

664

T. J. KLUMPP,

Complainant,

VS.

A. B. DOOLEY, J. A. CARNEY,  
JOHN B. WATKINS, SARAH M. L.  
WILLIAMS, FRED HARFORD, CLARA  
A. HARFORD, CHARLES O. ELSTROM,  
EMMA M. ELSTROM, ANDREW TALLBERG,  
AUGUSTA TALLBERG, JOSIAH V.  
THOMPSON and PERDIDO LAND COM-  
PANY, AND EACH OF THEM, AND THE  
UNKNOWN HEIRS, DEVISEES AND GRANTEES  
OF THEM, IF EITHER OR ANY OF THEM  
SHOULD BE DEAD, AND ANY OTHER PER-  
SON, FIRM OR CORPORATION CLAIMING  
ANY RIGHT, TITLE TO, INTEREST IN,  
LIEN OR ENCUMBRANCE UPON THE SAID  
LANDS, OR ANY PART OR PARCEL THEREOF,  
AND THE FOLLOWING DESCRIBED LANDS IN  
BALDWIN COUNTY, ALABAMA; ALL OF SEC-  
TION 29, TOWNSHIP 5 SOUTH, RANGE 3  
EAST,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
  
IN EQUITY,  
  
NUMBER 664.

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso, and proof as noted by the Register, and it appearing to the Court that the Complainant is the owner of and in the possession of the said lands and each and every parcel thereof, and that the title of the Complainant has been duly and fully proven by legal and competent evidence, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondents, A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, and each of them, and the unknown heirs, devisees, and grantees of them, if either or any of them should be dead, and any other person, firm or corporation claiming any right, title to, interest in, lien or encumbrance upon said lands or any part or parcel thereof, have no estate, right, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof, in Baldwin County, Alabama, to-wit:

All of Section 29, Township 5 South, Range 3 East.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the full fee-simple title to said lands, to-wit:

All of Section 29, Township 5 South, Range 3 East,

is vested absolutely in the Complainant, T. J. KLUMPP.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in the Direct Index in the names of A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, and the unknown heirs of A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, and in the Indirect Index in the name of T. J. Klumpp.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall, within thirty days from the rendition of this decree, file a certified copy thereof in the Office of the Judge of Probate of Baldwin County, Alabama, for record, and that the cost thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs in this cause, for which execution may issue.

Done at Monroeville, Monroe County, Alabama, on this Second day of December, 1940.

A. M. Hare  
Judge of the 21st Judicial Circuit of Alabama



T. J. KLUMPP,  
Complainant,  
  
VS.  
  
JOHN B. WATKINS, ET AL.,  
  
Respondents.

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IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA,  
  
IN EQUITY,  
  
NO. 664.

NOTICE is hereby given that the Complainant will, on the 29th day of November, 1940, before Mrs. O'Byrne J. Whitley, as Special Commissioner, take the testimony, orally, of the following witnesses on behalf of the Complainant:  
  
Phil G. Armstrong; T. J. Klumpp and Hubert M. Hall.  
  
Dated this 25th day of November, 1940.

BREEBE & HALL,  
  
By: Wm Hall  
Solicitors for Complainant.

THE STATE OF ALABAMA,  
Baldwin County

}

CIRCUIT COURT

TO MRS. O'BYRNE J. WHITLEY

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Phil G. Armstrong, T. J. Klumpp and Hubert M. Hall

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein T. J. Klumpp

is Complainant and John B. Watkins, et al.

are Defendant, on oath to be by you administered, upon them

to take and certify the deposition<sup>s</sup> of the witness<sup>es</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness 29<sup>th</sup> day of November, 19 40

*R. S. Durb*

REGISTER

Commissioner's Fee \$ 10.00

Witness' Fees, \$

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

CIRCUIT COURT OF BALDWIN COUNTY,  
IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, That you summon A. B. DOOLEY, J. A. CARNEY, JOHN B. WATKINS, SARAH M. L. WILLIAMS, FRED HARFORD, CLARA A. HARFORD, CHARLES O. ELSTROM, EMMA M. ELSTROM, ANDREW TALLBERG, AUGUSTA TALLBERG, JOSIAH V. THOMPSON and PERDIDO LAND COMPANY, if they be living, and if dead, the unknown heirs and devisees of them, and each of them, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by T. J. KLUMPP against said above named, and further to do and perform what said Judge shall order and direct in that behalf. And this the said Respondents shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of the said Circuit Court, this 18 day of September, 1940.

