



A. FRANKLIN SMART  
COMPLAINANT

VS

NILS ANDERSON, ET ALS  
DEFENDANT

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

TO HONORABLE R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA, IN EQUITY:

The Complainant wishes to take orally the testimony, on behalf  
of the Complainant, of the following witnesses:

A. Franklin Smart

John E. Smart

It is hereby requested that you give proper and legal  
notice, and that Bernice S. Reid be duly appointed as special  
commissioner to take the testimony of said witnesses, and that  
due and legal notice of said request and appointment be given as  
required by law.

BEEBE & HALL

BY 

Solicitors for Complainant.





STATE OF ALABAMA

BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETING:

WE COMMAND YOU, That you summon DOROTHY ANNE KNUDSON, MARILYN KNUDSON, CHARLES KNUDSON, ANNE O. KNUDSON, NILS ANDERSON, JOHN A. BIRKENMAIER, SALLIE B. SHORT, FANNIE BAKER, AND FANNIE B. CARPENTER, if they be living, or if they be dead, their unknown heirs, devisees, grantees, personal representatives and assigns, 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 A. FRANKLIN SMART against said above named, and further to do and perform what the said Judge shall order and direct in that behalf. And this the 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 17 day of Nov, 1943.

R. S. Duck  
Register.

A. FRANKLIN SMART  
COMPLAINANT  
  
VS  
  
NILS ANDERSON, 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, A. FRANKLIN SMART and presents this Bill of Complaint against the following described lands in Baldwin County, Alabama, to-wit:

Southeast Quarter of the Northeast Quarter;  
Northeast Quarter of the Southeast Quarter of Section 6;  
Northwest Quarter of the Northwest Quarter; Southeast  
Quarter of the Southeast Quarter of Section 7; and the  
West Fifteen acres of the Southwest Quarter of the South-  
west Quarter of Section 8, all being in Township Six South  
Range Three East;

and against Dorothy Anne Knudson, Marilyn Knudson, and Charles Knudson, Anne O. Knudson, non-residents of the State of Alabama, their address being care Walter Oberg, 2415 West Fourteenth Street, Chicago, Illinois; Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker, and Fannie B. Carpenter, and against each of them, separately and severally, and if either of any of them be dead, then against their and each of

their heirs, devisees, grantees, personal representatives and assigns, separately and severally; and against any and all other persons, firm or corporations claiming any title to, interest in, lien or encumbrance upon the said lands, or any part of parcel thereof, and respectfully represent and show 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 Baldwin County, Alabama; that the Respondents hereinabove named are all over twenty one years of age except Dorothy Anne Knudson, Marilyn Knudson, and Charles Knudson, who are minors eighteen, fourteen, and nine years of age respectively; that the Complainant is the owner in fee simple and in the actual possession of said lands in Baldwin County, Alabama, described as follows, to-wit:

Southeast Quarter of the Northeast Quarter; Northeast Quarter of the Southeast Quarter of Section 6; Northwest Quarter of the Northwest Quarter; Southeast Quarter of the Southeast Quarter of Section 7; and the West fifteen acres of the Southwest Quarter of the Southwest Quarter of Section 8, all being in Township Six South Range Three East;

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

3. That the Complainant obtained title to said lands by purchases as follows: Southeast Quarter of the Northeast Quarter of Section 6, Township 6 South Range 3 East, and the Northwest Quarter of the Northwest Quarter of Section 7, Township 6 South Range 3 East from Walter W. Oberg by deed dated May 15th, 1943, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 79 NS pages 528-529; Southeast Quarter of the Southeast Quarter of Section 7, Township 6 South Range 3 East, and the West fifteen acres of the Southwest Quarter of the Southwest Quarter of Section 8, Township 6 South Range 3 East, by deed from E. S. Sibley and Mary G. Sibley, his wife, dated January 22nd, 1943, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 78 NS pages 464-465; Northeast Quarter of the Southeast Quarter of Section 6, Township 6 South Range 3 East, by deed from John F. Smart and Myrtle E. Smart, his wife, dated May 16th, 1942, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 77 NS page 506.

4. That the title to said lands claimed by the Complainant

stands upon the record in the Probate Court of Baldwin County, Alabama, in the names of A. Franklin Smart, Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker, and Fannie B. Carpenter.

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 A. F. Smart, Walter Oberg, E. S. Sibley, Ida C. Knudson, Chas. B. Knudson, John A. Birkenmaier, Nils Anderson and Myrtle E. Smart.

6. That the only persons known by your complainants to claim said lands, or any part thereof, or any interest therein, are: A. Franklin Smart, Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker, and Fannie B. Carpenter; that a diligent search and inquiry has been made from residents in the vicinity of said lands, from residents of Fairhope, Silverhill, 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 except Dorothy Anne Knudson, Marilyn Knudson, and Charles Knudson, who are minors eighteen, fourteen and nine years of age respectively; 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 Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker and Fannie B. Carpenter, and each of them, and the unknown heirs, devisees, personal representatives and assigns 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:

Southeast Quarter of the Northeast Quarter; Northeast Quarter of the Southeast Quarter of Section 6; Northwest Quarter of the Northwest Quarter; Southeast Quarter of the Southeast Quarter of Section 7, and the West 15 acres of the Southwest Quarter of the Southwest Quarter of Section 8, all being in Township 6 South Range Three East.

