

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

B. E. Eastburn and W. M. Patterson, partners Complainant's
doing business as the Foley Building Supply Co.
VS.

Certain Lands, The Potato Curing Co., et al. Respondent's

I, Lorne Underwood
as ~~Register~~ and Commissioner
have called and caused to come before me J. A. Pilgrim

witness named in the Requirement for Oral Examination, on the 8th day of February
1947, at the office of Forest A. Christian
in Foley, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said J. A. Pilgrim
doth depose and say as follows:

My name is J. A. Pilgrim. I live in Miflin, Alabama. On January 11, 1946, I conveyed the following described land: All of lot one (1) East of the L & N Railroad switch and extending four (4) feet from the West rail of said switch and lots two (2) and three (3) and the North 56 feet approximately of lot four (4) and all of lots thirteen (13), fourteen (14) and fifteen (15) all in Block one (1) in the town of Foley, to B. E. Eastburn and W. M. Patterson, partners doing business as the Foley Building Supply Co., who are the complainant's in this case. I have had a complete abstract of title made to the property described above which shows that for the year 1936, 1937 and 1938, this property was in the State of Alabama, and for the years 1939 to 1945 inclusive, this land was assessed to me and I paid the taxes thereon and for the year 1946, the land was assessed to B. E. Eastburn and W. M. Patterson and the taxes were paid by the Complainant's in this case. I received title of this land by a tax deed dated February 16, 1939. I have known this land for at least twenty years and I have been in actual, peaceable and adverse possession of the land described above for at least twelve years, having erected a lumber yard on said premises and having the said premises fenced in.

J. A. Pilgrim

ORAL EXAMINATION.

I, Lorna Underwood, 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—and read over to him and he signed the same in the presence of myself and Forest A. Christian

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 8th day of February, 1947.

Lorna Underwood (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

B. F. Eastburn and W. M. Patterson,
partners doing business as the Foley
Building Supply Co.

vs. Complainant's

Certain lands, the Potato During
Co., et al.

Respondent's

Oral Deposition

Filed 2-17, 1942

Chas. J. Underwood Register,
Recorded in

Record

Vol. _____

Page _____

, Register.

No. 1769

RECORDED

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

B. E. Eastburn & W. M. Patterson
doing business as The Foley
Building & Supply Co.

Complainant,

Vs.

Certain Lands, The Potato

Curing Co, et als

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 17 day of Feb,
194 7.

Alice J. Luck
Register.

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

B. E. EASTBURN and W. M. PATTERSON,
Partners Doing business as Complainant,
Foley Building & Supply Co.

In the Circuit Court.

VS.

In Equity No. 1769.

~~Respondent~~
CERTAIN LANDS, THE POTATO CURING CO. ET ALS
DEFENDANT

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent

CERTAIN LANDS, THE POTATO CURING CO. ETALS

by the Sheriff of BALDWIN County, on the 30 day of November,
1946.

And it further appears to the Register, that the said

CERTAIN LANDS, THE POTATO CURING CO. et als

_____, the Respondent, having to the date hereof,
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
on motion of Forest A. Christian Solicitors
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,
and it hereby is, in all things taken as confessed against the said

CERTAIN LANDS, THE POTATO CURING CO, et als

This 17th day of February, 1947.

Alice J. Leach
Register.

THE STATE OF ALABAMA, } CIRCUIT COURT, IN EQUITY

Baldwin County

No. 1769, Term, 19

B. E. EASTBURN AND W. M. PATTERSON, Partners Doing business as the Foley Building Supply Co. Complainant

Vs.

CERTAIN LANDS, THE POTATO CURING CO, ET ALS Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 21 day of November, 196, in the Foley Onlooker, a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in _____ County, on the _____ day of _____, 194 and _____

And it now further appearing to the Register Alice J. Duck, that the said Defendant, CERTAIN LANDS, THE POTATO CURING CO, ET ALS

having, to the date hereof, failed to demur, 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 Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said CERTAIN LANDS, THE POTATO CURING CO, ET ALS

This 17th day of February, 1947

Alice J. Duck, Register.

RECORDED

No. 1769 Page

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

B. E. EASTBURN and W. M. PATTERSON,
Partners Doing Business As The
Foley Building & Supply Co.

Vs.

CERTAIN LANDS, THE POTATO
CURING CO, ET ALS

Decree Pro Confesso of Publication

Issued 2-17, 1947

Alice J. Muck
Register.

