

2617

RUDOLPH WILLIS,) (
Complainant,) (
-vs-) (
The Northwest Quarter (NW $\frac{1}{4}$) of) (IN THE CIRCUIT COURT OF
the Southeast Quarter (SE $\frac{1}{4}$) of) (BALDWIN COUNTY, ALABAMA
Section two (2), Township eight) (
(8) South, Range four (4) East;
ERIK CARLSON, and any and all) (IN EQUITY
unknown heirs, devisees or
grantees of the said defendants) (
and any other person, firm,
corporation or association) (
claiming any interest in, lien
or encumbrance, or right or) (
title to said land,) (
Respondents.) (
) (

FINAL DECREE

This cause coming on to be heard was submitted on behalf of Complainant upon Bill of Complaint, Affidavit of Non-Residents of Defendants, Decree Pro Confesso on Publication and Testimony as stated by the Register and, upon consideration thereof, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said Bill of Complaint.

It is therefore, Ordered, Adjudged and Decreed that Complainant, Rudolph Willis, is the owner in fee simple of the following described lands in Baldwin County, Alabama, to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section two (2), Township eight (8) South, Range four (4) East,

and that no other person, firm or corporation has any title to, interest in, or lien or encumbrance upon said land or any part thereof and especially that Erik Carlson, if he be living, and if dead, then his unknown heirs, devisees or grantees, and any other person, firm or corporation claiming any interest in or right or title to said land, have no right, title to, interest in or lien or encumbrance upon said land.

It is further Ordered, Adjudged and Decreed that the Register shall, within thirty (30) days from the rendition of this decree, file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, showing title out of the

defendants above named in the Direct Indexes to the records and title into Rudolph Willis in the Indirect Indexes to the records and that the expense thereof shall be taxed in the cost of this cause.

It is further ordered that Rudolph Willis pay the costs herein to be taxed, for which execution may issue.

This 12th day of July, 1951.

Jefferson J. Maddox
Judge of the Circuit Court of
Baldwin County, Alabama, in
equity.

Judge of Probate.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

RUDOLPH WILLIS

Complainant_____

Vs.

CERTAIN LANDS, ET AL.

Defendant_____

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 19____, in the Foley Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in _____ County, on the _____ day of _____ 194____ and _____

And it now further appearing to the Register Alice J. Duck, that the said Certain Lands, et al.

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 Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said certain lands, et al.

This 21st day of June 19 51

Alice J. Duck Register.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

RUDOLPH WILLIS

Vs.

CERTAIN LANDS, ET AL.

Decree Pro Confesso of Publication

Issued _____ 19____

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19__

RUDOLPH WILLIS

Complainant

Vs.

CERTAIN LANDS, ET AL.

Defendant S

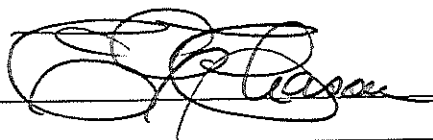
~~Motion is hereby made for a Decree Pro Confesso against Certain Lands, et al.~~

Defendant S

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

This 21st day of June 1951

746 Code

 Solicitor.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

RUDOLPH WILLIS

Complainant _____

Vs.

CERTAIN LANDS, ET AL.

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 6-21 1957

Amie J. Henshaw
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RUDOLPH WILLIS,) (

Complainant,) (

-vs-) (

The Northwest Quarter (NW $\frac{1}{4}$) of) (
the Southeast Quarter (SE $\frac{1}{4}$) of) (
Section two (2), Township) (
eight (8) South, Range four) (
(4) East; ERIK CARLSON, and) (
any and all unknown heirs,) (
devisees or grantees of the) (
said defendants and any other) (
person, firm, corporation or) (
association claiming any in-) (
terest in, lien or encum-) (
brance, or right or title to) (
said land,) (

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

no 2617

Respondents.) (

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the complainant in said cause, that the defendants in said suit are non-residents of the State of Alabama, their addresses and places of residence being unknown.