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 encumbrance, to the said lands and to each part and parcel thereof, is vested in your Complainant, A. Franklin Smart, as against Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker, and Fannie B. Carpenter, if they be living, and if dead, their and each of their unknown heirs, devisees, grantees, personal representatives and assigns, 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 meet and proper.

BERBE & HALL

By H. M. Hall  
Solicitors for Complainant.

STATE OF ALABAMA  
BALDWIN COUNTY.

Before me, the undersigned authority in and for said County, in said State, personally appeared A. Franklin Smart, who is known to me, and who having been by me first duly sworn, deposes and says that he is the Complainant in the above styled cause, 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 the same to be true.

A. Franklin Smart

Sworn to and subscribed before  
me on this the 17th day of November,  
1943.

H. M. Hall  
Notary Public, Baldwin County, Alabama.

10 2 20  
RECORDED  
A. FRANKLIN SMART  
COMPLAINANT





100-100000-1

True-Jany 23 1944  
R. M. Sweet  
R. M. Sweet

2nd January 23  
P. D. P. P.  
P. D. P. P.

RECORDED

A. FRANKLIN SMART  
COMPLAINANT

VS

NILS ANDERSON, ET AL  
DEFENDANTS.

Franklin Smart  
764

RECORDED

A. FRANKLIN SMART  
COMPLAINANT

VS

NILS ANDERSON, ET AL.  
DEFENDANTS.

NOTICE OF TIME OF TAKING  
TESTIMONY.

Filed January 18th, 1944.

*Richard  
Gardner*

10 255  
RECORDED  
A. FRANKLIN SMART  
COMPLAINANT

NILS ANDERSON, ET AL  
RESPONDENTS

SUMMONS AND COMPLAINT

relief as in equity and good conscience shall seem meet and proper.  
And your Complaint prays for such other, further, different or general  
and that any and all doubts and disputes concerning the same be cleared up.  
to, interest in, lies or encumbrance upon the said lands, or any part thereof,  
and assigns, and any and all persons, firms or corporations claiming any title  
and each of their unknown heirs, devisees, grantees, personal representatives  
Fannie Baker, and Fannie B. Carpenter, if they be living, and if dead, their  
Kanderson Anne O. Anderson, Mrs Anderson, John A. Wickhamer, Belle B. Short,  
A. Franklin Smart, as against Dorothy Anne Anderson, Maria Anderson, Charles  
lands to each part and parcel thereof, is vested in your Complaint.  
in, and the said title, free of encumbrance, to the said  
this case, this Honorable Court will make and enter a decree ascertaining  
your Complaint further prays that upon a final hearing of  
and under the penalties prescribed by law and the practice of this Honorable  
separately and severally plead, answer or demur to the same within the time  
complaint, and by appropriate process require them, and each of them, to  
or any part thereof, to be made parties respondent to this bill of

DEBBE & HALL

By H. M. Hall  
Solicitors for Complainant.

STATE OF ALABAMA  
BALDWIN COUNTY.

three.  
from such information obtained he verily believes and so states the same to be  
foregoing bill of complaint, from all information obtainable, are true, and  
is the Complaint in the above styled cause, and that the facts stated in the  
to me, and who having been by me first duly sworn, depose and say that he  
County, in said State, personally appeared A. Franklin Smart, who is known  
before me, the undersigned authority in and for said

A. Franklin Smart

1933.  
sworn to and subscribed before  
me on this the 14th day of November,  
H. M. Hall  
Notary Public, Baldwin County, Alabama.

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Charles Knudsen  
(Signature or name of addressee)

Deliver to Addressee Only

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 11-27-43 1943

### RETURN RECEIPT

Received from the Postmaster the Registered or Insured number of which appears on the face of this Card.

1 Charles Knudsen  
(Signature or name of addressee)

Deliver to Addressee Only

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 11-27 43 1943

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Date of delivery 11-27-43 1943

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Received from the Postmaster the Registered or Insured number of which appears on the face of this Card.

1 Charles Knudsen  
(Signature or name of addressee)


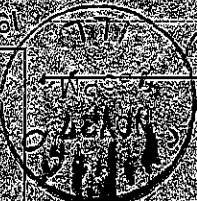
Deliver to Addressee Only

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)


Date of delivery 11-27-43 1943

RECEIVED  
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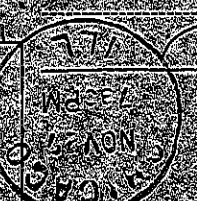
Post Office Department  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE  
NO. 14026  
REGISTERED ARTICLE  
INSURED PARCEL  
Return to *R. S. Shuck*  
Street and Number  
or Post Office Box  
(NAME OF SENDER)  
Post Office **Bay Minette, Ala.**  
State




Post Office Department  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE  
NO. 14025  
REGISTERED ARTICLE  
INSURED PARCEL  
Return to *R. S. Shuck*  
Street and Number  
or Post Office Box  
(NAME OF SENDER)  
Post Office **Bay Minette,**  
State



Post Office Department  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE  
NO. 14027  
REGISTERED ARTICLE  
INSURED PARCEL  
Return to *R. S. Shuck*  
Street and Number  
or Post Office Box  
(NAME OF SENDER)  
Post Office **Bay Minette, Ala.**  
State



Post Office Department  
OFFICIAL BUSINESS  
PENALTY FOR PRIVATE USE  
NO. 14028  
REGISTERED ARTICLE  
INSURED PARCEL  
Return to *R. S. Shuck*  
Street and Number  
or Post Office Box  
(NAME OF SENDER)  
Post Office **Bay Minette,**  
State





THE STATE OF ALABAMA }  
Baldwin County }

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

A. FRANKLIN SMART,

COMPLAINANT

vs.

