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BOOK 016 PAGE 38

SUMMONS

Form 1531-3

McQuiddy Printing Co., Nashville, Tenn.

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MILTON J. NELSON, et al, and  
Certain Lands.

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-  
plaint filed in said Circuit Court, in equity, for said County of said State.

H. C. JORDAN

against MILTON J. NELSON, et al, and Certain Lands.

Herein fail not. Due return make of this writ as the law directs.

Witness this 23rd day of August, 19 54

B. J. Smith, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

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Reinef. Hirsch, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

**AFFIDAVIT OF NON RESIDENT OF ADULT DEFENDANT.**

H. C. Friedman

Notary Public, Baldwin County, Alabama

Filed 11-5-49  
Ducey-Neck  
Register

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Squirt



To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT  
COURT FOR THE 28th JUDICIAL CIRCUIT, BALDWIN  
COUNTY, ALABAMA, SITTING IN EQUITY:

Comes the Complainant, H. C. JORDAN, and amends  
his bill of complaint to read as follows:

FIRST: Complainant is a bona fide resident of  
Baldwin County, Alabama, and over the age of twenty-one years and  
Respondents:

Milton J. Nelson is over the age of twenty-one  
years and a non-resident of the State of Ala-  
bama whose residence is unknown.

George Amos Nelson is over the age of twenty-one  
years and a resident of Summerdale, Baldwin  
County, Alabama.

Emma Lee Nelson Daffin and Harold Nelson are both  
over the age of twenty-one years and are both  
residents of Opa Locka, Florida, which is their  
Post Office address.

Agusta Nelson Norton is over the age of twenty-  
one years and a resident of Miami, Florida, and  
her Post Office address is 8940 Northwest 20th  
Avenue, in that City.

Corine Nelson Jones is over the age of twenty-one  
years and a resident of Miami, Florida, and her  
Post Office address is 7910 Northwest 17th Court,  
in that City.

Eva Louise Nelson Moody is over the age of twenty-  
one years and a resident of Laurel, Mississippi,  
and her Post Office address is Calhoun School, in  
that City.

Claude M. Nelson is over the age of twenty-one  
years and a resident of Miami, Florida, and his  
Post Office Address is 9026 Northwest 21st Avenue,  
in that City.

Margaruite Nelson Moody is over the age of twenty-  
one years and a resident of Miami, Florida, and  
her Post Office address is 8939 Northwest 21st  
Avenue, in that City.

Andrew J. Nelson is over the age of twenty-one  
years and a resident of Lake City, Florida, which  
is his Post Office address.

All of the above are heirs of the late Amos Cicero Nelson.

L. L. Jerrell is over the age of twenty-one years  
and a resident of Whistler, Mobile County, Alabama,  
and his Post Office address is Post Office Box 36,  
in that City.

And the heirs of the late Charles F. Zundel, deceased, are:

Margaret Parker, who is over the age of twenty-one years and a resident of Mobile County, Alabama.

Rozina Hamilton, who is over the age of twenty-one years, a resident of Fairhope, Alabama.

Louis T. Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

Mamie Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

F. C. Zundel, Jr., who is over the age of twenty-one years, a resident of Mobile County, Alabama.

Hilda Zundel Hargrove, over the age of twenty-one years, a resident of Mobile County, Alabama.

Mrs. Ruth Brieston is over the age of twenty-one years and a resident of Mobile County, Alabama.

Amelia Zundel Wood is over the age of twenty-one years and a resident of Point Clear, Alabama.

Alicia Gunsckle is over the age of twenty-one years and a resident of Mobile County, Alabama.

Mildred Hammond is over the age of twenty-one years and a resident of Mobile County, Alabama.

Emilia Z. Wood is over the age of twenty-one years and a resident of Baldwin County, Alabama.

William Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

And all of the above parties are the heirs and devisees of Charles F. Zundel, deceased, and Respondents, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, are Respondents in this cause and Complainant avers that after exercising reasonable diligence to locate the whereabouts of said Respondents or to ascertain with certainty whether such Respondents be living or dead at the time of filing this bill and if said Respondents be dead, their heirs or devisees are unknown, and Complainant alleges that he has diligently tried to ascertain the names and addresses of the unknown Respondents by having inquiries made for these facts, but has failed to obtain such information. Complainant states that he does not know of anyone or any person who claims said land or any title to, interest in, or lien or encumbrance thereon, or any part thereof, except the above named Respondents and Mortgagees hereinafter mentioned. Complainant has obtained an abstract which shows that the only possible

BOOK 016 PAGE 46

claimants according to this said abstract are the above named Respondents and their unknown heirs and Complainant avers that he has exercised diligence in trying to ascertain the name of any person or corporation other than the above named Respondents, who claim said land or any interest therein, but has failed to obtain such information.

SECOND: The land in controversy is situated in Baldwin County, Alabama, and is more particularly described as follows:

Begin at the center of Section Thirty (30), Township Six (6) South, Range Two (2) East, run East one thousand fifty and seven-tenths feet (150.7); thence south two hundred ninety-six (296) feet; thence east two hundred and ninety-six (296) feet; thence north two hundred ninety-six (296) feet; thence east six hundred seventy-one and eight-tenths (671.8) feet; thence South two thousand six hundred forty-six and two-tenths (2646.2) feet; thence west six hundred and seventy-one (671) feet; thence North four hundred eighteen (418) feet; thence west six hundred twenty-seven (627) feet; thence south four hundred eighteen (418) feet; thence west four hundred twenty and five-tenths (420.5) feet; thence north two hundred ninety-six (296) feet; thence west two hundred ninety-six (296) feet; thence north to point of beginning, being the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirty (30), Township Six (6) South, Range Two (2) East, and containing one hundred ten (110) acres, more or less.

And the Complainant claims in his own right to own said land and to have and possess a fee simple title thereto, free of all liens or encumbrances except one mortgage in favor of the Bank of Fairhope and one mortgage in favor of the First Federal Savings & Loan Association of Mobile, Alabama, and a claim of Joseph Schneider for work done on said land in the sum of \$ and Complainant avers that he is in actual, peaceful possession of said land and has been in possession since, to-wit, the 19th day of September, 1951.

THIRD: Complainant further alleges that the only parties that have been in possession of said land within the last ten years have been the late Amos Cicero Nelson and his heirs, who are made parties Respondent to this bill; and this Complainant.

FOURTH: Complainant further alleges that no parties except those above mentioned and D. R. Coley, Jr., who deeded his interest in said land to Amos Cicero Nelson, have paid taxes on

BOOK 016 PAGE 47

said land or any part thereof within ten years next preceding the filing of this bill of complaint against said land. Title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of this Complainant by virtue of a deed from Emma Lee Nelson Daffin, et al, to this Complainant, dated 19 September, 1951, and recorded in Deed Book 169 NS, pages 346-353 of the Probate Records of Baldwin County, Alabama.

FIFTH: Complainant avers that no suit is pending to test his interest in, title to, or possession of said lands.

THE PREMISES CONSIDERED, Complainant files this his verified bill of complaint, against Respondents, Emma Lee Nelson Daffin, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Margaruite Nelson Moody, George Amos Nelson, Harold Nelson and Milton J. Nelson, all of the above heirs of the late Amos Cicero Nelson; and Margaret Parker, Rosina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Brieston, Amelia Zundel Wood, Alicia Gunsekle, Mildred Hammond, Emilia Z. Wood and William Zundel, all of the above parties are the heirs and devisees of Charles F. Zundel, deceased; L. L. Jerrell, and Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, or if said parties are deceased, against their heirs and devisees, of Joseph Nelson, deceased, and Cornelia Nelson, deceased; and against any and all persons claiming title thereto, interest in, lien or encumbrance upon said land, or any part thereof, and against said land to establish the right or title to said land, to clear up all doubts or disputes concerning same, and that the said parties hereinabove named shall be made Respondent to this bill of Complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or a decree pro confesso may be entered against them.

Complainant prays that the Court will appoint Guardians ad Litem for the unknown parties and heirs or minors in this bill.

Complainant further prays that this Court will find the

rights and interests of all parties to this suit are before the Court and will be finally adjudicated by this Court's decree.

Complainant further prays that this Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will find and decide and decree that the Complainant has an entire and undivided interest in said lands and has a fee simple title thereto free of all liens and encumbrances except one mortgage in favor of the Bank of Fairhope and one mortgage in favor of the First Federal Savings & Loan Association of Mobile, Alabama, and a claim of Joseph Schneider for work done on said land in the sum of \$TWO THOUSAND DOLLARS (\$2000.00).

Complainant further prays that if he is mistaken in the relief asked for, that this Court grant such other, further or different or additional relief as may appear to the Court to be just and equitable.

RICKARBY & RICKARBY

By: 

E. G. Rickarby, Jr.,  
Solicitor for Complainant.

STATE OF ALABAMA:  
COUNTY OF BALDWIN:

Before me, \_\_\_\_\_, a Notary Public in and for said State and County, personally appeared H. C. JORDAN, who being by me first duly sworn, deposes and says on oath that he is the Complainant in the foregoing bill of complaint, that he has read the same and has knowledge of the facts therein stated and that the facts so stated are true.

\_\_\_\_\_  
Complainant.

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 1954.