  
Register.

T. J. KLUMPP,  
Complainant,  
VS.  
JOHN B. WATKINS, ET AL.,  
Respondents.

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

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

Comes your Complainant, T. J. KLUMPP, and presents this his Bill of Complaint against the following described lands in Baldwin County, Alabama, to-wit:

All of Section 29, Township 5 South, Range 3 East,  
and against A. B. Dooley, over twenty-one years of age and a non-resident of the State of Alabama, whose address is unknown; J. A. Carney, over twenty-one years of age and a resident of Baldwin County, Alabama; and John B. Watkins, Sarah M. L. Williams, Fred Harford and Clara A. Harford, Charles O. Elstrom and Emma M. Elstrom, Andrew Tallberg and Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, and against each of them, separately and severally, and if either or any of them be dead, then against their, and each of their, heirs, devisees and grantees, separately and severally, and against any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the said lands or any part or parcel thereof, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is over twenty-one years of age and a bona fide

resident of Fairhope, in Baldwin County, Alabama; that he is the owner in fee simple and in the actual possession of said lands, in Baldwin County, Alabama, described as follows, to-wit:

All of Section 29, Township 5 South of Range 3 East.

2. That no suit is pending to test the Complainant's title to, interest in, or his rights to the possession of said lands.

3. That the Complainant obtained title to said lands by purchases as follows: The North half of the Northeast quarter, the Southwest quarter of the Northeast quarter, the Northwest quarter, the Southwest quarter and the Southeast quarter of Section 29, Township 5 South, Range 3 East, containing 600 acres, from Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Elvera C. Armstrong, Phil G. Armstrong, her husband, Agnes E. Utter, a married woman and whose husband is a non-resident of the State of Alabama, and Josephine Johnson, a widow, by deed dated October 20th, 1938, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 67 NS, page 136, and the Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 3 East, from Elmer V. Lovell, by instrument filed for record in the office of the Probate Judge of Baldwin County, Alabama, on January 15th, 1940, and of record therein in Deed Book 71 NS, page 111.

4. That the title to said lands claimed by the Complainant stands upon the records in the Probate Court of Baldwin County, Alabama, in the names of T. J. Klumpp, John B. Watkins, Sarah M. L. Williams, Andrew Tallberg, Augusta Tallberg, A. B. Dooley, J. A. Carney, Josiah V. Thompson, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, and Perdido Land Company.

5. That no one has at any time within ten years next preceding the filing of this Bill of Complaint paid any taxes upon, or had any possession of said lands, or any part thereof, except T. J. Klumpp, Elvera C. Armstrong, Phil G. Armstrong, Agnes E. Utter, Josephine Johnson, Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Oscar Johnson, Elmer V. Lovell and Walter F. Lovell.

6. That the only persons known by your Complainant to claim said lands or any part thereof or any interest therein are: T. J. Klumpp of Fairhope, in Baldwin County, Alabama, A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom and Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company; that a diligent search and inquiry has been made from residents in the vicinity of said lands, from

residents of Fairhope, Silverhill, Robertsdale, and Bay Minette, in Baldwin County, Alabama, and from the records at Bay Minette, the County Seat of Baldwin County, Alabama, to ascertain the present addresses of said parties whose addresses are unknown, and whether or not they or any of them are dead, and if dead, the names, ages and addresses of their, and each of their, heirs, and they are unknown; that from such information obtainable, all are over twenty-one years of age and non-residents of the State of Alabama.

WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause made by this Bill of Complaint and by appropriate process make the said A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, and each of them, and the unknown heirs, devisees, and grantees of them, if either or any of them should be dead, and any other person, firm or corporation claiming any right, title to, interest in, lien or encumbrance upon said lands, to-wit:

All of Section 29, Township 5 South, Range 3 East, situated in Baldwin County, Alabama,

or any part thereof, to be made parties respondent to this Bill of Complaint, and by appropriate process require them and each of them to, separately and severally, plead, answer or demur to the same, within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of encumbrances, to the said lands and to each part and parcel thereof is vested in your Complainant, T. J. Klumpp, as against A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, if they be living, and if dead, their and each of their unknown heirs, devisees and grantees, and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon the said lands, or any part thereof, and that any and all doubts and disputes concerning the same be cleared up. And your Complainant prays for such other, further, different or general relief as in equity and good conscience shall seem mete and proper.

BEEBE & HALL,

By: *Wm. Lee*  
Solicitors for Complainant.



STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, the undersigned authority, in and for said County, in said State, personally appeared HUBERT M. HALL, who is known to me, and who having been by me first duly sworn, deposes and says: That he is a member of the firm of Beebe & Hall, Solicitors of record and agents of the Complainant, T. J. Klumpp, in the above styled cause, and duly authorized by him to make this affidavit, and that the facts stated in the foregoing Bill of Complaint, from all information obtainable, are true, and from such information obtained, he verily believes and so states that the same are true.

Hubert M. Hall

Sworn to and subscribed before me  
this 18th day of September, 1940.

W. B. Jones  
Notary Public, Baldwin County, Ala.

T. J. KLUMPP,  
Complainant,  
VS.  
JOHN B. WATKINS, ET AL.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY,  
NO. 664.

It having been made to appear in the above cause, by the affidavit of Hubert M. Hall, Solicitor of record and agent of T. J. Klumpp, Complainant in the above cause, that J. A. Carney is a resident of Baldwin County, Alabama; A. B. Dooley a non-resident of the State of Alabama, address unknown; and John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, if they be living, or if they be dead, their heirs, devisees and grantees, are non-residents of the State of Alabama, their addresses being unknown; that the said Complainant owns in fee simple the following described lands in Baldwin County, Alabama, to-wit:

All of Section 29, Township 5 South, Range 3 East, having acquired the same by conveyances from Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Elvera C. Armstrong, Phil G. Armstrong, her husband, Agnes E. Utter, a married woman and whose husband is a non-resident of the State of Alabama, Josephine Johnson, a widow, and Elmer V. Lovell; that the title to said lands stand on the records of the Probate Court of Baldwin County, Alabama, the county in which said lands lie, in the names of the parties hereinabove named; that no person is known to have paid taxes upon said lands or to have been in possession of said lands, or any part thereof, within ten years next prior to the filing of this Bill of Complaint, except T. J. Klumpp and those through whom he claims by mesne conveyances, to-wit: Elvera C. Armstrong, Phil G. Armstrong, Agnes E. Utter, Josephine Johnson, Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Oscar Johnson, Elmer V. Lovell and Walter F. Lovell.

IT IS THEREFORE ORDERED and notice is hereby given that said Respondents, A. B. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom and Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, if they be living, or if they be dead, their heirs, devisees and grantees, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said lands herein described,

in Baldwin County, Alabama, or any part or parcel thereof, appear in this Court and plead, answer or demur to the Bill of Complaint in this cause filed, on or before the 21st day of October, 1940, or upon their having failed to do so at the expiration of thirty days from said date, a decree pro confesso be taken against them.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, R. S. DUCK, as Register, have hereunto set my hand and seal on this 18<sup>th</sup> day of September, 1940.

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

BEEBE & HALL,  
Solicitors for Complainant.

STATE OF ALABAMA,     )  
                                  )  
BALDWIN COUNTY.     )

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in equity, hereby certify that the above is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in the cause of T. J. Klumpp, Complainant, vs. John B. Watkins, et al., Respondents, and filed in the office of the Probate Judge of Baldwin County, Alabama, the County in which said lands lie, in accordance with the provisions of Article 2, Chapter 336 of the 1923 Code of Alabama.

18<sup>th</sup> IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this day of September, 1940.

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

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

### LEGAL NOTICE

In the Circuit Court of Baldwin County, Alabama: In Equity. T. J. Klumpp, Complainant vs. John B. Watkins, et al., Respondents.

