

682

// TO THE HONORABLE FRANCES W. HARE,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes EDWARD W. WALTHALL, and by this his bill of complaint presented against MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUESLAG, IDA ZUESLAG, LIZZIE E. CLAUSEN OR CLAMSON, OLGA SCHUBERT and CORNELIA JENKINS, and against the unknown heirs of MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUESLAG, IDA ZUESLAG, LIZZIE E. CLAUSEN or CLAMSON, OLGA SCHUBERT and CORNELIA JENKINS, deceased, and respectfully shows:

FIRST: That Complainant is a resident of Baldwin County, Alabama, that defendants Merrit A. Wilson, Martha A. Wilson, A.H. McComb, H.H. Custer and Olga Schubert are residents of Chicago, Illinois, but their further address is unknown; that Ralph Childs and Myrtle Childs last known address was Wilmette, Cook County, Illinois; August Zueslag, Ida Zueslag, Lizzie E. Clamson or Clausen, and ~~Cornelia Jenkins~~ are non-residents of Alabama whose address is unknown; and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A.H. McComb, H.H. Custer, Ralph Childs, Myrtle Childs, August Zueslag, Ida Zueslag, Lizzie E. Clausen, Olga Schubert and Cornelia Jenkins, whose names and addresses are otherwise unknown are all over the age of twenty-one years and non-residents of the State of Alabama.

SECOND: That Complainant is the owner of and in peaceful and undisputed possession of the following described lands in Baldwin County, Alabama:

Northwest quarter of Southeast quarter of Northeast quarter and the Southwest quarter of the Northeast quarter of the Northeast quarter of Section Ten Township Six South of Range Two East.

Northeast quarter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section Six, Township Six South of Range Three East.

South Half of the Southeast quarter of the Northwest quarter of Section Twenty-nine Township Five South of Range Two East.

North Half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal Subdivision of Daphne, Alabama.

Tract beginning  $496\frac{1}{2}$  feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South  $496\frac{1}{2}$  feet, thence East 1320 feet, thence North  $496\frac{1}{2}$  feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

FOURTH: Complainant further shows that he has made diligent search and inquiry, not only of parties residing in the vicinity of the above described land, but at the offices of the Tax Collector and Tax Assessor of Baldwin County, and of all other persons who in his opinion might know, of the names and addresses of the parties defendant, without obtaining any information as to their identity or specific addresses other than as above stated, but is informed and believes that all of such parties defendant are over the age of 21 years and non-residents of the State of Alabama.

THE PREMISES CONSIDERED, Complainant prays that Merrit A. Wilson, Martha A. Wilson, A.H. McComb, H.H. Custer, Ralph Childs, Myrtle Childs, August Zueslag, Ida Zueslag, Lizzie E. Clausen or Clauson, Olga Schubert and ~~Cornelia Jenkins~~, and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A.H. McComb, H.H. Custer, Ralph Childs, Myrtle Childs, August Zueslag, Ida Zueslag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins be made parties defendant to this cause, and by due process of publication be required to plead, answer or demur to this Bill of Complaint within the time required by law, and abide by such orders and decrees as may hereafter be made.

Complainant further prays that a day be set for hearing this cause, that on such hearing a decree be rendered forever divesting the said parties defendant of all claim, title, right, or interest in the property above described and forever quieting the title thereto in Complainant, and that he may have such other, further or different relief as to equity may seem meet.

*William S. R. R. R.*  
Solicitor for Complainant.

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

*Clinton B. Rinkley*  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary, personally appeared this day Edward W. Walthall, who, being duly sworn, says that he is the Complainant in this cause, that he has made diligent search and inquiry to ascertain the identity and whereabouts of the parties defendant named in the foregoing bill without success, and that he is informed and believes, and on such information and belief now states that all of said parties defendant are over the age of 21 years and non-residents of the State of Alabama.

*Edward W. Walthall*

Subscribed and sworn to before me this *29<sup>th</sup>* day of November, 1940.

*Clinton B. Rinkley*  
Notary Public, Baldwin County, Alabama.

TO THE HONORABLE FRANCIS T. HANE,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes EDWARD S. WALTHALL, and by this his bill of complaint presented against HERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN OR CLAUSEN, OLGA SCHUBERT and CORNELIA JENKINS, and against the unknown heirs of HERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN OR CLAUSEN, OLGA SCHUBERT and CORNELIA JENKINS, deceased, and respectfully shows:

FIRST: That Complainant is a resident of Baldwin County, Alabama, that defendants Herriet A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer and Olga Schubert are residents of Chicago, Illinois, but their further address is unknown; that Ralph Childs and Myrtle Childs last known address was Wilmette, Cook County, Illinois; August Zuchlag, Ida Zuchlag, Lizzie E. Clausen or Clausen, are non-residents of Alabama whose address is unknown; and the unknown heirs of Herriet A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clausen, Olga Schubert and Cornelia Jenkins, whose names and addresses are otherwise unknown are all over the age of twenty-one years and non-residents of the State of Alabama.