\_\_\_\_\_  
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY

By:

E. G. Rickarby, Jr.,  
Solicitor for Complainant.

BOOK 016 PAGE 49

Equity #3333

Amended Bill.

Accepted service  
from Albie Duck  
November 17, 1954  
Counsel Eugene J.  
Guardian of them  
Attorney of them

H. C. JORDAN,

Complainant

-vs-

LANDS DESCRIBED IN THE

BILL, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No. 3333

FINAL DECREE

This case being submitted for final decree on the pleadings, decrees pro confesso, and the testimony, as the same appears in the note of evidence filed in this case and upon consideration thereof, the court finds, orders, adjudges and decrees, as follows:

That the bill of complaint in this case is filed under the provisions of Article 2, of Chapter 32 of Title 7 of the 1940 Code of Alabama to quiet title in rem to that certain real property located in the County of Baldwin, State of Alabama, described as follows:

Begin at the center of Section Thirty (30), Township Six (6) South, Range Two (2) East, run East one thousand fifty and seven-tenths feet (1050.7); thence south two hundred ninety-six (296) feet; thence east two hundred and ninety-six (296) feet; thence north two hundred ninety-six (296) feet; thence east six hundred seventy-one and eight-tenths (671.8) feet; thence South two thousand six hundred fortysix and two-tenths (2646.2) feet; thence west six hundred and seventy-one (671) feet; thence North four hundred eighteen (418) feet; thence west six hundred twenty-seven (627) feet; thence south four hundred eighteen (418) feet; thence west four hundred twenty and five-tenths (420.5) feet; thence north two hundred ninety-six (296) feet; thence west two hundred ninety-six (296) feet; thence north to point of beginning, being the Southeast Quarter (SW $\frac{1}{4}$ ) of Section Thirty (30), Township Six (6) South, Range Two (2) East, and containing one hundred ten (110) acres, more or less.

And, it further appearing to the court that all persons whose names and addresses were known to the Complainant were served with legal process as prescribed by law and that a decree pro confesso was taken against all who were not minors and who are not in the armed forces of the United States of America or its allies within the meaning of the Soldiers and Sailors Civil Relief Act, and that the Complainant made diligent inquiry to ascertain the names, ages and addresses of all persons, firms or corporations who claim or are reputed to claim any right, title, interest, lien or encumbrance upon the land or any part thereof, and that all unknown part-

ies or parties whose whereabouts are not known were served with notice by publication once a week for four consecutive weeks in a newspaper having a general circulation and published in the County of Baldwin, Alabama, where the lands lie, as prescribed by law, and the filing of a copy of the lis pendens certified by the Register of the Circuit Court of Baldwin County, Alabama, as being correct, in the office of the Judge of Probate of Baldwin County, Alabama, as prescribed by law, and that all unknown parties were duly represented by a Guardian ad Litem appointed by this Court and any defendant who may be in the armed forces of the United States of America or its allies within the meaning of the Soldiers and Sailors Relief Act were duly represented by an attorney ad litem appointed by this Court; and

It further appearing to the Court that more than thirty days has expired since the first publication of the said notice and the filing of the Lis Pendens in the Office of the Judge of Probate and that all the Respondents have answered or have suffered decrees pro confesso to be taken against them, and that more than one day has elapsed since the rendition of the decrees pro confesso, and that no demurrers were filed to the bill of complaint and that the said guardian ad litem and attorney ad litem has answered the bill of complaint and that no person has attempted to intervene; and

It further appearing to the Court that the Complainant, H. C. Jordan, has in all ways, complied with the provisions of Article 2 of Chapter 32 of Title 7 of the 1940 Code of Alabama, and that said H. C. Jordan has shown by legal evidence that he is entitled to the relief prayed for in his bill,

It is therefore ORDERED, ADJUDGED and DECREED that H. C. Jordan is the owner in fee simple of all the lands described in the bill of complaint and as hereinabove set out except the mortgage in favor of the Bank of Fairhope and the mortgage in favor of the First Federal Savings & Loan Association of Mobile and the claim of Joseph Schneider for materialman's lien on said property and that no other persons, firms or corporation



has any right, title, interest, claim or demand in or to said land or any part thereof; and

That Milton J. Nelson, George Amos Nelson, Emma Lee Nelson Daffin, Harold Nelson, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Margaruite Nelson Moody, Andrew J. Nelson, L. L. Jerrell, Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Brieston, Amelia Zundel Wood, Alicia Gunskle, Mildred Hammond, Emilia Z. Wood, William Zundel, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, and if any of said parties are dead, their heirs or devisees and any unknown defendants who claim or may be reputed to claim any right, title interest, claim or encumbrance or demand in and to said land or any part thereof; do not have any right, title, interest, claim or encumbrance or demand in or to said land, or any part or parcel thereof, and that all right, title, interest, claim, encumbrance or demand that any of said Respondents, their heirs, devisees or next of kin previously held, is hereby divested out of them and vested in H. C. Jordan; and

That a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of Milton J. Nelson, George Amos Nelson, Emma Lee Nelson Daffin, Harold Nelson, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Margaruite Nelson Moody, Andrew J. Nelson, L. L. Jerrell, Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Brieston, Amelia Zundel Wood, Alicia Gunskle, Mildred Hammond, Emilia Z. Wood, William Zundel, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris; and any unknown defendants who claim or may be reputed to claim any right, title, interest, lien, encumbrance or demand in or to said land or any part thereof, on the direct index of conveyances of real property, and that it be indexed in the indirect index of conveyances of real property in the Probate Court of Baldwin County, Alabama, in the name of H. C. Jordan, and

BOOK 215 PAGE 300

That the Complainant pay all costs of this cause, for which execution may issue.

Done this the 18<sup>th</sup> day of November, 1954.

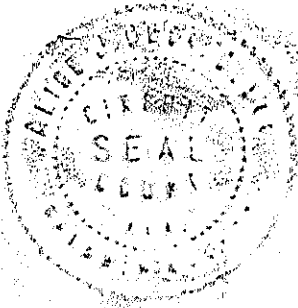
Hubert M. Hall

JUDGE.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and recorded in my office.

WITNESS MY HAND AND SEAL THIS THE 18 day of Nov, 19 54

Alice J. Duck  
Register of Circuit Court, in Equity



STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-23-54 DA M

Recorded Duck Book 215 page 298-301

W. S. Hunt  
Judge of Probate ES

215 PAGE 301

Equity No 3323  
Deere

R. 2.50  
Mrs Duck

H. C. JORDAN,

COMPLAINANT

-vs-

MILTON J. NELSON, et al,  
and CERTAIN LANDS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

*W 3333*

BOOK 004 PAGE 89

NOTICE OF PENDENCY OF BILL OF  
COMPLAINT

Notice is hereby given that in the Circuit Court of Baldwin County, Alabama, in equity, there is pending a verified bill of complaint filed by H. C. JORDAN against the lands lying and being situated in Baldwin County, Alabama, and more particularly described as follows:

Begin at the center of Section 30, Township 6 South, Range 2 East, run East 1050.7; thence South 296 feet; thence East 296 feet, thence north 296 feet; thence west 671.8 feet; thence South 2646.2 feet; thence west 671 feet; thence North 418 feet; thence West 627 feet; thence South 418 feet; thence west 420.50 feet; thence North 296 feet; thence West 296 feet; thence North to point of beginning, being the Southeast Quarter of Section 30, Township 6 South, Range 2 East, and containing 110 acres, more or less.

And against any and all persons claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, said bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

Complainant claims title to said lands under deed from Emma Lee Nelson Daffin, et al, which deed is recorded in Deed Book 169 NS, pages 346-353, of the Probate Records of Baldwin County, Alabama. Title to said lands sought to be established stands on the record of the Probate Court of said County in Complainant's name. No one is known to have paid taxes on said property or to have been in possession of said lands or any part thereof, except Complainant and his predecessors in title within ten years next prior to the filing of the bill of complaint in said cause.

This the 23<sup>rd</sup> day of August, 1954.

*Alice J. Luck*  
Alice J. Luck, Register.

I hereby certify that the above notice was published in the Fairhope Courier on August 23, 1954, and \_\_\_\_\_, 1954, and that a certified copy of said notice was recorded as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama, on Aug. 23, 1954.

Alice J. Smith  
Register of the Circuit Court  
of Baldwin County, Alabama, in  
Equity.

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-23-54 3 P. M

Recorded Lis Pend book 4 page 89-90

W. R. Stewart  
Judge of Probate

BOOK 004 PAGE 90

8-23-54

Probate

H. C. Jordan

vs: 8

Milton J. Nelson et al.

4-89-70

R-1.25  
Mrs. Duck

FILED

AUG 23 1954

ALICE J. DUCK, Register

H. C. JORDAN	( )	IN THE CIRCUIT COURT OF
COMPLAINANT	( )	BALDWIN COUNTY, ALABAMA
V S	( )	IN EQUITY
MILTON J. NELSON, ET AL,	( )	
DEFENDANTS	( )	

AFFIDAVIT OF NON RESIDENT OF ADULT DEFENDANT.

