

CF  
IN THE CIRCUIT COURT IN AND  
FOR WALTON COUNTY, FLORIDA  
CASE NO. 84-368 CA

A. B. LOWERY and HAROLD L. FOSHEE,  
Plaintiffs,

vs.

G. P. MANUS if living, and if deceased then his heirs, devisees and legatees, and any and all persons, firms or corporations, claiming by, through or under them or either of them, and any and all persons, firms or corporations having or claiming to have any right, title, claim or interest in and to the following described lands: The land lying southerly of Block 17, Gulf Shore Manor Subdivision, Walton County, Florida, extending to the mean high water mark of the Gulf of Mexico, bounded on the west by a southerly extension to the mean high water mark of the westerly line of Lot 13, Block 17 and bounded on the east by a southerly extension to the mean high water mark of the Gulf of Mexico of the easterly line of Lot 9, Block 17, all of the Gulf Shore Manor Subdivision AND that land lying southerly of Lot 10, Block 18 and extending to the Gulf of Mexico bounded on the east by a southerly extension of the east line of said lot to the mean high tide mark and bounded on the west by a southerly extension of the western line of said lot to the mean high tide of the Gulf of Mexico, Gulf Shore Manor Subdivision, AND that land lying southerly of Lot 5, Block 19 and extending to the shoreline of the Gulf of Mexico bounded on the west by a southerly extension of the western boundary line of said Lot 5 to the mean high tide mark of the Gulf and bounded on the east by an extension of the east boundary line of said Lot 5 extending southerly to the Gulf of Mexico, all in Gulf Shore Manor Subdivision, Walton County, Florida.

Defendants,

CATHERINE KING  
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WALTON COUNTY  
CLERK CIRCUIT COURT

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COMPLAINT

Plaintiffs, A. B. LOWERY and HAROLD L. FOSHEE, bring this their complaint against the captioned defendants, and say:

1. This is an action to quiet title to property in Walton County, Florida.

2. That the plaintiff, A. B. LOWERY, acquired title to Lot 10, Block 18, Lot 5, Block 19, Lots 9 through 13 inclusive, Block 17, Gulf Shore Manor Subdivision, according to the plat recorded in Deed Book 63, at Page 603, Public Records of Walton County, Florida by way of deeds recorded January 1, 1944 in Deed Book 87, at Page 385; deed recorded November 22, 1938 in Deed Book 82, at Page 289; deed recorded September 10, 1938 in Deed Book 82, at Page 227; deed recorded February 15, 1961 in Deed Book 172, at Page 453, all according to the Public Records of Walton County, Florida.

3. That the plaintiff, HAROLD L. FOSHEE, acquired title to Lots 9 through 13 inclusive, Block 17, Gulf Shore Manor Subdivision by way of Warranty Deeds from the plaintiff A. B. Lowery and wife, Margaret Lowery, recorded May 3, 1979 in O. R. Book 165, at Page 398 and deed recorded May 8, 1981 in O. R. Book 210, at Page 608, Public Records of Walton County, Florida.

4. That the plaintiff, A. B. Lowery, acquired title to the property described in the caption herein by way of adverse possession and has been in actual, open, exclusive, notorious and hostile possession of said property for 45 years and having returned the same for taxes and paid the taxes on said property for the past 15 years.

5. That the plaintiff, Harold L. Foshee, has continued the aforesaid adverse possession of his property herein since his purchase of same from the plaintiff, A. B. Lowery, has been in actual, open, exclusive, notorious and hostile possession of same and has returned said property for taxes and paid the taxes thereon since his said purchase from plaintiff, A. B. Lowery.

That plaintiff, A. B. Lowery, conveyed to plaintiff, Harold L. Foshee, by way of two Warranty Deeds, said deeds including not only the lots above described in said deed but also the property extending southerly from said lots to the Gulf of Mexico.

6. That on or about July 17, 1925 a plat entitled Gulf Shore Manor and containing the wording "proposed plat made for G. P. Manus" was recorded in Deed Book 63, at Page 603, Public Records of Walton County, Florida. That said plat contained un-subdivided lands extending from the southerly boundary of the subdivided blocks a distance of 110 feet to the southerly edge of the bluff and thereafter designating an area south of said bluff extending some 250 feet to the Gulf of Mexico as "bathing beach". That there has been no record title conveyance in the Public Records of Walton County, Florida out of the said G. P. Manus to said properties. That the plaintiffs have conducted diligent search and inquiry to determine the last and best known residence and post office address of the defendant, G. P. Manus and as a result of same have been unable to locate said defendant or gather any information whatsoever concerning his whereabouts at any time. That if the said G. P. Manus is a resident of the State of Florida he has so concealed himself for a period in excess of 60 days that service of process cannot be made upon him. That likewise plaintiffs have made diligent search and inquiry to determine whether any estate proceedings were ever filed on the said G. P. Manus, if deceased, and have been unable to locate such.

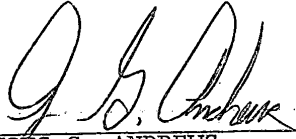
WHEREFORE plaintiffs pray:

1. That the plaintiff, Harold L. Foshee, be declared to be the owner in fee simple of the following described real estate situate, lying and being in Walton County, Florida, to-wit: The land lying southerly of Block 17, Gulf Shore Manor Subdivision, Walton County, Florida, extending to the mean high water mark of the Gulf of Mexico, bounded on the west by a south-

erly extension to the mean high water mark of the westerly line of Lot 13, Block 17 and bounded on the east by a southerly extension to the mean high water mark of the Gulf of Mexico of the easterly line of Lot 9, Block 17, all of the Gulf Shore Manor Subdivision.

2. That the plaintiff, A. B. Lowery, be declared to be the owner in fee simple of the following described real estate situate, lying and being in Walton County, Florida, to-wit: That land lying southerly of Lot 10, Block 18 and extending to the Gulf of Mexico bounded on the east by a southerly extension of the east line of said lot to the mean high tide mark and bounded on the west by a southerly extension of the western line of said lot to the mean high tide of the Gulf of Mexico, Gulf Shore Manor Subdivision, AND that land lying southerly of Lot 5, Block 19 and extending to the shoreline of the Gulf of Mexico bounded on the west by a southerly extension of the western boundary line of said Lot 5 to the mean high tide mark of the Gulf and bounded on the east by an extension of the east boundary line of said Lot 5 extending southerly to the Gulf of Mexico, all in Gulf Shore Manor Subdivision, Walton County, Florida.

3. That this Court enter an Order quieting and confirming plaintiffs' title as aforesaid in and to said property against any and all claims of the defendants herein and against any and all persons, firms or corporations claiming by, through or under them or anyone of them, and against the claim of any and all parties claiming any right, title or interest thereto.


  
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ANGUS G. ANDREWS  
P. O. Box 112  
DeFuniak Springs, Florida 32433  
904/892-2181  
Attorney for Plaintiffs

STATE OF FLORIDA  
COUNTY OF WALTON

Before the undersigned notary public personally appeared  
ANGUS G. ANDREWS, who first being duly sworn on oath says that  
the allegations contained herein pertaining to the diligent  
search and inquiry of the defendants and the results of same  
are true and correct.

  
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ANGUS G. ANDREWS

Sworn to and subscribed before  
me this 24<sup>th</sup> day of July, 1984.

  
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NOTARY PUBLIC  
State of Florida at Large  
My commission expires: 12/19/1987

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