

666

EARNEST O. MIDDLETON,
Complainant,

vs

The southwest quarter of the north west quarter; the north east quarter of the north west quarter; and the north west quarter of the northeast quarter of section nineteen (19) township five (5) south, range four (4) east. The heirs of Martha Middleton Kennedy, deceased; et al Defendants.

IN THE CIRCUIT COURT

BALDWIN COUNTY

ALABAMA

IN EQUITY

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

Comes the Complainant, EARNEST O. MIDDLETON, and exhibits this as his bill of complainant against the southwest quarter of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter of section nineteen, (19), township five (5) south, range four (4) east; the heirs of Martha Middleton Kennedy, Deceased; towit:- Lelia Kennedy; Daisy Kennedy; Burley Kennedy and Annie May Kennedy and shows unto your Honorab~~le~~ and this Honorable Court as follows:-

1. That your complainant is over the age of twenty one years, and is a resident of Baldwin county, Alabama, residing near Lexley, Alabama, and that the subject matter of this cause is real estate located in Baldwin County, Alabama.

That Lelia Kennedy; Daisy Kennedy; Burley Kennedy; and Annie May Kennedy are the

~~xxx~~ heirs of Martha Middleton Kennedy, deceased, and are all over the age of twenty one years; that the place of residence of each of them is unknown to your complainant, and he has been unable to ascertain such place of residence, though he has made diligent inquiry of many persons who have been acquainted with them; that the last place where they or any of them were known to be living was at or near Birmingham, Alabama, but your complainant does not know if they still reside there or in the state of Alabama; that your complainant is unable to ascertain if or whether any of said heirs are either deceased or married; that some four years ago he was informed that all were living and unmarried.

3. That the complainant owns and has been in peaceable possession for more than ten years, and still is in peaceable possession of the following described lands, claiming to own the same, namely:-

The southwest quarter of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter of section nineteen (19), township five (5) south, range four (4) east, in Baldwin county, Alabama, containing one hundred twenty acres, more or less.

4. That each of the above defendants claims or is reputed to claim some right, title or interest in, or incumbrance upon, said lands, and your complainant hereby calls upon each of the above named defendants to set forth and specify his or her title or claim, interest or incumbrance upon the said lands, or any part thereof, and how and by what instrument the same is derived and created.

5. That no suits are pending to enforce or test the validity of such claim, title or incumbrance asserted or reputed to be asserted by the defendants or any of them, or any one else, there being no pending litigation involving in any way the title to

EARNEST O. MIDDLETON,
Complainant,

VS

The South West Quarter of the
North West Quarter; the North
East Quarter of the North
West Quarter; and the North
West Quarter of the North East
Quarter, all in Section Nine-
teen, Township Five, Range
Four East; THE HEIRS OF
MARTHA MIDDLETON KENNEDY, Deceased;
LELIA KENNEDY; DAISY KENNEDY; BURLEY
KENNEDY; ANNIE MAY KENNEDY,
Defendants --

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALA.

In Equity.

Notice is hereby given to Lelia Kennedy, Daisy Kennedy, Burley Kennedy, Annie May Kennedy, and any and all persons, firms and corporations who claim any title to, interest in, lien or incumbrance upon the lands herein described, that on the 2nd day of July, 1934, Earnest O. Middleton filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his bill of complaint against the following lands in Baldwin County, Alabama, viz:

The South West Quarter of the North West Quarter, the North East Quarter of the North West Quarter, and the North West Quarter of the North East Quarter of Section Nineteen (19) Township five (5) South, Range Four (4) East.

said bill of Complaint was and is filed for the purpose of clearing the title of said Complainant to said lands, and for quieting his title thereto, and clearing up all doubts concerning the same.

alleges in his complaint that the title to the lands of Baldwin County, Alabama, in the bill is his assigns; that he and his assigns have possession of said lands, claiming to hold the same under whom he claims, and that he has filed his bill of complaint in the same under color of title and in violation of his bill of

