

756

TO THE HONORABLE FRANCES W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY:

Comes BESSIE F. GOODEN and by this bill of complaint presented against FLORA B. ARMSTRONG, possibly now known as FLORA B. MOOREHOUSE, and ORT H. ERTZINGER respectfully shows:

FIRST: That Complainant is a resident of the Town of Fairhope, Baldwin County, Alabama; that the address of Flora B. Armstrong, or Flora B. Moorehouse, cannot be ascertained after diligent inquiry, and Ort H. Ertzinger is a resident of the Town of Bay Minette, Baldwin County, Alabama, and both are over twenty-one years of age.

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

Tract No. Six in Section Thirty-five, Township Six South, Range Two East, according to the map of River Park Fruit Company's fruit lands in said Section, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book U at Page 199. Said Tract being otherwise described as the West half of the North-east Quarter of the Northwest Quarter of Section Thirty-five, Township Six South, Range Two East, containing 20.23 acres, according to the official Government Survey thereof.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described.

FOURTH: Complainant now calls upon said Flora B. Armstrong, or Flora B. Moorehouse, and Ort. H. Ertzinger to set forth and specify their claims, interests, or encumbrances in or on said property and how and by what instrument the same are derived and created.

THE PREMISES CONSIDERED, Complainant prays that Flora B. Armstrong, or Flora B. Moorehouse, or by whatever name she is now known, and Ort H. Ertzinger be made parties defendant to this cause and after due notice, 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 AVERS that she has caused diligent search and inquiry to be made to ascertain the address or present whereabouts of Flora B. Armstrong, a widow, who for many years resided in Mobile, but could only learn that she had moved from that city to parts unknown and was supposed to have married one Moorehouse, for which reason Complainant now prays for an order of publication against said Flora B. Armstrong or Flora B. Moorehouse, to notify her of the pendency of this suit.

COMPLAINANT FURTHER PRAYS that a day be set for hearing this cause and on such hearing a decree be rendered forever divesting said Flora B. Armstrong, or Flora B. Moorehouse, and Ort H. Ertzinger of all claim, title, right or interest in the property above described and forever quieting title thereto in Complainant, and granting to Complainant such other, further, or different relief as to equity may seem meet.

Bessie F. Rickaby
Solicitor for Complainant.

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

Bessie F. Rickaby
Solicitor for Complainant.

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, the undersigned Notary, personally appeared this day ELLIOTT G. RICKABY, who says that he is SOLICITOR for BESSIE F. GOODEN and that reliable parties living in the former home of Flora B. Armstrong in Mobile, inform him that some three or more years ago Flora B. Armstrong left Mobile for parts unknown and was supposed to have married a man named Moorehouse, a non-resident. Affiant has made further inquiry to locate a married daughter of Flora B. Armstrong but also without success, and as a result of such inquiries, and of the meagre information received, believes on such information and belief, now states that Flora B. Armstrong, or Flora B. Moorehouse, is a non-resident of Alabama, or if still in Alabama, her present address is unknown. Also that said defendant is over the age of twenty-one.

Bessie F. Rickaby.....

Subscribed to and sworn to before me this the 15th day of September, 1941

[Signature]
Notary Public, Baldwin County, Alabama

TO THE HONORABLE FRANCES W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY:

Comes BESSIE F. GOODEN and by this bill of complaint presented against FLORA B. ARMSTRONG, possibly now known as FLORA B. MOOREHOUSE, and ORT H. ERTZINGER respectfully shows:

FIRST: That Complainant is a resident in the Town of Fairhope, Baldwin County, Alabama; that the address of FLORA B. ARMSTRONG, or FLORA B. MOOREHOUSE, cannot be ascertained after diligent inquiry, and ORT H. ERTZINGER is a resident of the Town of Bay Minette, Baldwin County, Alabama, and both are over twenty-one years of age.

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

Tract No. Six in Section Thirty-five, Township Six South, Range Two East, according to the map of River Park Fruit Company's fruit lands in said Section, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book U at Page 199. Said tract being otherwise described as the West half of the North-east Quarter of the Northwest Quarter of Section Thirty-five, Township Six South, Range Two East, containing 20.23 acres, according to the official Government Survey thereof.