It having been made to appear in the above cause, by the affidavit of Hubert M. Hall, Solicitor of record and agent of T. J. Klumpp, Complainant, in the above cause, that J. A. Carney is a resident of Baldwin County, Alabama; A. E. Dooley, a non-resident of the State of Alabama, address unknown, and John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, if they be living, or if they be dead, their heirs, devisees and grantees, are non-residents of the State of Alabama, their addresses being unknown; that the said Complainant owns in fee simple the following described lands in Baldwin County, Alabama, to-wit:

All of Section 29, Township 5 South, Range 3 East, having acquired the same by conveyances from Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Elvera C. Armstrong, Phil G. Armstrong, her husband, Agnes E. Utter, a married woman and whose husband is a non-resident of the State of Alabama, Josephine Johnson, a widow, and Elmer V. Lovell; that the title to said lands stand on the records of the Probate Court of Baldwin County, Alabama, in the names of the parties hereinabove named, that no person is known to have paid taxes upon said lands or to have been in possession of said lands, or any part thereof, within ten years next prior to the filing of this Bill of Complaint, except T. J. Klumpp and those through whom he claims by mesne conveyances, to-wit: Elvera C. Armstrong, Phil G. Armstrong, Agnes E. Utter, Josephine Johnson, Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Oscar Johnson, Elmer V. Lovell and Walter F. Lovell.

IT IS THEREFORE ORDERED, and notice is hereby given that said Respondents, A. E. Dooley, J. A. Carney, John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom and Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land Company, if they be living, or if they be dead, their heirs, devisees and grantees, and any other person, firm or corporation claiming any right, title to interest in or encumbrance upon said lands herein described, in Baldwin County, Alabama, or any part or parcel thereof, appear in this Court and plead answer or demurrer to the Bill of Complaint in this cause, filed on or before the 21st day of October, 1940, or upon their having failed to do so at the expiration of thirty days from said date, a decree pro confesso be taken against them.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, R. S. Duck, as Register, have hereunto set my hand and seal on this 15th day of September, 1940.

R. S. DUCK,  
Register of the Circuit Court of Baldwin County, Alabama.  
BEEBE & HALL,  
Solicitors for Complainant.

34-41

BAY MINETTE, ALA.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY

*J. H. Faulkner*

being duly sworn, deposes and says that he is

the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay

Minette, Baldwin County, Alabama; that the notice hereto attached of .....

*T. J. Klumpp vs. J. A. Carney -*

Was published in said Newspaper for 4 consecutive weeks in the following issues:

<i>Sept. 19,</i>	<i>1940</i>	Vol. <i>51</i> No. <i>34</i>
<i>" 26,</i>	<i>1940</i>	Vol. <i>51</i> No. <i>35</i>
<i>Oct 3,</i>	<i>"</i>	Vol. <i>51</i> No. <i>36</i>
<i>" 10,</i>	<i>"</i>	Vol. <i>51</i> No. <i>37</i>

ore the undersigned this 12<sup>th</sup> day of

*J. H. Faulkner*  
*Publ*

*J. H. Faulkner*  
Publisher

*Baldwin County*

8581. NOTE OF TESTIMONY

T. J. Klumpp

vs.

John B. Watkins, et al.

THE STATE OF ALABAMA  
Baldwin County

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Lis Pendens Notice, filed for record in the Probate Judge's office of Baldwin County, Alabama, in Lis Pendens Book 1, page 186; Proof of publication in The Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama; Motion for Decree Pro Confesso on Personal Service; Motion for Decree Pro Confesso on Publication; Request for taking of testimony; Notice of the time of taking testimony; Commission to take testimony and Request for Final decree in vacation; and in behalf of Defendant upon Decree Pro Confesso on Personal Service and Decree Pro Confesso on Publication.

*R. S. Duck*

Register.

The State of Alabama,  
Baldwin County.

No. .... CIRCUIT COURT IN EQUITY.

T. J. KLIMPP

Complainant

vs.

JOHN B. WATKINS, ET AL.

Defendant

Motion is hereby made for a Decree Pro Confesso against J. A. Carney

Defendant

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

This 25th day of November 1940

BEER & HALL,

By: *Wm Hall*

Solicitor.

The State of Alabama,  
Baldwin County.

No. \_\_\_\_\_ CIRCUIT COURT IN EQUITY.