Before me E. G. RICKABY, JR., a Notary Public, Baldwin County, Alabama, personally appeared before me H. C. Jordan, who being first duly sworn, deposes and says that, George Amos Nelson and Milton J. Nelson, defendants, in the above styled cause are non residents of the State of Alabama and that their place of residence is unknown, and that it cannot be ascertained after reasonable effort, and further, that in belief of said affiant the said defendants are over the age of twenty-one years.

H. C. Jordan

Sworn to and subscribed before me this 5 day of November 1954

E. G. Rickaby, Jr.  
Notary Public, Baldwin County, Alabama

No. 3333

H. C. Jordan  
Complainant

vs  
Milton J. Nelson, et al.  
Defendants

Affidavits of Non-Resident  
of Adult Defendant

Filed 11-9-54  
Alice French  
Reg -



H. C. JORDAN,

Complainant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

-VS-

MILTON J. NELSON, et al  
and Certain Lands,

No. 3333

Respondents.

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM:

Domes the Complainant in the above styled cause and shows that it appears from the bill that some of the Respondents in this cause are unknown parties, the identity of which are unknown;

WHEREFORE, Complainant moves that this Court appoint a Guardian Ad Litem to represent and defend the interests of such parties as may be infant, lunatic, or unknown parties in this proceeding and further moves that the same party be appointed Attorney ad Litem to represent the interests of any unknown parties who might be in the Armed Forces of the United States of America and require the services of an Attorney ad Litem under the Soldier's and Sailor's Relief Act.

RICKARBY & RICKARBY

By:   
E. G. Rickarby, Jr.,  
Solicitor for Complainant.

Filed 11-16-54  
Weigman  
Register

H. C. JORDAN

COMPLAINANT

VS

MILTON J. NELSON, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BAWDWIN COUNTY, ALABAMA,

IN EQUITY

MOTION FOR DECREE PRO CONFESSO

Comes now the Complainant in the above styled cause and shows unto the Register that a summons was issued out of this court on the 23rd day of August, 1954, directed to George Amos Nelson, L. L. Jerrell, Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel, Hargrove, Ruth Breiston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood, and William Zundel, Respondents herein ordering them to appear and plead, answer or demur within thirty days from the service thereof to the bill of complaint in this cause; that a copy of said summons was duly served upon them by the proper officer for more than thirty days prior to this motion and that said Respondents have to the date hereof failed to plead, answer or demur to the said bill of complaint:

Your Complainant further shows unto the Register that a summons was directed to each of the following named Respondents: Emma Lee Nelson Baffin, Harold Nelson, Augusta Nelson Norton, Claude M. Nelson, Margaruite Nelson Moody, Andrew J. Nelson, Corine Nelson Jones, Eva Louise Nelson Moody, together with a copy of the Bill of Complaint in this cause and was issued and forwarded by Registered mail to each of them on the 23rd day of August, 1954, and directed to each of the said Respondents at their places of residence as shown by the Bill of Complaint. The postage on said letters were postpaid and marked "For delivery only to the persons whom addressed", and return receipts demanded. That each of the demanded return receipts bear the signatures of the persons to whom addressed and have been duly received and filed in this cause for more than sixty days prior to this date with the exception of Corine Nelson Jones and Eva Louise Nelson Moody, that both of these registered letters were returned unclaimed; and that each of the said Respondents have to the date hereof failed to plead, answer or demur to the Bill of Complaint.

Your Complainant further shows unto the Register that an order of publication was made in this cause on the 23rd day of August, 1954, which was duly published in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks commencing on the 26th day of August, 1954, and which was directed to Milton J. Nelson, Corine Nelson Jones, Eva Louise Nelson Moody, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, and their heirs and devisees, if they be dead; and to each of the Respondents in this cause whether served personally or by Registered mail or not, which required each of the said Respondents to plead, answer or demur to the bill of complaint in this cause within the time required by law, which said Respondents and each of them have to this date failed to so do.

WHEREFORE, the Complainant moves the court to grant a decree pro confesso against the Respondents and each of them.

Dated this the 9th day of November, 1954.

*C. G. Richardson Jr.*  
by: *Albert M. Brantley*  
Solicitor for the Complainant

to make a full report  
of the progress of the work  
of the committee on the  
subject of the proposed  
amendment to the  
constitution of the  
state of New York.

of the Board of Regents of the  
University of the State of New York.

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University of the State of New York.

of the Board of Regents of the  
University of the State of New York.

Manuscript received from

Filed 11-9-54  
Received  
R. H.

H. C. JORDAN	)	
Complainant	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
MILTON J. NELSON, et al	)	IN EQUITY NO. 3333
and Certain Lands,	)	
Respondent	)	

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AT LITEM

This cause is submitted on the Complainant's motion for the appointment of a Guardian Ad Litem and an Attorney Ad Litem, upon consideration, it is ordered, adjudged and decreed by the Register in Chancery of said Court that J. Connor Owens, who is a practicing attorney of the Baldwin Bar, be and hereby is appointed Guardian Ad Litem for the unknown Defendants to represent them throughout this proceeding, and also Attorney Ad Litem for any of the Defendants who may be in the Armed Forces of the United States of America.

Dated Nov-16, 1954

Amiel L. Hensley  
Register in Chancery

ACCEPTANCE

Comes J. Connor Owens, attorney, and accepts the appointment by this Court of him as guardian ad litem for all unknown defendants in this proceeding and also as attorney ad litem for any defendants in this proceeding who may be in the Armed Forces of the United States of America.

J. Connor Owens

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Filed 11-16-54  
A. J. French  
Register

H. C. JORDAN

COMPLAINANT

VS

MILTON J. NELSON, ET AL,

RESPONDENTS

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

DECREE PRO CONFESSO

It appearing to the Register that a summons was issued out of the court on the 23rd day of August, 1954, directed to George Amos Nelson, L. L. Jerrell, Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Ruth Breiston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood and William Zundel, Respondents herein ordering them to plead, answer or demur within thirty days from the service thereof. That service was had upon each of them for more than thirty days prior to this date and that the named respondents have failed to plead, answer or demur to the bill of complaint.

It further appearing to the Register that a summons was directed to each of the following named Respondents, Emma Lee Nelson Daffin, Harold Nelson, Augusta Nelson Norton, Claude M. Nelson, Marygaruite Nelson Moody, Andrew J. Nelson, Corine Nelson Jones, Eva Louise Nelson Moody, together with a copy of the bill of complaint in this cause and was issued and forwarded by Registered mail to each of them on the 23rd day of August, 1954, and directed to each of the said Respondents at their places of residence as set out in the bill of complaint. That the postage on said letters was postpaid and marked "For delivery to the persons to whom addressed", and return receipts demanded. that each of the demanded return receipts bear the signatures of the persons to whom addressed and have been duly received and filed in this cause for more than sixty days prior to this date except those two Corine Nelson Jones and Eva Louise Nelson Moody, that these registered letters were returned unclaimed; that each of the said Respondents have to this date failed to plead, answer or demur to the bill of Complaint.

It further appearing to the Register that an order of publication was made in this cause on the 23rd day of August, 1954, which was duly published in the Fairhope Courier, a newspaper published in Baldwin County, Alabama, once a week for four consecutive weeks commencing on the 26th day of August,




1954, and which was directed to Milton J. Nelson, Corine Nelson Jones, Eva Louise Nelson Moody, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, and their heirs and devisees, if they be dead, and to each of the Respondents in this cause whether served personally or by Registered mail or not, which required each of the said Respondents to plead, answer or demur to the bill of complaint; that the Respondents and each of them have to this date failed to plead, answer or demur to the bill of complaint.

WHEREFORE, the premises considered, it appearing to the Register that the Complainant is entitled to the relief he seeks.

IT IS THEREFORE ORDERED that a decree pro confesso be and is hereby granted against the Respondents heretofore named and each of them.

Dated this 10th day of November, 1954.

  
Register

333<sup>3</sup>

To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT  
FOR THE 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALA-  
BAMA, SITTING IN EQUITY:

Comes the Complainant, H. C. JORDAN, and shows unto  
the Court as follows:

FIRST: Complainant is a bona fide resident of Baldwin  
County, Alabama, and over the age of twenty-one years and Respond-  
ents:

1 A 1 Milton J. Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

2 P.S. 2 George Amos Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

R.M. Emma Lee Nelson Daffin and Harold Nelson are both over  
the age of twenty-one years and are both residents of  
Opa Locka, Florida, which is their Post Office address.

R.M. 2 Agusta Nelson Norton is over the age of twenty-one years  
and a resident of Miami, Florida, and her Post Office  
address is 8940 Northwest 20th Avenue, in that City.

✓ Return! 3 Corine Nelson Jones is over the age of twenty-one years  
and a resident of Miami, Florida, and her Post Office  
address is 7910 Northwest 17th Court, in that City.

✓ Return! 4 Eva Louise Nelson Moody is over the age of twenty-one  
years and a resident of Laurel, Mississippi, and her  
Post Office address is Calhoun School, in that City.

R.M. 5 Claude M. Nelson is over the age of twenty-one years  
and a resident of Miami, Florida, and his Post Office  
address is 9026 Northwest 21st Avenue, in that City.

R.M. 6 Margaruite Nelson Moody is over the age of twenty-one  
years and a resident of Miami, Florida, and her Post  
Office address is 8939 Northwest 21st Avenue, in that  
City.

