

Book 2 Page 118

LUMAS A. PARISH
COMPLAINANT
VS
JAMES H. KELLY ET AL,
RESPONDENTS

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

It having been made to appear in the above styled cause that James H. Kelly and Catherine M. Kelly if they be living or if they be dead, their heir, devisees, grantees, personal representatives and assigns are non resident of the State of Alabama, and over 21 years of age; that their addresses are unknown; that Farmer & Merchants Bank is a corporation with its place of business at Foley, in Baldwin County, Alabama; that Lumas A. Parish is the owner in fee simple and in the actual possession of the following described land in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres more or less, in Baldwin County, Alabama.

That he acquired title to same by purchase from Clarence N. Atkins and Ethel G. Atkins, his wife, by warranty deed dated September 11, 1946, and of record in the office of the Probate Judge of Baldwin County, Alabama; that no person is known to have paid any taxes on said land, or to have been in possession thereof, within ten years next preceding the filing of this bill of complaint except Lumas A. Parish, Clarence N. Atkins, M. L. Brewton, Mrs. M. L. Brewton, Catherine M. Kelly and James H. Kelly.

It is therefore ordered and notice is hereby given that said Respondents, James H. Kelly, Catherine M. Kelly, the unknown heirs, devisees, grantees, personal representatives and assigns of James H. Kelly and Catherine M. Kelly, Farmers and Merchants Bank of Foley, a corporation, and any other person, firm, or corporation claiming any right, title to, interest in, lien or encumbrance upon the said land or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in equity, and plead, answer or demur to the bill of complaint in this cause filed on or before the 17 day of November, 1946, or upon their having failed to do so upon the expiration of thirty days from said

STATE OF ALABAMA, BALDWIN COUNTY

Filed *Oct. 25, 1946* *SPM*

Recorded *Lio Pend* book *2* 118-119

M. R. Stuart
Judge of Probate *L. A.*

date this cause shall be at issue.

Book 2 Page 119

It is further ordered that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 17 day of October, 1946.

R. S. Duck T
Register, Circuit Court, Baldwin County,
Alabama
By Alice J. Duck
D.R.

[Signature]
Solicitor for the Complainant

STATE OF ALABAMA)
COUNTY OF BALDWIN)

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of the Notice given by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, in the cause of Lumas A. Parish, Complainant vs James H. Kelly et al, Respondents, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the County in which said land lies in accordance with the provisions of the laws of the State of Alabama.

IN WITNESS WHEREOF I have hereunto set my hand and seal of office on this the 17 day of October, 1946.

R. S. Duck
Register
By Alice J. Duck
D.R.

Catherine M. Kelly 87
James H. Kelly
Mrs. M. L. Brewton 31
M. L. Brewton
Clarence N. Atkins 9
James A. Parrish 69

12

James S. Kelly et
Catherine M. Kelly 87

10-17-46

2-118-119

Lis Penders

Filed Oct 17, 1946

Register

R-115

Mr. R. S. Bluck

The **BALDWIN** *Times*
ALABAMA'S BEST COUNTY'S- Times BEST NEWSPAPER
BAY MINETTE, ALABAMA

LEGAL NOTICE

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

LUMAS A. PARISH, Complainant, Vs.
JAMES H. KELLY, ET AL, Respondents.

It having been made to appear in the above styled cause that James H. Kelly and Catherine M. Kelly if they be living or if they be dead, their heirs, devisees, grantees, personal representatives and assigns are non resident of the State of Alabama, and over 21 years of age; that their addresses are unknown; that Farmers & Merchants Bank is a corporation with its place of business at Foley, in Baldwin County, Alabama; that Lumas A. Parish is the owner in fee simple and in the actual possession of the following, described land in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North 321 degrees East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama.

That he acquired title to same by purchase from Clarence N. Atkins and Ethel G. Atkins, his wife, by warranty deed dated September 11, 1946, and of record in the office of the Probate Judge of Baldwin County, Alabama; that no person is known to have paid any taxes on said land, or to have been in possession thereof, within ten years next preceding the filing of this bill of complaint except Lumas A. Parish, Clarence N. Atkins, M. L. Brewton, Mrs. M. L. Brewton, Catherine M. Kelly and James H. Kelly.