Recorded in Record

Vol. Page

Register.

The Baldwin Times, Bay Minette, Ala.

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA
February 15, 1947

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

Dear Mrs. Duck:

Enclosed are the papers in the case of B. E. Eastburn and W. M. Patterson to be submitted for final decree. I believe that I have everything in order except that it will be necessary for you to make out the decree pro confesso on publication and on personal service and also see that you have the affidavit of publication. If everything is in order, kindly send it to the Judge and when the final decree is signed, kindly certify to the enclosed copy and return to me and record the original in the Judge of Probate's office and then send me a bill for the court cost so that I may pay them.

Yours very truly,

Forest A. Christian

The State of Alabama,
Baldwin County.

No. CIRCUIT COURT IN EQUITY.

B. E. Eastburn and W. M. Patterson, partners doing business as the Complainants ..
Foley Building Supply Co.

vs.

the Independent Potato Curing Co., George F. Schoen, Nellie K. Defendants ..
Baldwin and the Consumers Ice and Creamery Co., a corporation in-
corporated under the Laws of the State of Alabama.

Motion is hereby made for a Decree Pro Confesso against Nellie K. Baldwin, A. W. Hay-

selden and Jake Bergman Defendants.

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

This 12th day of February 1947.

James G. Chowning Solicitor.

RECORDED

No.

Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

B. E. Eastburn and W. M. Patterson,
partners doing business as the Foley
Building Supply Co.

VS.

Certain Land, The Independent

Potato Curing Co., et al.

MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE

Filed 2-12-1947

Alvin J. Leach
Register.

Recorded in Record,

Vol. Page

Register.

B. E. Eastburn and W. M. Patterson,
Partners doing business as the Foley
Building Supply Co.

VS.

Certain Lands, The Independent Potato
Curing Co., et al.

THE STATE OF ALABAMA,
 BALDWIN COUNTY

IN EQUITY
 CIRCUIT COURT OF BALDWIN COUNTY

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

summons, order designating newspaper, notice to non-resident de-
fendants, affidavit of publication, motion for decree pro confesso on
publication, and on personal service, ~~decree~~ decree pro confesso on
publication and on personal service and testimony of J. A. Pilgrim,
Commission to take testimony.

and in behalf of Defendant upon decrees pro confesso

B. E. Eastburn
Secretary

Alice J. Luck Register.

B. E. Eastburn and M. M. Patterson,
Partners doing business as the Foley
Building Supply Co.

VS.

Certain Lands, The Independent Potato
Curing Co., et al.

THE STATE OF ALABAMA,
 BALDWIN COUNTY

IN EQUITY
 CIRCUIT COURT OF BALDWIN COUNTY

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

summons, order designating newspaper, notice to non-resident de-
fendants, affidavit of publication, motion for decree pro confesso on
publication, and on personal service, ~~decree~~ decree pro confesso on
publication and on personal service and testimony of J. A. Pilgrim,
Commission to take testimony.

and in behalf of Defendant upon decrees pro confesso

B. E. Eastburn
Secretary

Alice J. Luck Register.

RECORDED

No. _____

The State of Alabama,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

B. E. Eastburn and W. M. Patterson,
Partners doing business as the
Foley Building Supply co.

VS.

Certain Lands, The Independant
Potato Curing Co., et al.

NOTE OF TESTIMONY

Filed in Open Court this 2-17-47
day of _____

194

Alice J. Hux
Register.

Moore Printing Co.

B. E. Eastburn and W. M. Patterson,
Partners doing business as the Foley
Building Supply Co.

VS.

Certain Lands, The Independent Potato
Curing Co., et al.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

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

_____ summons, order designating newspaper, notice to non-resident de-
_____ fendants, affidavit of publication, motion for decree pro confesso on
_____ publication, and on personal service, ~~decree~~ decree pro confesso on
_____ publication and on personal service and testimony of J. A. Pilgrim,
_____ Commission to take testimony.

and in behalf of Defendant upon decrees pro confesso

For & Christy
Sheridan

Alice J. Luck Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

B. E. Eastburn and W. M. Patterson, partners doing business as the Complainants
Foley Building Supply Co.

Vs.

the Independent Potato Curing Co., George F. Schoen, Nellie K. Defendant s
Baldwin, and the Consumers Ice and Creamery Co., a corporation, in-
corporated under the Laws of the State of Alabama.