NILS ANDERSON, ET AL

RESPONDENT

I, Bernice S. Reid

as Register and Commissioner

have called and caused to come before me A. Franklin Smart and John E. Smart

witness <sup>es</sup> named in the requirement for Oral Examination, on the 22nd day of January  
1944, at the office of Beebe & Hall

in Bay Minette, Alabama, and having first sworn said witness <sup>es</sup> to speak the

truth, the whole truth, and nothing but the truth, the said A. FRANKLIN SMART

doth depose and say as follows:

My name is A. Franklin Smart. I am over twenty one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondents, Dorothy N. Knudson, Marilyn Knudson and Charles Knudson are minors eighteen, fourteen and nine years of age respectively, and are non-residents of the State of Alabama, their address being Chicago, Illinois, care Walter Oberg, 2415 West 14th Street; Anne O. Knudson is a non-resident of the State of Alabama, her address being care Walter Oberg, 2415 West 14th Street, Chicago, Illinois; the Respondents Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker and Fannie B. Carpenter, if they be living, are non-residents of the State of Alabama, and over twenty one years of age. I have made a diligent search and inquiry to find out the addresses of the said parties, and whether or not they are dead and, if dead, their heirs, devisees, grantees, personal representatives and assigns, but have been unable to ascertain the same.

I have made inquiries at Fairhope, being the vicinity in which the lands is located, Silverhill, and at Bay Minette, but have been unable to obtain any definite information. I

I am the owner in fee simple and in the actual possession of the lands in Baldwin County, Alabama, and described in this proceeding as follows, to-wit:

Southeast Quarter of the Northeast Quarter; Northeast Quarter of Southeast Quarter of Section Six; Northwest Quarter of the Northwest Quarter; Southeast Quarter of the Southeast Quarter of Section Seven; and the West 15 acres of the Southwest Quarter of the Southwest Quarter of Section Eight, all being in Township 6 South Range 3 East.

There is no suit pending to test my title to, interest, in, or rights of possession of said land.

I obtained title to the said lands as follows: Southeast Quarter of the Northeast Quarter of Sec. 6, Tp. 6 South Range 3 East and the Northwest Quarter of Northwest Quarter of Sec. 7, Tp. 6 S. Range 3 East by Warranty deed from Walter W. Oberg dated May 15th, 1943, and of record in the office of the Probate Judge of Baldwin County, in deed Book 79 NS, pages 528-9; and to the Northeast Quarter of the

I, Bernice S. Reid as Register and Commissioner hereby certify that the foregoing deposition 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 of H. M. Hall 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 as; 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 22nd day of January 1944.

Bernice S Reid (L. S.)

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

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

A. FRANKLIN SMART

COMPLAINANT

VS.

NILS ANDERSON, ET AL

RESPONDENT

**ORAL DEPOSITION**

Filed January 25, 1944

B. S. Reid, Register.

RECORDED IN

Record

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

Register

A. No, not given to me. I have a deed given to Oberg on a conveyance from the Knudsons.

Q. Then there is a deed from E. S. Sibley and wife dated January 22nd 1943 to you and your wife conveying 55 acres of this land. Is that correct?

A. Yes.

Q. Then there is another deed by John R. Smart and Myrtle E. Smart dated May 18th, 1942, conveying forty acres of land?

A. Yes.

Q. You do not have any other evidences of title except these deeds, together with the tax deed shown by the abstract?

A. No.

A. Franklin Smart

John F. Smart, a witness for the Complainant being first duly sworn, deposes and says:

My name is John F. Smart. I live at Silverhill, in Baldwin County, Alabama. I am personally acquainted with the land described in the bill of complaint now pending in the Circuit Court in the name of A. Franklin Smart vs Nils Anderson, et al, being No. 1025. I have personally known and lived near these lands for the past twenty nine years.

The land described as the Southeast Quarter of the Northeast Quarter of Sec. 6, Township 6 South Range three East has been open land until about two months ago, when it was fenced by A. Franklin Smart, the Northwest Quarter of the Northwest Quarter of Section 7, Township 6 South Range 3 East was fenced about twenty years ago or more and twenty acres planted to pecans; all of the tract was put under fence and the fence has been maintained until this time. The property was formerly owned, so far as I know, by C. B. Knudson, now deceased. After his death I received correspondence from his son, C. Burnett Knudson advising that I should care for the land and take all tax receipts made out to W. W. Oberg. W. W. Oberg some time ago secured title to both tracts and conveyed it to A. Franklin Smart by deed dated May 15th, 1943. The Complainant, A. Franklin Smart is now in the actual, peaceable possession of the said land, claiming to own the same by conveyances of record; the Northeast Quarter of the Southeast Quarter of Section 6, Township 6 South Range 3 East was conveyed be me and my wife to A. Franklin Smart on May 18th, 1942. I acquired title to these lands under a tax sale in the name of John A. Birkenmaier and immediately went into possession and remained in possession until I conveyed to the complainant, who immediately went into the possession thereof and has remained in such possession until this time. The Southeast Quarter of the Southeast Quarter of Sec. 7, Township 6 South Range 3 East and the West 15 acres of the Southwest Quarter of the Southwest Quarter of Sec. 8, Township 6 South Range 3 East formerly belonged to Nils Anderson and sold, and the title later acquired by E. S. Sibley from J. R. Prine, and by Sibley then conveyed to the Complainant. The complainant is now in the actual possession of this land and no one has made any claim thereto other than the complainant, and those through whom he holds, for more than ten years.

