

W. C. HOLMES

Complainant

-vs-

The North half (N¹/₂) of the Southeast quarter (SE¹/₄) and the Southwest quarter (SW¹/₄) of the Southeast quarter (SE¹/₄) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W¹/₂) of the Southwest quarter (SW¹/₄) of the Southwest quarter (SW¹/₄) of the Southwest quarter (SW¹/₄); the Northeast quarter (NE¹/₄) of the Southwest quarter (SW¹/₄) of the Southwest quarter (SW¹/₄); West half (W¹/₂) of the Northwest quarter (NW¹/₄) of the Southeast quarter (SE¹/₄) of the Southwest quarter (SW¹/₄); the West half (W¹/₂) of the Southwest quarter (SW¹/₄) of the Southeast quarter (SE¹/₄) of the Southwest quarter (SW¹/₄) and the West half (W¹/₂) of the Southeast quarter (SE¹/₄) of the Southwest quarter (SW¹/₄) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS F. HARR, UNKNOWN HEIRS OF THOMAS F. HARR, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, J. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, a Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. B. COONEY, ALICE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS, OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

Defendants

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

Comes your Complainant W. C. Holmes, and brings this his Bill
of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:-

The North half (N₂) of the Southeast quarter (SE₄) and the Southwest quarter (SW₄) of the Southeast quarter (SE₄) of Section twenty-seven (27), township eight (8) South, Range four (4), East, and the West half (W₂) of the Southwest quarter (SW₄) of the Southwest quarter (SW₄) of the Southwest quarter (SW₄); the Northeast quarter (NE₄) of the Southwest quarter (SW₄) of the Southwest quarter (SW₄); West half (W₂) of the Northwest quarter (NW₄) of the Southeast quarter (SE₄) of the Southwest quarter (SW₄), and the West half (W₂) of the Southwest quarter (SW₄) of the Southeast quarter (SE₄) of the Southwest quarter (SW₄), and the West half (W₂) of the Southeast quarter (SE₄) of the Southeast quarter (SE₄) of the Southwest quarter (SW₄) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama.

Complainant further brings his Bill of Complaint against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the above described lands or any part thereof and especially brings his Bill of Complaint against Thomas P. Mann, unknown heirs of Thomas P. Mann, Bay La Launche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs or personal representatives of John Cooney, Sarah F. Cooney, and any and all persons, firms or corporations claiming any interest in the above described lands, and Complainant respectfully shows unto your Honor as follows:

FIRST:

That he is in the actual, peaceable, adverse possession of the above described lands, claiming to own the same in fee simple and using the same in every way that it is susceptible to use.

SECOND:

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

THIRD:

Complainant further shows that he claims the entire fee simple title in and to said lands, having acquired the same as follows:

All that land above described lying and being in Section twenty-seven (27), township eight (8), South, Range four (4), East was purchased by conveyance from J. S. Lowery, unmarried, dated March 23, 1943, who purchased by tax deed from the State Land Commissioners of Alabama, dated April 14, 1944, which said property was bid in by the State of Alabama on the 13th day of June, 1932, for unpaid taxes, the sale being held pursuant to a decree rendered by the Probate Court of Baldwin County, Alabama, on May 9, 1932. All that property above described lying and being in Section twenty-six (26), township eight (8), South, Range four (4), East, was purchased by Complainant from the State Land Commissioner of Alabama by Deed dated June 27, 1945, which said property was bid in by the State of Alabama for unpaid taxes on the 13th day of June, 1932, the sale being made pursuant to a decree rendered by the Probate Court of Baldwin County, Alabama on the 6th day of May, 1932. Complainant further shows unto your Honor that the title to said lands stands on the records of the Probate Court of Baldwin County, Alabama in the name of your Complainant.

FOURTH:

Complainant further shows unto your Honor that he has made a diligent inquiry in the neighborhood of said lands as to the prior ownership of same, the possession of same, the whereabouts of any and all persons who are, or maybe interested in the same, or who claim any interest therein; that your Complainant, in this investigation and inquiry, has had an Abstract of Title to said real estate made from the records of Baldwin County, Alabama; that Complainant has used diligence in trying to ascertain the names and residences and Postoffice addresses of the Defendants named herein and that he has been unable to do so except as follows: Patrick J. Cooney, 176 Loueselle Street, Mobile, Alabama; W. E. Cooney, Foley, Alabama; Annie C. Jones, 1702 Daughlin Street, Mobile, Alabama; that Com-

Complainant is informed that the following named persons are dead and their known heirs are as indicated: Ursula Schmidt, deceased, her only known heir, John U. Schmidt, P. J. Cooney, deceased, his only known heirs being as follows: Thomas J. Cooney, son, also deceased, W. E. Cooney, son, John Cooney, son, also deceased, Annie C. Jones, daughter, and Patrick J. Cooney, son; Thomas J. Cooney, deceased, also known as T. J. Cooney, his only known heir, Sarah T. Cooney; that if any of the above named defendants are dead or if those above named have other heirs, devisees or grantees, all are unknown to Complainant.

THIRD:

Complainant further shows unto your Honor that no one has paid taxes to the lands above described in Section twenty-six (26) township eight (8), South, Range four (4), East, for the last ten (10) years except your Complainant; and that no one has paid taxes on the lands above described in Section twenty-seven (27), township eight (8), South, Range four (4), East, for the last ten (10) years except your Complainant and J. S. Lowery, through and under whom he claims title; that no one is known to your Complainant to claim said lands, any part thereof or any interest therein except your Complainant and the Defendants to the proceedings as hereinabove named. Complainant calls upon the several persons hereinabove named as Defendants or any one else interested to set forth or specify his, her, or its claim, title, interest in, or encumbrance upon said land and how and by what instrument or otherwise the same is derived or created.