R.M. 7 Andrew J. Nelson is over the age of twenty-one years  
and a resident of Lake City, Florida, which is his  
Post Office address.

All of the above are heirs of the late Amos Cicero Nelson.

P.S. 8 L. L. Jerrell is over the age of twenty-one years and  
a resident of Whistler, Mobile County, Alabama, and  
his Post Office address is Post Office Box 36, in  
that City.

And the heirs of the late Charles F. Zundel, deceased, are:

P.S. 4 Margaret Parker, who is over the age of twenty-one  
Years and a resident of Mobile County, Alabama.

BOOK 016 PAGE 39

BOOK 016 PAGE 40

- 3 PS 5 Rozina Hamilton, who is over the age of twenty-one years, a resident of Fairhope, Alabama.
- PS 6 Louis T. Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.
- PS 7 Mamie Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.
- PS 8 F. C. Zundel, Jr., who is over the age of twenty-one years, a resident of Mobile County, Alabama.
- P 3 9 Hilda Zundel Hargrove, over the age of twentyone years, a resident of Mobile County, Alabama.
- P 10 Mrs. Ruth Breiston is over the age of twenty-one years and a resident of Mobile County, Alabama.
- 4 PS 11 Amelia Zundel Wood is over the age of twenty-one years and a resident of Point Clear, Alabama.
- PS 12 Alicia Gunsckle is over the age of twenty-one years and a resident of Mobile County, Alabama.
- PS 13 Mildred Hammond is over the age of twenty-one years and a resident of Mobile County, Alabama.
- 5 PS 14 Emilia Z. Wood is over the age of twenty-One years and a resident of Baldwin County, Alabama.
- PS 15 William Zundel is over the age of twenty-one years and a resident of Mobile, Alabama.

And all of the above parties are the heirs and devisees of Charles F. Zundel, deceased, and Respondents, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, are Respondents in this cause and Complainant avers that after exercising reasonable diligence to locate the whereabouts of said Respondents or to ascertain with certainty whether such Respondents be living or dead at the time of filing this bill and if s aid Respondents be dead, their heirs or devisees are unknown, and Complainant alleges that he has diligently tried to ascertain the names and addresses of the unknown Respondents by having inquiries made for these facts, but has failed to obtain such information. Complainant states that he does not know of anyone or any person who claims said land or any title to, interest in, or lien or encumbrance thereon, or any part thereof, except the above named Respondents and Mortgagees hereinafter mentioned. Complainant has obtained an abstract which shows that the only possible claimants according to this said abstract are the above named Respondents and their unknown heirs and Complainant avers that he has exercised diligence in trying to ascertain the name of any person

or corporation other than the above named Respondents, who claim said land or any interest therein, but has failed to obtain such information.

SECONDE: The land in controversy is situated in Baldwin County, Alabama, and is more particularly described as follows:

Begin at the center of Section Thirty (30), Township Six (6) South, Range Two (2) East, run East one thousand fifty and seven-tenths feet (1050.7); thence south two hundred ninety-six (296) feet; thence east two hundred and ninety-six (296) feet; thence north two hundred ninety-six (296) feet; thence west six hundred seventy one and eight-tenths (671.8) feet; thence South two thousand six hundred forty-six and two tenths (2646.2) feet; thence west six hundred and seventy-one (671) feet; thence North four hundred eighteen (418) feet; thence west six hundred twenty-seven (627) feet; thence south four hundred eighteen (418) feet; thence west four hundred twenty and five tenths (420.5) feet; thence north two hundred ninety-six (296) feet; thence West two hundred ninety-six (296) feet; thence north to point of beginning, being the Southeast Quarter of Section Thirty (30), Township Six (6) South, Range Two (2) East, and containing one hundred ten (110) acres, more or less.

And the Complainant claims in his own right to own said land and to have and possess a fee simple title thereto, free of all liens or encumbrances except one mortgage in favor of the Bank of Fairhope and one mortgage in favor of the First Federal Savings & Loan Association of Mobile, Alabama; and Complainant avers that he is in actual, peaceful possession of said land and has been in possession since, to-wit, the 19th day of September, 1951.

THIRD: Complainant further alleges that the only parties that have been in possession of said land within the last ten years have been the late Amos Cicero Nelson and his heirs, who are made parties Respondent to this bill, and this Complainant.

FOURTH: Complainant further alleges that no parties except those above mentioned and D. R. Coley, Jr., who deeded his interest in said land to Amos Cicero Nelson, have paid taxes on said land or any part thereof within ten years next preceding the

filing of this bill of complaint against said land. Title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of this Complainant by virtue of a deed from Emma Lee Nelson Daffin, et al, to this Complainant, dated 19 September, 1951, and recorded in Deed Book 169 NS, pages 346-353 of the Probate Records of Baldwin County, Alabama.

FIFTH: Complainant avers that no suit is pending to test his interest in, title to, or possession of said lands.

THE PREMISES CONSIDERED, Complainant files this his verified bill of complaint, against Respondents; Emma Lee Nelson Daffin, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Margaruite Nelson Moody, George Amos Nelson, Harold Nelson and L. L. Jerrell, Milton J. Nelson, all of the above heirs of the late Amos Cicero Nelson, and Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Breiston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood and William Zundel, all the above parties are the heirs and devisees of Charles F. Zundel, deceased; and Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris or if said parties are deceased, against their heirs and devisees of Joseph Nelson, deceased, and Cornelia Nelson, deceased; and against any and all persons claiming title thereto, interest in, lien or encumbrance upon said land, or any part thereof, and against said land to establish the right or title to said land, to clear up all doubts or disputes concerning same, and that the said parties hereinabove named shall be made Respondent to this bill of complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or a decree pro confesso may be entered against them.

Complainant prays that the Court will appoint Guardians ad Litem for the unknown parties and heirs or minors in this bill.

Complainant further prays that this Court will find the rights and interests of all parties to this suit are before the

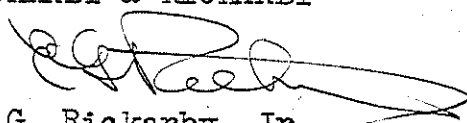
Court and will be finally adjudicated by this Court's decree.

Complainant further prays that this Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will find and decide and decree that the Complainant has an entire and undivided interest in said lands and has a fee simple title thereto free of all liens and encumbrances.

Complainant further prays that if he is mistaken in the relief asked for, that this Court grant such other, further or different or additional relief as may appear to the Court to be just and equitable.

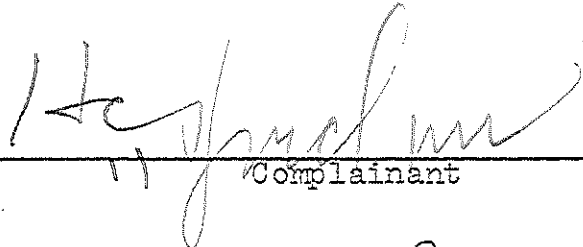
RICKARBY & RICKARBY

By:

  
E. G. Rickarby, Jr.,  
Solicitor for Complainant.

STATE OF ALABAMA:  
COUNTY OF BALDWIN:

Before me, E. G. Rickarby, Jr., a Notary Public in and for said State and County, personally appeared H. C. JORDAN, who, being by me first duly sworn, deposes and says on oath that he is the Complainant in the foregoing bill of complaint, that he has read the same and has knowledge of the facts therein stated and that facts so stated are true.

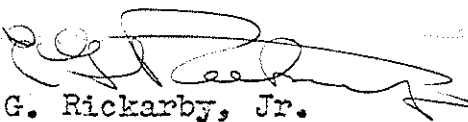
  
Complainant

Subscribed and sworn to before me this the 20 day of August 1954.

  
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY

By:

  
E. G. Rickarby, Jr.  
Solicitor for Complainant



To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT  
FOR THE 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALA-  
BAMA, SITTING IN EQUITY:

Comes the Complainant, H. C. JORDAN, and shows unto  
the Court as follows:

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and a resident of Summerdale, Baldwin County, Alabama.

George Amos Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

§ Emma Lee Nelson Daffin and (Harold Nelson) are both over  
the age of twenty-one years and are both residents of  
Opa Locka, Florida, which is their Post Office address.

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and a resident of Miami, Florida, and her Post Office  
address is 8940 Northwest 20th Avenue, in that City.

*undelivered*  
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and a resident of Miami, Florida, and her Post Office  
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years and a resident of Laurel, Mississippi, and her  
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years and a resident of Mobile County, Alabama.



S Rozina Hamilton, who is over the age of twenty-one years, a resident of Fairhope, Alabama.

Louis T. Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

Mamie Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

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THE PREMISES CONSIDRED: Complainant files his verified bill of complaint, against Respondents: Emma Lee Nelson Daffin, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Cluade M. Nelson, Margaruite Nelson Moody, George Amos Nelson Harold Nelson and L. L. Jerrell, Milton J. Nelson; all the above heirs of the late Amos Cireso Nelson, and Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Breiston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood and William Zundel, all the above parties are the heirs and devisees of Charles F. Zundel, deceased; and Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris or if said parties are deceased, against their heirs and devisees of Joseph Nelson, deceased, and Cornelia Nelson, deceased; and against any and all persons claiming title thereto, interest in, lien or encumbrance upon said land, or any part thereof, and against said land to establish the right or title to said land, to clear up all doubts or disputes concerning same, and that the said parties hereinabove named shall be made Respondent to this bill of complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or a decree pro confesso may be entered against them.

