneille and Susan Kathryn Vaughn, together with the cost of these proceedings will be in complete satisfaction of all claims, rights, title, interest in, or incumbrance upon said lands that the said Lillian Vaughn, Voneille Vaughn and Susan Kathryn Vaughn hold in and to the same, and that upon the payment of said amount the Baldwin County Colonization Company's title in and to said lands shall be forever quieted, as to all claims, demands, rights or incumbrances held by any one whomsoever, and that said tax deed executed by the Probate Judge of Baldwin County, Alabama, to J. W. Thomas in and to said lands be held for naught and of no effect, and removed forever as a cloud upon the title of The Baldwin County Colonization Company to said lands.

It is further ordered, adjudged and decreed that upon the payment of the aforesaid sum, together with the cost of these proceedings to the Register of this Court by the Complainant that the Register then is to indorse that fact upon this decree, and also upon the margin of the record where this decree is recorded in the Probate Judge's Office of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that J. B. Blackburn is allowed the sum of THIRTY-FIVE AND 00/100 (\$35.00) DOLLARS as a guardian ad litem fee in representing Voneille and Susan Kathryn Vaughn, minors, which is to be taxed as a part of the cost.

It is further ordered, adjudged and decreed that a copy of the foregoing opinion and this decree shall be filed in the Probate Judge's Office by the Register of this

Court and recorded there, and is to be indexed in the direct index in said office in the name of J. W. Thomas, and in the indirect index in the name of The Baldwin County Colonization Company.

This January 1, 1932

J. M. Hare

Judge of the Twenty-first
Judicial Circuit of Alabama.

BALDWIN COUNTY COLONIZATION COMPANY,
A Corporation,

Complainant,

-VS-

THE SOUTHWEST QUARTER OF THE NORTH-
WEST QUARTER SECTION TWENTY, TOWN-
SHIP SEVEN SOUTH OF RANGE SIX EAST,
MRS. LILLIAN VAUGHN AND VONCILLE
VAUGHN, a Minor under the age of
Fourteen years, and SUSAN KATHRYN
VAUGHN, a Minor under the age of
Fourteen years,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,

ALABAMA.

SITTING IN EQUITY.

OPINION.

This cause being submitted on the original Bill of Complaint, Amended Bill of Complaint, Answer and Cross Bill of Respondent minors, Voncille and Susan Kathryn Vaughn as filed by their guardian ad litem, J. E. Blackburn, Esq., upon the Decree proconfesso against Mrs. Lillian Vaughn, and the testimony of L. Lindoerfer and A. Krieger and R. C. Heard. &

Answer of Complainant to Cross Bill
The pleading and evidence in this cause shows that the Baldwin County Colonization Company, sometime before the year, 1910 acquired the aforesaid lands from the Southern States Lumber Company. That in 1910 the Baldwin County Colonization Company sold the lands to one, Martin Portel, who went into, under his said purchase from the Baldwin County Colonization Company, the open, notorious, exclusive and adverse possession of said lands.

The records further disclose that Martin Portel executed a mortgage to the Baldwin County Colonization Company on said lands, which mortgage was foreclosed in January, 1920. That the said possession of the said Martin Portel, as aforesaid, continued up until the foreclosure of said mortgage, at which time the Baldwin County Colonization Company, having purchased said lands at said fore-

closure sale, went into the actual, open, notorious and exclusive possession of said lands, and have continued in said possession ever since, and that the Baldwin County Colonization Company has been paying the taxes upon said lands since 1920.

The records further disclose that on June 1, 1918, said lands were sold for taxes due thereon for the year 1917, and that these lands were purchased at said tax sale by J. W. Thomas, who has since died. That on June 3, 1920, a tax deed was duly executed to J. W. Thomas in and to said lands, and that J. W. Thomas paid the taxes on said lands from 1918 to 1925 inclusive, and that whatever interest the said J. W. Thomas had in and to said lands by way of said tax deed and the payment of the aforesaid taxes as aforestated was devised by the said Thomas in his last Will and Testament dated the 24th. day of September, 1924, and which has been duly probated, to Mrs. Lillian Vaughn, Vencie Vaughn and Susan Kathryn Vaughn. That the total amount due the said Respondents as agreed upon by and between the Plaintiff and J. B. Blackburn, as Guardian ad litem for Vencie Vaughn and Susan Kathryn Vaughn, minors, is EIGHTY AND 87/100 (\$80.87) DOLLARS, said amount covering the purchase price of said lands paid by the said J. W. Thomas at the tax sale thereof, and the several items of taxes paid by him, together with the interest thereon at the legal rate of interest.