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 be issued to the following named Defendants, viz: Thomas P. Hann, unknown heirs of Thomas P. Hann, Boy La Leunche Orchards Company, A corporation, W. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of

Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms, or corporations claiming any interest in the above described lands, in the usual form and according to the practices of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law and the practices 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 the laws of the State of Alabama, authorizing the quieting of his title by proceedings in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint to the aforesaid defendants, whose residences and addresses are unknown by publication in some newspaper, published in Baldwin County, Alabama, making them parties to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time as required by law; and that your Honor will direct that personal service be had upon those above named defendants who are residents of the State of Alabama; and that they be required to plead, answer or demur to this Bill of Complaint within the time as required by law.

PRAYER FOR RELIEF:

~~Your Complaint~~ further prays that on a hearing of this cause that your Honor will establish Complainant's right of title to said land and will decree that the Complainant is the owner in fee simple of the land herein described and that no other person, firm or corporation has any title to, interest in, or lien or encumbrance upon said land or any part thereof, and especially that Thomas F. Hann, unknown heirs of Thomas F. Hann, Bay La Launche Orchards Company, a Corporation, H. J. O'Keefe, S. T. Means, John

U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Lande Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney and any and all persons, firms, or Corporations claiming any interest in the above described lands, have no right, title, interest in, or lien or encumbrance upon said land and that in said Decree your Honor will cause a certified copy of the Decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein, and that in said Decree your Honor will direct in whose name it shall be indexed in the Direct and Indirect Indexes of the Records thereof in said Probate Court of Baldwin County, Alabama, and Complainant further prays for such other, further, different, and general relief as in equity may seem just and meet, as Complainant will ever pray.


Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

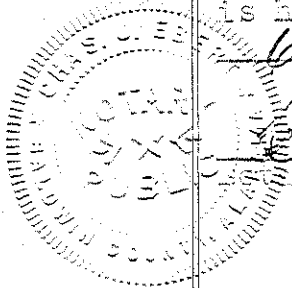
Before me, Chas. J. Chason, a Notary Public, in and for said County in said State, personally appeared C. G. Chason, who upon oath, deposes and says that he is the agent of and the attorney for the Complainant in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant, all of the Defendants named in the foregoing Bill of Complaint are over the age of twenty-one years and that all are non-residents of the State of Alabama, except as follows: Patrick J. Cooney, 176 Loueselle Street, Mobile, Alabama; W. E. Cooney, Foley, Alabama, and Annie C. Jones, 1702 Dauphin Street, Mobile, Alabama; and that except those hereinabove specified the places of residence are unknown to your Affiant; that he has made a diligent inquiry

(page seven)

to ascertain the same and has been unable to do so; that the following named persons are believed to be dead and that the names of their heirs, devisees or grantees which are known to affiant are as indicated: Ursula Schmidt, her only known heir John U. Schmidt; W. J. Cooney, deceased, his only known heirs being, as follows: Thomas J. Cooney, son, also deceased; W. E. Cooney, son, John Cooney, son, also deceased, Annie C. Jones, daughter, and Patrick J. Cooney, son; Thomas J. Cooney, deceased, also known as W. J. Cooney, his only known heir, Sarah E. Cooney; that if any of the other above named defendants are dead the names of their heirs, devisees or grantees are unknown; that if there are other heirs of the deceased persons than those above named they are unknown to affiant; and that affiant has made diligent inquiry to ascertain the same; that all other matters and facts stated in the foregoing Bill of Complaint upon knowledge are true; that he is informed as to the facts stated upon information and belief and verily believes and so swears that the same are true.



Sworn to and subscribed before
me, a Notary Public, whose seal
is hereto affixed, on this, the
16th day of November, 1946.




Notary Public, Baldwin County,
State of Alabama

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT BALDWIN COUNTY

TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

✓ 11-150 *✓ 117-43*
Patrick J. Cooney *W. C. Cooney* *Annie J. Jones*

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against *Certain Lands*
Thomas P. Hamm et als, Defendant

by *W. C. Holmes*

Plaintiff

Witness my hand this

12th

day of

Nov

194*6*

R. S. Duck

Clerk

No. _____ Page _____

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed _____ 194 _____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

194

Sheriff

I have executed this summons

this _____ 194 _____

by leaving a copy with

Sheriff

Deputy Sheriff

W. C. HOIMES

Complainant

-vs-

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, a Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

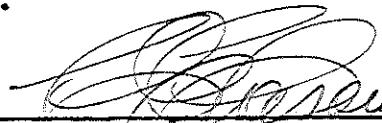
Defendants

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso in the above styled cause against defendants named therein on the ground that more than thirty (30) days have elapsed since service of summons and complaint upon resident defendants and that said summons was duly served according to law and since publication as ordered by the Register for defendants whose addresses were unknown and who were non-residents of the state of Alabama, and that said defendants have failed to demur, plead or answer the Bill of Complaint in this cause to this date.

This 11th day of January, 1947.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY


Solicitor for Complainant

No. 1764

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

W. C. HOLMES

Complainant

-vs-

THOMAS P. HAMM, et al

Defendants

MOTION FOR DECREE PRO CONFESSO

Filed 1-13, 1947

Alvin J. Much
Register

Recorded in _____

Page _____

Register

W. C. Holmes

vs.

