

Legal Notice

NOTICE OF THE PENDENCY OF A BILL OF COMPLAINT TO QUIET TITLE TO CERTAIN LANDS

STATE OF ALABAMA.
COUNTY OF BALDWIN.
In the Circuit Court of Baldwin County, Alabama, In Equity, No. 1818.

Notice is hereby given of the pendency of a bill of complaint in the above styled Court, against those certain lands described below and those certain persons named below, together with any and all other persons claiming any title to, interest in, lien or encumbrance on said lands, described below, or any part thereof, to establish in the complainants filing said bill and hereinafter named the right or title to said lands in fee simple and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Bette Price and Miriam Greece.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ -3 of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 18; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of

of Section 24; All that portion of NW $\frac{1}{4}$ west of Black Water River of Section 25; S $\frac{1}{2}$ of Section 27; E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 28; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of S $\frac{1}{2}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30; NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33.

In Township 6 South, Range 6 East: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and all that portion of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ east of Black Water River of Section 29.

Tract No. 2

In Township 5 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag, and wife, Dora Durschlag, conveying all of said lands to the American-Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the Office of the Probate Judge of Baldwin County, Alabama, on June 18, 1928, and recorded in Record Book 45 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awalt, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 53 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by

said deed is recorded in the Office of the Probate Judge of Jefferson County, Alabama, in Deed Volume No. 2262, at Page 573.

(5) Quitclaim Deed executed under date of 15th day of May, 1946, by The First National Bank of Birmingham, as Trustee, conveying all of said lands to Miriam Green and Bette Price, which said deed was filed for record on June 3, 1946, in the Office of the Judge of Probate of Baldwin County, Alabama, and recorded in Record Book 103 N. S., at Page 103.

(6) Quitclaim Deed executed under date of October 16, 1946, by Louis Susman and wife, Rebecca Susman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Bette Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants derive title by mesne conveyances, derelined its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr., is one and the same person as George H. O'Neal, from whom the complainants derive title to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands or any interest therein, within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are, in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4

(a) Sarah K. Scott, Alfred B. Maclay, Robert Maclay, Jr., Georgiana Maclay, George H. O'Neal, George H. O'Neal, Jr., Wm. M. Johnson, Thomas G. McCullough, Jr., George W. Robinson, Southern States Land & Timber Company, Ltd., a corporation, Southern Plantation Development Company, a corporation, H. H. Givan, James Dempsey, Joseph Cartier, Moses R. Demming, William Wente, Jr., Rlx M. Robinson, R. N. Risdon, Frank Filer, E. G. Filer, Grace M. Filer, Mary J. Sexton, Hattie Patton, Clara Spader, Gus Brewton, Jack Brewton, Elsie Thames, Emily Neal, Lee Brewton, C. E. Brewton, Hazel Zyriek and Virgil Mae Brewton.

(b) William Durschlag, Bella Durschlag, Emil Durschlag, Ann Durschlag, S & D Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovely Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Rusnak, Bella Banovitz, Lillian Reisz, Bernice Kaufman, Lena Rusnak, Florence Miller, Irwin Rusnak, Seymour Rusnak, Marie Rusnak, Ella E. Rusnak, Earl J. Rusnak, Raymond L. Rusnak, Herman Rusnak, Helen Rusnak, Eleanor S. Rusnak, Joseph H. Levee, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Rusnak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lasak, Ben Katz, Bernice Levee, Leo E. Levee, Josephine Leves, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 45 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or

part thereof, to establish in the complainants filing said bill and hereinafter named the right or title to said lands in fee simple and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Bette Price and Miriam Green.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and S $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$, Section 17; N $\frac{1}{2}$ of Section 20; NW $\frac{1}{4}$, SE $\frac{1}{4}$, and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 21; SW $\frac{1}{4}$ of Section 22; W $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23; NW $\frac{1}{4}$

In Township 5 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American-Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on June 13, 1928, and recorded in Record Book 45 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American-Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awalt, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 58 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by American-Traders National Bank of Birmingham, conveying all of said lands and all powers and trusts with reference thereto to The First National Bank of Birmingham which

man and wife, Rebecca Susman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Bette Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants derive title by mesne conveyances, derelined its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr., is one and the same person as George H. O'Neal, from whom the complainants derive title to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands or any interest therein, within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are, in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4 East.