T. J. KLUMPP

Complainant

vs.

JOHN B. WATKINS, ET AL.

Defendant

In this cause it appears to the Register  
that a summons requiring the Defendant, J. A. Carney

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days  
after the service of said Summons upon J. A. Carney  
was served upon him by the Sheriff of Baldwin County, Alabama, on the  
18th day of September 19. 40

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of Beabe & Hall, Solicitors for Complainant,  
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said J. A. Carney

Defendant aforesaid.

This 25th day of November 19 40

*R. S. D... ..*

Register.

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ Term, 193\_\_\_\_\_

T. J. KLUMPP, \_\_\_\_\_, Complainant

Vs.

JOHN B. WATKINS, \_\_\_\_\_, Defendant

To HON. R. S. DUCK, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant§ and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Beebe & Hall,

\_\_\_\_\_ Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

BEEBE & HALL,  
By: Stan Hall

Solicitor for Complainant.



The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.  
No. .... Term, 192 .....

T. J. KLUMPP ..... Complainant..

vs. JOHN B. WATKINS ..... Defendant..

In this cause it appears to the Register R. S. Duck that the order of publi-  
cation heretofore made in this cause, was published for four consecutive weeks, commencing on the  
19th day of September, 1940, in the Baldwin Times  
a newspaper published in Bay Minette Alabama, that a copy of said order was posted  
at the Court House door in Baldwin County, on the 19th day of  
September 1940, and

And it now further appearing to the Register R. S. Duck, that the said  
A. B. Dooley,  
... John B. Watkins, Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles  
... O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V.  
... Thompson and Perdido Land Company, and each of them, and if either or any of  
... them be dead, then their and each of their heirs, devisees and grantees, and  
... any and all other persons, firms or corporations claiming any title to, interest  
... in, lien or encumbrance upon said lands, as set out in the Bill of Complaint,  
... or any part or parcel thereof,

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  
R. S. Duck that the Bill of Complaint in this cause be, and it hereby is in all things  
taken as confessed against the said above named Respondents

This 25<sup>th</sup> day of November 1940

R. S. Duck Register.

T. J. KLUMPP,

Complainant,

VS.

JOHN B. WATKINS, ET AL.,

Respondents.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA,

) IN EQUITY.

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Motion is hereby made for a Decree Pro Confesso against John B. Watkins,  
A. B. Dooley,  
Sarah M. L. Williams, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M.  
Elstrom, Andrew Tallberg, Augusta Tallberg, Josiah V. Thompson and Perdido Land  
Company, and each of them, and if either or any of them be dead, then their and  
each of their heirs, devisees and grantees, and any and all other persons, firms  
or corporations claiming any title to, interest in, lien or encumbrance upon said  
lands, as described in the original Bill of Complaint, or any part or parcel there-  
of, Respondents 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 Respondents are  
non-residents of the State of Alabama, and have failed to answer, plead or demur to  
the Bill in this cause, to the date hereof.

This 25th day of November, 1940.

BEEBE & HALL,

By: Wm Hall  
Solicitors for Complainant.

**RECORDED**

664

*Served on  
J. A. Carney*

Received in Sheriff's Office  
this 18 day of Sept., 1940  
W. R. STUART, Sheriff

*Executed this the  
19<sup>th</sup> day of Sept  
1940 by serving a  
copy of the within  
complaint on  
J. A. Carney*

*W. R. Stuart  
by W. R. Stuart*

BILL OF COMPLAINT

T. J. KLUMPP,  
Complainant,

VS.

JOHN B. WATKINS, ET AL.,  
Respondents.

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

*Index date 10/19/40  
Barnes  
Ruf*

LIS PENDENS NOTICE

T. J. KLUMPP,

Complainant,

VS.

JOHN B. WATKINS, ET AL.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed September 18, 1940*  
*R.S. Duchs, Register*

*R.S. Duchs*

*125*

State of Alabama,  
Baldwin County,

Filed in office this 18<sup>th</sup> day of Sept

1940 at 1:30 PM

Book No. 1 Page 186

See County Clerk's Office

and the Clerk of the Court

has hereon been recorded by me,

Notary Public for Alabama,

*[Signature]*

Notary Public for Alabama,

PROOF OF PUBLICATION

THE REGISTER

Filed Oct. 12, 1940.  
R. S. Duck, Register

No. ....