[Signature]
Circuit Court,
Baldwin County, Alabama,

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 56 Term, 192

Ernest O. Middleton, Complainant

vs. Certain Lands and Heirs of Martha Middleton Kennedy Defendant

In this cause it appears to the Register M. A. Stone, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 16 day of August, 1924, in the Foley Onlooker

a newspaper published in Foley Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 16th day of August 1924, and

And it now further appearing to the Register M. A. Stone, that the said Lelia Kennedy, Daisy Kennedy; Burley Kennedy; Annie May Kennedy,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register M. A. Stone, that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Lelia Kennedy, Daist Kennedy, Burley Kennedy; Annie May Kennedy;

This 20th day of October, 1924

M. A. Stone Register.

CHANCERY EXECUTION

BILL OF COSTS

No. 66 *Ernest O. Middleton,* vs. *Certain Lands, et al.,* Plaintiff
Complainant vs. *Respondents* Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$	4	15
Filing each bill and other papers	5	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.			
Issuing each subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.			
Issuing each copy thereof		40	Each notice sent by mail to creditor ..	15		
Entering each return thereof		15	Filing, receipting for and docketing each claim, etc.	25		
For each order of publication	1	00	For all entries on subpoena docket, etc.	50		
Issuing writ of injunction	1	50	For all entries on commission docket, etc.	50		
For each copy thereof		50	Making final record, per 100 words ...	15	2	00
Entering each return thereof		15	Certified copy of decree	1 00		
Issuing Writ of Attachment	1	00	Report of divorce to State Health Office (Acts 1915)	50		
Entering each return thereof		15	Total Fees of Register		6	15
Docketing each case	1	00	FEES OF SHERIFF			
Entering each appearance		25	Serving and returning subpoena on deft. \$1	50		
Issuing each decree pro confesso on per. ser.	1	00	Serving and returning subpoena for witness	65		
Issuing each decree pro confesso on publica.	1	00	Levyng attachment	3 00		
Each order appointing guardian	1	00	Entering and returning same	25		
Any other order by Register		50	Selling property attached			
Issuing commission to take testimony		50	Impaneling Jury	75		
Receiving and filing		10	Executing writ of possession	2 50		
Endorsing each package		10	Collecting execution for costs	1 50	1	50
Entering order submitting cause		50	Serving and returning sci. fa., each	65		
Entering any other order of court		25	Serving and returning notice	65		
Noting all testimony		50	Serving and returning writ of injunction	1 50		
Abstract of cause, etc.	1	00	Serving and returning writ of exeat.	1 50		
Entering each decree		75	Taking and approving bonds, each	75		
For every 100 words over 500		15	Collecting money on execution			
Taking account, etc.	3	00	Making deed	2 50		
Taking testimony, etc.		15	Serving and returning application, etc.	1 00		
Each report, 500 words or less		2 50	Serving attachment, contempt of court	1 50		
For every 100 words over 500		15	Total Fees of Sheriff		1	50
Amount claimed less than \$500, etc.	2	00	RECAPITULATION			
Issuing each subpoena		25	Register's Fees	6	15	
Witness certificate, each		25	Sheriff's Fees	1	50	
Issuing execution, each		75	Commissioner's Fees			
Entering each return		15	Solicitor's Fees			
Taking and approving bond, each	1	00	Witness Fees			
Making copy of bill, etc.		15	Guardian Ad Litem			
Each notice not otherwise provided for ..		50	Printer's Fees <i>John D. Dunbar</i>	16	02	
Each certificate or affidavit, with seal ..		50	Trial Tax	3	00	
Each certificate or affidavit, no seal ..		25	Recording Decree in Probate Court ..			
Hearing and passing on application, etc.	3	00				
Each settlement with receiver, etc.	3	00				
Examining each voucher of Receiver, etc.		10				
Examining each answer, etc.	3	00				
Recording resignation, etc.		75				
Entering each certificate to Supreme Court		50				
Taking questions and answers, etc.		25				
For all other ser relating to such proceedings	1	00				
For services in proceeding to relieve minors, etc. same fee as in similar cases.						
Commission on sales, etc: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.						
Sub Total Carried Forward	4	15	Total	\$	26	67