Motion is hereby made for a Decree Pro Confesso against the Independent Potato Curing Co.

the Consumers Ice and Creamery Co., all of lot one East of the I. & N. Defendant s
Railroad switch and extending four feet from the West rail of said switch and
lots 2 and 3 and the North 50 ft. approximately of lot 4 and all of lots 13, 14, & 15,
in the annexed stated cause. on the ground that more than thirty days have elapsed since the perfection all in
block 1 in the town of Foley

of publication was made under the order of this Court; and it having been shown by due proof to the
Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or
demur to the Bill in this cause, to the date hereof.

This 12th day of February 19 47

746 Code

Forrest A. Chisler Solicitor.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

B. E. Eastburn and W. M. Patterson,
Partners doing business as the Foley
Building Supply Co.

Complainant's _____

Vs.

Certain Lands. The Independent

Potato Curing Co., et al.

Defendants _____

Motion for Decree Pro Confesso
on Publication

Filed 2 - 12 1947

Alice J. Luck
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

AFFIDAVIT OF PUBLICATION

THE FOLEY ONLOOKER

LEGAL NOTICES

NOTICE

B. E. EASTBURN AND W. M. PATTERSON, PARTNERS DOING BUSINESS AS THE FOLEY BUILDING & SUPPLY CO.,

Complainants

VS:

CERTAIN LANDS IN BALDWIN COUNTY, ALABAMA, DESCRIBED AS FOLLOWS, TO WIT:

ALL OF LOT (1) EAST OF THE L. & N. RAILROAD SWITCH AND EXTENDING FOUR (4) FEET FROM THE WEST RAIL OF SAID SWITCH AND LOTS TWO (2) AND THREE (3) AND THE NORTH 56 FEET APPROXIMATELY OF LOT FOUR (4) AND ALL OF LOTS THIRTEEN (13), FOURTEEN (14) AND FIFTEEN (15) ALL IN BLOCK ONE IN THE TOWN OF FOLEY.

THE INDEPENDENT POTATO CURING CO., JAKE BERGMAN, GEORGE F. SCHOEN, NELLIE K. BALDWIN, CONSUMERS ICE AND CREAMERY CO., A. N. HAYSELDEN,

Defendants

NOTICE TO NON-RESIDENT DEFENDANTS

It having been made to appear in the above styled cause from the Affidavit of Forest A. Christian, the Solicitor of Record for the complainants in said cause, that the defendants, The Potato Curing Co., George F. Schoen, Nellie K. Baldwin, and The Consumers Ice and Creamery Co., a corporation, are nonresidents of the State of Alabama, their residences or post office addresses being unknown to complainants.

NOTICE IS HEREBY GIVEN to the Potato Curing Co., George F. Schoen, The Consumers Ice and Creamery Co., and Nellie K. Baldwin, if they be living or dead, the unknown heirs, assigns, and devisees of them and each of them, and to any and all persons, firms or corporations claiming any in-

ing four (4) feet from the west rail of said switch and lots two (2) and three (3) and the North 56 feet approximately of lot four (4) and all of lots thirteen (13) fourteen (14) and fifteen (15) all in block one in the town of Foley.....

and against the defendants hereinabove named and any and all other persons, firms or corporations claiming any interest in, lien or encumbrance upon the above described lands, and you are hereby notified to appear and plead, answer or demur within thirty days from the completion of publication, the 23rd day of December, 1946, or a decree pro confesso will be rendered against you;

The said Bill of Complaint was and is filed for the purpose of establishing the title of said complaints to said lands for the purpose of quieting its title thereto and clearing up all doubts and disputes concerning the same;

That complainants claim title to said lands by virtue of a warranty deed executed by J. A. Pilgrim, et ux., dated January 11, 1946, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 102 N. S., pages 338-339.

Complainants further allege in their Bill of Complaint that they are in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that they and those under whom they claim, have been in possession of said land for more than ten years next preceeding the filing of the Bill of Complaint, and they have paid the taxes on said land for the last ten years prior to the filing of said Bill of Complaint and no other person, firm or corporation has paid any taxes on said land during said ten year period.

Witness my hand this the 15 day of November, 1946.

R. S. DUCK,

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

FOREST A. CHRISTIAN,

Solicitor.

21-28-5-12

James L. Harwell

James L. Harwell of The Onlooker, published at _____, solemnly swear that a copy of the above notice, attached, was published once each week in the _____ edition of said newspaper, and not in any

for Four consecutive weeks, com-

issue dated Nov. 21, 1946, and

issue dated Dec. 12, 1946.