It is therefore ordered and notice is hereby given that said Respondents, James H. Kelly, Catherine M. Kelly, the unknown heirs, devisees, grantees, personal representatives and assigns of James H. Kelly and Catherine M. Kelly, Farmers and Merchants Bank of Foley, a corporation, and any other person, firm or corporation claiming any right, title to, interest in, lien or encumbrance upon the said land or any part thereof to appear in the Circuit Court of Baldwin County, Alabama, in equity, and plead, answer or demur to the bill of complaint in this cause filed on or before the 17 day of November, 1946, or upon their having failed to do so upon the expiration of thirty days from said date this cause shall be at issue.

It is further ordered that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 17 day of October, 1946.

R. S. DUCK, Register, Circuit Court, Baldwin County, Alabama.
H. M. HALL, Solicitor for the Complainant. 38-4tc

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Jimmy Faulkner being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Lumas a. Parish, compl.
vs. James H. Kelly et al,
Respondent

COST STATEMENT

478 WORDS @ 4 1/2 cents --- \$ 21.51

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

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

Date of 1st publication Oct. 17, 1946 Vol. 57 No. 38

Date of 2nd publication Oct. 24, 1946 Vol. 57 No. 39

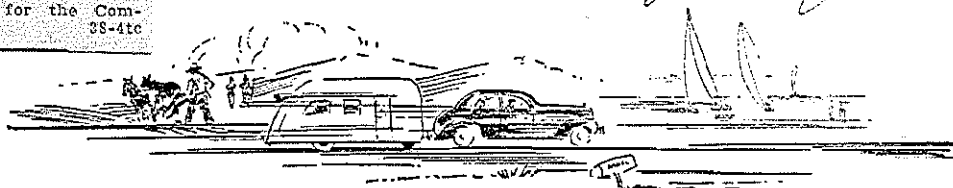
Date of 3rd publication Oct. 31, 1946 Vol. 57 No. 40

Date of 4th publication Nov. 7, 1946 Vol. 57 No. 41

Subscribed and sworn before the undersigned this 8 day of Nov., 1946

Charles T. Sims
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

No. 1750

~~REQUEST FOR APPOINTMENT OF COMMISSIONER~~

To: Mrs. Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama:

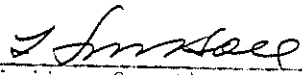
The Complainant wishes to take orally, on behalf of the Complainant the testimony of the following witnesses:

Lumas Parish, Mobile, Alabama

J. B. Parish, Spanish Fort.

It is hereby requested that they be given proper and legal notice, and that Evelyn Kervin be appointed as special commissioner, to take the testimony of said witnesses, and that due and legal notice be given as required by law.

Dated this the 2 day of January, 1947.


Solicitor for the Complainant

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

REQUEST FOR APPOINTMENT
OF COMMISSIONER

Filed 1/2/47

*Alice J. Duch
Register*

THE STATE OF ALABAMA, }
BALDWIN COUNTY

Circuit Court

To Evelyn Kervin

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Lumas A. Parish and J. B. Parish

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

Complainant

and James H. Kelly et al

Respondent

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

Witness ✓ day of Jan, 1947

Alice J. Duck
Register

Commissioner's Fee, \$ 10.00

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Lumas A. Parish

Complainant

VS.

James H. Kelly

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Lumas A. Parish

Complainant

VS.

James H. Kelly et al

Respondent

I, Evelyn Kervin

as Register and Commissioner

have called and caused to come before me Lumas A. Parish and J. R. Parish

witness Hubert M. Hall named in the Requirement for Oral Examination, on the 7 day of January 194 7, at the office of Hubert M. Hall in Bay Minette, Alabama, and having first sworn said Witness es to speak the truth, the whole truth, and nothing but the truth, the said

doth depose and say as follows:

My name is Lumas A. Parish. I am the Complainant in the above cause. I am over 21 years of age, and a bona fide resident of the State of Alabama. I live at 763 Marine Street, Mobile.

The Respondent, James A. Kelly and Catherine M. Kelly are over 21 years of age and non-residents of the State of Alabama. I have made and caused to be made a diligent search and inquiry to ascertain their present addresses, inquiring of people over Baldwin County, Alabama, and also had a search made in Philadelphia, Pennsylvania, their last known address. I haven't been able to secure any information as to their whereabouts.

The Farmers Merchant Bank of Foley, is a corporation with its principal place of business in Foley, Alabama.