It being agreed by and between the parties that the aforesaid amount is now due the Respondents and Cross Complainants by way of payment of purchase price at the tax sale and the payment of the taxes during the several years heretofore mentioned takes out of this cause the question as to the liability of the Complainant for the aforesaid amount, and also the question as to whether the

Respondents have a lien on said lands for the amount of money that has been expended by their testator in and by said taxes.

The records disclose that the Complainant, The Baldwin County Colonization Company, has the fee simple title in and to said lands, and is entitled to have its said title to be declared absolute and in fee simple, subject, however, by its agreement to have fastened thereon a lien in favor of the Respondents and Cross Complainants in the sum of EIGHTY AND 87/100 (\$80.87) DOLLARS, being the amount paid by the testator and Respondents and Cross Complainants as aforesated.

ORDER.

It is, therefore, ordered, adjudged and decreed that the Complainant, the Baldwin County Colonization Company, is the absolute owner of the following described property, to-wit:-

The Southwest Quarter of the Northwest Quarter of Section Twenty, in Township Seven South of Range Six East, in Baldwin County, Alabama.

in fee simple in its own right, and that no other party, individual, or corporation has any interest, right, title, lien or incumbrance upon the same except Mrs. Lillian Vaughn, Voneille Vaughn and Susan Kathryn Vaughn, jointly who have a lien upon said lands for the sum of EIGHTY AND 87/100 (\$80.87) DOLLARS, expended by their testator, J. W. Thomas.

It is further ordered, adjudged and decreed that all claims, rights, title, interest in or incumbrance upon said lands held by any one other than Lillian Vaughn, Voneille Vaughn and Susan Kathryn Vaughn are hereby and herein declared null and void, and is decreed to be a cloud upon the title of Complainant and removed as

BALDWIN COUNTY COLONIZATION COMPANY,
A Corporation,

Complainant,

-VS-

THE SOUTHWEST QUARTER OF THE NORTH-
WEST QUARTER SECTION TWENTY, TOWN-
SHIP SEVEN SOUTH OF RANGE SIX EAST,
MRS. LILLIAN VAUGHN AND VONCILLIS
VAUGHN, a minor under the age of
fourteen years, and SUSAN KATHRYN
VAUGHN, a minor under the age of
fourteen years,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY,

ALABAMA.

SITTING IN EQUITY.

P E T I T I O N

This cause being submitted on the original Bill of Complaint, Amended Bill of Complaint, Answer and Cross Bill of Respondent minors, Voncille and Susan Kathryn Vaughn as filed by their guardian ad litem, J. B. Blackburn, Esq., upon the Decree proconfesso against Mrs. Lillian Vaughn, and the testimony of L. Lindorfer and A. Krieger and R. C. Heard & *Answer of Complainant to Cross Bill*

The pleading and evidence in this cause shows that the Baldwin County Colonization Company, sometime before the year, 1910 acquired the aforesaid lands from the Southern States Lumber Company. That in 1910 the Baldwin County Colonization Company sold the lands to one, Martin Portol, who went into, under his said purchase from the Baldwin County Colonization Company, the open, notorious, exclusive and adverse possession of said lands.

The records further disclose that Martin Portol executed a mortgage to the Baldwin County Colonization Company on said lands, which mortgage was foreclosed in January, 1920. That the said possession of the said Martin Portol, as aforesaid, continued up until the foreclosure of said mortgage, at which time the Baldwin County Colonization Company, having purchased said lands at said fore-

closure sale, went into the actual, open, notorious and exclusive possession of said lands, and have continued in said possession ever since, and that the Baldwin County Colonization Company has been paying the taxes upon said lands since 1920.