James L. Harwell

sworn to before me this _____ day

Nov, 1946.

Notary Public.

Expires Sept 10, 1947

FOLEY, ALA. Dec. 13, 19 46

HOWELL PUBLISHING CO.

Forest a. ChristianFoley, Ala.

HIGH QUALITY JOB PRINTING

		Brought Forward		
		B. E. Eastburn & W. M.		
		Patterson - Legal Notice		
Nov.	21	Notices	9	61
"	28		6	41
Dec	5		6	41
"	12		6	41
			28 81	
		Pd. H. D.		
		2/20/49		

THE STATE OF ALABAMA, }
BALDWIN COUNTY

Circuit Court

To Lorna Underwood

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 J. A. Pilgrim

B. E. Eastburn and W. M. Patterson, partners
doing business as the Foley Building Supply
as witnesses in behalf of Co. in a cause pending in our

Circuit Court in Baldwin County, of said State, wherein B. E. Eastburn and W. M. Patterson,

Partners doing business as the Foley Building Supply Co. Complainants

All of lot 1 East of the L. & N Railroad switch and extending 4 ft. from the West
rail of said switch and lots 2 and 3 and the North 56 ft. approximately of lot 4
and all of lots 13, 14. & 15, all in block 1 in the Town of Foley, and

Complainant^s

and the Independent Potato Curing Co., George F. Schoen, Nellie K.

Baldwin, and the Consumers Ice and Creamery Co., a corporation, in-
corporated under the Laws of the State of Alabama.

Respondent^s

on oath, to be by you administered, upon J. A. Pilgrim

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness sixth day of February, 1947

Alvise J. Ruck

Register

Commissioner's Fee, \$

Witness' Fees, \$

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

B. E. Eastburn and W. M. Patterson,

Partners doing business as the

Foley Building Supply Co.,

Complainants—

VS.

Certain Lands, The Independent

Potato Curing Co., et al.

Defendants

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

B. E. EASTBURN AND W. M.
PATTERSON, PARTNERS DOING
BUSINESS AS THE FOLEY BUILDING
& SUPPLY CO.,

Complainants

VS:

CERTAIN LANDS IN BALDWIN COUNTY,
ALABAMA, DESCRIBED AS FOLLOWS,
TO-WIT:

ALL OF LOT ONE (1) EAST OF THE
L & N RAILROAD SWITCH AND EXTEND-
ING FOUR (4) FEET FROM THE WEST
RAIL OF SAID SWITCH AND LOTS TWO
(2) AND THREE (3) AND THE NORTH
56 FEET APPROXIMATELY OF LOT FOUR
(4) AND ALL OF LOTS THIRTEEN (13)
FOURTEEN (14) AND FIFTEEN (15) ALL
IN BLOCK ONE IN THE TOWN OF FOLEY.

THE INDEPENDENT POTATO CURING CO.,
JAKE BERGMAN, GEORGE F. SCHOEN,
NELLIE K. BALDWIN, CONSUMERS ICE
AND CREAMERY CO., A. N. HAYSELDEN,

Defendants

STATE OF ALABAMA, BALDWIN COUNTY

Filed Nov 16 1946 10 a

Recorded Per Paul book 2 page 125-6

W. R. Street
Judge of Probate

NOTICE TO NON-RESIDENT DEFENDANTS

It having been made to appear in the above styled cause from the
Affidavit of Forest A. Christian, the Solicitor of Record for the complainants
in said cause, that the defendants, The Potato Curing Co., George F. Schoen,
Nellie K. Baldwin, and The Consumers Ice and Creamery Co., a corporation, are
non-residents of the State of Alabama, their residences or post office address-
es being unknown to complainants.