The State of Alabama, { No. 66
 Baldwin County. Circuit Court, In Equity *Free* Term, 19*40*
 To Any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, That of the goods and chattels, lands and tenements of *Ernest O. Middleton* Defendant

you cause to be made the sum of _____ Dollars,

which *Waived & dismissed for want of Prosecution* Plaintiff

recovered of _____ on the *21* day of *August* 19*40*

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of *\$ 26.67* Dollars,

costs of suit, and have the same to render to the said _____ and make return of this Writ and the execution thereof, according to law.

Interest from _____ 19*3* to date of collection.

Witness my hand, this *21* day of *October* 19*40*

R. S. Duch, Register.

EARNEST O. MIDDLETON,
Complainant,

vs

The southwest quarter of the north west quarter; the north east quarter of the north west quarter; and the north west quarter of the northeast quarter of section nineteen (19) township five (5) south, range four (4) east. The heirs of Martha Middleton Kennedy, deceased; et al
Defendants.

IN THE CIRCUIT COURT

BALDWIN COUNTY

ALABAMA

IN EQUITY

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

Comes the Complainant, EARNEST O. MIDDLETON, and exhibits this as his bill of complainant against the southwest quarter of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter of section nineteen, (19), township five (5) south, range four (4) east; the heirs of Martha Middleton Kennedy, Deceased; Tewit; - Lelia Kennedy; Daisy Kennedy; Burley Kennedy; Annie May Kennedy; and shows unto your Honor and this Honorable Court as follows; -

1. That your complainant is over the age of twenty one years, and is a resident of Baldwin county, Alabama, residing near Loxley, Alabama, and that the subject matter of this cause is real estate located in Baldwin County, Alabama.

That Lelia Kennedy, Daisy Kennedy; Burley Kennedy and Annie May Kennedy are the ~~next~~ heirs of Martha Middleton Kennedy, deceased, and are all over the age of twenty one years; that the place of residence of each of them is unknown to your complainant, and he has been unable to ascertain such place of residence, though he has made diligent inquiry of many persons who have been acquainted with them; that the last place where they or any of them were known to be living was at or near Birmingham, Alabama, but your complainant does not know if they still reside there or in the state of Alabama; that your complainant is unable to ascertain if or whether any of said heirs are either deceased or married; that some four years ago he was informed that all were living and unmarried.

3. That the complainant owns and has been in peaceable possession for more than ten years, and still is in peaceable possession of the following described lands, claiming to own the same, namely; -

The southwest quarter of the northwest quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter of section nineteen (19), township five (5) south, range four (4) east, in Baldwin county, Alabama, containing one hundred twenty acres, more or less.

4. That each of the above defendants claims or is reputed to claim some right, title or interest in, or incumbrance upon, said lands, and your complainant hereby calls upon each of the above named defendants to set forth and specify his or her title or claim, interest or incumbrance upon the said lands, or any part thereof, and how and by what instrument the same is derived and created.

5. That no suits are pending to enforce or test the validity of such claim, title or incumbrance asserted or reputed to be asserted by the defendants or any of them, or any one else, there being no pending litigation involving in any way the title to

said lands.

THEREFORE, THE PREMISES CONSIDERED,

Your complainant respectfully prays that the above named parties against whom this suit is brought be made parties defendant to this bill of complaint and all brought into Court by publications, or through such other orders, decrees or processes as may be appropriate in the premises.