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Complainant further prays that this Court will find the rights and interests of all parties to this suit are before the

Court and will be finally adjudicated by this Court's decree.

Complainant further prays that this Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will find and decide and decree that the Complainant has an entire and undivided interest in said lands and has a fee simple title thereto free of all liens and encumbrances.

Complainant further prays that if he is mistaken in the relief asked for, that this Court grant such other, further or different or additional relief as may appear to the Court to be just and equitable.

RICKARBY & RICKARBY

By: (Signed) E. G. RICKARBY, JR.

E. G. Rickarby, Jr.,  
Solicitor for Complainant.



STATE OF ALABAMA:  
COUNTY OF BALDWIN:

Before me, E. G. Rickarby, Jr., a Notary Public in and for said State and County, personally appeared H. C. JORDAN, who being by me first duly sworn, deposes and says on oath that he is the Complainant in the foregoing bill of complaint, that he has read the same and has knowledge of the facts therein stated and that the facts so stated are true.

(Signed) H. C. JORDAN  
Complainant.

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 1954.

(Signed) E. G. RICKARBY, JR.  
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY  
By:

(Signed) E. G. Rickarby, Jr.,  
Solicitor for Complainant.

FILED  
AUG 23 1954

VICE T. DECK, Register



Bryan Telpo

COPY FOR Milton J. Nelson

Schalp alq

out of state

same where  
in Bryan

Retained 1 day at Sept 1st  
Not found in my county after diligent search and in-  
quiry.

Taylor Wilkins, Sheriff

Geo. Newberg  
Deputy Sheriff

(Signed) H. C. JORDAN  
Comptroller

Solicitor for Comptroller  
(Signed) E. G. RICKABRY, Jr.

By:  
RICKABRY & RICKABRY

(Signed) E. G. RICKABRY, Jr.  
Notary Public, Baldwin County, Alabama

FILED  
AUG 23 1954  
ALICE J. DUCK, Register



Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300  
(GPO)

POSTMARK OF DELIVERING OFFICE

Return to Alvin F. Duck, Reg.  
(NAME OF SENDER)  
Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE  
No. 4040 Post Office Bay Minette  
INSURED PARCEL

No. \_\_\_\_\_ 16-12421 State Ala.

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300  
(GPO)

POSTMARK OF DELIVERING OFFICE

Return to Alvin F. Duck, Reg.  
(NAME OF SENDER)  
Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE  
No. 4043 Post Office Bay Minette  
INSURED PARCEL

No. \_\_\_\_\_ 16-12421 State Ala.

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300  
(GPO)

POSTMARK OF DELIVERING OFFICE

Return to Alvin F. Duck, Reg.  
(NAME OF SENDER)  
Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE  
No. 4036 Post Office Bay Minette  
INSURED PARCEL

No. \_\_\_\_\_ 16-12421 State Ala.

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300  
(GPO)

POSTMARK OF DELIVERING OFFICE

Return to Alvin F. Duck, Reg.  
(NAME OF SENDER)  
Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE  
No. 4042 Post Office Bay Minette  
INSURED PARCEL

No. \_\_\_\_\_ 16-12421 State Ala.

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300  
(GPO)

POSTMARK OF DELIVERING OFFICE

Return to Alvin F. Duck, Reg.  
(NAME OF SENDER)  
Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE  
No. 4038 Post Office Bay Minette  
INSURED PARCEL

No. \_\_\_\_\_ 16-12421 State Ala.

Post Office Department  
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300  
(GPO)

POSTMARK OF DELIVERING OFFICE

Return to Alvin F. Duck, Reg.  
(NAME OF SENDER)  
Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE  
No. 4041 Post Office Bay Minette  
INSURED PARCEL

No. \_\_\_\_\_ 16-12421 State Ala.



3333

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 Augusta Nelson Norton  
(Signature or name of addressee)

2 Deliver to Addressee Only  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 8-26, 19 54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

3333

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 Andrew Nelson  
(Signature or name of addressee)

2 Deliver to Addressee Only  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 8-28, 19 54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

3333

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 Claude M. Nelson  
(Signature or name of addressee)

2 Deliver to Addressee Only  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery AUG 28 1954, 19 54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

3333

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 Harold Nelson  
(Signature or name of addressee)

2 Deliver to Addressee Only  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 8-26, 19 54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

3333

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 Marguerite Nelson Moody  
(Signature or name of addressee)

2 Deliver to Addressee Only  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 8-26, 19 54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2

3333

Form 3811  
Rev. 1-52

## RETURN RECEIPT

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

1 Emma Lee Nelson Daffner  
(Signature or name of addressee)

2 Deliver to Addressee Only  
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery AUG 27 1954, 19 54

U. S. GOVERNMENT PRINTING OFFICE 16-12421-2



3333

To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT  
FOR THE 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALA-  
BAMA, SITTING IN EQUITY:

Comes the Complainant, H. C. JORDAN, and shows unto  
the Court as follows:

FIRST: Complainant is a bona fide resident of Baldwin  
County, Alabama, and over the age of twenty-one years and Respond-  
ents:

Milton J. Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

George Amos Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

Emma Lee Nelson Daffin and Harold Nelson are both over  
the age of twenty-one years and are both residents of  
Opa Locka, Florida, which is their Post Office address.

Agusta Nelson Norton is over the age of twenty-one years  
and a resident of Miami, Florida, and her Post Office  
address is 8940 Northwest 20th Avenue, in that City.

Corine Nelson Jones is over the age of twenty-one years  
and a resident of Miami, Florida, and her Post Office  
address is 7910 Northwest 17th Court, in that City.

Eva Louise Nelson Moody is over the age of twenty-one  
years and a resident of Laurel, Mississippi, and her  
Post Office address is Calhoun School, in that City.

Claude M. Nelson is over the age of twenty-one years  
and a resident of Miami, Florida, and his Post Office  
address is 9026 Northwest 21st Avenue, in that City.

Margaruite Nelson Moody is over the age of twenty-one  
years and a resident of Miami, Florida, and her Post  
Office address is 8939 Northwest 21st Avenue, in that  
City.

Andrew J. Nelson is over the age of twenty-one years  
and a resident of Lake City, Florida, which is his  
Post Office address.

All of the above are heirs of the late Amos Cicero Nelson.

L. L. Jerrell is over the age of twenty-one years and  
a resident of Whistler, Mobile County, Alabama, and  
his Post Office address is Post Office Box 36, in  
that City.

And the heirs of the late Charles F. Zundel, deceased, are:

Margaret Parker, who is over the age of twenty-one  
years and a resident of Mobile County, Alabama.



Rosina Hamilton, who is over the age of twenty-one years, a resident of Fairhope, Alabama.

Louis T. Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

Mamie Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

F. C. Zundel, Jr., who is over the age of twenty-one years, a resident of Mobile County, Alabama.

Hilda Zundel Hargrove, over the age of twenty-one years, a resident of Mobile County, Alabama.

Mrs. Ruth Breiston is over the age of twenty-one years and a resident of Mobile County, Alabama.

Amelia Zundel Wood is over the age of twenty-one years and a resident of Point Clear, Alabama.

Alicia Gumschle is over the age of twenty-one years and a resident of Mobile County, Alabama.

Mildred Hammond is over the age of twenty-one years and a resident of Mobile County, Alabama.

Emilia Z. Wood is over the age of twenty-one years and a resident of Baldwin County, Alabama.

William Zundel is over the age of twenty-one years and a resident of Mobile, Alabama.

And all of the above parties are the heirs and devisees of Charles F. Zundel, deceased, and Respondents, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, are Respondents in this cause and Complainant avers that after exercising reasonable diligence to locate the whereabouts of said Respondents or to ascertain with certainty whether such Respondents be living or dead at the time of filing this bill and if said Respondents be dead, their heirs or devisees are unknown, and Complainant alleges that he has diligently tried to ascertain the names and addresses of the unknown Respondents by having inquiries made for these facts, but has failed to obtain such information. Complainant states that he does not know of anyone or any person who claims said land or any title to, interest in, or lien or encumbrance thereon, or any part thereof, except the above named Respondents and Mortgagees hereinafter mentioned. Complainant has obtained an abstract which shows that the only possible claimants according to this said abstract are the above named Respondents and their unknown heirs and Complainant avers that he has exercised diligence in trying to ascertain the name of any person



or corporation other than the above named Respondents, who claim said land or any interest therein, but has failed to obtain such information.

SECOND: The land in controversy is situated in Baldwin County, Alabama, and is more particularly described as follows:

Begin at the center of Section Thirty (30), Township Six (6) South, Range Two (2) East, run East one thousand fifty and seven-tenths feet (1050.7); thence South two hundred ninety-six (296) feet; thence East two hundred and ninety-six (296) feet; thence North two hundred ninety-six (296) feet; thence west six hundred seventy-one and eight-tenths (671.8) feet; thence South two thousand six hundred forty-six and two tenths (2646.2) feet; thence west six hundred seventy-one (671) feet; thence North four hundred eighteen (418) feet; thence West six hundred twenty-seven (627) feet; thence south four hundred eighteen (418) feet; thence west four hundred twenty and five-tenths (420.5) feet; thence North two hundred ninety-six (296) feet; thence West two hundred ninety-six (296) feet; thence North to point of beginning, being the Southeast Quarter of Section Thirty (30), Township Six (6) South, Range Two (2) East, and containing one hundred ten (110) acres, more or less.