SECOND: That Complainant is the owner of and in peaceful and undisputed possession of the following described lands in Baldwin County, Alabama:

Northwest quarter of Southeast quarter of Northeast quarter and the Southwest quarter of the Northeast quarter of the Northeast quarter of Section Ten Township Six South of Range Two East.

Northwest quarter of the Southeast quarter and the Southwest quarter of the Northwest quarter of Section Six, Township Six South of Range Three East.

South Half of the Southeast quarter of the Northwest quarter of Section Twenty-nine Township Five South of Range Two East.

North Half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-Five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal Subdivision of Daphne, Alabama.

Tract beginning 400 feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 400 feet, thence East 1320 feet, thence North 400 feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

Fourth: Complainant further shows that he has made diligent search and inquiry, not only of parties residing in the vicinity of the above described land, but at the offices of the Tax Collector and Tax Assessor of Baldwin County, and of all other persons who in his opinion might know, of the names and addresses of the parties defendant, without obtaining any information as to their identity or specific addresses other than as above stated, but is informed and believes that all of such parties defendant are over the age of 21 years and non-residents of the State of Alabama.

THE PREMISES CONSIDERED, Complainant prays that Merritt A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Guster, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clauson or Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Merritt A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Guster, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clauson or Clauson, Olga Schubert and Cornelia Jenkins be made parties defendant to this cause, and by due process of publication be required to plead, answer or demur to this Bill of Complaint within the time required by law, and abide by such orders and decrees as may hereafter be made.

Complainant further prays that a day be set for hearing this cause, that on such hearing a decree be rendered forever divesting the said parties defendant of all claim, title, right, or interest in the property above described and forever quieting the title thereto in Complainant, and that he may have such other, further or different relief as to equity may seem meet.

Elliott G. Rickaby  
Solicitor for Complainant.

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Elliott G. Nickarty  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary, personally appeared this day Edward E. Walthell, who, being duly sworn, says that he is the Complainant in this cause, that he has made diligent search and inquiry to ascertain the identity and whereabouts of the parties defendant named in the foregoing bill without success, and that he is informed and believes, and on such information and belief now states that all of said parties defendant are over the age of 21 years and non-residents of the State of Alabama.

Edward E. Walthell

Subscribed and sworn to before me this 28th day of November, 1940.

Elliott G. Nickarty  
Notary Public, Baldwin County, Alabama.

TO THE HONORABLE FRANCES F. HARR,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes EDWARD W. WALTHALL, and by this his bill of complaint presented against MERRIT A. WILSON, MARTHA A. WILSON, A. H. MCCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN OR CLAUSON, OLGA SCHUBERT and CORNELIA JENKINS, and against the unknown heirs of MERRIT A. WILSON, MARTHA A. WILSON, A. H. MCCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN or CLAUSON, OLGA SCHUBERT and CORNELIA JENKINS, deceased, and respectfully shows:

FIRST: That Complainant is a resident of Baldwin County, Alabama, that defendants Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer and Olga Schubert are residents of Chicago, Illinois, but their further address is unknown; that Ralph Childs and Myrtle Childs last known address was Wilmette, Cook County, Illinois; August Zuchlag, Ida Zuchlag, Lizzie E. Clausen or Clausen, are non-residents of Alabama whose address is unknown; and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clausen, Olga Schubert and Cornelia Jenkins, whose names and addresses are otherwise unknown are all over the age of twenty-one years and non-residents of the State of Alabama.

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North Half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal Subdivision of Daphne, Alabama.

Tract beginning 496½ feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1330 feet, thence South 498 feet, thence East 1330 feet, thence North 496½ feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

Fourth: Complainant further shows that he has made diligent search and inquiry, not only of parties residing in the vicinity of the above described land, but at the offices of the Tax Collector and Tax Assessor of Baldwin County, and of all other persons who in his opinion might know, of the names and addresses of the parties defendant, without obtaining any information as to their identity or specific addresses other than as above stated, but is informed and believes that all of such parties defendant are over the age of 21 years and non-residents of the State of Alabama.

THE PREMISES CONSIDERED, Complainant prays that Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins be made parties defendant to this cause, and by due process of publication be required to plead, answer or demur to this Bill of Complaint within the time required by law, and abide by such orders and decrees as may hereafter be made.

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Elliott G. Rickarby  
Solicitor for Complainant.

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Elliott G. Rickarby  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

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Edward W. Walthall

Subscribed and sworn to before me this 29th day of November, 1940.

Elliott G. Rickarby  
Notary Public, Baldwin County, Alabama.

TO THE HONORABLE FRANCIS W. HARR,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

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Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal Subdivision of Daphne, Alabama.