That upon final hearing of this cause it be ordered, adjudged and decreed that the above named parties against whom this cause is brought, and each of them, have no right, title or interest or hold any lien or incumbrance upon the lands hereinabove described, or any part thereof, and that as against the said parties and each of them, your complainant has a good and perfect title to the said lands, and that said title to said lands be forever quieted as against the above named defendants, and each of them. Should complainant be mistaken in the relief herein sought, then that such other and further and different relief be granted complainant as may be equitable in the premises, and as in duty bound he will forever pray etc.,



Attorney for complainant.

FOOT NOTE: The defendants and each of them are required to answer each paragraph of the foregoing bill of complainant from one to five, inclusive, but answer under oath is hereby expressly waived.



Attorney for complainant.

State of Alabama.
Baldwin County.

Before me, Frank W. Walker, a notary public in and for the state and county aforesaid, personally appeared Earnest O. Middleton, known to me, who being by me first duly sworn, doth depose and say:-

That he is the complainant in the cause of Earnest O. Middleton vs the southwest quarter of the north west quarter, the northeast quarter of the northwest quarter, and the northwest quarter of the northeast quarter of section nineteen (19), township five (5) south, range four (4) east, the heirs of Martha Middleton Kennedy, deceased; -to-wit; -Lelia Kennedy; Daisy Kennedy; Burley Kennedy and Annie May Kennedy, defendants, to which this affidavit is attached, and that the allegations and statements contained in said bill are true and correct.



Subscribed and sworn to before
me this the 25th day of June, 1934



Notary Public, Baldwin County, Alabama.

NOTARY PUBLIC, BALDWIN COUNTY
My Commission Expires Aug. 5, 1935

66

Complaint.

~~CONFIDENTIAL~~

EARNEST O. MIDDLETON

VS

SW $\frac{1}{4}$ NW $\frac{1}{4}$: NE $\frac{1}{4}$ NW $\frac{1}{4}$: NW $\frac{1}{4}$ NE $\frac{1}{4}$
Sec 19-5s-4e

et al

Filed July 2, 1934

H. A. Stone

Register

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No. 66

The State of Alabama,
Baldwin County.

Circuit Court, In Equity.

Ernest O. Middleton

vs.

Certain Lands, et al.,

CHANCERY EXECUTION
Fi. Fa.

\$ 26.67

Total - - - \$

Fee Book - - - Page

Execution Docket - - - Page

A. H. Crossall

Complainant's Solicitor.

Received in Sheriff's Office
this 21 day of Oct., 1940
W. R. STUART, Sheriff

The State of Alabama,
Baldwin County.

ha. duly waived right
to the exemption of personal property as to
the collection of the debt for which this execu-
tion is issued.

Register.

Received in office this - - - - -
day of - - - - - 193 - - -

Sheriff

Execution Docket Page

*Returned this 21st day of
December 1940 no property of
the Chancery found in Baldwin
County*

*W. R. Stuart Sheriff
By Mrs. Hamilton*

MOORE PRINTING CO., BAY MINNIE, ALA.

By virtue of the within execution I have levied

The State of Alabama,
Baldwin County.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Ernest O. Middleton

vs.

Certain Lands and

Heirs of Martha Middleton
Kennedy,

DECREE PRO CONFESSO
ON PUBLICATION

Issued October 20th, 1934

W. A. Stone
Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

66

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21066
RECORDED
INDEXED
EX-100
EX-100
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EX-100

Filed - Aug 13, 1934

W. D. Stone,

Registrar

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LEGAL NOTICE

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

ERNEST O. MIDDLETON,

Complainant,

vs.