Said bill of complaint shows that the following named persons claim said lands, or some part thereof, or some interest therein:

(b) William Durschlag, Bella Durschlag, Emil Durschlag, Ann Durschlag, S & D Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovely Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Rusnak, Rella Banovitz, Lillian Reisz, Bernice Kaufman, Lena Rusnak, Florence Miller, Irwin Rusnak, Seymour Rusnak, Marie Rusnak, Ella E. Rusnak, Earl J. Rusnak, Raymond L. Rusnak, Herman Rusnak, Helen Rusnak, Eleanor S. Rusnak, Joseph H. Lovee, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Rusnak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Lovee, Leo E. Lovee, Josephine Lovee, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 45 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or if he is now deceased.

This the 22nd day of January, 1947.
ALICE J. DUCK, Register.
C. B. GILLMORE, Grove Hill, Alabama, Attorney.
1-4tc

Legal Notice

NOTICE OF THE PENDENCY OF A BILL OF COMPLAINT TO QUIET TITLE TO CERTAIN LANDS

STATE OF ALABAMA.
COUNTY OF BALDWIN.

In the Circuit Court of Baldwin County, Alabama, in Equity, No. 1813.

Notice is hereby given of the pendency of a bill of complaint in the above styled Court against those certain lands described below and those certain persons named below, together with any and all other persons claiming any title to, interest in, lien or encumbrance on said lands, described below, or any part thereof, to establish in the complainants filing said bill and hereinafter named the right or title to said lands in fee simple and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Bette Price and Miriam Green.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of

of Section 24; All that portion of NW $\frac{1}{4}$ west of Black Water River of Section 25; S $\frac{1}{2}$ of Section 27; E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 28; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of S $\frac{1}{2}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30; NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33.

In Township 6 South, Range 6 East: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and all that portion of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ east of Black Water River of Section 29.

Tract No. 2

In Township 5 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American-Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on June 13, 1928, and recorded in Record Book 46 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American-Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awatt, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 58 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by

said deed is recorded in the Office of the Probate Judge of Jefferson County, Alabama, in Deed Volume No. 2262, at Page 573.

(5) Quitclaim Deed executed under date of 15th day of May, 1946, by The First National Bank of Birmingham, as Trustee, conveying all of said lands to Miriam Green and Bette Price, which said deed was filed for record on June 3, 1946, in the Office of the Judge of Probate of Baldwin County, Alabama, and recorded in Record Book 103 N. S., at Page 103.

(6) Quitclaim Deed executed under date of October 16, 1946, by Louis Susman and wife, Rebecca Susman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Bette Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants derive title by mesne conveyances, derelined its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr. is one and the same person as George H. O'Neal, from whom the complainants derive title to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands by any interest therein, within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6, South, Range 4

(a) Sarah K. Scott, Alfred B. Maclay, Robert Maclay, Jr., Georgiana Maclay, George H. O'Neal, George H. O'Neal, Jr., Wm. M. Johnson, Thomas G. McCullough, Jr., George W. Robinson, Southern States Land & Timber Company, Ltd., a corporation, Southern Plantation Development Company, a corporation, H. H. Givan, James Dempsey, Joseph Cartier, Moses R. Demming, William Wentz, Jr., Rix M. Robinson, R. N. Risdon, Frank Flier, E. G. Flier, Grace M. Flier, Mary J. Sexton, Hattie Patton, Clara Spader, Gus Brewton, Jack Brewton, Bisle Thames, Emily Neal, Lee Brewton, C. E. Brewton, Hazel Zyrick and Virgil Mae Brewton.

(b) William Durschlag, Rella Durschlag, Emil Durschlag, Anna Durschlag, S & D Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovey Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Ruskak, Rella Banowitz, Lillian Reisz, Bernice Kaufman, Lena Ruskak, Florence Miller, Irwin Ruskak, Seymour Ruskak, Marie Ruskak, Ella B. Ruskak, Earl J. Ruskak, Raymond L. Ruskak, Herman Ruskak, Helen Ruskak, Eleanor S. Ruskak, Joseph H. Levee, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Rita K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Ruskak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Levee, Leo E. Levee, Josephine Levee, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 46 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or