The complainant is now in the actual possession of all the lands described in the bill of complaint, claiming to own the same and paying the taxes thereon.

CROSS EXAMINATION BY H. E. SMITH, GUARDIAN AD LITEM.

Q. I believe you said you owned this land and deeded it to A. Franklin Smart?

A. Yes.

Q. When did you go into the actual possession of this Knudson piece of land?

A. Prior to 1920. Twenty years or more.

Q. Did you hold that under lease from Knudson?

A. An oral lease. Never an instrument of writing, except personal letters.

Q. Up until what date did you hold under lease?

A. I have had a personal interest in it for about five years, until the time of the deed to A. Franklin Smart.

Q. What is the nature of this land? Are there any improvements on it?

A. For twenty years it has been farmed, and 20 acres set out in pecan trees.

Q. And is it all underfence?

A. Yes.

Q. How long has the fence been there?

A. For twenty years at least as to twenty acres, the other twenty acres for five years.

of the Southeast Quarter of Sec. 6, Tp. 6 South Range 3 East by Warranty Deed from John F. Smart and Myrtle E. Smart dated May 18th, 1942, and of record in the office of the Probate Judge of Baldwin County, Alabama, in deed book 77 NS pages 506; and to the Southeast Quarter of the Southeast Quarter of Section 7, Township 6 South Range 3 East, and the West 15 acres of the Southwest Quarter of the Southwest Quarter of Sec. 8, Tp. 6 South Range 3 East from E. S. Sibley and Mary G. Sibley by deed dated January 22nd, 1943, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 78 NS pages 464-5; and from Mildred B. Smart conveying the Southeast Quarter of the Northeast Quarter of Sec. 6, Tp. 6 South Range 3 East; Northwest Quarter of the Northwest Quarter of Sec. 7, Township 6 South Range 3 East; Southeast Quarter of the Southeast Quarter of Sec. 7 Township 6 South Range 3 East, and the West 15 acres of SW of SW of Sec. 8, Township 6 South Range 3 East; that said deeds are offered in evidenced and asked to be taken as a part of this testimony and to be identified as exhibits 1, 2, 3 and 4 to the testimony of the complainant.

I have had the records of the Probate Court of Baldwin County, Alabama, searched as to how the title stands, and the only ones shown by the records are A. Franklin Smart, Dorothy N. Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson Nils Anderson, John A. Birkenmaier, Sallie B. Short and Fannie Baker, and Fannie B. Carpenter.

No one has at any time within the ten years next preceding the filing of this bill of complaint paid any taxes upon, or had any possession of said lands except the complainant, Walter Oberg, E. S. Sibley, Ida C. Knudson, Charles B. Knudson, John A. Birkenmaier, Nils Anderson and Myrtle E. Smart; that no other person is known to have any claim to said lands or any part thereof or any interest therein, other than the parties herein named.

I have been in the actual possession of said lands since purchasing the same and have annually assessed and paid the taxes thereon, and have lived near the lands all my life and know of my own personal knowledge that no one has at any time made any claim to the said lands or any part thereof other than E. S. Sibley, John F. Smart and Walter W. Oberg, from whom I hold deeds.

I know of my own personal knowledge that there has been no taxes paid on said land or any claim made thereto for more than ten years, and a part of it has not been claimed for more than twenty years.

CROSS EXAMINATION BY H. E. SMITH, GUARDIAN AD LITEM OF DOROTHY N. KNUDSON, MARILYN KNUDSON AND CHARLES KNUDSON

Q. Mr. Smart, are there any improvements on the Southeast Quarter of the Northeast Quarter of Sec. 6, Tp. 6 South Range 3 East?

A. All under fence. I fenced it myself. There are no buildings.

Q. When did you fence it?

A. About six weeks ago.

Q. Were there any houses, or is it vacant land?

A. Just wild land up until the time I fenced it.

Q. How about the Northwest Quarter of the Northwest Quarter of Sec. 7, Township 6 South Range 3 East? Are there any improvements on this forty acres?

A. Twenty acres clear, and set with about 250 pecan trees. Dad and I have farmed it for the past twenty years. It is all under fence.

Q. Did you ever pay anybody any rent for this land?

A. We farmed it for the old C. B. Knudson up until his death. The care of the pecan trees, and the setting of the trees, was the only rent.

Q. Do you know when Mr. C. Burnett Knudson died?

A. To my information and belief, Mr. Knudson died in May, 1938. This was written to us by his brother.

Q. You do not have any other evidences of title or deeds except these three deeds from W. W. Oberg to A. Franklin Smart and Mildred B. Smart, dated May 15th, 1943, conveying these two forty acres pieces of land?