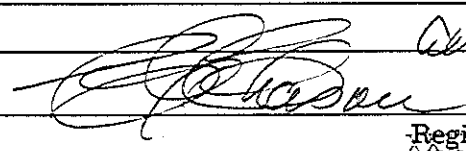
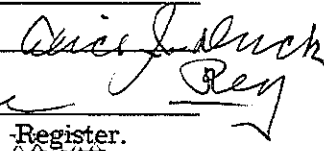
Thomas P. Hamm, et al

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, affidavit
of non-residence of defendants, request for service by publication
on non-resident defendants, order of publication, affidavit of pub-
lication, request for decree pro confesso on publication and on per-
sonal service, decree pro confesso on publication and on personal
service, notice of lis pendens, commission to take deposition, depo-
sition, testimony of W. C. Holmes and Chas. J. Ebert

and in behalf of Defendant upon _____

 
Register.

Solicitor for Complainant

RECORDED

No. 1764

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

W. C. Holmes

vs.

Thomas P. Hamm, et al

NOTE OF TESTIMONY

Filed in Open Court this _____

day of _____, 194_____

Register.

Printed by The Baldwin Times, Bay Minette.

W. C. HOLMES

vs.

CERTAIN LANDS

THOMAS P. HAMM ET AL

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint,

Testimony of W. C. Holmes and Charles J. Ebert

and in behalf of Defendant upon Personal Service , Publication

Decree Pro Confesso

C. G. Chason
Atty. For Complainant

Register.

RECORDED

No. 1764

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

W. C. HOLMES

vs.

CERTAIN LANDS

Thomas P. Hamm et al

NOTE OF TESTIMONY

Filed in Open Court this 20th
day of January, 1917

Alice J. Reuck
Register.

Printed By The Baldwin Times

W. R. STUART

PROBATE JUDGE

No. 4526

Bay Minette, Ala.,

Jan 27, 1947

Received of

Mr Alice J. D. Cook

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<u>M. C. Holmes -</u>								
	<u>Customs Bank</u>					<u>1 40</u>		<u>1 40</u>	

FOR RECORD

TOTAL \$

W. R. Stuart

Judge of Probate.

96422 MARSHALL & BRUCE-NASHVILLE

W. C. HOLMES

Complainant

-vs-

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNCHE ORCHARDS COMPANY, A corporation, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, A Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY, OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

Defendants

In this cause, it appears to the Register that service was had on the Respondents Patrick J. Cooney and Annie C. Jones on November 30, 1946 by the Sherrif of Mobile County and against W. E. Cooney on the 18 day of Dec, 1946, by the Sherrif of Baldwin County.

It further being made to appear to the Register that the order of publication heretofore made in this cause was published for four

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

(4) consecutive weeks commencing on the 14th day of November, 1946 in the "Foley Onlooker", a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the courthouse door in Baldwin County on the 14th day of November, 1946, and that a copy of the notice was placed in the Book of L_s Pendens in the office of the Judge of Probate of Baldwin County, Alabama, on November 12, 1946.

AND NOW, it further appearing to the Register that the said Respondents, as above named, having to the date hereof failed to demour, plead to, or answer the Bill of Complaint in this cause,

IT IS NOW THEREFORE, ON motion of Complainant, ordered and decreed by the Register that the Bill of Complaint in this cause be, and it is hereby in all things taken and confessed against the said Respondents above named.

This, the 13th day of January, 1947.

Alice J. Duck
Register

No. 1764

RECORDED

THE STATE OF ALABAMA
BALDWIN COUNTY
CIRCUIT COURT, IN
EQUITY

W. C. HOLMES

Complainant

- VS -

THOMAS P. HAMM, ET AL

Defendants

DECREE PRO CONFESSO

Issued 1-13, 1947

Alise J. Luck
Register

THE FOLEY ONLOOKER

(SW $\frac{1}{4}$; the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, A Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

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

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the Complaint in said cause that the Defendants, Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, A Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, Unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs

and personal representatives of P. J. Cooney, Deceased, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms, or corporations claiming any interest in the above described lands.

NOTICE IS HEREBY GIVEN to Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, Deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, Unknown heirs or personal representatives of John Cooney, Sarah T. Cooney and any and all persons, firms and Corporations claiming any interest in, title to, lien or encumbrance upon the lands herein described that on the 12th day of November, 1946, W. C. Holmes filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described land in Baldwin County, Alabama, viz:

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight, South, Range four, East, all in Baldwin County, Alabama.

and against the Defendants hereinabove named and any and all other persons, firms or Corporations claiming any interest in, lien

or encumbrance upon the described lands; and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 16th day of December, or a Decree Pro Confesso will be rendered against you; that said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainant to said land and for the purpose of quieting his title thereto, and clearing up the doubts and disputes concerning the same; that title to said land stands in the name of Complainant on the records in the office of the Judge of Probate of Baldwin County, Alabama.

Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said lands, claiming to own the same absolutely and in fee simple; that Complainant acquired title to that portion of the land in Section twenty-seven (27), Township eight (8), South, Range four (4), East from J. S. Lowery, unmarried, by conveyance dated March 25, 1946, and that the said J. S. Lowery purchased the property from the State Land Commissioner, the State of Alabama having bid in said lands for unpaid taxes on the 13th day of June, 1932; that Complainant purchased that portion of the land above described in Section twenty-six (26), township eight (8), South, Range four (4), East from the State Land Commissioner of Alabama by conveyance dated June 27, 1946 and that said land had been bid in by the State of Alabama for unpaid taxes on the 13th day of June 1932; that on one, except your Complainant and the said J. S. Lowery, has paid any taxes on any portion of the land above described for ten (10) years next proceeding the filing of this Bill of Complaint.

WITNESS my hand this 12th day of November, 1946 as Register of the Circuit Court of Baldwin County, Alabama.

R. S. DUCK,
As Register of the Circuit Court of Baldwin County, Alabama.

C. G. CHASON,
Solicitor for Complainant.

14-21-28-5

THE FOLEY ONLOOKER

and that war, and tell a fascinating story of the obstacles he had to overcome in conducting his campaign in Burma, "the only offensive combat victory won by the Chinese troops against the Japanese in eight years."