I am the owner in the fee simple and in the actual possession of the land described in the bill of complaint in this cause containing two acres and being in Section 29, Township 4 South, Range 2 East, in Baldwin County, Alabama. There is no suit pending to test my title to, interest in or rights to possession of said lands.

I obtained title to said land by purchase from Clarence Atkins and Ethel C. Atkins, his wife, by deed dated September 11, 1946, and filed for record in the office of the Probate Judge of Baldwin County, Alabama on September 12, 1946, which deed is of record in Book 111, page 293, and is attached hereto and made a part hereof. This deed was given to correct a former deed dated August 23, 1941, and which is of record in Deed Book 75 pages 533-4. The original deed is hereto attached and made a part hereof.

I first bargained to buy the property from C. N. Atkins on May 18, 1940, at which time I took actual possession of the property, and have continued in the actual possession thereof until this time. I have personally known the property for the past ten years. M. L. Brewton and his wife, were in the actual possession of the property at the time I knew deed. They continued in the actual possession of the property until they sold it to Clarence Atkins who immediately took actual possession thereof and continued in the actual possession until I bought it.

The title to the land stands upon the record of Baldwin County, Alabama, in the name of Lumas A. Parish, the Complainant. No one has at any time within ten years next preceeding the filing of this bill of complaint paid any taxes upon or attempted to exercise any rights of possession to said land other than Clarence N. Atkins, Mrs. M. L. Brewton, Catherine M. Kelly and the Complainant. Catherine M. Kelly executed a conveyance to M. L. Brewton and Mrs. M. L. Brewton in September, 1937, the deed being of record in Deed Book 63 NS, pages 179-80. Neither Catherine M. Kelly, James H. Kelly nor any other persons, firms or corporations has exercised or attempted to exercise any rights of possession to said property other than the Complainant and those through whom he holds for more than 10 years next proceeding the filing of the bill of complaint in this cause.

Lumas A. Parish

ORAL EXAMINATION.

I, Evelyn Kerwin, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness^{es} and read over to them and they signed the same in the presence of myself and Hubert M. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness—; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 7 day of January, 194 7.

Evelyn Kerwin (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

Lumas A. Parish

vs. Complainant

James H. Kelly et al

Respondent.

Oral Deposition

Filed 1-10, 194 7

Albee J. Leach, Register.

Recorded in _____

Record _____

Vol. _____ Page _____, Register.

J. B. Parish, a witness for the Complainant being first duly sworn,
deposes and says.

My name is J. B. Parish. I live at Spanish Fort, Baldwin County, Alabama, and across the road from the property involved in this suit. I have lived there for the past ten years, and knew the property for some two years before I moved to my present location. I understand that Catherine M. Kelly and James H. Kelly lived on and occupied the property involved in this suit, but they left Baldwin County about one year before I moved there. I know that they haven't exercised or attempted to exercise any claim thereto, or rights of possession to said property for more than ten years next proceeding the filing of the bill of Complaint in this cause. There is now and has been for more than ten years a building operating as a store and filling station and also some cabins that were built on the property a good many years before I moved to my present location. This property has for the past ten years and more been actually occupied, either in person or by tenant, by the Complainant, Lomas A. Parish, Clarence Atkins, through whom he holds, and Mr. and Mrs. M. L. Brewton through whom Atkins held title. I have, at the request of the Complainant, made a diligent search to ascertain the present addresses of Catherine M. Kelly and James H. Kelly, inquiring of parties in several places in Baldwin County, from people who were personally acquainted with them, however, they haven't been heard from for more than ten years, from all information obtainable, they and their heirs if they be dead are non-residents of the State of Alabama.

J B Parish

STATE OF ALABAMA)
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WE COMMAND YOU, that you summons JAMES H. KELLY, CATHERINE M. KELLY, the unknown heirs, devisees, grantees, personal representatives and assigns of James H. Kelly and Catherine M. Kelly, the Farmers and Merchans Bank of Foley, a corporation and against any and all persons, firms or corporations claiming any right, title to, interest in or encumbrance upon the following described land in Baldwin County, Alabama, Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama, to be and appear before the Judge of Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of the summons, and there to plead, answer or demur without oath to a bill of complaint, lately exhibited by LEROY HALL, as Complainant, and against them, and each of them, separately and severally, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereon to our court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Court, this the 15 day of October, 1946.