Notice is hereby given to the persons, firms, corporations and associations named hereinabove as defendants and to any and all persons, firms, corporations or associations claiming any interest in, title to, or lien or encumbrance upon the lands herein described, that on the 8th day of March, 1951, Rudolph Willis filed in the equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described lands in Baldwin County, Alabama, viz:-

The Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section two (2), Township eight (8) South, Range four (4) East;

and against the defendants hereinabove named and any and all other persons, firms, corporations or associations claiming any interest in or lien or encumbrance upon said lands and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 16th day of April, 1951, or a decree pro confesso will be rendered against you; that the title to said land stands in the name of the complainant on the records in the office of the Judge of Probate of Baldwin County, Alabama; that said Bill of Complaint was and is filed for the purpose of establishing the title of said

complainant to said land and for the purpose of quieting his title thereto, and clearing up any disputes and doubts concerning the same; that complainant acquired title to said land from Byard Roberts and Anna M. Roberts, his wife, by instrument dated February 2, 1924, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 35NS, Pages 416-17. Complainant further alleges in his Bill of Complaint that he is in quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple, and that he has been in possession for more than ten (10) years next preceding the filing of this Bill of Complaint and that no one except complainant has paid any taxes on said land for a period of over ten (10) years.

WITNESS my hand this 8th day of March, 1951.

C. G. CHASON
Solicitor for Complainant.

Alice F. Smith
As Register of the Circuit Court
of Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 3-8-51 3:30 P.M.
Recorded Lib. Ord. book 2 page 342-1
[unclear] U. B. Smith
Judge of Probate
7

8

RECORDED

3-2-57

Erik Carlson

41

Rudolph Willis

57

L.P. 2.340-1

R- 1.15

Mrs. Duck
Bm

FILED

MAR 8 1951

ALICE J. DUCK, Register

RUDOLPH WILLIS,) (

Complainant,) (

-vs-

The Northwest Quarter (NW $\frac{1}{4}$) of) (
the Southeast Quarter (SE $\frac{1}{4}$) of) (
Section two (2), Township eight) (
(8) South, Range four (4) East;) (
ERIK CARLSON, and any and all) (
unknown heirs, devisees or) (
grantees of the said defend-) (
ants and any other person,) (
firm, corporation or associa-) (
tion claiming any interest in,) (
lien or encumbrance, or right) (
or title to said land,) (
) (

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Respondents.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes your complainant, Rudolph Willis, and brings this
his Bill of Complaint against the following described tract of land
situated in the County of Baldwin, State of Alabama, to-wit:-

The Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$)
of Section two (2), Township eight (8) South, Range four
(4) East.

And complainant further brings his Bill of Complaint against any and
all persons, firms, corporations or associations claiming any title
to, interest in or lien or encumbrance upon said land and any part
thereof, and especially against Erik Carlson and any heirs at law,
devisees, grantees or next of kin of the said Erik Carlson, and
complainant respectfully shows unto your Honor as follows:

FIRST:

That he is in the actual, peaceable, adverse, open and
notorious possession of said tract of land hereintofore mentioned,
claiming to own the same in his own right in fee simple and using
the same in every way that it is susceptible to use.

SECOND:

That no suit is pending to test complainant's title to,
interest in, or right to possession of the said land.

THIRD:

Complainant further shows that he acquired title to said
land by deed from Byard Roberts and Anna M. Roberts, his wife, said
instrument being dated February 2, 1924, and of record in the office
of the Judge of Probate of Baldwin County, Alabama, in Deed Book

35NS, Pages 416-17, under which said deed complainant claims the entire fee simple title in and to said land.

FOURTH:

Complainant further shows that no one has paid any taxes on this property for over ten (10) years except your complainant.

FIFTH:

Complainant further shows unto your Honor that he has been in the actual, open, notorious, peaceable and adverse possession of said land since 1924, the date of his purchase, and that no other person, firm, corporation or association has had any possession of said property since that time and that no one is known to your complainant to claim this land or any part thereof or interest therein, except the complainant and the defendants to this proceeding, and complainant calls upon the several persons mentioned as defendants herein, or anyone else having any interest therein, or lien or encumbrance thereupon, to set forth and specify his, her or its title to, claim, interest, lien or encumbrance upon said land and how and by what instrument or otherwise the same is derived or created.

SIXTH:

Complainant avers that he has made a diligent search and inquiry to ascertain the residences and addresses of all persons, firms, corporations or associations heretofore named, and whether or not any of them be dead, and if dead, to ascertain the names and addresses of their heirs, devisees, successors, assigns and grantees; that in this investigation and inquiry has had an abstract of title of said real estate made from the records of Baldwin County, Alabama; that he has made diligent inquiry in the neighborhood of said land as to the ownership of same, the possession of same, and the whereabouts of any and all persons who are, or may be, interested in or who claim any interest therein, and that in making said inquiry he has inquired of old settlers.