Q. Have any of the Knudsons ever asserted any claim against this land since A. Franklin Smart has been in possession?

A. No.

Q. Did you deed this to him?

A. No, I did not. He holds under a deed from Oberg.

Q. Do you know when A. Franklin Smart acquired title?

A. Well, it was in 1943. I believe the deed was dated May 15th, 1943.

Q. No one has questioned his ownership, to your knowledge?

A. No.

John F. Smart

A. FRANKLIN SMART,

COMPLAINANT

VS

DOROTHY ANNE KNUDSON, MARILYN  
KNUDSON, CHARLES KNUDSON, ANNE O.  
KNUDSON, NILS ANDERSON, JOHN A.  
BIRKENMAIER, SALLIE B. SHORT,  
FANNIE BAKER AND FANNIE B. CARPENTER;  
if they be living, AND IF DEAD THE  
UNKNOWN HEIRS, DEVISEES, GRANTEES,  
PERSONAL REPRESENTATIVES AND ASSIGNS  
AND EACH OF THEM, AND 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 THE FOLLOWING DESCRIBED LANDS IN  
BALDWIN COUNTY, ALABAMA;  
SOUTHEAST QUARTER OF THE NORTHEAST  
QUARTER, NORTHEAST QUARTER OF THE  
SOUTHEAST QUARTER, OF SECTION SIX;  
NORTHWEST QUARTER OF THE NORTHWEST  
QUARTER OF SECTION SEVEN; SOUTHEAST  
QUARTER OF THE SOUTHEAST QUARTER OF  
SECTION SEVEN; AND THE WEST FIFTEEN  
ACRES OF THE SOUTHWEST QUARTER OF  
THE SOUTHWEST QUARTER OF SECTION EIGHT,  
ALL BEING IN TOWNSHIP SIX SOUTH OF RANGE  
THREE EAST.  
DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

No. 1025.

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 peaceable possession of the said lands, and each and every parcel thereof, and that the title of the Complainant has been duly and justly 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, Dorothy Anne Knudson, Marilyn Knudson, Anne O. Knudson, and Charles Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker, and Fannie B. Carpenter, and the unknown heirs and devisees of Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker, and Fannie B. Carpenter, and each of them, and any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part or parcel thereof, have no estate, right,

claim, interest in, or encumbrances upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Southeast Quarter of the Northeast Quarter; Northeast Quarter of the Southeast Quarter of Section Six; Northwest Quarter of the Northwest Quarter, Southeast Quarter of the Southeast Quarter of Section Seven, and the West 15 acres of the Southwest Quarter of the Southwest Quarter of Section Eight, all being in Township 6 South Range 3 East.

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

Southeast Quarter of the Northeast Quarter; Northeast Quarter of the Southeast Quarter of Section Six; Northwest Quarter of the Northwest Quarter, Southeast Quarter of the Southeast Quarter of Section Seven, and the West 15 acres of the Southwest Quarter of the Southwest Quarter of Section Eight, all being in Township 6 South Range 3 East.

is vested absolutely in the Complainant, A. Franklin Smart.

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 Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker and Fannie B. Carpenter, and the unknown heirs, devisees, grantees, personal representatives and assigns of Dorothy Anne Knudson, Marilyn Knudson, Charles Knudson, Anne O. Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker and Fannie B. Carpenter, and in the indirect index in the name of A. Franklin Smart.

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 costs thereof be taxed in the costs of this cause.

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

Done at Bay Minette Alabama, on the 31<sup>st</sup> day of

January, 1944.

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

1025

RECORDED

Paul James 31/1944  
P. J. James  
P. J. James





Knudson, Nils Anderson, John A. Birkenmaier, Sallie B. Short, Fannie Baker and Fannie B. Carpenter, if they be living or if they be dead, their heirs, devisees, grantees, personal representatives and assigns, or 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 of parcel thereof, appear in this Court and plead, answer or demur to the bill of complaint in this cause filed on or before December 10th, 1943, 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 the 11th day of November, 1943.

1072  
 BEBEE & HALL  
 Solicitors for Complainants.

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 A. Franklin Smart, Complainant, vs Nils Anderson, 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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 11 day of November, 1943.

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

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

CLERK OF BALDWIN COUNTY BALDWIN COUNTY ALABAMA

NOV 31 1943

RECEIVED

By

1025-

Smart

vs

Anderson 11-11-43

Last Paid Notice

A. Franklin Smart 15

to

Nils Anderson 5

John A. Burkman 14

Bessie B. Short 9

Fannie Baker 11

Fannie P. Carpenter 41

STATE OF ALABAMA, BALDWIN COUNTY

Filed JAN 31 1944 215P M

Recorded in book 1 page 226-7

and I certify that the following Privilege Tax has been paid.

Deed Tax

Mortgage Tax

Judge of Probate

By

RS Duck

RI 13/

Handwritten signature/initials

County's Attorney



The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To Bernice S Reed.

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 A. Franklin Smart. and John E Smart.

as witnesses in behalf of Complainant. in a cause pending in our Circuit Court of Baldwin County, of said State, wherein A Franklin Smart.

Complainant  
and Nils Anderson. et al~~s~~.