The south west quarter of the north
west quarter; the north east quarter
of the north west quarter; and the
north west quarter of the northeast
quarter, all in section nineteen, town-
ship five south, range four east; the
heirs of Martha Middleton Kennedy,
deceased; Lelia Kennedy; Daisy Ken-
nedy; and Mrs. U. G. Gilbert have

been called to the home of their daugh-
ter, Mrs. John Dawson in the Tennes-
see mountains on account of the sick-
ness of their granddaughter, Miss
Ruth. They will be accompanied by
Mr. and Mrs. Wallace Frederick and
will attend the farewell meeting of
Mrs. U. G. Gilbert and Mrs. V. G. Gil-
bert and Mrs. V. G. Gilbert and Mrs. V. G. Gilbert

Mr. and Mrs. C. F. Genske and
daughter Janet returned Sunday even-
ing from Chicago where they spent
two weeks visiting, taking many side
trips which were highly entertaining.

Miss Margaret Holk left Wednesday
evening for Chicago to visit the Cen-
tury of Progress.

Twenty ladies and friends of Mrs.
Church Aid were entertained by Mrs.
Hayes at her home. It was in the form
of a lawn party. Mrs. Susie Carson
had charge of the program which was
very interesting. The ladies sewed and
knitted rugs for the parsonage.

66

AFFIDAVIT OF PUBLICATION

I, Frank V. Barchard

Editor of The Onlooker, published at
Poley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-
mencing with the issue dated August 16, 1934, and
ending with the issue dated September 6 1934.

Frank V. Barchard

Subscribed and sworn to before me this _____ day
of _____, 19_____.

Notary Public.

66

Foley, Ala., Sept. 12, 1934

M. r. Frank Walker

Foley, Ala.

IN ACCOUNT WITH

BARCHARD PUBLISHING CO.

The Foley Onlooker

Robertsdale News-Herald

HIGH QUALITY JOB PRINTING

Balance as shown in last statement

Legal

16

02

LEGAL NOTICE

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

ERNEST O. MIDDLETON,
Complainant,

vs.

The south west quarter of the north west quarter; the north east quarter of the north west quarter; and the north west quarter of the northeast quarter, all in section nineteen, township five south, range four east; the heirs of Martha Middleton Kennedy, deceased; Lelia Kennedy; Daisy Kennedy; Burley Kennedy; Annie May Kennedy, Defendants.

Notice is hereby given to Lelia Kennedy, Daisy Kennedy, Burley Kennedy, Annie May Kennedy, and any and all persons, firms and corporations who claim any title to, interest in, lien or incumbrance upon the lands herein described, that on the 2nd day of July, 1934, Ernest O. Middleton filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his bill of complaint against the following lands in Baldwin county, Alabama, viz;

the south west quarter of the north west quarter, the north east quarter of the north west quarter, and the north west quarter of the north east quarter, of section nineteen (19) township five (5) south, range four (4) east.

That said bill of complaint was and is filed for the purpose of establishing the title of said complainant to said lands, and for the purpose of quieting his title thereto, and clearing up all doubts and disputes concerning

66

AFFIDAVIT OF PUBLICATION

I, Frank V. Barnard

Editor of The Onlooker, published at
Foley, Ala., do solemnly swear that a copy of the above notice,
as per clipping attached, was published once each week in the
regular and entire edition of said newspaper, and not in any
supplement thereof, for 4 consecutive weeks, com-
mencing with the issue dated August 16, 1934, and
ending with the issue dated September 6, 1934

Frank V. Barnard

Subscribed and sworn to before me this 27th day
of September, 1934

[Signature]
Notary Public

THE STATE OF ALABAMA, } CIRCUIT COURT, IN EQUITY.

Baldwin County. }

No. _____, Term, 193...

Ernest O. Middleton, Complainant..

Vs.

Certain Lands and Heirs of Martha Middleton Kennedy Defendant..

Motion is hereby made for a Decree Pro Confesso against

Heirs of Martha Middleton Kennedy Defendant..

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof,

This 20th day of September 1934.

Attorney
Solicitor.

**State of Alabama,
Baldwin County.**

CIRCUIT COURT, IN EQUITY.

Complainant

Vs.

Defendant

**Motion for Decree Pro Confesso
On Publication.**

Filed Oct 24th, 1937

M. A. Stone
Register.

Recorded in Record,

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Register.