NOTICE IS HEREBY GIVEN to the Potato Curing Co., George F. Schoen,
The Consumers Ice and Creamery Co., and Nellie K. Baldwin, if they be living
or dead, the unknown heirs, assigns, and devisees of them and each of them, and
to any and all persons, firms or corporations claiming any interest in, title to,
lien or encumbrance upon the land herein described; that on the ____ day of Nov-
ember, 1946, B. E. Eastburn and W. M. Patterson, partners doing business as the
Foley Building & Supply Co., filed in the Equity Side of the Circuit Court of
Baldwin County, Alabama, their Bill of Complaint against the following described
lands in Baldwin County, Alabama, viz:

All of lot one (1) East of the L & N Railroad switch and
extending four (4) feet from the west rail of said switch
and lots two (2) and three (3) and the North 56 feet
approximately of lot four (4) and all of lots thirteen
(13) fourteen (14) and fifteen (15) all in block one in
the town of Foley.....

and against the defendants hereinabove named and any and all other persons,
firms or corporations claiming any interest in, lien or encumbrance upon the
above described lands, and you are hereby notified to appear and plead, answer
or demur within thirty days from the completion of publication, the ____ day
of December, 1946, or a decree pro confess will be rendered against you;

Book 2 Page 126

The said Bill of Complaint was and is filed for the purpose of establishing the title of said complaints to said lands for the purpose of quieting its title thereto and clearing up all doubts and disputes concerning the same;

That complainants claim title to said lands by virtue of a warranty deed executed by J. A. Pilgrim, et ux., dated January 11, 1946, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 102 N. S., pages 338-339.

Complainants further allege in their Bill of Complaint that they are in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that they and those under whom they claim, have been in possession of said land for more than ten years next preceeding the filing of the Bill of Complaint, and they have paid the taxes on said land for the last ten years prior to the filing of said Bill of Complaint and no other person, firm or corporation has paid any taxes on said land during said ten year period.

Witness my hand this the 16 day of November, 1946.

R. S. Duck

R. S. Duck

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

my atty J. Duck
D.C.

Forest A. Christian
Solicitor

B. E. EASTBURN AND W. M.
PATTERSON, PARTNERS DOING
BUSINESS AS THE FOLEY BUILDING
& SUPPLY CO.,

Complainants

VS.

CERTAIN LANDS, THE POTATO
CURING CO., ET AL.

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

BILL OF COMPLAINT

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

Come your complainants, B. E. Eastburn and W. M. Patterson, partners doing business as the Foley Building & Supply Co., and bring this Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

All of lot one (1) East of the L & N Railroad switch and extending four (4) feet from the west rail of said switch and lots two (2) and three (3) and the North 56 feet approximately of lot four (4) and all of lots thirteen (13) fourteen (14) and fifteen (15) all in block one in the town of Foley.

Complainants further bring this 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 this Bill of Complaint against the Independent Potato Curing Co., George F. Schoen, Nellie K. Baldwin, and the Consumers Ice and Creamery Co., a corporation, incorporated under the laws of the State of Alabama, if they be living, and if dead, against their heirs, devisees, grantees and assigns, and complainants respectfully show unto your Honor as follows:

FIRST

That your complainants are over twenty-one years of age and are doing business in Baldwin County, Alabama, as a partnership known as the Foley Building & Supply Co., B. E. Eastburn being a resident of Baldwin County, Alabama, and said W. M. Patterson being a resident of Atmore, Escambia County, Alabama.

SECOND

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

THIRD

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

FOURTH

Complainants further show that they claim the entire fee simple title in and to said land, having acquired the same in the following manner:

(1) That J. A. Pilgrim and Mary Elizabeth Pilgrim, his wife, by a warranty deed dated January 11, 1946, and filed for record in the office of the Judge of Probate on January 21, 1946, in Deed Book 102 N. S., pages 338-339, conveyed these lands to your complainants.

(2) That the property described above has been assessed in the name of the said J. A. Pilgrim since at least the year 1939; and that prior to that time, a part of these lands were sold for tax sale on August 15, 1935, in the name of the Independent Potato Curing Co. to the State of Alabama; that the said J. A. Pilgrim received a tax deed on February 16, 1939, which deed is recorded in Deed Book 69 N. S. at page 55 at which time the said J. A. Pilgrim paid all back taxes.

FIFTH

Complainants further aver unto your Honor that all of the defendants are over the age of twenty-one years and are non-residents of the State of Alabama, and that their places of residence and post office addresses are unknown to your complainants except the said Nellie K. Baldwin, whose post office address is believed to be Robertsdale, Alabama, and the Consumers Ice and Creamery Co., which is a corporation organized and existing under the laws of the State of Alabama, but your complainants are unable to ascertain after reasonable efforts and making diligent inquiries, where its principle place of business is located and what is its post office address, but are informed and believed, and on such information and belief allege the fact to be that A. M. Hayselden, whose post office address is Fairhope, Alabama, is its president.