PRAYER FOR PROCESS

TO THE END THEREFORE, that equity may be had in the premises, complainant prays that your Honor will cause the usual writ of process to issue to the defendants named herein, and any

and all other persons, firms, corporations or associations claiming any interest in, right of title to said lands, in the usual form and according to the practices of this Honorable Court, requiring them or it to plead, answer or demur to the same within the time required by law and the practices of this Honorable Court and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by the Laws of the State of Alabama, authorizing the quieting of title by proceedings in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint to the aforesaid defendants by publication in some newspaper published in Baldwin County, Alabama, making them parties to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF

Complainant further prays that on a hearing of this cause, your Honor will establish Complainant's right and title to this land, and will decree the complainant is the owner in fee simple of the land herein described and that no other person, firm, corporation or association has any title to or interest in, or lien or encumbrance upon said land or any part thereof, and especially those persons hereinabove named as defendants, and that in said decree your Honor will cause a certified copy of the same to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein, and that in said decree, your Honor will direct in whose name it shall be indexed in the direct and indirect indexes to the records thereof, in said Probate Court of Baldwin County, Alabama, and complainant further prays for such other, further, different and general relief as in equity may seem just and meet, as complainant will ever pray.


Solicitor for Complainant

STATE OF ALABAMA

BALDWIN COUNTY

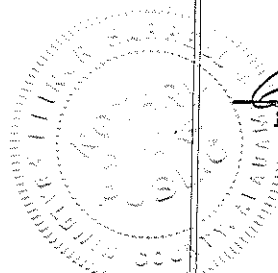
Personally appeared before me, C. G. Chason,
a Notary Public in and for said State and County, C. G. Chason, who,
upon oath deposes and says that he is the agent of and the attorney
for the complainant in the above styled cause and is therefore duly
authorized to make this oath; that in the belief of the affiant as
he is informed and believes, all the defendants named in the fore-
going Bill of Complaint are over the age of twenty-one years and
non-residents of the State of Alabama, their places of residence
being unknown to your affiant; that he has made a diligent inquiry
to ascertain the same and has been unable to do so; that all matters
and facts stated in the foregoing Bill of Complaint upon knowledge
are true; that he is informed as to facts stated upon information
and belief and verily believes and so states that the same are true.

C. G. Chason

Sworn to and subscribed before me,
a Notary Public, on this 7th day
of March, 1951.

Elinor Howell

Notary Public, Baldwin County
State of Alabama



RUDOLPH WILLIS

vs.

CERTAIN LANDS, ET AL.

THE STATE OF ALABAMA
Baldwin CountyIN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Affidavit of Non-Residents of Defendants; Motion for Service
by Publication; Order authorizing Service by Publication; Proof
of Publication; Motion for Decree Pro Confesso after Service by
Publication; Decree Pro Confesso after Service by Publication;
and Testimony of Rudolph Willis and Byard Roberts.

and in behalf of Defendant upon _____

E. B. Hason
Atty for Complainant

Register.

No.

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

RUDOLPH WILLIS

vs.

CERTAIN LANDS, ET AL.

NOTE OF TESTIMONY

Filed in Open Court this

day of, 194.....

Register.

Printed By The Baldwin Times

FILED
JUL 10 1941

AUG 1 1941
MEX. Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Lorna Underwood

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 Rudolph Willis and Byard Roberts

as witnesses in behalf of Rudolph Willis in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Rudolph Willis

_____, Complainant
and Certain Lands, et al

_____, Respondent
on oath, to be by you administered, upon them
to take and certify the depositions of the witnesss and return the same to our Court, with all convenient speed, under your hand.

Witness 9th day of July, 1951

Alice J. Underwood
Register.

Commissioner's Fee, \$10.00

Witness' Fees, \$_____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

RUDOLPH WILLIS

Complainant—

vs.

CERTAIN LANDS, ET AL

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Lorna Underwood

WITNESSES:

Rudolph Willis

Byard Roberts

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

RUDOLPH WILLIS

Complainant

VS.