R. S. Duck
Register
By Wesley J. Duck D.R.

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Lumas A. Parish, presents this his bill of complaint against the following described land in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less in Baldwin County, Alabama,

And also against James H. Kelly, Catherine M. Kelly, the unknown heirs, devisees, grantees, personal representatives, and assigns of James H. Kelly and Catherine M. Kelly and also the Farmers and Merchan Bank of Foley, a corporation and

also any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof and respectfully represents and shows unto your honor and to this Honorable Court as follows:

1.

That your Complainant is a bona fide resident of the State of Alabama, living at 763 Marine Street, Mobile; that he is over 21 years of age.

2.

That the Respondents, James H. Kelly and Catherine M. Kelly are over 21 years of age and non-resident of the State of Alabama; that a diligent search and inquiry has been made to ascertain the present address of James H. Kelly and Catherine M. Kelly, and whether or not they are living or dead and if dead the names, ages and addresses of their heirs and next of kin but they are unknown, but from all information obtainable are non-residents of the State of Alabama, and over 21 years of age; that the Farmers and Merchants Bank of Foley is a corporation with its principal place of business in Foley, Alabama.

3.

That your Complainant is the owner in fee simple and in the actual possession of the land described herein in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road; thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama.

4.

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

5.

That your Complainant obtained title to said land by purchase from Clarence Atkins and Ethel G. Atkins, his wife, by deed dated September 11, 1946, and filed for record in the office of the Probate Judge of Baldwin County, Alabama on September 12, 1946.

6.

That the title to said land claimed by your Complainant stands upon the records of Probate Court of Baldwin County, Alabama, in the name of Lumas A.

Parish.

7.

That no one has at any time within ten years next preceding the filing of this bill of Complainant paid any taxes upon or had any possession of said land or any part thereof except your Complainant and those through whom he holds by mesne conveyances, Clarence W. Atkins, Mrs. M. L. Brewton, and Catherine M. Kelly.

8.

The only persons known by your Complainant to claim said land or any part thereof or any interest therein are your Complainant, Lumas A. Parish, James H. Kelly, Catherine M. Kelly and the Farmers and Merchants Bank of Foley.

WHEREFORE your Complainant prays that your Honor will by proper process make the said James H. Kelly, Catherine M. Kelly, Farmers and Merchants Bank of Foley, the unknown heirs, devisees, grantees, personal representatives, successors and assigns of them and each of them, and any other person, firm, or corporation claiming any right, title to, interest in, or encumbrance upon the said land in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama,

or any part or parcel thereof parties respondent to this bill of complaint and by appropriate process require 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.

Complainant further prays that upon a final hearing of this cause this Honorable Court will make and enter a decree ascertaining, establishing and determining that the fee simple title free of encumbrances to said land and to each and every parcel thereof is vested in your complainant, Lumas A. Parish and that neither James H. Kelly, Catherine M. Kelly, Farmers and Merchants Bank of Foley, the unknown heirs, devisees, grantees, personal representatives, successors and assigns or them and each of them nor any other persons, firms or corporations has any right title to, interest in, lien or encumbrance upon said land or any part or parcel thereof; and that all doubts and disputes concerning the said land be cleared up.

Your Complainant prays for such other, further, different or general relief as he may be in equity entitled to receive.

J. M. Hall
Solicitor for the Complainant

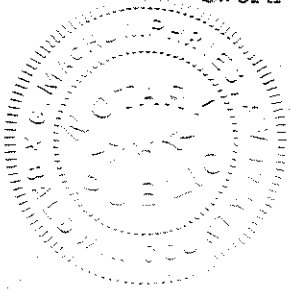
STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared E. M. Hall, who is known to me and who being by me first duly sworn, deposes and says: that he is solicitor of record for the Complainant in the above styled cause and authorized to make this affidavit; that from all information obtainable and relying thereon he verily states that the facts contained in the foregoing bill of complaint are true.

J. M. Hall

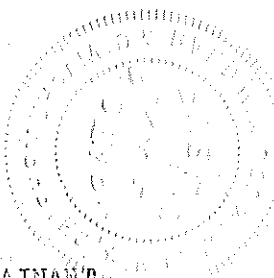
Sworn to and subscribed before me on this the 15 day of October, 1946.