The Independent Potato Curing Company does not appear to be incorporated on the records of Baldwin County, Alabama, and the location of the principle place of business and the post office address and the parties in interest are unknown to your complainants and cannot be ascertained after reasonable efforts and making diligent inquiry to ascertain the same, but are informed that Jake Bergman, Foley, Alabama, is or was a director of said company.

Each of the other individuals who are specifically named within, are, if living, over twenty-one years of age but their respective places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and making diligent inquiries to ascertain the facts with regard thereto, and your complainants, their agents, servants and employees have made faithful and diligent inquiries to ascertain the names, ages, and addresses of all persons, firm or corporations to the said lands, or any part thereof, or any interest therein, or any lien or encumbrance thereon; that they have employed an abstractor to examine the records of Baldwin County, Alabama and have employed an attorney to examine said abstract and that they have inquired at the local bank and of several long time residents as to who are or who were the parties in interest.

SIXTH

Complainants further show unto your Honor that they and those through whom they claim have paid taxes for a period of ten consecutive years on the lands and that no other person, firm or corporations have paid taxes thereon during any part of said period.


That no one is known to your complainants to claim said lands or any part thereof or any interest therein, except your complainants and the defendants to this proceeding as hereinabove named, and complainants call upon the several persons hereinabove named as defendants, or anyone else interested, to set forth or specify his or her or its claim, title, interest in or encumbrance upon said lands, 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, complainants pray that your Honor will cause the usual writ of process to issue to the following named defendants, viz: The Independent Potato Curing Co., Jake Bergman, Director, George F. Schoen, Nellie K. Baldwin, The Consumers Ice and Creamery Co., a corporation, incorporated under the laws of the State of Alabama, A. N. Hayselden, president, if they be living and if dead the unknown heirs and devisees of them and each of them, and to any and all other persons, firms or corporations, claiming any interest in, right, or title to said lands, in the usual form and according to the preactice of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law and the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint, as required by the Law of the State of Alabama, authorizing the quieting of title of 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 by personal service and by publication in some newspaper published in Baldwin County, Alabama, making them parties to this Bill of Complaint, and requiring them to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF

Your complainants further pray that on a hearing of this cause that your Honor will establish complainants' right and title to said land and will decree that the complainants are 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 lands or any part thereof, and especially The Independent Potato Curing Co., George F. Schoen, Nellie K. Baldwin, The Consumers Ice and Creamery Co., a corporation, incorporated under the laws of the State of Alabama, if living and if dead the unknown heirs, devisees and assigns of them and each of them have no right, title, interest in, or lien or encumbrance upon said lands; that in said Decree your Honor will cause a certified copy of the Decree to be filed in the Probate Court 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 complainants further pray for such other, further, different and general relief as in equity may seem just and meet, and complainants will ever pray.


Forest A. Christian, Foley, Alabama
Solicitor for Complainants

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, Sus Schuster, a Notary Public in and for said State and County, personally appeared Forest A. Christian, who upon oath deposes and says:

That he is the agent of, and the attorney for, the complainants 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 21 years and non-residents of the State of Alabama, their place of residence being unknown to your affiant, except the said Nellie K. Baldwin, whose post office address is believed to

be Robertsdale, Alabama; A. W. Hayselden, president of the Consumers Ice and Creamery Co., whose address is Fairhope, Alabama, and Jake Bergman, as director of the Independent Potato Curing Co., whose address is Foley, Alabama; that they have made diligent inquiries to ascertain the same and have been unable to do so; that if any of the above named defendants are dead, the names of their heirs, devisees, grantees, or assigns are unknown and affiant has made diligent inquiry to ascertain the same and that their residences as he believes are not in this state; that all the other matters and facts stated in the foregoing Bill of Complaint upon information and belief, and verily believes, and so states, that the same are true.

Forest A. Christian
Forest A. Christian

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed by me, this the 15th day of November, 1946.

Emm Schmitt
Notary Public

My commission expires:

3-25-49

B. E. EASTBURN AND W. M.
PATTERSON, PARTNERS DOING
BUSINESS AS THE FOLEY BUILDING
SUPPLY CO.,
Complainants
vs.
CERTAIN LANDS, THE POTATO
CURING CO., ET AL.,
Defendants.