Tract beginning 498½ feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 498½ feet, thence East 1320 feet, thence North 498½ feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

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Complainant further prays that a day be set for hearing this cause, that on such hearing a decree be rendered forever divesting the said parties defendant of all claim, title, right, or interest in the property above described and forever quieting the title thereto in Complainant, and that he may have such other, further or different relief as to equity may seem meet.

Elliott G. Hickey

Solicitor for Complainant.

-2-

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Elliott G. Rickerby  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary, personally appeared this day Edward W. Walthall, who, being duly sworn, says that he is the Complainant in this cause, that he has made diligent search and inquiry to ascertain the identity and whereabouts of the parties defendant named in the foregoing bill without success, and that he is informed and believes, and on such information and belief now states that all of said parties defendant are over the age of 21 years and non-residents of the State of Alabama.

Edward W. Walthall

Subscribed and sworn to before me this 29th day of November, 1940.

Elliott G. Rickerby  
Notary Public, Baldwin County, Alabama.

Tract beginning 486½ feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 486½ feet, thence East 1320 feet, thence North 486½ feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

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Elliott C. Rickarby

Solicitor for Complainant.

682  
RECORDED

EDWARD W. WALTHALL  
Complainant

vs

MERRIL A. WILSON et al  
Defendants

BILL

*Filed November 30, 1970  
H.S. Davis, Register*

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ELLIOTT G. RICKARBY  
LAWYER  
FAIRHOPE, ALABAMA

TO THE HONORABLE FRANCIS W. HARRIS,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes EDWARD W. WALTMAN, and by this his bill of complaint presented against MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN OR CLAUSON, OLGA SCHUBERT and CORNELIA JENKINS, and against the unknown heirs of MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN or CLAUSON, OLGA SCHUBERT and CORNELIA JENKINS, deceased, and respectfully shows:

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THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

Fourth: Complainant further shows that he has made diligent search and inquiry, not only of parties residing in the vicinity of the above described land, but at the offices of the Tax Collector and Tax Assessor of Baldwin County, and of all other persons who in his opinion might know, of the names and addresses of the parties defendant, without obtaining any information as to their identity or specific addresses other than as above stated, but is informed and believes that all of such parties defendant are over the age of 21 years and non-residents of the State of Alabama.

THE PREMISES CONSIDERED, Complainant prays that Herriet A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clauson ex Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Herriet A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clauson ex Clauson, Olga Schubert and Cornelia Jenkins be made parties defendant to this cause, and by due process of publication be required to plead, answer or demur to this Bill of Complaint within the time required by law, and abide by such orders and decrees as may hereafter be made.

Complainant further prays that a day be set for hearing this cause, that on such hearing a decree be rendered forever directing the said parties defendant of all claim, title, right, or interest in the property above described and forever quieting the title thereto in Complainant, and that he may have such other, further or different relief as to equity may seem meet.

Elliott G. Rickerby

Solicitor for Complainant.

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Elliott G. Rickarby  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary, personally appeared this day Edward W. Walthall, who, being duly sworn, says that he is the Complainant in this cause, that he has made diligent search and inquiry to ascertain the identity and whereabouts of the parties defendant named in the foregoing bill without success, and that he is informed and believes, and on such information and belief now states that all of said parties defendant are over the age of 21 years and non-residents of the State of Alabama.

Edward W. Walthall

Subscribed and sworn to before me this 28th day of November, 1940.

Elliott G. Rickarby  
Notary Public, Baldwin County, Alabama.

TO THE HONORABLE FRANCIS W. HARE,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes EDWARD W. WALTMALL, and by this his bill of complaint presented against MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN OR CLAUSON, OLGA SCHUBERT and CORNELIA JENKINS, and against the unknown heirs of MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN or CLAUSON, OLGA SCHUBERT and CORNELIA JENKINS, deceased, and respectfully shows:

FIRST: That Complainant is a resident of Baldwin County, Alabama, that defendants Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer and Olga Schubert are residents of Chicago, Illinois, but their further address is unknown; that Ralph Childs and Myrtle Childs last known address was Wilmette, Cook County, Illinois; August Zuchlag, Ida Zuchlag, Lizzie E. Clauson or Clausen, are non-residents of Alabama whose address is unknown; and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clauson, Olga Schubert and Cornelia Jenkins, whose names and addresses are otherwise unknown are all over the age of twenty-one years and non-residents of the State of Alabama.

SECOND: That Complainant is the owner of and in peaceful and undisputed possession of the following described lands in Baldwin County, Alabama:

Northwest quarter of Southeast quarter of Northeast quarter and the Southwest quarter of the Northeast quarter of the Northeast quarter of Section Ten Township Six South of Range Two East.

Northeast quarter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section Six, Township Six South of Range Three East.