And the Complainant claims in his own right to own said land and to have and possess a fee simple title thereto, free of all liens or encumbrances except one mortgage in favor of the Bank of Fairhope and one mortgage in favor of the First Federal Savings & Loan Association of Mobile, Alabama; and Complainant avers that he is in actual, peaceful possession of said land and has been in possession since, to-wit, the 19th day of September, 1951.

THIRD: Complainant further alleges that the only parties that have been in possession of said land within the last ten years have been the late Amos Cicero Nelson and his heirs, who are made parties Respondent to this bill, and this Complainant.

FOURTH: Complainant further alleges that no parties except those above mentioned and D. R. Coley, Jr., who deeded his interest in said land to Amos Cicero Nelson, have paid taxes on said land or any part thereof within ten years next preceding the



filing of this bill of complaint against said land. Title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of this Complainant by virtue of a deed from Emma Lee Nelson Daffin, et al, to this Complainant, dated 19 September, 1951, and recorded in Deed Book 169 NS, pages 346-353 of the Probate Records of Baldwin County, Alabama.

FIFTH: Complainant avers that no suit is pending to test his interest in, title to, or possession of said lands.

THE PREMISES CONSIDERED: Complainant files his verified bill of complaint, against Respondents: Emma Lee Nelson Daffin, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Marguerite Nelson Moody, George Amos Nelson Harold Nelson and L. L. Jerrell, Milton J. Nelson; all the above heirs of the late Amos Cizeco Nelson, and Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Breiston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood and William Zundel; all the above parties are the heirs and devisees of Charles F. Zundel, deceased; and Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris or if said parties are deceased, against their heirs and devisees of Joseph Nelson, deceased, and Cornelia Nelson, deceased; and against any and all persons claiming title thereto, interest in, lien or encumbrance upon said land, or any part thereof, and against said land to establish the right or title to said land, to clear up all doubts or disputes concerning same, and that the said parties hereinabove named shall be made Respondent to this bill of complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or a decree pro confesso may be entered against them.

Complainant prays that the Court will appoint Guardians ad Litem for the unknown parties and heirs or minors in this bill.

Complainant further prays that this Court will find the rights and interests of all parties to this suit are before the

Court and will be finally adjudicated by this Court's decree.

Complainant further prays that this Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will find and decide and decree that the Complainant has an entire and undivided interest in said lands and has a fee simple title thereto free of all liens and encumbrances.

Complainant further prays that if he is mistaken in the relief asked for, that this Court grant such other, further or different or additional relief as may appear to the Court to be just and equitable.

RICKARBY & RICKARBY

By: (Signed) E. G. RICKARBY, JR.

E. G. Rickarby, Jr.,  
Solicitor for Complainant



STATE OF ALABAMA:  
COUNTY OF BALDWIN:

Before me, E. G. Rickarby, Jr., a Notary Public in and for said State and County, personally appeared H. C. JORDAN, who being by me first duly sworn, deposes and says on oath that he is the Complainant in the foregoing bill of complaint, that he has read the same and has knowledge of the facts therein stated and that the facts so stated are true.

(Signed) H. C. JORDAN  
Complainant.

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 1954.

(Signed) E. G. RICKARBY, JR.  
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY  
By:

(Signed) E. G. Rickarby, Jr.  
Solicitor for Complainant.

FILED

NOV 23 1954

VICE T. OAK, JR.

NOTICE FOR COMPLETION  
(STATED) H. G. WICKHAM, JR.

PL:  
WICKHAM & WICKHAM

FILED  
AUG 23 1954

ALICE J. DUCK, Register

NOTICE FOR COMPLETION  
(STATED) H. G. WICKHAM, JR.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1954.

COMPLETION  
(STATED) H. G. WICKHAM, JR.

that the facts so stated are true;  
and the same and the knowledge of the facts therein stated and  
the completion in the foregoing bill of completion; that he has  
paid by me first duly sworn, deposed and sworn on oath that he is  
not only state and County, personally appeared H. G. WICKHAM, JR.  
before me, H. G. WICKHAM, JR., a Notary Public in and

COUNTY OF BIRMINGHAM,  
STATE OF ALABAMA;

To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT  
FOR THE 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALA-  
BAMA, SITTING IN EQUITY:

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a resident of Fairhope, Alabama.

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resident of Mobile, Mobile County, Alabama.

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resident of Baldwin County, Alabama.

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Thomas Gates and R. Harris, are Respondents in this cause and Com-  
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the whereabouts of said Respondents or to ascertain with certainty  
whether such Respondents be living or dead at the time of filing  
this bill and if said Respondents be dead, their heirs or devisees  
are unknown, and Complainant alleges that he has diligently tried  
to ascertain the names and addresses of the unknown Respondents  
by having inquiries made for these facts, but has failed to obtain  
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anyone or any person who claims said land or any title to, interest  
in, or lien or encumbrance thereon, or any part thereof, except the  
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Complainant prays that the Court will appoint Guardians ad Litem for the unknown parties and heirs or minors in this bill.

Complainant further prays that this Court will find the rights and interests of all parties to this suit are before the



Court and will be finally adjudicated by this Court's decree.

Complainant further prays that this Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will find and decide and decree that the Complainant has an entire and undivided interest in said lands and has a fee simple title thereto free of all liens and encumbrances.

Complainant further prays that if he is mistaken in the relief asked for, that this Court grant such other, further or different or additional relief as may appear to the Court to be just and equitable.

RICKARBY & RICKARBY

By: (Signed) E. G. RICKARBY, JR.

E. G. Rickarby, Jr.,  
Solicitor for Complainant

STATE OF ALABAMA:  
COUNTY OF BALDWIN:

Before me, E. G. Rickarby, Jr., a Notary Public in and for said State and County, personally appeared H. C. JORDAN, who being by me first duly sworn, deposes and says on oath that he is the Complainant in the foregoing bill of complaint, that he has read the same and has knowledge of the facts therein stated and that the facts so stated are true.

(Signed) H. C. JORDAN  
Complainant.

Subscribed and sworn to before me this the \_\_\_\_ day of \_\_\_\_\_, 1954.

(Signed) E. G. RICKARBY, JR.  
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY  
By:

(Signed) E. G. Rickarby, Jr.,  
Solicitor for Complainant.

FILED  
JUN 23 1954  
VINEY MACY, Notary

FILED  
AUG 23 1954  
ALICE J. DUCK, Register

Declarer for Defendant  
(Signed) E. G. Wickham, Jr.

By:  
RICKARDY S. WICKHAM

Notary Public, Richmond County, Virginia  
(Signed) E. G. Wickham, Jr.

\_\_\_\_\_, 1954.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_

(Signed) Condyt Reed  
H. C. Loubser

that the facts so stated are true.  
and the same and her knowledge of the facts therein stated and  
the Complainant in the foregoing bill of complaint, that no part  
being by me first duly sworn, deposes and says on oath that no  
for said steps and Compt. heretofore executed in H. C. Loubser, and  
before me, E. G. Wickham, Jr., a Notary Public in and

COUNTY OF RICHMOND,  
STATE OF VIRGINIA:



ALICE J. DUCK, Circuit Clerk

*Baldwin County*  
BAY MINETTE, ALA.

Second Notice. No Reply  
To First Notice Mailed.....

Returned to  
Writer  
5/54

REASON CHECKED  
Unclaimed.....  
Unknown.....  
Insufficient address.....  
Moved, Left no address.....  
No such office in state.....  
Do not ~~re~~mail in this envelope

Eva Louise Nelson Moody  
Calhoun School  
Laurel, Miss,

RETURN RECEIPT REQUESTED  
Deliver to Addressee Only,



REGISTERED

FOR DELIVERY ONLY TO PERSON  
TO WHOM ADDRESSED.

RETURN RECEIPT REQUESTED

REGISTERED  
NO. 4037







# The Fairhope Courier



ESTABLISHED 1894

F. B. GASTON ESTATE, PUBLISHERS

TELEPHONE 5201

This is to certify that the  
attached legal notice appeared  
in the Fairhope Courier, a news-  
paper published in the City of  
Fairhope, County of Baldwin,  
State of Alabama on the dates of  
Aug. 26, Sept. 2, 9 and 16, 1954

*James G. Crawford*

Editor

State of Alabama  
County of Baldwin

Sworn to and subscribed this seventeenth  
day of September A. D., 1954, before me.

\*

*E. G. G. G.*  
Notary Public, Baldwin County



## FAIRHOPE, ALABAMA

*"On Mobile Bay"*

### Legal Notice

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY No. 3333

H. C. JORDAN, Complainant vs.  
MILTON J. NELSON, et al and  
CERTAIN LANDS, Defendant.

To: Milton J. Nelson, George  
Amos Nelson, Emma Lee Nelson  
Daffin, Harold Nelson, Augusta  
Nelson Norton, Corine Nelson  
Jones, Eva Louise Nelson Moody,  
Claude M. Nelson, Marguerite  
Nelson Moody, Andrew J. Nelson,  
L. L. Jerrell, and, Margaret Park-  
er, Rozina Hamilton, Louis T. Zun-  
del, Mamie Zundel, F. C. Zundel,  
Jr., Hilda Zundel Hargrove, Ruth  
Breiston, Amelia Zundel Wood.