Defendant,  
on oath to be by you administered, upon Them.  
to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 22nd day of January. 19 44

[Signature]  
REGISTER

COMMISSIONER'S FEE, \$ \_\_\_\_\_

WITNESS' FEES, \$ \_\_\_\_\_

Quit Claim

The State of Alabama,

BALDWIN County

THIS DEED made this 22 day of January 1943

between E.S. Sibley and Mary G. Sibley his wife

parties of the first part, and

A. Franklin Smart and Mildred B. Smart

parties of the second part

WITNESSETH, that the parties of the first part, in consideration of \$275.00 Two Hundred Seventy-five DOLLARS

to us in hand paid by the parties of the second part, the receipt of which is hereby

acknowledged, have remised, released and quit-claimed and by these presents do remise, release

and forever quit-claim unto the said parties of the second part their

heirs and assigns forever, all the real property in Baldwin County, Alabama,

described as follows to-wit: The SE 1/4 of the SE 1/4 of Section Seven (7) in Township 6 south Range 3 East. And the West 15 acres of the SW 1/4 of the SW 1/4 of Section Eight (8) in Township 6 south Range 3 East.

Containing 55 acres more or less.

TO HAVE AND TO HOLD the said released premises unto the said A. Franklin Smart

and Mildred B. Smart heirs and assigns forever; So that neither the party of

the first part heirs or assigns nor any other person in trust for E.S. Sibley & Mary G. Sibley

or in their name shall or will, can or may, by any ways or

means whatsoever, hereafter, have or claim any right or title thereto; BUT THAT the said party

of the first part heirs and assigns, each and every one of them from all estate, right, title, interest or claim,

and demand whatsoever, in or to the said premises, or any part thereof, are, is, and shall be, by these

presents, FOREVER EXCLUDED AND DEBARRED.

IN WITNESS WHEREOF, the party of the first part have hereunto set their hand

and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

E. S. Sibley (SEAL)

Mary G. Sibley (SEAL)

2

The State of Alabama, }  
BALDWIN COUNTY }

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of  
Five Hundred (\$500.00) Dollars

to us in hand paid by A. F. Smart

the receipt whereof is hereby acknowledged we, John F. Smart and Myrtle E. Smart

husband and wife do grant, bargain, sell and convey unto the said

A. F. Smart

the following described lands situated in Baldwin County, Alabama, to-wit:

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section  
Six (6), Township Six (6) South, Range Three (3) East, and

The East Half of the Southeast Quarter of the Northeast Quarter  
(E $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ) of Section Seven (7), Township Six (6) South, Range  
Three (3) East, containing in all sixty (60) acres more or less.

TO HAVE AND TO HOLD to the said A. F. Smart, his

heirs and assigns forever.

And we do covenant with the said A. F. Smart,

that we are seized in fee of the above

described premises; that we have the right to sell and convey the same; that the said

premises are free from all incumbrances; and that we will, and our heirs

executors and administrators shall forever WARRANT AND DEFEND the same to the said

A. F. Smart, his

heirs and assigns, against the lawful claims of all persons whomsoever.

Witness our hand and seal this 18th day of May, 1942

WITNESS:

*[Handwritten signature]*

John F. Smart L. S.

Myrtle E. Smart L. S.

L. S.

State of Alabama, Baldwin County

I, Orvis M. Brown, a Notary Public

in and for said County and State, hereby certify that John F. Smart and Myrtle E. Smart

husband and wife whose names are signed to the foregoing conveyance and who

are known to me, acknowledged before me, on this day, that being informed of the contents of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 18th day of May, A. D., 1942

Notary Public, Baldwin County, Ala. My Commission exp. April 2nd, 1943

State of Alabama, Baldwin County

I, Orvis M. Brown, a Notary Public

in and for said County and State, do hereby certify that on the 18th day of May, 1942

came before me the within named Myrtle E. Smart

known to me to be the wife of the within named John F. Smart

who, being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

In Witness Whereof, I hereunto set my hand and official seal this 18th day of May, 1942

Notary Public, Baldwin County, Ala. My Commission Exp. April 2nd, 1943

WARRANTY DEED

FROM

John F. Smart wife TO A. J. Smart

5-18-42

THE STATE OF ALABAMA

OFFICE OF THE CLERK OF PROBATE BALDWIN COUNTY ALABAMA. I hereby certify that the within deed was filed in this office for record on the 18th day of May, 1942. Recorded in Book 187, page 155. Mortgage Register of Mortgages, page 155. and examined.

Judge of Probate.

Handwritten signatures and notations including 'D 50', 'R 75', and '1/27'.



State of Alabama, \_\_\_\_\_ County.

I, G. E. Perkins, a Notary Public  
in and for said County and State, hereby certify that E. S. Sibley and Mary G. Sibley  
husband and wife whose name are signed to the foregoing conveyance, and who  
are known to me, acknowledged before me on this day that being informed of the contents  
of the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 22th. day of January A. D., 1943.

G. E. Perkins  
Notary Public

State of Alabama, Baldwin County.

I, G. E. Perkins, a Notary Public  
in and for said County and State, do hereby certify that on the 22th. day of January 1943  
came before me the within named Mary G. Sibley  
known to me to be the wife of the within named E. S. Sibley  
who being examined separate and apart from her husband, touching her signature to the within conveyance  
acknowledged that she signed the same of her own free will and accord, and without fear, constraint or  
threats on the part of the husband.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this 22th. day of  
January 1943.