Through the medium of this book, you will get to know General Chiang K'ai-shek, and what the Kuomintang is; many of the leaders of the National Chinese Government; the corruption and the graft and the few honest liberals. You will learn about the Communists, who are masters of guerilla warfare; but who nevertheless managed to bring order, education and some prosperity to millions of the Chinese.

The future of China is important to us all. "The reconstruction of China has been in the blueprint stage for forty years", say the authors. "To expect stability in China in our generation would be childish. China must change or die. In addition to the problems of today, the Chinese must solve the problems of yesterday, industrialization and railways, the fostering of universal education, the nurturing of the scientific attitude. And there is very little time. The great problem of China is whether both parties can agree on a program of change broad enough to meet the needs of the overwhelming mass of Chinese people. If they can, change will come peacefully; if they cannot, armies will march across the land, ravaging its people and imperiling every nation in the world."

The book is a thoughtful and thought-provoking one. I know too little to decide whether or not Mr. White and Mrs. Jacoby are right in their solution of the problems, but I learned something from the book, and it has opened an entirely new field of interest to me.

½ cup finely cut citron
Juice of one orange
Sugar

Sift flour, measure and resift three times with salt and baking powder. Beat egg whites until stiff, add egg yolks and sugar and beat at slow speed on electric mixer for ten minutes (or beat by hand) add lemon rind, then fold in flour mixture gradually. Add citron and mix thoroughly. Chill. Pinch off pieces the size of a hickory nut and roll into balls. Dip top in orange juice, then into sugar, either granulated or powdered. Place sugar side up on an oiled cookie sheet, about two inches apart. Bake in a slow oven (325°F) to a delicate brown, about 20 minutes. Makes 5 dozen.

LIGHT LEBKUCHEN

4 cups sifted all purpose flour
½ teaspoon salt
2 teaspoons cinnamon
4 eggs, separated
2 cups granulated sugar
1 scant teaspoon ammonium carbonate (1 small cube)
1 teaspoon grated lemon rind
¼ lb. citron (finely chopped)
2-3 cup
1 cup (¼ lb. blanched almonds, cut fine.

Sift flour, measure and resift with salt and cinnamon. Beat egg whites stiff, add yolks and beat by hand or at low speed on the mixer for 10 minutes. Add the crushed ammonium carbonate and the rind. Add the sifted dry ingredients. Mix well and add the citron and almonds last. Roll out on floured board to a little less than ¼ inch thick. Cut into rectangular shaped cookies or any other desired shape. Transfer to a lightly floured board. Cover with a cloth and let stand over night. Next morning, lift the cookies from the board, brush the bottoms with a pastry brush dipped into cold water

AFFIDAVIT OF PUBLICATION

I, Sidney S. Howell

publisher of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for Four consecutive weeks, commencing with the issue dated Nov. 14, 1946, and ending with the issue dated Dec. 5, 1946.

Subscribed and sworn to before me this 14 day of November, 1946.

[Signature]
Notary Public.

My Commission Expires Sept. 10, 1947

THE FOLEY ONLOOKER

LEGAL NOTICES

NOTICE

W. C. HOLMES,
Complainant

—vs—

The North half (N½) of the Southeast quarter (SE¼) and the Southwest quarter (SW¼) of the Southeast quarter (SE¼) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W½) of the Southwest quarter (SW¼) of the Southwest quarter (NE¼) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼); West half (W½) of the Northwest quarter (NW¼) of the Southeast quarter (SE¼) of the Southwest quarter

(SW¼; the West half (W½) of the Southwest quarter (SW¼) of the Southeast quarter (SE¼) of the Southwest quarter (SW¼) and the West half (W½) of the Southeast quarter (SE¼) of the Southeast quarter (SE¼) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, A Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the Complaint in said cause that the Defendants, Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, A Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, Unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt unknown heirs and personal

and personal representatives of P. J. Cooney, Deceased, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms, or corporations claiming any interest in the above described lands.

NOTICE IS HEREBY GIVEN to Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, Deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, Unknown heirs or personal representatives of John Cooney, Sarah T. Cooney and any and all persons, firms and Corporations claiming any interest in, title to, lien or encumbrance upon the lands herein described that on the 12th day of November, 1946, W. C. Holmes filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described land in Baldwin County, Alabama, viz:

The North half (N½) of the Southeast quarter (SE¼) and the Southwest quarter (SW¼) of the Southeast quarter (SE¼) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and the West half (W½) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼); the Northeast quarter (NE¼) of the Southwest quarter (SW¼) of the Southwest quarter (SW¼); the West half (W½) of the Northwest quarter (NW¼) of the Southeast quarter (SE¼) of the Southwest quarter (SW¼); the West half (W½) of the Southwest quarter (SW¼) of the Southeast quarter (SE¼) of the Southwest quarter (SW¼); the West half (W½) of the Southwest quarter (SW¼) of the Southeast quarter (SE¼) of the Southwest quarter (SW¼) of Section twenty-six (26), township eight, South, Range four, East, all in Baldwin County, Alabama.

or encumbrance upon the described lands; and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 16th day of December, or Decree Pro Confesso will be rendered against you; that said Bill of Complaint was and is filed for the purpose of establishing title of said Complainant to said land and for the purpose of quieting his title thereto, and clearing up the doubts and disputes concerning the same; that title to said land stands in the name of Complainant on the records in the office of the Judge of Probate of Baldwin County, Alabama.

Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said lands, claiming title to the same absolutely and in fee simple; that Complainant acquired title to that portion of the land in Section twenty-seven (27) Township eight (8), South, Range four (4), East from J. S. Lowery unmarried, by conveyance dated March 25, 1946, and that the said J. S. Lowery purchased the property from the State Land Commissioner, the State of Alabama having bid in said lands for unpaid taxes on the 13th day of June, 1932; that Complainant purchased that portion of the land above described in Section twenty-six (26), township eight (8), South, Range four (4), East from the State Land Commissioner of Alabama by conveyance dated June 27, 1945 and that said land had been bid in by the State of Alabama for unpaid taxes on the 13th day of June, 1932; that on one, except your Complainant and the said J. S. Lowery, has paid any taxes on any portion of the land above described for ten (10) years next proceeding the filing of this Bill of Complaint.

WITNESS my hand this 12th day of November, 1946 as Register of the Circuit Court of Baldwin County, Alabama.

R. S. DUCK,

As Register of the Circuit Court of Baldwin County, Alabama.

C. G. CHASON,
Solicitor for Complainant.

14-21-28-5

TESTIMONY OF W. C. HOLMES

My name is W. C. Holmes. I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama. On March 25, 1946, I purchased from J. S. Lowery, a single man, real estate in Baldwin County, Alabama, described as follows:

The North half ($N\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) and the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East.

This property was purchased by J. S. Lowery from the State Land Commissioner of Alabama by Deed dated April 14, 1944, which said property had been bid in by the State of Alabama on the 13th day of June 1932 for unpaid taxes, the sale being held pursuant to a decree rendered by the Probate Court of Baldwin County, Alabama, on May 9, 1932. On June 27, 1945, I purchased from the Land Commissioner of the State of Alabama, real estate in Baldwin County, Alabama, described as follows:-

The West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); The Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); West half ($W\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); The West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) and the West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama;

which said property was bid in by the State of Alabama for unpaid taxes on the 13th day of June, 1932, the sale being made pursuant to a decree rendered by the Probate Court of Baldwin County, Alabama, on the 9th day of May, 1932.

Title to all of the above described property stands in the name of W. C. Holmes on the records of the Probate Court of Baldwin County, Alabama. I am and have been in the actual, peaceable, adverse possession of all the lands above described since the date of purchase by me as above set out and I am, and have been since that date, claiming to own the same in fee simple and have used it in every way that it is susceptible to use.

I have made a diligent inquiry in the neighborhood of this land in an attempt to discover the names of any persons and their address, who claim title adverse to mine or who, through some conveyance, having claim which constitutes a cloud on my title. In this investigation and inquiry I have had an abstract of title prepared from the records of Baldwin County, Alabama, and find only the following named persons to have and claim which constitutes a cloud on my title, viz: Thomas P. Hamm, Unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, A corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher,

unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs and personal representatives of John Cooney, Sarah T. Cooney.

No one has paid taxes on the property above described which is located in Section twenty-six (26), township eight (8), South, Range four (4), East, for the last ten years except me and no one has paid taxes on the lands above described located in Section twenty-seven (27), township eight (8), South, Range four (4), East, except J. S. Lowery, through whom I claim title, and me. I have made a physical inspection of this property and find no one to be in possession, nor is there evidence of any one having been in possession except me and the said J. S. Lowery, through whom I claim.

W. C. Holmes

TESTIMONY OF CHAS. J. EBERT

My name is Chas. J. Ebert. I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama and in business in Foley as a real estate and insurance salesman. I am familiar with the real estate in Baldwin County, described as follows:

The North half ($N\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) and the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and The West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); The Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); West half ($W\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); The West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) and the West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama;

and have been familiar with it for a number of years. To the best of my knowledge and belief, no one has claimed any title or interest in this land since it was sold to the State of Alabama in the year of 1932, except J. S. Lowery and W. C. Holmes. There has been no one in actual possession of that property since 1932; no one living on it and no evidence of any use which would give a claim of ownership between the dates of its sale to the State of Alabama and its purchase by J. S. Lowery and W. C. Holmes. I know of no one in the vicinity of these lands claiming ownership or title adverse to that of W. C. Holmes.

Chas. J. Ebert

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

W. C. HOLMES

Complainant

VS.

THOMAS P. HAMM, et al

Respondent

I, Mildred Moore

as Register and Commissioner

have called and caused to come before me W. C. Holmes and Chas. J. Ebert

witnesses named in the Requirement for Oral Examination, on the 15th day of January
1947, at the office of C. G. Chason
in Foley, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said W. C. Holmes and Chas. J.
Ebert doth depose and say as follows:

(TESTIMONY ATTACHED)

ORAL EXAMINATION.

I, Mildred Moore, as Register and Commissioner hereby certify that the foregoing deposition^s 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 _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness^{es} or had proom made before me of the identity of said witness^{es}; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

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

Given under my hand and seal, this 15th day of January, 1947.

Mildred Moore (L. S.)

NO. <u>1764</u>	PAGE _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
W. C. Holmes	
vs.	Complainant
Thomas P. Hamm, et al	
Respondents	
Oral Deposition	
Filed <u>1-17</u> , 194 <u>7</u>	
<u>Alice J. Welch</u> , Register.	
Recorded in _____	Record _____
Vol. _____	Page _____
_____, Register.	

THE STATE OF ALABAMA, }
BALDWIN COUNTY

Circuit Court

To Mildred Moore

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 W. C. Holmes and Chas. J. Ebert

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

Thomas P. Hamm, et al is Complainant
and

are Respondent^S

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

Witness 14th day of January, 1947

Alice J. Duck
Register

Commissioner's Fee, \$ 5.00

Witness' Fees, \$ _____

No. 1764

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

W. C. Holmes

Complainant

VS.