[Signature]
Notary Public, Baldwin County, Alabama



RECORDED

1750



Executed this Oct. 31st 1946.
by leaving a copy of within
Writ with Geo. Schultz
Rep. of Farmers & Merchants Bank,
Foley Ala

C. E. Garrett Sheriff
M.D. D.S.

JAMES A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

BILL OF COMPLAINANT

Filed 10/1/46

R. S. Duck

Register
by Alice J. Duck

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Comes the Complainant in the above styled cause and shows unto the Court that an order of publication was made on the 17th day of October, 1946, and which was duly published in the Baldwin Times, a newspaper published at Bay Minette, Alabama, and was directed to James H. Kelly, Catherine M. Kelly, the unknown, heirs, devisees, grantees, personal representatives and assigns of James H. Kelly, Catherine M. Kelly, Farmers and Merchants Bank of Foley, a corporation, and any and all persons, firms or corporations claiming any right, title to, interest, lien or encumbrance upon the following described land in Baldwin County, Alabama:

~~Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North 82 $\frac{1}{2}$ ° East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama,~~

Respondents in said cause, which required the said Respondents, to answer, or demur to the bill of complaint within thirty days after the 17th day of November, 1946, and which the said Respondents have to this day failed to do.

WHEREFORE the complainant moves the court to grant a decree pro confesso against the said Respondents.

Dated this the 20 day of Dec, 194 6.

John Steen
Solicitor for the Complainant

RECORDED

LUMAS A. PARISH

COMPLAINANT

VS.

JAMES H. KELLY, ET AL

RESPONDENTS

MOTION FOR DECREE PRO
CONFESSEO ON PUBLICATION

*Filed 12/20/46
Alice J. Duck
Register*

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

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

Comes the Complainant in the above styled cause and shows unto the Court that a summons was issued out of this court on the 15th day of October, 1946, directed to The Farmers & Merchants Bank of Foley, Respondent in said cause ordering it to appear and plead, answer or demur within thirty days of the service thereof of the bill of complaint filed in said cause; that the same was duly served upon the said Respondents as follows: Farmers & Merchant Bank on October 31st, 1946, by the proper officer, and that the said Respondent failed to appear and plead, answer or demur to the said complaint.

WHEREFORE the complainant moves that a decree pro confesso be issued against the said Respondents.

Dated this the 8 day of Dec, 1946.


Solicitor for the Complainant

RECORDED

LUMAS A. PARISH

COMPLAINANT

VS.

JAMES H. KELLY ET AL

RESPONDENTS

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL
SERVICE.

*Filed 10/20/46
Alice J. Duck
Register*

LUNAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

DECREE PRO CONFESSO ON PERSONAL SERVICE

In this cause it being made to appear to the Register of this Court that a summons was served upon the Respondent, Farmers & Merchant Bank of Foley, on October 31st, 1946, by the sheriff of Baldwin County, Alabama, requiring the said Respondents to appear and plead, answer or demur to the bill of Complaint in this cause within thirty days from the service of said summons, and the said Respondent having failed to appear and plead, answer or demur to the said bill of complaint to the date thereof.

IT IS NOW, THEREFORE, 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 Farmers & Merchants Bank of Foley.

Granted this the 27th day of Dec, 1946,

Alice J. Duck
Register

RECORDED

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

DECREE PRO CONFESAO
ON PERSONAL SERVICE

*Filed 11/23/46
Alice J. Duck
Register*

LUMAS A. PARISE

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

DECRETE PRO CONFESSEO ON PUBLICATION

In this cause it appearing to the Court that the order or publication heretofore made in this cause was published for four consecutive weeks commencing on October 17th, 1946, in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama; that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 17th day of October, 1946; and it now further appearing to the court that the said James H. Kelly, Catherine M. Kelly, Farmers & Merchant Bank of Foley, have to this day thereof failed to plead, answer or demur to the said bill of Complaint in this cause.

It is therefore, on motion of the Complainant, ordered and decreed by the court, that the said bill of complaint, be and it hereby is, in all things, taken as confessed against the said Respondents.

WITNESS my hand and seal of office this the 23 day of December, 1946.

Alice J. Dorch
Register

RECORDED

LUNAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLEY ET AL

RESPONDENTS

DECREE PRO CONFESSED
ON PUBLICATION.