Thereof, to establish the complainants filling said bill and hereinafter named the right or title to said lands in fee simple and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Bette Price and Miriam Green.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$, Section 17; N $\frac{1}{2}$ of Section 20; NW $\frac{1}{4}$, SE $\frac{1}{4}$, and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 21; SW $\frac{1}{4}$ of Section 22; W $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23; NW $\frac{1}{4}$

In Township 6 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 16; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1926, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1926, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American-Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on June 18, 1928, and recorded in Record Book 45 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American-Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awall, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 58 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by American-Traders National Bank of Birmingham, conveying all of said lands and all powers and trusts with reference thereto to The First National Bank of Birmingham which

and wife, Rebecca Sherman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Bette Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants derive title by mesne conveyances, derived its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr. is one and the same person as George H. O'Neal, from whom the complainants derive title to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands by any interest therein, within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4 East.

Said bill of complaint shows that the following named persons claim said lands, or some part thereof, or some interest therein:

(b) William Durschlag, Della Durschlag, Emil Durschlag, Anna Durschlag, S. & Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovey Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Rusnak, Rena Banovitz, Lillian Reiss, Bernice Kaufman, Lena Rusnak, Florence Miller, Irwin Rusnak, Seymour Rusnak, Marie Rusnak, Ella M. Rusnak, Earl J. Rusnak, Raymond L. Rusnak, Herman Rusnak, Helen Rusnak, Eleanor S. Rusnak, Joseph H. Levee, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Rusnak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Levee, Leo E. Levee, Josephine Levee, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and their or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 45 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or if he is now deceased.

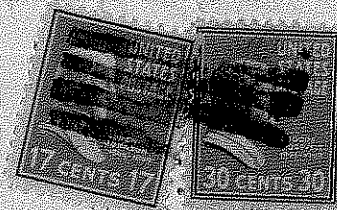
This the 22nd day of January, 1947.
ALICE J. DUCK, Register.
C. B. GILLMORE, Grove Hill, Alabama, Attorney.
1-4tc

R. S. Duck

Circuit Clerk

BALDWIN COUNTY

DAY MINETTE, ALA.



RETURN TO WRITER

Deliver to Addressee Only

BETTY HEWITTE
c/o J. NEWMAN
~~2300 LINCOLN PARK WEST~~
CHICAGO, ILL.

7642 Essex Ave.

REGISTERED
TO ADDRESSEES ONLY
RETURN RECEIPT REQUESTED



RETURN RECEIPT REQUESTED
RETURN TO WRITER

Noted 9/17/17
2/20

Not there L. 4PM

Held

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
Baldwin County

No. 1915

CIRCUIT COURT, BALDWIN COUNTY

TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon

Jennie A. Levenfeld

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

SHIRAZ E. SCOTT, ET AL. AND CERTAIN LINES IN PUBLIC COURT, ALABAMA, Defendant

by

EDWIN PRICE AND WILLIAM GIBSON

Plaintiff

Witness my hand this

22nd

day of

January

194

in this court.

Alice J. Luck, Clerk

No. 1813

Page _____

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Bette Price and

Marion Thum

Plaintiffs

vs.

Samuel H. Scott, et al

Defendants

SUMMONS and COMPLAINT

Filed 1-22, 1942

Archie J. Rouch 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

Legal Notice

NOTICE OF THE PENDENCY OF A BILL OF COMPLAINT TO QUIET TITLE TO CERTAIN LANDS

STATE OF ALABAMA.
COUNTY OF BALDWIN.
In the Circuit Court of Baldwin County, Alabama, in Equity, No. 1813.

Notice is hereby given of the pendency of a bill of complaint in the above styled Court against those certain lands described below and those certain persons named below, together with any and all other persons claiming any title to, interest in, lien or encumbrance on said lands, described below, or any part thereof, to establish in the complainants filing said bill and hereinafter named the right or title to said lands in fee simple and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Bette, Price and Mirjam Greea.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of

of Section 24; All that portion of NW $\frac{1}{4}$ west of Black Water River of Section 25; S $\frac{1}{2}$ of Section 27; E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 28; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of S $\frac{1}{2}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30; NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33.

In Township 6 South, Range 6 East: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 23; NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and all that portion of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ east of Black Water River of Section 29.

Tract No. 2

In Township 5 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on June 13, 1928, and recorded in Record Book 45 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awalt, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 58 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by

said deed is recorded in the Office of the Probate Judge of Jefferson County, Alabama, in Deed Volume No. 2262, at Page 578.