Alicia Gunsckle, Mildred Ham-  
mond, Emilia Z. Wood, William  
Zundel, Jewell Fulford, W. Gilmore,  
Thomas Gates and R. Harris.

Notice is hereby given that in  
the Circuit Court of Baldwin Coun-  
ty, Alabama, in equity, there is  
pending a verified bill of complaint  
filed by H. C. Jordan against the  
lands lying and being situated in  
Baldwin County, Alabama, and  
more particularly described as fol-  
lows:

Begin at the center of Section  
Thirty (30), Township Six (6)  
South, Range Two (2) East, run  
East one thousand fifty and seven-  
tenths feet (1050.7); thence South  
two hundred ninety-six (296) feet;  
thence East two hundred and nine-  
ty-six feet (296); thence North two  
hundred ninety-six (296) feet;  
thence West six hundred seventy-  
one and eight-tenths (671.8) feet;  
thence South two thousand six hun-  
dred forty-six and two-tenths  
(2646.2) feet; thence West six hun-  
dred seventy-one (671) feet; thence  
North four hundred eighteen (418)  
feet; thence West six hundred

twenty-seven (627) feet; thence  
South four hundred eighteen (418)  
feet; thence West four hundred  
twenty and five-tenths (420.5) feet;  
thence North two hundred ninety-  
six ft., (296); thence West two hun-  
dred ninety-six (296) feet; thence  
North to point of beginning, being  
the Southeast Quarter of Section  
Thirty (30), Township Six (6)  
South, Range Two (2) East, and  
containing one hundred ten (110)  
acres, more or less.

And against any and all persons  
claiming any title to, interest in,  
lien or encumbrance on said lands,  
or any part thereof, said bill being  
filed to establish the right or title  
to such lands and to clear up all  
doubts or disputes concerning the  
same.

Complainant claims title to said  
lands under deed from Emma Lee  
Nelson Daffin, et al, which deed is  
recorded in Deed Book 169 NS.  
pages 346, 353, of the Probate Rec-  
ords of Baldwin County, Alabama.  
Title to said lands sought to be  
established stands on the record of  
the Probate Court of said County  
in Complainant's name. No one is  
known to have paid taxes on said  
property or to have been in posses-  
sion of said lands or any part there-  
of, except Complainant and his pre-  
decessors in title within ten years  
next prior to the filing of the bill  
of complaint in said cause.

It is therefore ordered that pub-  
lication of this notice be made in  
the Fairhope Courier, a newspaper  
published and having a general cir-  
culation in Baldwin County, Ala-  
bama, once a week for four consec-  
utive weeks, and that all those to  
whom this notice is addressed and  
any and all persons claiming any  
title to, interest in, or lien or en-  
cumbrance upon, the above describ-  
ed real estate, or any part thereof,  
or any interest therein, be, and  
they are hereby required to plead,  
answer or demur to the bill of  
complaint in this cause within the  
time required by law.

It is further ordered that a copy  
of this notice certified by the Reg-  
ister, as being correct, shall also  
be recorded as a lis pendens in the  
Office of the Judge of Probate of  
Baldwin County, Alabama.

Done at office this the 23rd day  
of August, 1954.

Alice J. Duck

STATE OF ALABAMA:



This is to certify that the  
attached legal notice appeared  
in the Fairhope Courier, a news-  
paper published in the City of  
Fairhope, County of Baldwin,  
State of Alabama on the dates of  
Aug. 26, Sept. 2, 9 and 16, 1954

*James G. Crawford*  
-----  
Editor

State of Alabama  
County of Baldwin

Sworn to and subscribed this seventeenth  
day of September A. D., 1954, before me.

\* *E. Cramer*  
\_\_\_\_\_  
Notary Public, Baldwin County



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY No. 3333  
H. C. JORDAN, Complainant vs.  
MILTON J. NELSON, et al and  
CERTAIN LANDS, Defendant.  
To: Milton J. Nelson, George  
Amos Nelson, Emma Lee Nelson  
Daffin, Harold Nelson, Augusta  
Nelson Norton, Corine Nelson  
Jones, Eva Louise Nelson Moody,  
Claude M. Nelson, Marguerite  
Nelson Moody, Andrew J Nelson,  
L. L. Jerrell, and, Margaret Park-  
er, Rozina Hamilton, Louis T. Zun-  
del, Mamie Zundel, F. C. Zundel,  
Jr., Hilda Zundel Hargrove, Ruth  
Breiston, Amelia Zundel Wood.

Alicia Gunskle, Mildred Ham-  
mond, Emilia Z. Wood, William  
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ty-six feet (296); thence North two  
hundred ninety-six (296) feet;  
thence West six hundred seventy-  
one and eight-tenths (671.8) feet;  
thence South two thousand six hun-  
dred forty-six and two-tenths  
(2646.2) feet; thence West six hun-  
dred seventy-one (671) feet; thence  
North four hundred eighteen (418)  
feet; thence West six hundred

twenty-seven (627) feet; thence  
South four hundred eighteen (418)  
feet; thence West four hundred  
twenty and five-tenths (420.5) feet;  
thence North two hundred ninety-  
six ft., (296); thence West two hun-  
dred ninety-six (296) feet; thence  
North to point of beginning, being  
the Southeast Quarter of Section  
Thirty (30), Township Six (6)  
South, Range Two (2) East, and  
containing one hundred ten (110)  
acres, more or less.

And against any and all persons  
claiming any title to, interest in,  
lien or encumbrance on said lands,  
or any part thereof, said bill being  
filed to establish the right or title  
to such lands and to clear up all  
doubts or disputes concerning the  
same.

Complainant claims title to said  
lands under deed from Emma Lee  
Nelson Daffin, et al, which deed is  
recorded in Deed Book 169 NS.  
pages 346, 353, of the Probate Rec-  
ords of Baldwin County, Alabama.  
Title to said lands sought to be  
established stands on the record of  
the Probate Court of said County  
in Complainant's name. No one is  
known to have paid taxes on said  
property or to have been in posses-  
sion of said lands or any part there-  
of, except Complainant and his pre-  
decessors in title within ten years  
next prior to the filing of the bill  
of complaint in said cause.

It is therefore ordered that pub-  
lication of this notice be made in  
the Fairhope Courier, a newspaper  
published and having a general cir-  
culation in Baldwin County, Ala-  
bama, once a week for four consec-  
utive weeks, and that all those to  
whom this notice is addressed and  
any and all persons claiming any  
title to, interest in, or lien or en-  
cumbrance upon, the above describ-  
ed real estate, or any part thereof,  
or any interest therein, be, and  
they are hereby required to plead,  
answer or demur to the bill of  
complaint in this cause within the  
time required by law.

It is further ordered that a copy  
of this notice certified by the Reg-  
ister, as being correct, shall also  
be recorded as a lis pendens in the  
Office of the Judge of Probate of  
Baldwin County, Alabama.

Done at office this the 23rd day  
of August, 1954.

Alice J. Duck  
STATE OF ALABAMA:  
COUNTY OF BALDWIN:

I, Alice J. Duck, Register of the  
Circuit Court of Baldwin County,  
Alabama, in Equity, do hereby cer-  
tify that the above and foregoing  
is a true and correct copy of the  
notice to be published to the re-  
spondents in the above and fore-  
going cause.

WITNESS my hand and seal of  
office this the 23rd day of August,  
1954.  
6-4t Alice J. Duck, Register



Public, Belgium Company

Company v. D. 1954, before me.

and attached with seal of the

Belgium  
Algeria

FILED

SEP 20 1954

WICK, Register

of 1954

on the 19th of

Company of Belgium

located in the city of

the company's name

legal notice addressed

to certify that the

3333

AMARAL, PROPRÍETÁRIO

1954

1954

Exilhope Contier



Fairhope, Ala., Sept. 16, 1954  
Miss. Alice Luck  
Bay Minette, Ala.  
In Account With

**The Fairhope Courier**  
**E. B. GASTON ESTATE, PUBLISHER.**  
*Advertising And Commercial Printing*  
Rates on Application

Legal Notice: 536 words	34 84
Re: Jordan vs M. J. Nelson	
Aug. 26, Sept. 2, 9, 16, 1954	



ALICE J. DUCK, Circuit Clerk

*Baldwin County*  
BAY MINETTE, ALA.

Not at  
Removed,  
No order

No such No.

Carrier 1513

Corine Nelson Jones  
7910 Northwest 17th Court  
Miami, Fla.



REGISTERED

FOR DELIVERY ONLY TO PERSON  
TO WHOM ADDRESSED

RETURN RECEIPT REQUESTED

REASON CHECKED  
Unclaimed..... Refused.....  
Unknown.....  
Insufficient address.....  
Moved, Left no address.....  
No such office in state.....  
Do not remail in this envelope

Deliver to Addressee Only

RETURN RECEIPT REQUESTED







49363 ROBERTS &amp; SON, BIRMINGHAM

**PROBATE JUDGE**

Bay Minette, Ala., 8-23, 1954

Received of.