Filed 10/23/46
Alice J. Duck
Register

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

NOTICE OF TIME OF TAKING OF TESTIMONY

To: James H. Kelly, Catherine M. Kelly and The Farmers & Merchants
Bank of Foley:

Notice is hereby given that the Complainant will on the 7 day of
January, 1947, before Evelyn Kervin, as special commissioner, take the
testimony of the following witnesses:

Lumas A. Parish, Mobile, Alabama

J. B. Parish, Spanish Fort, Alabama.

Dated this the 7 day of January, 1947.

Stinson
Solicitor for the Complainant

Evelyn Kervin
As Special Commissioner

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENT

NOTICE OF TIME OF TAKING
OF TESTIMONY

Filed 1/24/47

Alice J. Duck
Regis

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the following:

1. Original summons and complaint,
2. Lis Pendens Notice filed for record in the office of the Probate Judge of Baldwin County, Alabama,
3. Notice and proof of publication in the Baldwin Times,
4. Motion for decree pro confesso on personal service,
5. Decree pro confesso on personal service,
6. Motion for decree pro confesso on publication,
7. Decree pro confesso on publication,
8. Request for appointment of commissioner,
9. Appointment of commissioner,
10. Notice of time of taking testimony,
11. Testimony of Lumas A. Parish and J. B. Parish, with exhibits attached.

Alice J. Duck
Register

James Lee
Solicitor for the Complainant

RECORDED

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY, ET AL

RESPONDENTS

NOTE OF TESTIMONY

Filed 12/10/47

Alice J. Duck
Reporter

LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1750

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso, and proof as noted by the Register, and it appearing to the satisfaction of the Court that the Complainant is the owner in fee simple of, and in the actual and peaceable possession of the said land, and each and every part and parcel thereof, and that the title of the Complainant has been duly and justly proven by legal and competent evidence, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondents, James H. Kelly, Catherine M. Kelly, the unknown heirs, devisees, grantees, personal representatives, and assigns of James H. Kelly, Catherine M. Kelly, Farmers and Merchants Bank of Foley, a corporation, and also any and all persons, firms, or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof have no estate, right, claim, interest in or encumbrance upon the following described land or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the full fee simple title to the said lands in Baldwin County, Alabama, to-wit:

Beginning at the Southwest corner of the Northeast quarter of Section 29, Township 4 South, Range 2 East, run East 203 feet for beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}^{\circ}$ East 205 feet, thence South 459 feet, thence West 203 feet to beginning, containing two acres, more or less, in Baldwin County, Alabama,

is vested absolutely in the Complainant, LUMAS A. PARISH

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, in the direct index in the name of James H. Kelly, Catherine M. Kelly, Farmers & Merchants Bank of Foley, a corporation, and the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them and in the indirect index in the name of Lumas A. Parish.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record, and that the costs thereof be taxed in the cost of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Done this the 11th day of January, 1947.

J. M. Stare
JUDGE

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a true, correct, full, and complete copy of the final decree in the case of Lumas A. Parish, Complainant vs James H. Kelly, et al, Respondents as the same appears in my office.

Witness my hand and seal of office on this the ____ day of January, 1947.

Register

RECORDED

1734
LUMAS A. PARISH

COMPLAINANT

VS

JAMES H. KELLY ET AL

RESPONDENTS

FINAL DECREE

W. R. STUART
PROBATE JUDGE

No. **4626**

Bay Minette, Ala.,

1/13

, 194**7**

Received of *Mrs. Alissa J. Leach*

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>Luna A. Parish</i>								
	<i>comp</i>								
	<i>13</i>								
	<i>James H. Kelly et al.</i>					<i>1.25</i>		<i>1.25</i>	
	<i>Resp</i>								

FOR RECORD

TOTAL \$

W. R. Stuart

Judge of Probate.

383

(Date)

1946

Surcharge Paid

10

finds

addressed to

(Street and number)

~~Post office and State~~

1990

Accepting employees will place initials in space below, indicating restricted delivery.

Return receipt for

Debit to Receipts Jan. 7

(in person)

For order _____

2

Q. 1711. — C.

Postmaster, per



U F O 16-12000

W. R. STUART
PROBATE JUDGE

No. **3736**

Bay Minette, Ala.,

10-25

, 194**6**

Received of

R. S. Duck

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>Lewis G. Parrish</i>					<i>1</i>	<i>15</i>	<i>1</i>	<i>15</i>
	<i>James H. Kelly</i>								

FOR RECORD

TOTAL \$

1.15

W. R. Stuart

Judge of Probate.