(5) Quitclaim Deed executed under date of 15th day of May, 1946, by The First National Bank of Birmingham, as Trustee, conveying all of said lands to Miriam Green and Bette Price, which said deed was filed for record on June 3, 1946, in the Office of the Judge of Probate of Baldwin County, Alabama, and recorded in Record Book 108 N. S., at Page 103.

(6) Quitclaim Deed executed under date of October 16, 1946, by Louis Susman and wife, Rebecca Susman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Bette Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they deraign title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants deraign title by mesne conveyances, deraigned its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on life records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr., is one and the same person as George H. O'Neal, from whom the complainants derive title, to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands or any interest therein, within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4

(a) Sarah K. Scott, Alfred B. Maclay, Robert Maclay, Jr., Georgiana Maclay, George H. O'Neal, George H. O'Neal, Jr., Wm. M. Johnson, Thomas G. McCullough, Jr., George W. Robinson, Southern States Land & Timber Company, Ltd., a corporation, Southern Plantation Development Company, a corporation, H. H. Glivan, James Dempsey, Joseph Cartier, Moses R. Demming, William Wente, Jr., Rix M. Robinson, R. N. Risdon, Frank Flier, E. G. Flier, Grace M. Flier, Mary J. Sexton, Hattie Patton, Clara Spader, Gus Brewton, Jack Brewton, Elsie Thames, Emily Neal, Lee Brewton, C. E. Brewton, Hazel Zyrrick and Virgil Mae Brewton.

(b) William Durschlag, Bella Durschlag, Emil Durschlag, Ann Durschlag, S & D Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovey Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Rusnak, Rella Banovitz, Lillian Réisz, Bernice Kaufman, Lena Rusnak, Florence Miller, Irwin Rusnak, Seymour Rusnak, Marie Rusnak, Mla B. Rusnak, Earl J. Rusnak, Raymond L. Rusnak, Herman Rusnak, Helen Rusnak, Eleanor S. Rusnak, Joseph H. Levee, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Rusnak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Levee, Leo E. Levee, Josephine Levee, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 45 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or

of disputes concerning the same. The complainants named in said bill of complaint are Bette Price and Miriam Green.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1.

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$, Section 17; N $\frac{1}{2}$ of Section 20; NW $\frac{1}{4}$, SE $\frac{1}{4}$, and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 21; SW $\frac{1}{4}$ of Section 22; W $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23; NW $\frac{1}{4}$

In Township 6 South, Range 5 East: W $\frac{1}{2}$ of Section 7; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36. In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35. In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3.

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

- (1) Warranty Deed executed under date of October 8, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.
- (2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American-Trust National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on June 18, 1928, and recorded in Record Book 46 N. S., Pages 118-119.
- (3) Certificate of Consolidation of the American Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awalt, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 58 N. S., Pages 417-418.
- (4) Statutory Warranty Deed executed under date of June 30, 1930, by American-Trust National Bank of Birmingham, conveying all of said lands and all powers and trusts with reference thereto to The First National Bank of Birmingham which

conveyed all of said lands to Miriam Green and Bette Price. Said bill of complaint also shows that the complainants claim title in fee possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants derive title by mesne conveyances, derelined its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr., is one and the same person as George H. O'Neal, from whom the complainants derive title, to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands or any interest therein, within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are in the actual peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4 East.

Said bill of complaint shows that the following named persons claim said lands, or some part thereof, or some interest therein:

Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag and Morris Durschlag, Horton Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovie Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Rusnak, Rella Banovitz, Lillian Reiss, Bernice Kaufman, Lena Rusnak, Florence Miller, Irwin Rusnak, Seymour Rusnak, Marie Rusnak, Ella M. Rusnak, Earl J. Rusnak, Raymond L. Rusnak, Herman Rusnak, Helen Rusnak, Eleanor S. Rusnak, Joseph H. Levese, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Rusnak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Levese, Leo E. Levese, Josephine Levese, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to the American-Trust National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 46 N. S., Pages 118-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. MacLay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert MacLay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or if he is now deceased.

This the 22nd day of January, 1947.
ALICE J. DUCK, Register.
C. B. GILLMORE, Grove Hill, Alabama, Attorney.
1-4tc

Legal Notice

NOTICE OF THE PENDENCY OF A BILL OF COMPLAINT TO QUIET TITLE TO CERTAIN LANDS

STATE OF ALABAMA,
COUNTY OF BALDWIN.