South Half of the Southeast quarter of the Northwest quarter of Section Twenty-nine Township Five South of Range Two East.

North Half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal Subdivision of Daphne, Alabama.

Tract beginning 496½ feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 496½ feet, thence East 1320 feet, thence North 496½ feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

Fourth: Complainant further shows that he has made diligent search and inquiry, not only of parties residing in the vicinity of the above described land, but at the offices of the Tax Collector and Tax Assessor of Baldwin County, and of all other persons who in his opinion might know, of the names and addresses of the parties defendant, without obtaining any information as to their identity or specific addresses other than as above stated, but is informed and believes that all of such parties defendant are over the age of 21 years and non-residents of the State of Alabama.

THE PREMISES CONSIDERED, Complainant prays that Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuchlag, Ida Zuchlag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins be made parties defendant to this cause, and by due process of publication be required to plead, answer or demur to this Bill of Complaint within the time required by law, and abide by such orders and decrees as may hereafter be made.

Complainant further prays that a day be set for hearing this cause, that on such hearing a decree be rendered forever divesting the said parties defendant of all claim, title, right, or interest in the property above described and forever quieting the title thereto in Complainant, and that he may have such other, further or different relief as to equity may seem meet.

Elliott G. Rickarby

Solicitor for Complainant.

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Elliott G. Rickarby  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary, personally appeared this day Edward W. Walthall, who, being duly sworn, says that he is the Complainant in this cause, that he has made diligent search and inquiry to ascertain the identity and whereabouts of the parties defendant named in the foregoing bill without success, and that he is informed and believes, and on such information and belief now states that all of said parties defendant are over the age of 21 years and non-residents of the State of Alabama.

Edward W. Walthall

Subscribed and sworn to before me this 29th day of November, 1940.

Elliott G. Rickarby  
Notary Public, Baldwin County, Alabama.

TO THE HONORABLE FRANCES W. HARE,  
JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY

Comes EDWARD W. WALTHALL, and by this his bill of complaint presented against MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN OR CLAUSEN, OLGA SCHUBERT and CORNELIA JENKINS, and against the unknown heirs of MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUCHLAG, IDA ZUCHLAG, LIZZIE E. CLAUSEN or CLAUSEN, OLGA SCHUBERT and CORNELIA JENKINS, deceased, and respectfully shows:

FIRST: That Complainant is a resident of Baldwin County, Alabama, that defendants Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer and Olga Schubert are residents of Chicago, Illinois, but their further address is unknown; that Ralph Childs and Myrtle Childs last known address was Wilmette, Cook County, Illinois; August Zuehlag, Ida Zuehlag, Lizzie E. Clauson or Clausen, are non-residents of Alabama whose address is unknown; and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuehlag, Ida Zuehlag, Lissie E. Clausen, Olga Schubert and Cornelia Jenkins, whose names and addresses are otherwise unknown are all over the age of twenty-one years and non-residents of the State of Alabama.

SECOND: That Complainant is the owner of and in peaceful and undisputed possession of the following described lands in Baldwin County, Alabama:

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Northeast quarter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section Six, Township Six South of Range Three East.

South Half of the Southeast quarter of the Northwest quarter of Section Twenty-nine Township Five South of Range Two East.

North Half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal Subdivision of Daphne, Alabama.

Tract beginning 496½ feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 496½ feet, thence East 1320 feet, thence North 496½ feet to the point of beginning, containing fifteen acres, more or less.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described. Complainant now calls upon each and all of such parties defendant to set forth and specify his or her respective claim, interest or encumbrance, in or on said property, and to show how and by what instruments the same is derived and created.

Fourth: Complainant further shows that he has made diligent search and inquiry, not only of parties residing in the vicinity of the above described land, but at the offices of the Tax Collector and Tax Assessor of Baldwin County, and of all other persons who in his opinion might know, of the names and addresses of the parties defendant, without obtaining any information as to their identity or specific addresses other than as above stated, but is informed and believes that all of such parties defendant are over the age of 21 years and non-residents of the State of Alabama.

THE PREMISES CONSIDERED, Complainant prays that Merritt A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuehlag, Ida Zuehlag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Merritt A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zuehlag, Ida Zuehlag, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins be made parties defendant to this cause, and by due process of publication be required to plead, answer or demur to this Bill of Complaint within the time required by law, and abide by such orders and decrees as may hereafter be made.

Complainant further prays that a day be set for hearing this cause, that on such hearing a decree be rendered forever divesting the said parties defendant of all claim, title, right, or interest in the property above described and forever quieting the title thereto in Complainant, and that he may have such other, further or different relief as to equity may seem meet.

Elliott G. Rickarby  
Solicitor for Complainant.

The Defendants are required to answer each paragraph of the foregoing bill, but not under oath.

Elliott G. Rickarby  
Solicitor for Complainant.