THIRD: That the defendants above named claim, or are reputed to claim, some right, title, interest in, or encumbrance upon the lands above described.

FOURTH: Complainant now calls upon said Flora B. Armstrong, or Flora B. Moorehouse, and Ort H. Ertzinger to set forth and specify their claims, interests, or encumbrances in or on the said property and how and by what instrument the same are derived and created.

THE PREMISES CONSIDERED, Complainant prays that Flora B. Armstrong, or Flora B. Moorehouse, or by whatever name she is now known, and Ort H. Ertzinger be made parties defendant to this cause and after due notice, 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 AVERS that she has caused diligent search and inquiry to be made to ascertain the address or present whereabouts of Flora B. Armstrong, a widow, who for many years resided in Mobile, but could only learn that she had moved from that city to parts unknown and was supposed to have married one Moorehouse, for which reason Complainant now prays for an order of publication against said Flora B. Armstrong or Flora B. Moorehouse, to notify her of the pendency of this suit.

COMPLAINANT FURTHER PRAYS that a day be set for hearing this cause and on such hearing a decree be rendered forever divesting said Flora B. Armstrong, or Flora B. Moorehouse, and Ort H. Ertzinger of all claim, title, right or interest in the property above described and forever quieting title thereto in Complainant, and granting to Complainant 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 Elliott G. Rickarby, who says that he is solicitor for Bessie F. Gooden and that reliable parties living in the former home of Flora B. Armstrong in Mobile inform him that some three or more years ago Flora B. Armstrong left Mobile for parts unknown and was supposed to have married a man named Moorehouse, a non-resident. Affiant has made further inquiry to locate a married daughter of Flora B. Armstrong but also without success, and as a result of such inquiries, and of the meagre information received, believes, on such information and belief now states that Flora B. Armstrong, or Flora B. Moorehouse, is a non-resident of Alabama, or if still in Alabama, her present address is unknown. Also that said defendant is over the age of twenty-one years.

.....*Elliott G. Rickarby*.....

Subscribed to and sworn to before me this the 15th day of September, 1941

Notary Public, Baldwin County, Alabama

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Register's Office, September 16th, 1941.

BESSIE F. GOODEN, Complainant vs FLORA B. ARMSTRONG, ET AL
Defendants. No.

In this cause it appearing from an affidavit on file that the defendant, Flora B. Armstrong, or Flora B. Moorehouse, is over the age of twenty-one years, is believed to be a non-resident of the State of Alabama, or if not, that her present address is unknown.

IT IS ORDERED that she plead, answer or demur to the allegations of the Bill of Complaint as filed against her in this cause, before the 20th day of October, 1941, or upon the expiration of thirty days from said date, the same will be taken as confessed against her.

IT IS FURTHER ORDERED that notice of this order be published once a week for four successive weeks in The Fairhope Courier, a newspaper published in the Town of Fairhope, Baldwin County, Alabama.

A. S. Smith
Register.

E. G. Rickarby
Solicitor for Complainant.

LAW OFFICES
ELLIOTT G. RICKARBY
FAIRHOPE, ALABAMA

September 15th, 1941

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

Dear Sir:

GOODEN vs ARMSTRONG et al: With this I hand you the original and two copies of a bill of complaint, together with a notice of non-residence, which if you will sign and send back to me I will have published.

Sincerely yours,

Elliott G. Rickarby

Solicitor for Complainant.

EGR:AK

Equity
756

Serve on Oute H. Estgunges

Received in Sheriff's Office
this 16 day of Sept., 1941
W. R. STUART, Sheriff

BESSIE F. GOODEN
Complainant
vs
FLORA B. ARMSTRONG, et al
Defendants

Executed September 17th 1941
by serving copy of within Summons and
Complaint on

Oute H. Estgunges

W R Stuart Sheriff

By M. B. Hamilton Deputy Sheriff

BILL OF COMPLAINT

Filed September 16, 1941
R. S. Arch, Register

ELLIOTT G. RICKARBY
LAWYER
FAIRHOPE, ALABAMA