In the Circuit Court of Baldwin County, Alabama, In Equity, No. 1313.

Notice is hereby given of the pendency of a bill of complaint in the above styled Court against those certain lands described below, and those certain persons named below, together with any and all other persons claiming any title to, interest in, lien or encumbrance on said lands, described below, or any part thereof, to establish in the complainants filing said bill and hereinafter named the right or title to said lands in fee simple, and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Bette Price and Miriam Green.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ -3 of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$; Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 3; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of

of Section 24; All that portion of NW $\frac{1}{4}$ west of Black Water River of Section 25; S $\frac{1}{2}$ of Section 27; E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 28; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of S $\frac{1}{2}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30; NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33.

In Township 6 South, Range 6 East: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 21; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, and all that portion of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ east of Black Water River of Section 29.

Tract No. 2

In Township 5 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 16; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American-Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the Office of the Probate Judge of Baldwin County, Alabama, on June 18, 1928, and recorded in Record Book 45 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by T. G. Awalt, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 53 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by

said deed is recorded in the Office of the Probate Judge of Jefferson County, Alabama, in Deed Volume No. 2262, at Page 573.

(5) Quitclaim Deed executed under date of 15th day of May, 1946, by The First National Bank of Birmingham, as Trustee, conveying all of said lands to Miriam Green and Bette Price, which said deed was filed for record on June 3, 1946, in the Office of the Judge of Probate of Baldwin County, Alabama, and recorded in Record Book 103 N. S., at Page 103.

(6) Quitclaim Deed executed under date of October 16, 1946, by Louis Susman and wife, Rebecca Susman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Bette Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants derive title by mesne conveyances, derelined its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Bette Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr., is one and the same person as George H. O'Neal, from whom the complainants derive title to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands or any interest therein within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4

(a) Sarah K. Scott, Alfred B. Maclay, Robert Maclay, Jr., Georgiana Maclay, George H. O'Neal, George H. O'Neal, Jr., Wm. M. Johnson, Thomas G. McCullough, Jr., George W. Robinson, Southern States Land & Timber Company, Ltd., a corporation, Southern Plantation Development Company, a corporation, H. H. Givan, James Dempsey, Joseph Cartier, Moses R. Demming, William Wente, Jr., Rix M. Robinson, R. N. Risdon, Frank Piler, E. G. Filer, Grace M. Piler, Mary J. Sexton, Hattie Patton, Clara Spader, Gus Brewton, Jack Brewton, Elsie Thames, Emily Neal, Lee Brewton, C. E. Brewton, Hazel Zyrick and Virgil Mae Brewton.

(b) William Durschlag, Bella Durschlag, Emil Durschlag, Ann Durschlag, S. & D. Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovey Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Rusnak, Bella Banovitz, Lillian Reisz, Bernice Kaufman, Lena Rusnak, Florence Miller, Irwin Rusnak, Seymour Rusnak, Marie Rusnak, Ella B. Rusnak, Earl J. Rusnak, Raymond L. Rusnak, Herman Rusnak, Helen Rusnak, Eleanor S. Rusnak, Joseph H. Levee, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Rusnak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Levee, Leo E. Levee, Josephine Levee, Joseph Homan, Alice Homan, Milton L. Durschlag, Bette Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 45 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or

to, interest in, or encumbrance on said lands, described below, or any part thereof, to establish in the complainants filing said bill and hereinafter named the right or title to said lands in fee simple, and to clear up all doubts or disputes concerning the same.

The complainants named in said bill of complaint are Belle Price and Miriam Green.

The lands against which said verified bill of complaint is filed are situate, lying and being in Baldwin County, Alabama, and more particularly described as follows:

Tract No. 1

In Township 5 South, Range 4 East: NE $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 13; NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 20; SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21; S $\frac{1}{2}$ of SW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24; N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 25; N $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and N $\frac{1}{2}$ of S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$; Section 29; NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 34.

In Township 5 South, Range 5 East: E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 7; NW $\frac{1}{4}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8; E $\frac{1}{2}$, except SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 9; W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 14; N $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$, and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 15; NE $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 29; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 30; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 31; W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 33; All of Section 34; W $\frac{1}{2}$, and NE $\frac{1}{4}$ of Section 35; S $\frac{1}{2}$ of NW $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$, and E $\frac{1}{2}$ of Section 36.