Thomas P. Hamm, et al

Defendant^s

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Mildred Moore

WITNESSES:

W. C. Holmes

Chas. J. Ebert

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, {

BALDWIN COUNTY

No. _____

CIRCUIT COURT BALDWIN COUNTY

_____ TERM, 194 _____

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon

W. E. Cooney

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against _____

Arthur L. Linds and Herman P. Hummel et al.

Defendant,

by

W. C. Holmes

Plaintiff

Witness my hand this

17

day of

Nov

194 6

R. S. Wick

Clerk.

By Alice J. Wick

D. R.

Deputy Sheriff

W. C. HOLMES

Complainant

-78-

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS P. HARR, UNKNOWN HEIRS OF THOMAS P. HARR, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, H. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEPHENS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, a Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS, OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

Defendants

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

Comes your Complainant W. C. Holmes, and brings this his Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:-

(page one)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8) South, Range four (4), East, and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama.

Complainant further brings his Bill of Complaint against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the above described lands or any part thereof and especially brings his Bill of Complaint against Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. C. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie G. Jones, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms or corporations claiming any interest in the above described lands, and Complainant respectfully shows unto your Honor as follows:

FIRST:

That he is in the actual, peaceable, adverse possession of the above described lands, claiming to own the same in fee simple and using the same in every way that it is susceptible to use.

SECOND:

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

THIRD:

Complainant further shows that he claims the entire fee simple title in and to said lands, having acquired the same as follows:

All that land above described lying and being in Section twenty-seven (27), township eight (8), South, Range four (4) East was purchased by conveyance from J. S. Lowery, unmarried, dated March 25, 1946, who purchased by tax deed from the State Land Commissioners of Alabama, dated April 14, 1944, which said property was bid in by the State of Alabama on the 15th day of June, 1932, for unpaid taxes, the sale being held pursuant to a decree rendered by the Probate Court of Baldwin County, Alabama, on May 9, 1932. All that property above described lying and being in Section twenty-six (26), township eight (8), South, Range four (4), East, was purchased by Complainant from the State Land Commissioner of Alabama by Deed dated June 27, 1945, which said property was bid in by the State of Alabama for unpaid taxes on the 15th day of June, 1932, the sale being made pursuant to a decree rendered by the Probate Court of Baldwin County, Alabama on the 9th day of May, 1932. Complainant further shows unto your Honor that the title to said lands stands on the records of the Probate Court of Baldwin County, Alabama in the name of your Complainant.

FOURTH:

Complainant further shows unto your Honor that he has made a diligent inquiry in the neighborhood of said lands as to the prior ownership of same, the possession of same, the whereabouts of any and all persons who are, or maybe interested in the same, or who claim any interest therein; that your Complainant, in this investigation and inquiry, has had an Abstract of Title to said real estate made from the records of Baldwin County, Alabama; that Complainant has used diligence in trying to ascertain the names and residences and Postoffice addresses of the Defendants named herein and that he has been unable to do so except as follows: Patrick J. Cooney, 176 Loueselle Street, Mobile, Alabama; W. E. Cooney, Foley, Alabama; Annie C. Jones, 1702 Dauphin Street, Mobile, Alabama; that Com-

pleinant is informed that the following named persons are dead and their known heirs are as indicated: Ursula Schmidt, deceased, her only known heir, John U. Schmidt, F. J. Cooney, deceased, his only known heirs being as follows: Thomas J. Cooney, son, also deceased, W. E. Cooney, son, John Cooney, son, also deceased, Annie C. Jones, daughter, and Patrick J. Cooney, son; Thomas J. Cooney, deceased, also known as T. J. Cooney, his only known heir, Sarah T. Cooney; that if any of the above named defendants are dead or if those above named have other heirs, devisees or grantees, all are unknown to Complainant.

FIFTH:

Complainant further shows unto your Honor that no one has paid taxes to the lands above described in Section twenty-six (26) township eight (8), South, Range four (4), East, for the last ten (10) years except your Complainant; and that no one has paid taxes on the lands above described in Section twenty-seven (27), township eight (8), South, Range four (4), East, for the last ten (10) years except your Complainant and J. S. Lowery, through and under whom he claims title; that no one is known to your Complainant to claim said lands, any part thereof or any interest therein except your Complainant and the Defendants to the proceedings as hereinabove named. Complainant calls upon the several persons hereinabove named as Defendants or any one else interested to set forth or specify his, her, or its claim, title, interest in, or encumbrance upon said land and how and by what instrument or otherwise the same is derived or created.

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 be issued to the following named Defendants, viz: Thomas F. Hann, unknown heirs of Thomas F. Hann, Bay La Lanchette Orchards Company, A corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, G. G. Stearns and any and all unknown stockholders of

Bay La Leunche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms, or corporations claiming any interest in the above described lands, in the usual form and according to the practices of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law and the practices 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 the laws of the State of Alabama, authorizing the quieting of his title by proceedings in rem; that your honor will also order that notice be given of the filing of this Bill of Complaint to the aforesaid defendants, whose residences and addresses are unknown by publication in some newspaper, published in Baldwin County, Alabama, making them parties to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time as required by law; and that your Honor will direct that personal service be had upon those above named defendants who are residents of the State of Alabama; and that they be required to plead, answer or demur to this Bill of Complaint within the time as required by law.