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**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

T. J. KLUMPP

vs.

JOHN B. WATKINS, ET AL.

**MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE**

Filed *November 25<sup>th</sup>* 19*40*

*R. S. Dush*

Register.

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Register.

JOHN

RECORDED

No. \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

T. J. KLIMPP,

VS.

JOHN B. WATKINS, ET AL.

**NOTE OF TESTIMONY**

Filed in Open Court this 20

day of September 1980

*R. S. Duchs*

REGISTER

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**The State of Alabama,**  
Baldwin County.

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**CIRCUIT COURT, IN EQUITY**

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..... T. J. KLIMPP .....

vs.

..... JOHN B. WATKINS, ET AL. ....

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**DECREE PRO CONFESSO ON  
PERSONAL SERVICE**

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Issued *November 25<sup>th</sup>* 19 *40*

..... *R. S. Smith* .....

Register.

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**The State of Alabama,**

Baldwin County,

**CIRCUIT COURT, IN EQUITY**

T. J. KLUMPP,

Vs.

JOHN R. WATKINS, ET AL.

**REQUEST FOR DECREE IN  
VACATION**

Filed *November 29*, 198*40*

*Rob. Durk*

Register.

Recorded in \_\_\_\_\_ Record

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**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY.**

T. J. KLUMPP,

vs.

JOHN B. WATKINS, ET AL.

**DECREE PRO CONFESSO  
OF PUBLICATION**

Issued *November 25<sup>th</sup>* 19*48*

*R. S. Duch*

Register.

Recorded in ..... Record

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Register.

MOTION FOR DECREE PRO  
CONFESSE ON PUBLICATION:

T. J. KLUMPP,

Complainant,

VS.

JOHN B. WATKINS, ET AL.,

Respondents.

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

*Filed November 25, 1940  
P.S. Archer, Register*

THE STATE OF ALABAMA  
Baldwin County

Circuit Court of Baldwin County, Alabama.  
(In Equity)

T. J. KLUMPP,

COMPLAINANT

VS.

JOHN B. WATKINS, ET AL.

RESPONDENT

I, O'Byrne J. Whitley

as ~~Register~~ and Commissioner

have called and caused to come before me Phil G. Armstrong, T. J. Klumpp and Hubert M. Hall,

witnesses named in the Requirement for Oral Examination, on the 29th day of November

19 40, at the office of Beebe & Hall,

in Bay Minette, Alabama, and having first sworn said witnesses to speak the truth,

the whole truth, and nothing but the truth, the said Phil G. Armstrong

doth depose and say as follows:

My name is Phil G. Armstrong. I am a resident of Silverhill, in Baldwin County, Alabama, and am personally acquainted with the Complainant, T. J. Klumpp, who is a resident of Fairhope, in Baldwin County, Alabama, and who is over twenty-one years of age.

I am also personally acquainted with the land described in the bill of complaint of T. J. Klumpp, Complainant, vs. John B. Watkins, et al., Respondents, now pending in the Circuit Court of Baldwin County, Alabama, in Equity, and being No. 664.

I know that no suit is pending to test the title of the Complainant, T. J. Klumpp to, his interest in, or his rights of possession of the said lands, being described as All of Section 29, Township 5 South, Range 3 East, in Baldwin County, Alabama.

I have been a resident of Baldwin County, Alabama, since the year 1907, during which period I have lived and spent a greater part of the time at Silverhill, in Baldwin County, Alabama. The land described in the Bill of Complaint as all of Section 29, Township 5 South, Range 3 East is about four miles from where I have lived and I have, during the time that I have lived in Baldwin County, had occasion to be upon and around said lands at least five or six times each year, and maybe even more often, and have, of course, been interested through my father-in-law, Oscar Johnson, now deceased, who at one time owned all of said lands except the Southeast quarter of the Northeast quarter of said section 29, Township 5 South, Range 3 East, and then subsequent to Mr. Johnson's death, I had control of it, either individually or as Executor of his estate. I know of my own personal knowledge, having had occasion to see and observe said lands, that during the entire time that I have known them, no person, other than Mr. T. J. Klumpp, the present owner, the Estate of Oscar Johnson, Oscar Johnson, and those through whom they claim, by instruments of record in the office of the Probate Judge of Baldwin County, Alabama, have exercised any adverse title thereto.

The Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 3 East, when I first knew it, was owned by Andrew Tallberg, who was a non-resident of the State of Alabama, living in Chicago, and whose properties were

ORAL EXAMINATION

I, O'Byrne J. Whitley, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witness ~~as~~ and read over to them and they signed the same in the presence of myself and W. C. Beebe at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ~~as~~ or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 29th day of November, 19 40.

O'Byrne J. Whitley  
Special Commissioner

(L. S.)

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN CIRCUIT COURT, IN EQUITY**

T. J. KLUMPP,

Complainant

Vs.

JOHN B. WANKINS, ET AL.,

Respondent

**ORAL DEPOSITION**

Filed November 29th, 19 40

W. C. Beebe, Register

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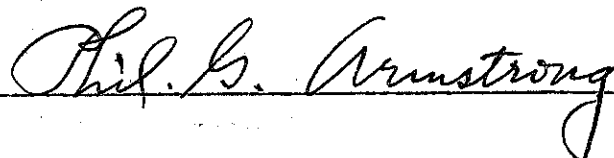
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looked after by Mr. Oscar Johnson. Mr. Tallberg retained title to these lands until some<sup>time</sup> in 1909, when he sold them to Gustaf Burkland, and that the Burklands, in turn, sold them to Arvid Bjork and Louise Bjork, who, in turn, conveyed them to Walter F. Lovell, and then Walter F. Lovell conveyed it to his brother, Elmer V. Lovell, who in turn, conveyed said lands to T. J. Klumpp, the Complainant; that the said Elmer V. Lovell, and those through whom he claims, as hereinabove referred to, were in possession of said lands, either by person or agent, from the time I first knew them, and during that time no other person made any adverse claim, so far as I know; during the time that I have lived in Baldwin County, Alabama, I have often made inquiries and have often had inquiries made of me as to John B. Watkins, Sarah M. L. Williams, Fred Harford, ~~Elizabeth Harford~~, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, Andrew Tallberg, Augusta Tallberg, and Josiah V. Thompson, but so far as I know all have long since been dead, and the names and addresses of their heirs are unknown, however, if there are any they have never been known around Silverhill, in Baldwin County, Alabama, and are, undoubtedly, non-residents of the State of Alabama.

The Perdido Land Company for a number of years did business in Baldwin County, Alabama, however, for the past years it has not been known here.

During the past ten years preceding the filing of this bill, no one has paid any taxes upon said lands or had any possession thereof, or any part thereof, insofar as I know, except T. J. Klumpp, the present owner, Elvera C. Armstrong, Phil G. Armstrong, Agnes E. Utter, Josephine Johnson, Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Oscar Johnson, through whom T. J. Klumpp holds, and Walter F. Lovell and Elmer V. Lovell, his brother, through whom the said T. J. Klumpp holds title.

The land is open, unfenced, cut over timber land, the timber having been cut off by Mr. Oscar Johnson during his lifetime and since his death, his heirs have sold off the pulp wood from all that purchased from the heirs of Oscar Johnson, and I am reasonably sure that Mr. Lovell cut the timber and wood from the Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 3 East, in Baldwin County, Alabama.



T. J. KLUMPP, COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is T. J. Klumpp. I am the Complainant in the cause of T. J. Klumpp, Complainant, vs. John B. Watkins, et al., Respondents, now pending in the Circuit Court of Baldwin County, Alabama, in Equity, Number 664. I am over twenty-years of age and a bona fide resident of Fairhope, in Baldwin County, Alabama. I am the owner in fee simple and in the actual possession of the land described in the Bill of Complaint, to-wit: All of Section 29, Township 5 South, Range 3 East, in Baldwin County, Alabama. There is no suit pending to test my title to, interest in, or rights to the possession of said lands.