In Township 6 South, Range 4 East: E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 1; SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$, and N $\frac{1}{2}$ of SW $\frac{1}{4}$; Section 2; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 10; NW $\frac{1}{4}$ of Section 11; NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$, and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25; SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 28; W $\frac{1}{2}$ of W $\frac{1}{2}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 35; NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1; NW $\frac{1}{4}$ of Section 3; NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4; NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6; E $\frac{1}{2}$ of SW $\frac{1}{4}$, and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 7; SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8; SW $\frac{1}{4}$ of SW $\frac{1}{4}$, and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 9; S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 11; SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14; SE $\frac{1}{4}$ of NE $\frac{1}{4}$, N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$, and S $\frac{1}{2}$, Section 17; N $\frac{1}{2}$ of Section 20; NW $\frac{1}{4}$, SE $\frac{1}{4}$, and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 21; SW $\frac{1}{4}$ of Section 22; W $\frac{1}{2}$ of NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23; NW $\frac{1}{4}$

and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ east of Black Water River of Section 23.

Tract No. 2

In Township 5 South, Range 4 East: SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 11; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12.

In Township 5 South, Range 5 East: W $\frac{1}{2}$ of Section 9; NW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10; SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22; E $\frac{1}{2}$ of NW $\frac{1}{4}$; SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 36.

In Township 6 South, Range 4 East: NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 35.

In Township 6 South, Range 5 East: NE $\frac{1}{4}$, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 7; S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 8; All that portion of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ west of Black Water River of Section 25.

Tract No. 3

In Township 6 South, Range 5 East: SW $\frac{1}{4}$ of SW $\frac{1}{4}$, less SW $\frac{1}{4}$ of same of Section 15; SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 22.

Said bill of complaint shows that the complainants claim said lands, in fee simple, by virtue of the following deeds or instruments:

(1) Warranty Deed executed under date of October 3, 1925, by Southern States Lumber Company, a corporation, conveying all of said lands to Abe Durschlag, filed for record in the office of the Probate Judge of Baldwin County, Alabama, on October 23, 1925, and recorded in Record Book 37 N. S., Pages 345-7.

(2) Conveyance executed under date of November 30, 1927, by Abe Durschlag and wife, Dora Durschlag, conveying all of said lands to the American-Traders National Bank of Birmingham, Alabama, a corporation, as Trustee, filed for record in the Office of the Probate Judge of Baldwin County, Alabama, on June 18, 1928, and recorded in Record Book 45 N. S., Pages 116-119.

(3) Certificate of Consolidation of the American Traders National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, with First National Bank of Birmingham, located in the City of Birmingham, in the County of Jefferson and State of Alabama, executed by F. G. Awall, Acting Comptroller of the Currency under date of June 30, 1930, a certified copy of which, certified to by John L. Proctor, Acting Comptroller of the Currency, under date of August 12, 1930, was on January 13, 1936, filed in the Probate Office of Baldwin County, Alabama, and recorded in said Office on January 17, 1936, in Record Book 58 N. S., Pages 417-418.

(4) Statutory Warranty Deed executed under date of June 30, 1930, by American-Traders National Bank of Birmingham, conveying all of said lands and all powers and trusts with reference thereto to The First National Bank of Birmingham which

(5) Quitclaim Deed executed under date of October 16, 1946, by Louis Susman and wife, Rebecca Susman, and Helen Susman Asher, formerly Helen Susman, and husband, Norman Asher, conveying all of said lands to Miriam Green and Belle Price.

Said bill of complaint also shows that the complainants claim title in fee simple to said lands by virtue of the possession which the complainants and their predecessors in title have had of said lands; also by virtue of the fact that the complainants and those from whom they derive title have assessed and paid the taxes on said lands for twenty years next preceding the filing of the bill of complaint; also by virtue of the fact that Southern States Lumber Company, from whom the complainants deraign title by mesne conveyances, deraigned its title to said lands in an unbroken chain of record title from the United States of America, except as hereinafter noted.