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

FINAL DECREE

This cause being submitted for final decree upon the Bill of Complaint, the Affidavit attached thereto, the Notice of Publication, the Order Designating Newspaper, the Affidavit of Publication, Decree Pro Confesso on Publication and Decree Pro Confesso on Personal Service, against said Defendants and the testimony as noted. And it appearing to the Court that B. E. Eastburn and W. M. Patterson, Partners doing business as the Foley Building Supply Co., are in actual, peaceable and adverse possession of the following described property situated in Baldwin County, Alabama, to-wit:

All of Lot one (1) East of the L & N Railroad switch and extending four (4) feet from the West rail of said switch and Lots two (2) and three (3) and the North 56 feet approximately of Lot four (4) and all of Lots thirteen (13), fourteen (14) and fifteen (15), all in Block one (1) in the Town of Foley,.,.,

being the same land as heretofore described in the caption of this Decree and against which this proceedings is brought, claiming to own the same in their own right in fee simple and using the same in every way that it susceptible to use.

And it appearing to the Court that no suit is pending to test Complainants' title to, interest in or right to possession of said land.

And it appearing to the Court that all parties interested in said lands, together with the Defendants, whose names are set forth in the Bill of Complaint, have had due notice of these proceedings by publication for the length of time as prescribed by law or by personal service and the rules of this Court, and the Court understanding the same is of the opinion that Complainants' are entitled to the relief prayed for in their Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complainants' are the owners in fee simple of the lands described in this Decree and that no other person, firm or corporation has any title to, interest in or lien or encumbrance upon said lands or any part thereof and especially in this so as to the Defendants whose names are set forth in the caption of this Decree.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that any claim, title to or interest in or encumbrance upon the aforesaid lands or any part thereof that the Independent Potato Curing Co., George F. Schoen, Nellie M. Baldwin and the Consumers Ice and Creamery Co., a corporation, incorporated under the laws of the State of Alabama, if they be living and if dead, the unknown heirs and devisees of them hold or claim to hold are a cloud upon the title of the Complainants' in this cause as to the aforesaid lands, and that their title to, interest in, lien or encumbrance upon said lands or any part thereof are hereby decreed to be null and void and as such are removed as a cloud upon the title of the Complainants' and that such title to, interest in, lien or encumbrance upon said lands or any part thereof held by the aforesaid Defendants or any of them, are hereby removed and held from naught as being void and of no force and effect, and such Defendants have no interest, title to, lien or encumbrance upon said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that said Decree shall be indexed on the Direct Indexes in the name of the Independent Potato Curing Co., George F. Schoen, Nellie K. Baldwin, and the Consumers Ice and Creamery Co., a corporation, incorporated under the laws of the State of Alabama, and it shall be indexed on the Indirect Indexes of Baldwin County, Alabama, in the name of B. E. Eastburn and W. M. Patterson and that the Register of this Court shall within thirty days from the rendition of this Decree, file said certified copy of this Decree in the Office of the Judge of Probate for record and tax the expense thereof as a part of the cost of this proceeding, and that the Probate Judge shall record such a copy in the same book and manner in which deeds are recorded and index the same as said Decree orders and directs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said B. E. Eastburn and W. M. Patterson be and they are taxed with the costs of this proceeding for which execution may issue.

Dated at Monroeville, Alabama, this 18th day of February 1947.

F. W. Hare
F. W. Hare, Judge

RECORDED

B. E. EASTBURN AND W. M. PATTERSON,
PARTNERS DOING BUSINESS AS THE FOLEY
BUILDING SUPPLY CO.,
Complainants

VS.

CERTAIN LANDS, THE INDEPENDANT POTATO CURING CO., ET AL.,
Defendants

FINAL DECISION

Filed

2-19-48

Alice J. French
Reg.

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AFFIDAVIT OF PUBLICATION

THE FOLEY ONLOOKER

Edw. L. Harwell

LEGAL NOTICES

NOTICE

B. E. EASTBURN AND W. M. PATTERSON, PARTNERS DOING BUSINESS AS THE FOLEY BUILDING & SUPPLY CO.,

Complainants
VS:

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THE INDEPENDENT POTATO CURING CO., JAKE BERGMAN, GEORGE F. SCHOEN, NELLIE K. BALDWIN, CONSUMERS ICE AND CREAMERY CO., A. N. HAYSELDEN, Defendants

NOTICE TO NON-RESIDENT DEFENDANTS

It having been made to appear in the above styled cause from the Affidavit of Forest A. Christian, the Solicitor of Record for the complainants in said cause, that the defendants, The Potato Curing Co., George F. Schoen, Nellie K. Baldwin, and The Consumers Ice and Creamery Co., a corporation, are nonresidents of the State of Alabama, their residences or post office addresses being unknown to complainants.