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary, personally appeared this day Edward W. Walthall, who, being duly sworn, says that he is the Complainant in this cause, that he has made diligent search and inquiry to ascertain the identity and whereabouts of the parties defendant named in the foregoing bill without success, and that he is informed and believes, and on such information and belief now states that all of said parties defendant are over the age of 21 years and non-residents of the State of Alabama.

Edward W. Walthall

Subscribed and sworn to before me this 29th day of November, 1940.

Elliott G. Rickarby  
Notary Public, Baldwin County, Alabama.

EDWARD W. WALTHALL,  
Complainant,

NO. 682

vs.

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

MERRIT A. WILSON, et al.,  
Defendants.

I N E Q U I T Y

This cause coming on to be heard was submitted for decree on the pleading and decree pro confesso as noted and it appearing to the Court that notice has been given to all parties by publication and that notices by registered mail have been sent to all parties whose addresses are known, who have either receipted for same or the said notices as sent to the last known addresses have been returned undelivered: now upon consideration thereof the Court is of the opinion that the complainant, Edward W. Walthall, is entitled to relief.

It is therefore ordered and decreed that the defendants Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August ~~Zueschlag~~<sup>Zueschlag</sup>, Ida ~~Zueschlag~~<sup>Zueschlag</sup>, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August ~~Zueschlag~~<sup>Zueschlag</sup>, Ida ~~Zueschlag~~<sup>Zueschlag</sup>, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, deceased, have no estate or interest in or encumbrance on the following described lands, or any part thereof, namely:

Northwest quarter of Southeast quarter of Northeast quarter and the Southwest quarter of the Northeast quarter of the Northeast quarter of Section Ten, Township Six South of Range Two East.

Northeast quarter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section Six, Township Six South of Range Three East.

South Half of the Southeast quarter of the Northwest quarter of Section Twenty-nine, Township Five South of Range Two East.

North half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal subdivision of Daphne, Alabama.

Tract beginning 496 $\frac{1}{2}$  feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 496 $\frac{1}{2}$

feet, thence East 1320 feet, thence North 496 $\frac{1}{2}$  feet to the point of beginning, containing fifteen acres, more or less.

It is further ordered that the Register of this Court, within thirty days from the rendition of this decree, file a certified copy thereof in the office of the Probate Judge of Baldwin County for record therein and that the cost thereof be taxed in the costs of the cause.

It is further ordered that the complainant pay the costs of this cause, for which execution may issue.

Done at Bay Minette, Alabama, this 27th day of February, 1941.

F. W. HARE

Judge.

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

I, R. S. Duck, Register of Circuit Court, in Equity do hereby certify that the above and foregoing is a true and correct copy of the Decree rendered in the above styled cause on the 27th day of February, 1941, by the Judge of the Circuit Court of Baldwin County, Alabama; said original Decree remaining on file and enrolled in this office.

Witness my hand and seal of said Circuit Court this 10th day of April, 1941.

R. S. DUCK  
Register of Circuit Court

By Nathaniel Thompson  
Deputy Register.

Certified Copy  
DECEASED

No. 682

EDWARD W. WALTHALL  
Complainant,

vs.

MERRITT A. WILSON, et al.,  
Respondents.

STATE OF ALABAMA, BARCLAY COUNTY  
Filed ... APR 10 1944 9:30 A.M.  
Recorded ... book 74 page 408  
and I certify that the following Privilege Tax has  
been paid.  
Deed Tax .....  
Mortgage Tax .....  
By *[Signature]*  
Judge of Probate

100  
ASD  
Duck

No.

EDWARD W. WALTHALL,  
Complainant

vs

MERRIT A. WILSON, et al  
Defendants.

IN EQUITY  
CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

In this cause it appearing by the affidavit of Complainant that all parties defendant are over the age of 21 years, that MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, and OLGA SCHUBERT when last heard from were residents of Chicago, Illinois where their further address was not known, that RALPH CHILDS' and MYRTLE CHILDS' last known address was Wilmette, Cook County, Illinois, that AUGUST ZUGELAG, IDA ZUGELAG, and LIZZIE E. CLAUSEN or CLAUSON are non-residents of Alabama whose addresses are unknown and the names and addresses of the heirs of MERRIT A. WILSON, MARTHA A. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUGELAG, IDA ZUGELAG, LIZZIE E. CLAUSEN, OLGA SCHUBERT and CORNELIA JENKINS are unknown and could not be learned by diligent search and inquiry, but all are over the age of twenty-one years and non-residents of the State of Alabama.

IT IS THEREFORE ORDERED that publication be made in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, requiring the defendants above named to plead, answer or demur to the Bill of Complaint by the 6th day of January, 1941 or in thirty days thereafter a decree pro confesso will be taken against them.

Done at Bay Minette, Alabama, this the second day of December, 1940.