G. E. Perkins  
Notary Public

State of Alabama \_\_\_\_\_ County.

I, \_\_\_\_\_  
in and for said County and State, hereby certify that \_\_\_\_\_ subscribing  
witness to the foregoing conveyance, known to me appeared before me this day, and being sworn stated  
that \_\_\_\_\_ the grantor \_\_\_\_\_ voluntarily  
executed the same in his presence, and in the presence of other subscribing witness on the day the same  
bears date; that he attested the same in the presence of the grantor \_\_\_\_\_ and of the other  
witness, and that such other witness subscribed his name as witness in his presence.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

# Quit-Claim Deed

FROM

E. S. Sibley & Mary G. Sibley

TO

A. Franklin Smart

and MICHAEL R. Smart

STATE OF ALABAMA

\_\_\_\_\_ COUNTY.

OFFICE OF JUDGE OF PROBATE

I hereby certify that the within Deed was  
filed in the Alabama Public Records Office on the \_\_\_\_\_ day  
of \_\_\_\_\_ A. D. \_\_\_\_\_

Recorded in the Alabama Public Records Office on the \_\_\_\_\_ day  
of \_\_\_\_\_ A. D. \_\_\_\_\_  
Mortgage Tax paid and examined.  
Recorded in the Alabama Public Records Office on the \_\_\_\_\_ day  
of \_\_\_\_\_ A. D. \_\_\_\_\_  
Mortgage Tax paid and examined.

\_\_\_\_\_  
Judge of Probate.

Ag. Franklin Smart 250  
5 Hill R. 1/2  
Adm.

NO. 1035

**The State of Alabama**  
**BALDWIN COUNTY**  
**CIRCUIT COURT**

Complainant \_\_\_\_\_

vs.

Defendant \_\_\_\_\_

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:** \_\_\_\_\_

**WITNESSES:** \_\_\_\_\_

I certify that the within is a true and correct Bill of Costs in the within styled cause.

ATTEST: \_\_\_\_\_

Register Circuit Court, Baldwin County, Ala.

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

ATTEST: \_\_\_\_\_

Register Circuit Court, Baldwin County, Ala.

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

**The State of Alabama,**  
BALDWIN COUNTY

**CIRCUIT COURT**

vs. Plaintiff-----

Defendant-----

**EQUITY COST BILL**

Term, 19\_\_\_\_\_

Fee Book \_\_\_\_\_, Page \_\_\_\_\_

Plaintiff's Attorney.

Defendant's Attorney.

Moore Printing Co., Bay Minette, Ala.



in, or encumbrance upon the following described lands in Baldwin County,  
Alabama, to-wit:

Southeast Quarter of the Northeast Quarter; Northeast Quarter  
of the Southeast Quarter, of Section Six; Northwest Quarter of  
the Northwest Quarter; Southeast Quarter of the Southeast Quarter,  
Section Seven; and the West 15 acres of the Southwest Quarter of  
the Southwest Quarter of Section 8, All being in Township 6 South  
Range 3 East;

Appointment and acceptance of appointment of H. E. SMITH as  
Guardian ad litem for Dorothy Anne Knudson, Marilyn Knudson, and Charles  
Knudson;

Request for taking orally the testimony of witnesses A.  
Franklin Smart and John E. Smart;

Appointment of Bernice S. Reid as special commissioner;

Notice of time set for taking testimony of witnesses on behalf  
of the complainant: A. Franklin Smart and John E. Smart before Bernice S.  
Reid, as special commissioner;

Commission issued by the Register to Bernice S. Reid as  
Special commissioner;

Testimony of A. Franklin Smart and John E. Smart;

Request for decree in vacation;

And the following instruments introduced in evidence:

Warranty Deed from Walter W. Oberg to A. Franklin Smart and Mildred  
B. Smart, dated May 15th, 1943, and recorded in the Probate Records  
of Baldwin County, Alabama in Deed Book 79 NS pages 528-9;

Warranty deed from John F. Smart and Myrtle E. Smart to A. F.  
Smart, dated May 18th, 1942, and recorded in the Probate Records  
of Baldwin County, Alabama, in Book 77 NS page 506;

Quit Claim Deed from E. S. Sibley and Mary G. Sibley, his wife,  
to A. Franklin Smart and Mildred B. Smart, his wife, dated  
January 22nd, 1943, of record in the Probate Records of Baldwin  
County, Alabama in Deed Book 77 NS pages 464-5;

Quit Claim Deed from Mildred B. Smart to A. Franklin Smart,  
dated November 1st, 1943.

  
Register.

A. FRANKLIN SMART,  
COMPLAINANT  
VS  
NILS ANDERSON, ET AL  
DEFENDANTS.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY.  
NO. 1025

And now comes H. E. SMITH, Guardian ad litem for Dorothy Anne Knudson, Marilyn Knudson and Charles Knudson, and denies each and every allegation contained in the said Bill of Complaint, and demands strict proof of the same.

H. E. Smith  
Guardian ad litem for Dorothy Anne  
Knudson, Marilyn Knudson, and Charles  
Knudson.

RECORDED

A. FRANKLIN SMART  
COMPLAINANT

VS

NILS ANDERSON, ET AL.  
RESPONDENT.