The records further disclose that on June 1, 1918, said lands were sold for taxes due thereon for the year 1917, and that these lands were purchased at said tax sale by J. W. Thomas, who has since died. That on June 5, 1920, a tax deed was duly executed to J. W. Thomas in and to said lands, and that J. W. Thomas paid the taxes on said lands from 1918 to 1925 inclusive, and that whatever interest the said J. W. Thomas had in and to said lands by way of said tax deed and the payment of the aforesaid taxes as aforesaid was devised by the said Thomas in his last Will and Testament dated the 24th. day of September, 1924, and which has been duly probated, to Mrs. Lillian Vaughn, Vencie Vaughn and Susan Kathryn Vaughn. That the total amount due the said Respondents as agreed upon by and between the Plaintiff and J. B. Blackburn, as Guardian ad litem for Vencie Vaughn and Susan Kathryn Vaughn, minors, is EIGHTY AND 97/100 (\$80.97) DOLLARS, said amount covering the purchase price of said lands paid by the said J. W. Thomas at the tax sale thereof, and the several items of taxes paid by him, together with the interest thereon at the legal rate of interest.

It being agreed by and between the parties that the aforesaid amount is now due the Respondents and Cross Complainants by way of payment of purchase price at the tax sale and the payment of the taxes during the several years heretofore mentioned takes out of this cause the question as to the liability of the Complainant for the aforesaid amount, and also the question as to whether the

Respondents have a lien on said lands for the amount of money that has been expended by their testator in and by said taxes.

The records disclose that the Complainant, The Baldwin County Colonization Company, has the fee simple title in and to said lands, and is entitled to have its said title to be declared absolute and in fee simple, subject, however, by its agreement to have fastened thereon a lien in favor of the Respondents and Cross Complainants in the sum of EIGHTY AND 87/100 (\$80.87) DOLLARS, being the amount paid by the testator and Respondents and Cross Complainants as aforestated.

D E C R E E.

It is, therefore, ordered, adjudged and decreed that the Complainant, the Baldwin County Colonization Company, is the absolute owner of the following described property, to-wit:-

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It is further ordered, adjudged and decreed that all claims, rights, title, interest in or incumbrance upon said lands held by any one other than Lillian Vaughn, Vencie Vaughn and Susan Kathryn Vaughn are hereby and herein declared null and void, and is decreed to be a cloud upon the title of Complainant and removed as

such.

It is further ordered, adjudged and decreed that upon the payment, within sixty days from the date of this decree into the Registry of this Court by Complainant, the sum of EIGHTY AND 87/100 (\$80.87) DOLLARS, for the use and benefit of the said Lillian Vaughn, Voneille and Susan Kathryn Vaughn, together with the cost of these proceedings will be in complete satisfaction of all claims, rights, title, interest in, or incumbrance upon said lands that the said Lillian Vaughn, Voneille Vaughn and Susan Kathryn Vaughn hold in and to the same, and that upon the payment of said amount the Baldwin County Colonization Company's title in and to said lands shall be forever quieted, as to all claims, demands, rights or incumbrances held by any one whomsoever, and that said tax deed executed by the Probate Judge of Baldwin County, Alabama, to J. W. Thomas in and to said lands be held for naught and of no effect, and removed forever as a cloud upon the title of The Baldwin County Colonization Company to said lands.

It is further ordered, adjudged and decreed that upon the payment of the aforesaid sum, together with the cost of these proceedings to the Register of this Court by the Complainant that the Register then is to indorse that fact upon this decree, and also upon the margin of the record where this decree is recorded in the Probate Judge's Office of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that J. B. Blackburn is allowed the sum of THIRTY-FIVE AND 00/100 (\$35.00) DOLLARS as a guardian ad litem fee in representing Voneille and Susan Kathryn Vaughn, minors, which is to be taxed as a part of the cost.

It is further ordered, adjudged and decreed that a copy of the foregoing opinion and this decree shall be filed in the Probate Judge's Office by the Register of this