*R. S. Duck*  
REGISTER

E. G. RICKARBY  
Solicitor for Complainant.

*Sent to I' Hope Courier  
11-30-40*

( 4 times )

EDWARD W. WALTHALL  
Complainant,

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

VS

CIRCUIT COURT OF

MERRIT A. WILSON,  
et al.

BALDWIN COUNTY, ALABAMA.

I N E Q U I T Y

The complainant by his solicitor moves the Register to grant a decree pro confesso against the defendants named in the bill upon proof of publication shown to have been completed more than thirty days prior to this date, said defendants having failed to appear and answer, plead or demur to the allegations of the bill of complaint.

*Elliot S. Raines*  
Solicitor for Complainant.

The State of Alabama, {  
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Term, 194

*Edward W. Rothwell*  
No. *672* vs. *Merritt A. Wilson et al.*

*4-21-41*  
*judgment 598*  
*check required*

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*	<b>Total Sheriff's Fees</b> .....	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.,.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	.30		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.95		
Appeal Bond, each.....	1.00		
ertificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<i>certified copy of decree</i>			
<b>Total Register's Fees</b> .....	<b>8 75</b>		
		<b>SUMMARY OF FEES, COSTS, AND JUDGMENT</b>	
		<b>Fees in Circuit Court—</b>	
		Register's Fees.....	8 75
		Ex-Register's Fees.....	
		Sheriff's Fees.....	
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees.....	
		Guardian Ad Litem.....	
		Publisher's Fees <i>J. H. ...</i> .....	11 43
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof.....	.50
		Trial Tax.....	3 00
		<i>Presiding Justice</i> .....	90
		<b>Fees and Costs in Inferior Court:</b>	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		<b>Total Fees and Costs in Inferior Court</b> .....	<b>24 08</b>
		<b>Total Fees and Costs</b> .....	
		<b>Judgment</b> .....	
		<b>Total Fees, Costs, and Judgment</b> .....	

EDWARD W. WALTHALL,  
Complainant,

N O.

vs.

MERRIT A. WILSON, et al.,  
Defendants.

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

I N E Q U I T Y

This cause coming on to be heard was submitted for decree on the pleading and decree pro confesso as noted and <sup>it</sup> appearing to the Court that notice has been given to all parties by publication and that notices by registered mail have been sent to all parties whose addresses are known, who have either receipted for same or the said notices as sent to the last known addresses have been returned undelivered: now upon consideration thereof the Court is of the opinion that the complainant, Edward W. Walthall, is entitled to relief.

It is therefore ordered and decreed that the defendants Merrit A. Wilson, Martha A. Wilson, A.H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August ~~Zueschlag~~, Ida ~~Zueschlag~~, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, and the unknown heirs of Merrit A. Wilson, Martha A. Wilson, A. H. McComb, H.H.Custer, Ralph Childs, Myrtle Childs, August ~~Zueschlag~~, Ida ~~Zueschlag~~, Lizzie E. Clausen or Clauson, Olga Schubert and Cornelia Jenkins, deceased, have no estate or interest in or encumbrance on the following described lands, or any part thereof, namely:

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Northeast quarter of the Southwest quarter and the Southwest quarter of the Northwest quarter of Section Six, Township Six South of Range Three East.

South Half of the Southeast quarter of the Northwest quarter of Section Twenty-nine, Township Five South of Range Two East.

North half of the Northeast quarter of the Northeast quarter of Section Sixteen, Township Five South of Range Three East.

Lot Number Twenty-five and twenty-five feet of the East side of Lot Number Twenty-four of the William O'Neal subdivision of Daphne, Alabama.

Tract beginning 496½ feet South of the Northeast corner of the Southwest quarter of Section Fifteen, Township Five South of Range Two East, running thence West 1320 feet, thence South 496½

feet, thence East 1320 feet, thence North 496½ feet to the point of beginning, containing fifteen acres, more or less.

It is further ordered that the Register of this Court, within thirty days from the rendition of this decree, file a certified copy thereof in the office of the Probate Judge of Baldwin County for record therein and that the cost thereof be taxed in the costs of the cause.

It is further ordered that the complainant pay the costs of this cause, for which execution may issue.

Done at <sup>Bay Minette</sup>~~Monroeville~~, Alabama, this 27<sup>th</sup> day of February, 1941.

*F. W. Hare*

\_\_\_\_\_  
Judge.

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

*Order of Release*

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL

RECORDED

Dance

Wallace vs. Wilson

Filed February 27, 1941  
R. S. Dush, Clerk

**RECORDED**

EDWARD W. WALTHALL  
Complainant

vs.

MERRIT A. WILSON, et al.,  
Defendants

MOTION OF DECREE

PRO CONFESSO

*Filed Feb. 5, 1941*  
*R.S. Duch, Register*

LAW OFFICES  
ELLIOTT G. RICKARBY  
FAIRHOPE, ALABAMA.