PRAYER FOR RELIEF:

Your Complainant further prays that on a hearing of this cause that your Honor will establish Complainant's right of title to said land and will decree that the Complainant is the owner in fee simple of the land herein described and that no other person, firm or corporation has any title to, interest in, or lien or encumbrance upon said land or any part thereof, and especially that Thomas P. Hann, unknown heirs of Thomas P. Hann, Bay La Leunche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John

U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Lanche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney and any and all persons, firms, or Corporations claiming any interest in the above described lands, have no right, title, interest in, or lien or encumbrance upon said land and that in said Decree your Honor will cause a certified copy of the Decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein, and that in said Decree your Honor will direct in whose name it shall be indexed in the Direct and Indirect Indexes of the Records thereof in said Probate Court of Baldwin County, Alabama, and Complainant further prays for such other, further, different, and general relief as in equity may seem just and meet, as Complainant will ever pray.


Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Chas. J. Cheson, a Notary Public, in and for said County in said State, personally appeared C. G. Cheson, who upon oath, deposes and says that he is the agent of and the attorney for the Complainant in the above styled cause and is therefore duly authorized to make this oath; that in the belief of the affiant, all of the Defendants named in the foregoing Bill of Complaint are over the age of twenty-one years and that all are non-residents of the State of Alabama, except as follows: Patrick J. Cooney, 176 Loueselle Street, Mobile, Alabama; W. E. Cooney, Foley, Alabama, and Annie C. Jones, 1702 Dauphin Street, Mobile, Alabama; and that except those hereinabove specified the places of residence are unknown to your Affiant; that he has made a diligent inquiry

to ascertain the same and has been unable to do so; that the following named persons are believed to be dead and that the names of their heirs, devisees or grantees which are known to affiant are as indicated: Ursula Schmidt, her only known heir John U. Schmidt; F. J. Cooney, deceased, his only known heirs being as follows: Thomas J. Cooney, son, also deceased, W. E. Cooney, son, John Cooney, son, also deceased, Annie C. Jones, daughter, and Patrick J. Cooney, son; Thomas J. Cooney, deceased, also known as T. J. Cooney, his only known heir, Sarah T. Cooney; that if any of the other above named defendants are dead the names of their heirs, devisees or grantees are unknown; that if there are other heirs of the deceased persons than those above named they are unknown to affiant; and that affiant has made diligent inquiry to ascertain the same; that all other matters and facts stated in the foregoing Bill of Complaint upon knowledge are true; that he is informed as to the facts stated upon information and belief and verily believes and so states that the same are true.

Sworn to and subscribed before
me, a Notary Public, whose seal
is hereto affixed, on this, the
6th day of November, 1946.

Chas. J. Ebert
Notary Public, Baldwin County,
State of Alabama

W. C. HOLMES

Complainant

-vs-

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, A Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF F. J. COONEY, DECEASED, PATRICK J. COONEY, E. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the Complainant in said cause that the Defendants, Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, A Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche

Orchards Company, a Corporation, Unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, Deceased, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms, or corporations claiming any interest in the above described lands.

NOTICE IS HEREBY GIVEN to Thomas P. Hama, unknown heirs of Thomas P. Hama, Bay La Launche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay La Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, Deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, Unknown heirs or personal representatives of John Cooney, Sarah T. Cooney and any and all persons, firms and Corporations claiming any interest in, title to, lien or encumbrance upon the lands herein described that on the 12th day of November, 1946, W. C. Holmes filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described land in Baldwin County, Alabama, viz:

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight, South, Range four, East, all in Baldwin County, Alabama.

and against the Defendants hereinabove named and any and all other persons, firms or Corporations claiming any interest in, lien or encumbrance upon the described lands; and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 16th day of December, or a Decree Pro Confesso will be rendered against you; that said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainant to said land and for the purpose of quieting his title thereto, and clearing up the doubts and disputes concerning the same; that title to said land stands in the name of Complainant on the records in the office of the Judge of Probate of Baldwin County, Alabama.

Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said lands, claiming to own the same absolutely and in fee simple; that Complainant acquired title to that portion of the land in Section twenty-seven (27), Township eight (8), South, Range four (4), East from J. S. Lowery, unmarried, by conveyance dated March 25, 1946, and that the said J. S. Lowery purchased the property from the State Land Commissioner, the State of Alabama having bid in said lands for unpaid taxes on the 13th day of June, 1932; that Complainant purchased that portion of the land above described in Section twenty-six (26), township eight (8), South, Range four (4), East from the State Land Commissioner of Alabama by conveyance dated June 27, 1945 and that said land had been bid in by the State of Alabama for unpaid taxes on the 13th day of June 1932; that no one, except your Complainant and the said J. S. Lowery, has paid any taxes on any portion of the land above described for ten (10) years next proceeding the filing of this Bill of Complaint.

WITNESS my hand this 12th day of November, 1946 as Register of the Circuit Court of Baldwin County, Alabama.

As Register of the Circuit Court
of Baldwin County, Alabama.

C. G. CHASON
Solicitor for Complainant.

E. C. HOLMES

Complainant

-75-

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-12-46.....2 P.M

Recorded *As per* book 2...page 120-22

W.R. Stuart
Judge of Probate

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East, all in Baldwin County, Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNOHE ORCHARD COMPANY, A CORPORATION, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEERNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNOHE ORCHARD COMPANY, A Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE CALLAGHER, UNKNOWN HEIRS OF JEANNE CALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF F. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the Complainant in said cause that the Defendants, Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Launche Orchards Company, A Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Steerns and any and all unknown stockholders of Bay La Launche

Orchards Company, a Corporation, Unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of F. J. Cooney, Deceased, unknown heirs or personal representatives of John Cooney, Sarah T. Cooney, and any and all persons, firms, or corporations claiming any interest in the above described lands.