I purchased said lands as follows: The North half of the Northeast quarter, the Southwest quarter of the Northeast quarter, the Northwest quarter, the Southwest quarter and the Southeast quarter of Section 29, Township 5 South, Range 3 East, containing 600 acres, from Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Elvera C. Armstrong, Phil G. Armstrong, her husband, Agnes E. Utter, a married woman and whose husband is a non-resident of the State of Alabama, and Josephine Johnson, a widow, by deed dated October 20th, 1938, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 67 NS, page 136, and the Southeast quarter of the Northeast quarter of Section 29, Township 5 South, Range 3 East, from Elmer V. Lovell, by instrument filed for record in the office of the Probate Judge of Baldwin County, Alabama, on January 15th, 1940, and of record therein in Deed Book 71 NS, page 111.

I employed Hubert M. Hall, of the firm of Beebe & Hall, to examine the records in the Probate Court of Baldwin County, Alabama, and to ascertain whose name the title to said lands stood on said records, and also as to who had, during the past ten years preceding the filing of this Bill of Complaint, paid any taxes upon said lands, and also to ascertain the names of any parties, shown by the records, to have any claim against the said lands and their names, ages and addresses.

Immediately after purchasing the said land I went into the possession thereof and have been in possession until this time, and that no person, firm or corporation has made any claim or attempted to exercise any rights of possession to said lands.

I am attaching deed from Philip G. Armstrong, and others, to me, recorded in Deed Book 67 NS, page 136, and marking it Exhibit "A", and also deed from Elmer V. Lovell, recorded in Deed Book 71 NS, page 111, and marking it Exhibit "B".

207 Clump

HUBERT M. HALL, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN,  
DEPOSES AND SAYS:

My name is Hubert M. Hall. I live at Bay Minette, in Baldwin County, Alabama, and am one of the Solicitors of record for T. J. Klumpp, in the case pending in the Circuit Court of Baldwin County, Alabama, vs. John B. Watkins and others.

I have made a search of the records in the Probate Court of Baldwin County, Alabama, with reference to the lands described in said Bill of Complaint, to-wit: All of Section 29, Township 5 South of Range 3 East, in Baldwin County, Alabama, and find that the only persons that have paid any taxes upon said lands during the past ten years are T. J. Klumpp, Elvera C. Armstrong, Phil G. Armstrong, Agnes E. Utter, Josephine Johnson, Philip G. Armstrong, Executor of the Estate of Oscar Johnson, deceased, Oscar Johnson, Elmer V. Lovell and Walter F. Lovell; that the said T. J. Klumpp holds title by mesne conveyances from all these parties; that the said lands stand upon the records in the Probate Court of Baldwin County, Alabama, in the names of T. J. Klumpp, John B. Watkins, Sarah M. L. Williams, Andrew Tallberg, Augusta Tallberg, A. B. Dooley, J. A. Carney, Josiah V. Thompson, Fred Harford, Clara A. Harford, Charles O. Elstrom, Emma M. Elstrom, and Perdido Land Company; that I have, as Solicitor for T. J. Klumpp, made a diligent search and inquiry from residents in and around Silverhill and Fairhope, in Baldwin County, Alabama, and also at Bay Minette, and from the records at Bay Minette, the County Seat of Baldwin County, Alabama, to ascertain the present addresses of the parties whose addresses are unknown, and whether or not they or any of them are dead, and if dead, the names, ages and addresses of their and each of their heirs, and they are unknown, however, from such information obtainable all are over twenty-one years of age and non-residents of the State of Alabama.

Hubert M Hall

ORAL EXAMINATION

I, W. Byrne J. Whitley, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and W. C. Beebe at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witness; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof. I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 29th day of November, 1940.

W. Byrne J. Whitley (L. S.)  
Special Commissioner

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**THE STATE OF ALABAMA**  
**Baldwin County**

**IN CIRCUIT COURT, IN EQUITY**

T. J. KLUBPP,

Complainant

Vs.

JOHN B. WARKINS, ET AL.

Respondent

**ORAL DEPOSITION**

Filed November 29th, 1940

W. S. Duvach, Register  
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Statement

# The Baldwin Times

Bay Minette, Alabama

10-10

1940

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City

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T. J. Klump vs. J. A. Carney -

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