February 5, 1941

Robert S. Duck, Esq.,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Sir:-

A decree pro confesso in the case of Edward W. Walthall vs Wilson and others having been taken this day, you are hereby requested to forward the papers in this cause to the Judge of this Court for final decree.

Very truly yours.

*Elliott G. Rickarby*  
Solicitor for Complainant.

EGR:CD

LAW OFFICES  
ELLIOTT G. RICKARBY  
FAIRHOPE, ALABAMA

December 11, 1940

Mr. Robert S. Duck,  
Register, Circuit Court,  
Bat Minette, Alabama.

Dear Sir:-

WALTHALL VS WILSON, ET AL: With this Mr. Walthall will hand you the seven copies of the Bill of Complaint in this cause, referred to in my letter of November 29th and to be sent by registered mail to the parties whose last address is supposed to be known, in accordance with Equity Rule 6. You will remember check to cover registry fees was enclosed at that time.

In all probability all of these notices will be returned "undelivered," and I ask that careful note be made of this, that you may make proper affidavit at the time the case is submitted for decree.

Registered notices to be sent to:

Merrit A. Wilson,	Chicago,	Illinois.
Martha A. Wilson	"	"
A.H. McComb	"	"
H. H. Custer	"	"
Olga Schubert	"	"
Ralph Childs	Wilmette,	Cook County, Illinois.
Myrtle Childs	"	"

Sincerely yours,

*Elliott G. Rickarby*  
Solicitor for Complainant.

1490  
EGR. CD

LAW OFFICES  
ELLIOTT G. RICKARBY  
FAIRHOPE, ALABAMA

November 29, 1940

Mr. Robert S. Duck,  
Register, Circuit Court,  
Bay Minette, Alabama.

Dear Sir:-

With this I hand you bill of complaint in case of E. W. Walthall vs Merrit A. Wilson and others, in which you will note that the affidavit of non-residence has been made by the Complainant, as required by new Equity Rule 6.

All the parties are non-residents and the bill supported by the affidavit prays for an order of publication, form for which I enclose, and which I ask that you send to the Fairhope Courier, where the expense will be born by the Complainant.

Rule 6 provides that a copy of the paper containing the publication, together with a copy of the Bill of Complaint, be sent to each of the defendants whose residence is known. The seven copies of the bill have not yet been made, but will be sent you within the next few days and I ask that these be sent and a memorandum made of such mailing of which the proper certificate by you should be in the files.

You will notice that this bill is filed under the old Quieting Title act rather than the new Grave act. This is done at the request of client, and to cover the expense of newspapers and mailing I am enclosing client's check in your favor for \$1.75.

Sincerely yours,

EGR:CD

*Elliott G. Rickarby*

*Form of notice will follow.*

LAW OFFICES  
ELLIOTT G. RICKARBY  
FAIRHOPE, ALABAMA

February, 6, 1941

Miss Nan Alice Thompson,  
Bay Minette, Ala,

Dear Miss Thompson,

With this I hand you the decree in the Walthall case which yesterday I asked you to submit. If you wish, I will have my stenographer make the copy that you are to certify and record.

Sincerely,

R:r.

*Elliott G. Rickarby*

*Let me know as soon as this is signed.*

*RS check*

Bay Minette, Ala.,

*2/27*

1941

In Account With

**G. W. ROBERTSON**

Judge of Probate, Baldwin County

Please Return Bill With Remittance

Recording

from

to

Privilege Tax

Rec. Fee

Total

*last day*  
*Final decree - E. W. Wallbank vs. Minnie A. Wallbank*

*90*

*Paid*  
*2/27/41*  
*EWK*

*RS Duck*

Bay Minette, Ala.,

*4/10*

194*1*

In Account With

**G. W. ROBERTSON**

Judge of Probate, Baldwin County

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>dece</i>	<i>Edw W Weather 05 - Merritt Wilson R</i>				<i>100</i>
<i>Paid 4/10/41 GWR</i>					

TWENTY-FIRST JUDICIAL CIRCUIT

OF ALABAMA

F. W. HARE, JUDGE

R. L. JONES, CIRCUIT SOLICITOR

M. R. FARISH, COURT REPORTER

MONROEVILLE, ALABAMA

February 12, 1941

Mr. Elliott G. Rickarby,  
Fairhope, Alabama.

Dear Mr. Rickarby:

I am returning without decree the file in the case of Edward W. Waithall vs. Merritt A. Wilson, et al., for two reasons. In the first place, you have some ten or twelve respondents and the decree pro confesso is not against all the respondents.

In the second place, if I signed the decree as prepared I am placed in a rather anomalous situation. You allege that the respondents reside in the State of Illinois, which is tantamount to an allegation that said respondents are alive. You then proceed to declare against the unknown heirs of these same living ~~heirs~~ *dependants*. As I understand it, the living have no heirs. "Nemo est haeres viventis."