Filed January 22nd, 1944.

*R. Franklin Smart*

1625  
RECORDED

A. FRANKLIN SMART  
COMPLAINANT

VS

NILS ANDERSON, ET AL  
DEFENDANTS

NOTE OF TESTIMONY.



①

The State of Alabama,

Baldwin COUNTY.

Know All Men By These Presents,

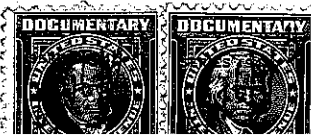
THAT Walter W. Oberg, also known as W. W. Oberg, a Bachelor

for and in consideration of the sum of One (\$1.00) and other good and valuable considerations Dollars, to him in hand paid by A. Franklin Smart and Mildred B. Smart, his wife

the receipt whereof is hereby acknowledge, have GRANTED, BARGAINED, and SOLD, and by these presents do hereby GRANT, BARGAIN, SELL and CONVEY unto the said A. Franklin Smart and Mildred B. Smart, his wife,

their heirs and assigns, the following described Real Estate, situated in the county of Baldwin and State of Alabama, to-wit:

SE 1/4 of NE 1/4 of Section 6, T 6 S, R 3 E. and NW 1/4 of NW 1/4 of Section 7, T 6 S, R 3 E. - - - - -



THE STATE OF ALABAMA.

COUNTY.

# Warranty Deed

FROM

5-15-43

Walter W. Oberg 63

TO

A. Franklin Small  
+ wife

STATE OF ALABAMA, BALDWIN COUNTY  
8 A.M. M  
228-9

THE STATE OF ALABAMA  
FILED JAN 18 1943  
book 79 page 29  
Deed Tax has been paid.  
Mortgage Tax 1.00.  
and I certify that the within Deed was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and duly recorded in Deed Record Book \_\_\_\_\_ Page \_\_\_\_\_ and examined.

Judge of Probate.

Bank of Shore

175

THE STATE OF ~~ALABAMA~~ <sup>ILLINOIS</sup> Cook COUNTY.

I, Melvin S. Nelson a Notary Public for said county, in said State, hereby certify that Walter W. Oberg, also known as W. W. Oberg, a bachelor

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of this conveyance, he executed the same voluntarily, on the day the same bears date.

Given under my hand this the 15th day of May A. D. 1943

*Melvin S. Nelson*  
Notary Public

THE STATE OF ~~ALABAMA~~ <sup>ILLINOIS</sup> Cook COUNTY.

I, Melvin S. Nelson a Notary Public in and for said State and County aforesaid, hereby certify that Myron E. Nelson a subscribing witness to the foregoing conveyance, known to me, appeared before me on this day, and, being sworn, stated that Walter W. Oberg, also known as W. W. Oberg, a bachelor the grantor, voluntarily executed the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantor and of the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand this the 15th day of May A. D. 1943

*Melvin S. Nelson*  
Notary Public

THE STATE OF ALABAMA, COUNTY.

I, \_\_\_\_\_ a \_\_\_\_\_ in and for said County and State, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 194 \_\_\_\_\_, came before me the within named \_\_\_\_\_ known to me to be the wife of the within named \_\_\_\_\_ who, being examined separate and apart from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord, and without fear, constraint or threats on the part of her husband.

In Witness Whereof, I have hereunto set my hand, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_\_

A. Franklin Smart and Mildred B. Smart, his wife,

their

heirs and assigns FOREVER.

And I do covenant with the said A. Franklin Smart and Mildred B. Smart

their heirs and assigns, that I am lawfully seized in

fee simple of the aforementioned premises; that they are free from all encumbrance; that I

have a good right to sell and convey the same to the said A. Franklin Smart and

Mildred B. Smart, his wife,

their heirs and assigns, and that I will WARRANT

AND DEFEND the premises to the said A. Franklin Smart and Mildred B. Smart,

his wife, and their heirs and

assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I have hereunto set my hand

and seal this the 15th day of May in the year of

our Lord One Thousand Nine Hundred and 43.

Signed, Sealed and Delivered in Presence of.

Myron E. Nelson  
Lillian Wojcikowski

Walter W. Oberg (L. S.)  
also known as (L. S.)  
W. W. Oberg (L. S.)



1025

~~sub~~ Jan 29 1944  
Shubel

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 1025

Term, 194

A. FRANKLIN SMART

Complainant

Vs.

NILS ANDERSON, ET AL

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

*Shirley*

Solicitor for Complainant.

BAY MINETTE, ALA.,

JAN 31 1944

*RS Desk*

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>FP</i>	<i>A Brinkley Smart</i>	<i>VS Nils Anderson &amp; C</i>			<i>1.35</i>
<i>UW</i>	<i>same</i>	<i>VS Cora &amp; Kneeden &amp; C</i>			<i>1.65</i>
					<i>3.00</i>

*Paid 1/31/44 [signature]*



**RECORDED**

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

**The State of Alabama,**  
Baldwin County  
CIRCUIT COURT, IN EQUITY

A. FRANKLIN SMART

COMPLAINANT

Vs.

NILE ANDERSON, ET AL

DEPENDANTS

**REQUEST FOR DECREE IN  
VACATION**

Filed Jan 26, 1944

*Robert Luck*

Register.

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

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

Register.