CERTAIN LANDS, ET AL

Respondent

I, Lorna Underwood

as Register and Commissioner in chancery

have called and caused to come before me Rudolph Willis and Byard Roberts

witnesses named in the Requirement for Oral Examination, on the 10th day of July
1945, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witnesses to speak the
truth, the whole truth, and nothing but the truth, the said Rudolph Willis and
Byard Roberts doth depose and say as follows:

TESTIMONY OF RUDOLPH WILLIS:

My name is Rudolph Willis; I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama; I am the owner and in open, notorious, peaceable and adverse possession of the land in Baldwin County, Alabama, described as the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section two (2), Township eight (8) South, Range four (4) East; there is no suit of any kind, other than that filed by me, pending to test my title to this land; I bought this property from Byard Roberts and wife by deed dated February 2, 1924, which deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 35NS, Pages 416-17; I immediately went into possession of the property and no one has paid any taxes on the property since that time except me; no one has had any possession of the property or any claim on the property since 1924 except through me and no one is known to me to have claimed any ownership of the property or any interest therein since the date of my purchase.

Rudolph Willis
Rudolph Willis

TESTIMONY OF BYARD ROBERTS:

My name is Byard Roberts; I am over the age of twenty-one years and a resident of Foley, Baldwin County, Alabama; I am familiar with the property in Baldwin County, Alabama, described as the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section two (2), Township eight (8) South, Range four (4) East; I purchased this property by deed dated August 9, 1922, and sold the property to Rudolph Willis on February 2, 1924; I was in the open, notorious, adverse and peaceable possession of the property during the time I owned it, claiming the same in fee simple, and Rudolph Willis has been in the actual, open, notorious, peaceable and adverse possession of the property since I sold it to him; to the best of my knowledge, information and belief no one has paid taxes on the property for a period of over ten years except Rudolph Willis.

Byard Roberts
Byard Roberts

ORAL EXAMINATION.

I, Lorna Underwood, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 10th day of July, 1945.

Lorna Underwood (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

RUDOLPH WILLIS

vs. Complainant

CERTAIN LANDS, ET AL

Respondent.

Oral Deposition

Filed _____, 194 _____

Register.

FILED
Recorded in

JUL 10 1951

Record

Vol. _____ Page _____

ALICE I. DUCK, Register

Register.

FOLEY, ALA., April 6 1951

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. Duck

Bay Minette, Ala.

Brought Forward

Nar.	15	Legal	
"	22	Notice	
"	29	For	
Apr.	3	Rudolph Willis	\$20. 92

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

7 March 1951

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

Dear Mrs. Duck:-

Enclosed herewith is suit to quiet title and 3 copies of the notices. I have directed that a copy be placed in the Foley Onlooker beginning next week. Please post one notice at the Courthouse door and file the other as a lis pendens notice after placing thereon your certificate as required by Sec. 1120 of Title 7.

Yours very truly,



C. G. Chason

CGC:lu

Encls:

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

10 July 1951

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

Dear Mrs. Duck:-

Enclosed herewith are Oral Deposition, Final Decree and Note of Testimony in the suit to quiet title of Rudolph Willis. I believe that Motion for Decree Pro Confesso has been filed; if not, please notify me so that we may file it.

Yours very truly,



C. G. Chason

CGC:lu

Encls: 4

I,

VS

In the Circuit Court of Baldwin
County, Alabama, in Equity.

Notice is hereby given to the persons, firms, corporations and associations named hereinabove as defendants and to any and all persons, firms, corporations or associations claiming any interest in, title to, or lien or encumbrance upon the lands herein described, that on the 8th day of March, 1951, Rudolph Willis filed in the equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described lands in Baldwin County, Alabama, viz:—

The Northwest Quarter (NW¼) of the Southeast Quarter (SE¼) of Section two (2), Township eight (8) South, Range four (4) East; and against the defendants hereinabove named and any and all other persons, firms, corporations or associations claiming any interest in or lien or encumbrance upon said lands and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 16th day of April, 1951, or a decree pro con fesso will be rendered against you; that the title to said land stands in the name of the complainant on the records in the office of the Judge of Probate of Baldwin County, Alabama; that said Bill of Complaint was and is filed for the purpose of establishing the title of said complainant to said land and for the purpose of quieting his title thereto and clearing up any disputes and doubts concerning the same; that complainant acquired title to said land from Byard Roberts and Anna M. Roberts, his wife, by instrument dated February 2, 1924, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 35NCS, Pages 416-17. Com-

Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for FOUR consecutive weeks, commencing with the issue dated MARCH 15, 19 51, and ending with the issue dated APRIL 5, 19 51.

of _____, 19____

Notary Public

MY COMMISSION EXPIRES August 14, 1966

PROBATE JUDGE

No. 2915

Bay Minette, Ala.,

Received of

[illegible]

FOR RECORD