Said bill of complaint shows that the fee simple title to said lands stands on the records of the Probate Court of Baldwin County, Alabama, in the names of Belle Price and Miriam Green, except that an undivided one-eighth (1/8) interest in Tract No. 1 stands upon said records in the name of Sarah K. Scott; said bill of complaint further shows that title to the SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 22, Township 6 South, Range 5 East stands upon the records of the Probate Court of said County in the name of George H. O'Neal, Jr., the patentee, unless George H. O'Neal, Jr. is one and the same person as George H. O'Neal, from whom the complainants derive title to said SW $\frac{1}{4}$ of NE $\frac{1}{4}$ by mesne conveyances.

Said bill of complaint shows that the only persons who have paid taxes upon said lands or any interest therein within ten years next preceding the filing of the bill of complaint, are the complainants and their predecessors in title or privies in claim.

Said bill of complaint shows that the complainants are in the actual, peaceable possession of portions of said lands and have been in such possession for a period of more than ten years next preceding the filing of the bill of complaint; that no other person is in the actual possession of any portion of said lands; that the only persons known to complainants to have had any possession of any part of said lands within ten years next preceding the filing of the bill of complaint are the complainants and their predecessors in title or privies in claim, except that at one time during said ten year period Ray Brewton, now deceased, had possession of a portion of the NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, Township 6 South, Range 4 East.

Said bill of complaint shows that the following named persons claim said lands, or some part thereof, or some interest therein:

Brewton, Alice, Thomas, Emily, Neal, Lee Brewton, C. E. Brewton, Hazel Zyrick and Virgil Mac Brewton.

(b) William Durschlag, Bella Durschlag, Emil Durschlag, Ann Durschlag, S & D Investment Company, a co-partnership composed of Louis Susman, William Durschlag and Emil Durschlag, Lillian Durschlag, Morris Durschlag, Hortense Jacobson, Harold B. Durschlag, Pearl Keller, Edward Durschlag, Charlotte Durschlag, Lovey Durschlag, Florence Durschlag, Henry Durschlag, Mollie B. Durschlag, Dora Durschlag, William Ruskak, Bella Banovitz, Lillian Reiss, Bernice Kaufman, Lena Ruskak, Florence Miller, Irwin Ruskak, Seymour Ruskak, Maple Ruskak, Ella E. Ruskak, Earl J. Ruskak, Raymond L. Ruskak, Herman Ruskak, Helen Ruskak, Eleanor S. Ruskak, Joseph H. Levey, Marvin Polk, Florence Ziedman, Harriet Polk, Sam Ruby, Etta K. Ruby, Jack Ruby, Alex Keller, Faye Ruby, Jennie A. Levenfeld, Gerald Levenfeld, Marvin Levenfeld, Betty Levenfeld, Joan Levenfeld, Rose Ruskak, Harry L. Brooks, Florence Brooks, Lena Goldberg, Goldie Handman, Orville Katz, Mary Lesak, Ben Katz, Bernice Levey, Leo E. Levey, Josephine Levey, Joseph Homan, Alice Homan, Milton L. Durschlag, Betty Durschlag, and Robert Casaretto.

(c) The original beneficiaries and transferees of beneficiaries, and heir or devisees of original beneficiaries or transferees under and by virtue of the deed of trust executed by Abe Durschlag and wife, Dora Durschlag, to The American-Traders National Bank of Birmingham, Alabama, dated November 30, 1927, and recorded in Record Book 45 N. S., Pages 116-119 of the records in the Probate Office of Baldwin County, Alabama; the persons named under subsection (b), above, are made parties as claiming some such interest. The bill of complaint further shows that any other persons who have heretofore or now own or claim an interest under and by virtue of said trust are unknown to complainants after diligent search and investigation, the complainants allege that if there are any such, it is impractical to bring them before this Court; that the title, interest or claim of any such unknown beneficiaries is a contingent one, if it exists, and is dependent upon a common question of law and fact affecting the right and title of all of the beneficiaries under said trust.

(d) The wife or widow of Alfred B. Maclay, if he were ever married and/or if he is now deceased.

(e) The wife or widow of Robert Maclay, Jr., if he were ever married and/or if he is now deceased.

(f) The wife or widow of George H. O'Neal, if he were ever married and/or if he is now deceased.

This the 22nd day of January, 1947.
ALICE J. DUCK, Register.
C. B. GILLMORE, Grove Hill, Alabama, Attorney.
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