NOTICE IS HEREBY GIVEN to the Potato Curing Co., George F. Schoen, The Consumers Ice and Creamery Co., and Nellie K. Baldwin if they be living and doing

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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 above described lands, and you are hereby notified to appear and plead, answer or demur within thirty days from the completion of publication, the 23rd day of December, 1946, or a decree pro confesso will be rendered against you;

The said Bill of Complaint was and is filed for the purpose of establishing the title of said complaints to said lands for the purpose of quieting its title thereto and clearing up all doubts and disputes concerning the same;

That complainants claim title to said lands by virtue of a warranty deed executed by J. A. Pilgrim, et ux., dated January 11, 1946, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 102 N. S., pages 338-339.

Complainants further allege in their Bill of Complaint that they are in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that they and those under whom they claim, have been in possession of said land for more than ten years next preceeding the filing of the Bill of Complaint, and they have paid the taxes on said land for the last ten years prior to the filing of said Bill of Complaint and no other person, firm or corporation has paid any taxes on said land during said ten year period.

Witness my hand this the 15 day of November, 1946.

R. S. DUCK,

Edw. L. Harwell of The Onlooker, published at
I solemnly swear that a copy of the above notice,
attached, was published once each week in the
edition of said newspaper, and not in any
of, for Four consecutive weeks, com-
issue dated Nov. 21, 1946, and
issue dated Dec. 12, 1946.

I have sworn to before me this 12 day
Nov, 1946.

Notary Public.

Expires Sept. 10, 1947

THE FOLEY ONLOOK

LEGAL NOTICES

NOTICE

B. E. EASTBURN AND W. M. PATTERSON PARTNERS DOING BUSINESS AS THE FOLEY BUILDING & SUPPLY CO.,

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NOTICE IS HEREBY GIVEN to the Potato Curing Co., George F. Schoen, The Consumers Ice and Creamery Co., and Nellie K. Baldwin, if they be living or dead, the unknown heirs, assigns, and devisees of them and each of them, and to any and all persons, firms or corporations claiming any interest in, title to, lien or encumbrance upon the land herein described; that on the 15th day of November, 1946, B. E. Eastburn and W. M. Patterson, partners doing business as the Foley Building & Supply Co., filed in the Equity side of the Circuit Court of Baldwin County, Alabama, their Bill of Complaint against the following lands in Baldwin County,

ing four (4) feet from the west rail of said switch and lots two (2) and three (3) and the North 56 feet approximately of lot four (4) and all of lots thirteen (13) fourteen (14) and fifteen (15) all in block one in the town of Foley.

and against the defendants hereinabove named and any and all other persons, firms or corporations claiming any interest in, lien or encumbrance upon the above described lands, and you are hereby notified to appear and plead, answer or demur within thirty days from the completion of publication, the 23rd day of December, 1946, or a decree pro confesso will be rendered against you.

The said Bill of Complaint was and is filed for the purpose of establishing the title of said complaints to said lands for the purpose of quieting its title thereto and clearing up all doubts and disputes concerning the same;

That complainants claim title to said lands by virtue of a warranty deed executed by J. A. Pilgrim, et ux., dated January 11, 1946, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 102 N. S., pages 338-339.

Complainants further allege in their Bill of Complaint that they are in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that they and those under whom they claim, have been in possession of said land for more than ten years next preceeding the filing of the Bill of Complaint, and they have paid the taxes on said land for the last ten years prior to the filing of said Bill of Complaint and no other person, firm or corporation has paid any taxes on said land during said ten year period.

Witness my hand this the 15 day of November, 1946.

R. S. DUCK,

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

FOREST A. CHRISTIAN,
Solicitor.

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AFFIDAVIT OF PUBLICATION

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publisher of The Onlooker, published at
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ending with the issue dated Dec. 12, 1946.

Subscribed and sworn to before me this 12 day
of December, 1946.

[Signature]
Notary Public.

My Commission Expires Sept. 10, 1947

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PROBATE JUDGE

No. 3313

Bay Minette, Ala., 2/19, 1947.

Received of Mr. Duob

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FOR RECORD

5317 MARSHALL & BRUCE-NASHVILLE

TOTAL \$.

Judge of Probate.

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FOR RECORD

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Edw. L. Harwell

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