NOTICE IS HEREBY GIVEN to Thomas F. Hamm, unknown heirs of Thomas F. Hamm, Bay Le Launche Orchards Company, a Corporation, H. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholders of Bay Le Launche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, John U. Schmidt or J. U. Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of F. J. Cooney, Deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, Unknown heirs or personal representatives of John Cooney, Sarah T. Cooney and any and all persons, firms and Corporations claiming any interest in, title to, lien or encumbrance upon the lands herein described that on the 12th day of November, 1946, W. C. Holmes filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described land in Baldwin County, Alabama, viz:

The North half (N $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) and the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); West half (W $\frac{1}{2}$) of the Northwest quarter (NW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$); the West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the West half (W $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty-six (26), township eight, South, Range four, East, all in Baldwin County, Alabama.

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and against the Defendants hereinabove named and any and all other persons, firms or Corporations claiming any interest in, lien or encumbrance upon the described lands; and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 16th day of December, or a Decree Pro Confesso will be rendered against you; that said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainant to said land and for the purpose of quieting his title thereto, and clearing up the doubts and disputes concerning the same; that title to said land stands in the name of Complainant on the records in the office of the Judge of Probate of Baldwin County, Alabama.

Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said lands, claiming to own the same absolutely and in fee simple; that Complainant acquired title to that portion of the land in Section twenty-seven (27), Township eight (8), South, Range four (4), East from J. S. Lowery, unmarried, by conveyance dated March 25, 1946, and that the said J. S. Lowery purchased the property from the State Land Commissioner, the State of Alabama having bid in said lands for unpaid taxes on the 13th day of June, 1932; that Complainant purchased that portion of the land above described in Section twenty-six (26), township eight (8), South, Range four (4), East from the State Land Commissioner of Alabama by conveyance dated June 27, 1946 and that said land had been bid in by the State of Alabama for unpaid taxes on the 13th day of June 1932; that no one, except your Complainant and the said J. S. Lowery, has paid any taxes on any portion of the land above described for ten (10) years next proceeding the filing of this Bill of Complaint.

WITNESS my hand this 12th day of November, 1946 as Register of the Circuit Court of Baldwin County, Alabama.

R. S. Luck

As Register of the Circuit Court
of Baldwin County, Alabama.

C. C. GRASON
Solicitor for Complainant.

W. C. HOLMES

Complainant

-vs-

The North half ($n\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) and the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and the West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) and the Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); and the West half ($W\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); the West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) and the West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4) East, all in Baldwin County, Alabama, and THOMAS P. HAMM, UNKNOWN HEIRS OF THOMAS P. HAMM, BAY LA LAUNCHE ORCHARDS COMPANY, A CORPORATION, M. J. O'KEEFE, S. T. MEANS, JOHN U. SCHMIDT, C. G. STEARNS and any and all unknown STOCKHOLDERS OF BAY LA LAUNCHE ORCHARDS COMPANY, a Corporation, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF URSULA SCHMIDT, UNKNOWN HEIRS OF JOHN U. SCHMIDT OR J. U. SCHMIDT, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF THOMAS J. COONEY OR T. J. COONEY, JEANNE GALLAGHER, UNKNOWN HEIRS OF JEANNE GALLAGHER, UNKNOWN HEIRS AND PERSONAL REPRESENTATIVES OF P. J. COONEY, DECEASED, PATRICK J. COONEY, W. E. COONEY, ANNIE C. JONES, UNKNOWN HEIRS OR PERSONAL REPRESENTATIVES OF JOHN COONEY, SARAH T. COONEY, AND ANY AND ALL PERSONS, FIRMS, OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LANDS.

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FINAL DECREE

This cause coming on to be heard was submitted on behalf of Complainant upon Bill of Complaint, affidavit of non-residence of defendants, service upon resident defendants, Decree Pro Confesso on personal service and publication, and testimony as noted by the Register, and upon consideration thereof, the Court is of the opin-

ion that the Complainant is entitled to the relief prayed for in said Bill of Complaint.

It is therefore ordered, adjudged, and decreed that Complainant, W. C. Holmes, is the owner in fee simple of the following described lands in Baldwin County, Alabama, to-wit:-

The North half ($\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) and the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section twenty-seven (27), township eight (8), South, Range four (4), East, and the West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); and the Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); and the West half ($W\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); the West half ($W\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$); and the West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty-six (26), township eight (8), South, Range four (4), East.

and that no other person, firm, or corporation has any title to, interest in, or lien or encumbrance upon said land or any part

thereof and especially that Thomas P. Hamm, unknown heirs of Thomas P. Hamm, Bay La Lanche Orchards Company, a Corporation, M. J. O'Keefe, S. T. Means, John U. Schmidt, C. G. Stearns and any and all unknown stockholder of Bay La Lanche Orchards Company, a Corporation, unknown heirs and personal representatives of Ursula Schmidt, unknown heirs of John U. Schmidt or J. U. Schmidt, unknown heirs and personal representatives of Thomas J. Cooney or T. J. Cooney, Jeanne Gallagher, unknown heirs of Jeanne Gallagher, unknown heirs and personal representatives of P. J. Cooney, deceased, Patrick J. Cooney, W. E. Cooney, Annie C. Jones, unknown heirs or personal representatives of John Cooney, and Sarah T. Cooney have no right, title to, interest in, or lien or encumbrance upon said land.

It is further ordered, adjudged, and decreed that the Register shall, within thirty (30) days from the rendition of this decree, file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, showing title out of the defendants above named, in the direct indexes to the records and title into W. C. Holmes in the indirect indexes to the records, and that the

expenses thereof shall be taxed in the cost of this cause.

It is further ordered that W. C. Holmes, the Complainant, pay the cost herein to be taxed for which execution may issue.

This 25th day of January, 1947.

F. W. Hare
Judge of Circuit Court of
Baldwin County, Alabama, in
equity

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.

Witness my hand and seal this, the 25th day of January, 1947.

Alice J. Duck
Register of Circuit Court, in equity