Yours very truly,

*F. W. Hare*

FWH/f.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 682 February, Term, 19 41

EDWARD W. WALTHALL,

Complainant

Vs.

MERRITT A. WILSON, ET ALS.,

Defendant

In this cause it appears to the Register R. S. Duck, that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 5th day of December, 19 40, in the Fairhope Courier a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 5th day of December 1941 and

And it now further appearing to the Register \_\_\_\_\_ that the said Merritt A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer and Olga Schubert, Ralph Childs, Myrtle Childs, Augustz Zueslag, Ida Zueslag, Lizzie E. Clausen, or Clauson, ~~Cornelia Jenkins~~ and the unknown heirs of MERRITT A. WILSON, MARTHA. WILSON, A. H. McCOMB, H. H. CUSTER, RALPH CHILDS, MYRTLE CHILDS, AUGUST ZUESLAG, IDA ZUESLAG, LIZZIE E. CLAUSEN, or Clauson, OLGA SCHUBERT AND CORNELIA JENKINS;

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 \_\_\_\_\_

\_\_\_\_\_ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Merritt A. Wilson, Martha W. Wilson, A. H. McComb,

H. H. Custer, and Olga Schubert, Ralph Childs, Myrtle Childs, August Zueslag, Ida Zueslag, Lizzie E. Clausen, or Clauson and the unknown heirs of Merritt A. Wilson, Martha A. Wilson, A. H. McComb, H. H. Custer, Ralph Childs, Myrtle Childs, August Zueslag, Ida Zueslag, Lizzie E. Clausen, Olga Schubert and Cornelia Jenkins.

This 6th day of February 19 41

R. S. Duck

Register.

# THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the  
attached legal notice appeared  
in the following issues of the  
Fairhope Courier: Dec., 5, 13, 19 and 26, 1940

*Francis Gaston Crawford  
Ed. Fairhope Courier*

Subscribed and sworn to before me  
this 6th. day of January 1941.

*E. E. Perkins*

Notary Public

Edward W. Walthall, Complainant  
Vs. Merrit A. Wilson, et al, De-  
fendants

In Equity Circuit Court of Baldwin  
County, Alabama.

In this cause it appearing by the  
affidavit of Complainant that all  
parties defendant are over the age  
of 21 years, that Merrit A. Wilson,  
Martha A. Wilson, A. H. McComb,  
H. H. Custer and Olga Schubert  
when last heard from were resi-  
dents of Chicago, Illinois, where  
their further address was not  
known, that Ralph Childs and  
Myrtle Childs last known ad-  
dress was Wilmette, Cook Coun-  
ty, Illinois, that August Zuch-  
lag, Ida Zuchlag and Lizzie E.  
Clausen or Clauson are non-resi-  
dents of Alabama whose addresses  
are unknown and the names and  
addresses of the heirs of Merrit A.  
Wilson, Martha A. Wilson, A. H.  
McComb, H. H. Custer, Ralph  
Childs, Myrtle Childs, August Zuch-  
lag, Ida Zuchlag, Lizzie E. Clausen,  
Olga Schubert and Cornelia Jenkins  
are unknown and could not be  
learned by diligent search and in-  
quiry, but all are over the age of  
twenty-one years and non-residents  
of the State of Alabama.

It is therefore ordered that pub-  
lication be made in the Fairhope  
Courier, a newspaper published in  
Baldwin County, Alabama, requir-  
ing the defendants above named to  
plead, answer or demur to the Bill  
of Complaint by the 6th day of  
January, 1941 or in thirty days  
thereafter a decree pro confesso  
will be taken against them.

Done at Bay Minette, Alabama,  
this the second day of December,  
1940.

17-4t R. S. Duck, Register  
E. G. Rickarby, Solicitor for  
Complainant.

Request for Decree

RECEIVED

Filed Feb. 5, 1941  
R. S. Duch, Register

**RECORDED**

No. 682 Page \_\_\_\_\_

**The State of Alabama,**  
BALDWIN COUNTY

**CIRCUIT COURT, IN EQUITY**

EDWARD A. WALTHALL,  
Complainant,

Vs.

MERRITT A. WILSON, ET ALS.,  
Respondents.

**Decree Pro Confesso of Publication**

Issued February 6th 1941

*R. S. Duch*

Register.

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

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

Affidavit of Publication

*Filed January 7, 1941*  
*R. S. Dandy, Register*

Fairhope, Alabama

Dec. 31 1940

M R. J. Duke

IN ACCOUNT WITH

# THE FAIRHOPE COURIER

E. B. GASTON ESTATE Publisher

*Advertising and Commercial Printing*

**RATES ON APPLICATION**

Dec

254 words Re-  
Walthall - Wilson -  
in issues of Dec 5-12-19-  
and 26-

91.43