[illegible]

FOR RECORD

TOTAL \$.....

Judge of Probate.



H. C. JORDAN,  
Complainant

-vs-  
MILTON J. NELSON, et al,  
and CERTAIN LANDS,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
703333

NOTICE OF PENDENCY OF BILL OF  
COMPLAINT

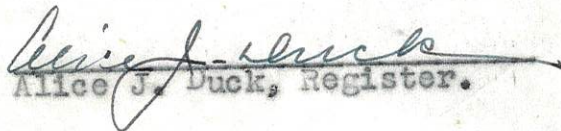
Notice is hereby given that in the Circuit Court of Baldwin County, Alabama, in equity, there is pending a verified bill of complaint filed by H. C. JORDAN against the lands lying and being situated in Baldwin County, Alabama, and more particularly described as follows:

Begin at the center of Section 30, Township 6 South, Range 2 East, run East 1050.7; thence South 296 feet; thence East 296 feet, thence north 296 feet; thence west 671.8 feet; thence South 2646.2 feet; thence west 671 feet; thence North 418 feet; thence West 627 feet; thence South 418 feet; thence west 420.50 feet; thence North 296 feet; thence West 296 feet; thence North to point of beginning, being the Southeast Quarter of Section 30, Township 6 South, Range 2 East, and containing 110 acres, more or less.

And against any and all persons claiming any title to, interest in, lien or encumbrance on said lands, or any part thereof, said bill being filed to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

Complainant claims title to said lands under deed from Emma Lee Nelson Daffin, et al, which deed is recorded in Deed Book 169 NS, pages 346-353, of the Probate Records of Baldwin County, Alabama. Title to said lands sought to be established stands on the record of the Probate Court of said County in Complainant's name. No one is known to have paid taxes on said property or to have been in possession of said lands or any part thereof, except Complainant and his predecessors in title within ten years next prior to the filing of the bill of complaint in said cause.

This the 23<sup>rd</sup> day of August, 1954.

  
Alice J. Duck, Register.



I hereby certify that the above notice was published in the Fairhope Courier on \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_, 1954, and that a certified copy of said notice was recorded as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama, on \_\_\_\_\_, 1954.

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

FILED

NOV 23 1954

WILLIAM T. DICK, Register

w  
w  
w  
w

3333

County.  
of Baldwin County, Alabama,  
Register of the Circuit Court

FILED

AUG 23 1954

ALICE J. DUCK, Register

on \_\_\_\_\_, 1954.

in the office of the Probate Judge of Baldwin County, Alabama,

a certified copy of said notice was recorded as a lis pendens

\_\_\_\_\_ and \_\_\_\_\_, 1954, and that

filed in the Probate Court on \_\_\_\_\_,

I hereby certify that the above notice was duly



To the

HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT  
FOR THE 28th JUDICIAL CIRCUIT, BALDWIN COUNTY, ALA-  
BAMA, SITTING IN EQUITY:

Comes the Complainant, H. C. JORDAN, and shows unto  
the Court as follows:

FIRST: Complainant is a bona fide resident of Baldwin  
County, Alabama, and over the age of twenty-one years and Respond-  
ents:

Milton J. Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

George Amos Nelson is over the age of twenty-one years  
and a resident of Summerdale, Baldwin County, Alabama.

Emma Lee Nelson Daffin and Harold Nelson are both over  
the age of twenty-one years and are both residents of  
Opa Locka, Florida, which is their post office address.

Agusta Nelson Norton is over the age of twenty-one years  
and a resident of Miami, Florida, and her Post Office  
Address is 8940 Northwest 20th Avenue, in that City.

Corine Nelson Jones is over the age of twenty-one years  
and a resident of Miami, Florida, and her Post Office  
address is 7910 Northwest 17th Court, in that city.

Eva Louise Nelson Moody is over the age of twenty-one  
years and a resident of Laurel, Mississippi, and  
her Post Office address is Calhoun School, in that city.

Claude M. Nelson is over the age of twenty-one years  
and a resident of Miami, Florida, and his Post Office  
address is 9026 Northwest 21st Avenue, in that city.

Margaruite Nelson Moody is over the age of twenty-one  
years and a resident of Miami, Florida, and her post  
office address is 8939 Northwest 21st Avenue, in that  
city.

Andrew J. Nelson is over the age of twenty-one years  
and a resident of Lake City, Florida, which is his  
post office address.

All of the above are heirs of the late Amos Cicero Nelson.

1 15X  
5X  
L. L. Jerrell is over the age of twenty-one years  
and a resident of Whistler, Mobile County, Alabama,  
and his Post Office address is Post Office Box 36  
in that city.

And the heirs of the late Charles F. Zundel, deceased, are:

2 16X  
21X  
Margaret Parker, who is over the age of twenty-one  
years and a resident of Mobile County, Alabama.



171/13  
9/15/24 4  
17/15  
22/11  
9/15/24 7  
184/8  
184/9  
184/10  
Rozina Hamilton, who is over the age of twenty-one years, a resident of Fairhope, Alabama.

Louis T. Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

Mamie Zundel is over the age of twenty-one years and a resident of Mobile, Mobile County, Alabama.

F. C. Zundel, Jr., who is over the age of twenty-one years, a resident of Mobile County, Alabama.

Hilda Zundel Hargrove, over the age of twenty-one years, a resident of Mobile County, Alabama.

Mrs. Ruth Breiston is over the age of twenty-one years and a resident of Mobile County, Alabama.

Amelia Zundel Wood is over the age of twenty-one years and a resident of Point Clear, Alabama.

Alicia Gunsckle is over the age of twenty-one years and a resident of Mobile County, Alabama.

Mildred Hammond is over the age of twenty-one years and a resident of Mobile County, Alabama.

Emilia Z. Wood is over the age of twenty-one years and a resident of Baldwin County, Alabama.

William Zundel is over the age of twenty-one years and a resident of Mobile County, Alabama.

All of the above parties are the heirs and devisees of Charles F. Zundel, deceased, and Respondents, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, are Respondents in this cause and Complainant avers that after exercising reasonable diligence to locate the whereabouts of said Respondents or to ascertain with certainty whether such Respondents be living or dead at the time of filing this bill and if said Respondents be dead, their heirs or devisees are unknown, and Complainant alleges that he has diligently tried to ascertain the names and addresses of the unknown Respondents by having inquiries made for these facts, but has failed to obtain such information. Complainant states that he does not know of anyone or any person who claims said land or any title to, interest in, or lien or encumbrance thereon, or any part thereof, except the above named Respondents and Mortgagees hereinafter mentioned. Complainant has obtained an abstract which shows that the only possible claimants according to this said abstract are the above named Respondents and their unknown heirs and Complainant avers that he has exercised diligence in trying to ascertain the name of any person



or corporation other than the above named Respondents, who claim said land or any interest therein, but has failed to obtain such information.

SECOND: The land in controversy is situated in Baldwin County, Alabama, and is more particularly described as follows:

Begin at the center of Section Thirty (30); Township Six (6) South, Range Two (2) East, run East one thousand fifty and seven-tenths feet (150.7); thence South two hundred ninety-six (296) feet; thence East two hundred and ninety-six (296) feet; thence North two Hundred ninety-six (296) feet; thence West six hundred seventy-one and eight-tenths (671.8) feet; thence South two thousand six hundred forty-six and two-tenths (2646.2) feet; thence west six hundred and seventy-one (671) feet; thence North four hundred eighteen (418) feet; thence West six hundred twenty-seven (627) feet; thence South four hundred eighteen (418) feet; thence West four hundred twenty and five-tenths (420.5) feet; thence North two hundred ninety-six (296) feet; thence West two hundred ninety-six (296) feet; thence North to point of beginning, being the Southeast Quarter of Section Thirty (30), Township Six (6) South, Range Two (2) East, and containing one hundred ten (110) acres, more or less.

And the Complainant claims in his own right to own said land and to have and possess a fee simple title thereto, free of all liens or encumbrances except one mortgage in favor of the Bank of Fairhope and one mortgage in favor of the First Federal Savings & Loan Association of Mobile, Alabama; and Complainant avers that he is in actual, peaceful possession of said land and has been in possession since, to-wit, the 19th day of September, 1951.

THIRD: Complainant further alleges that the only parties that have been in possession of said land within the last ten years have been the late Amos Cicero Nelson and his heirs, who are made parties Respondent to this bill, and this Complainant.

FOURTH: Complainant further alleges that no parties except those above mentioned and D. R. Colley, Jr., who deeded his interest in said land to Amos Cicero Nelson, have paid taxes on said land or any part thereof within ten years next preceding the



filing of this bill of complaint against said land. Title to said land stands on the records of the Probate Court of Baldwin County, Alabama, in the name of this Complainant by virtue of a deed from Emma Lee Nelson Daffin, et al, to this Complainant, dated 19 September, 1951, and recorded in Deed Book 169 NS, pages 346-353 of the Probate Records of Baldwin County, Alabama.

FIFTH: Complainant avers that no suit is pending to test his interest in, title to, or possession of said lands.

THE PREMISES CONSIDERED, Complainant files this his verified bill of complaint, against Respondents: Emma Lee Nelson Daffin, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson, Moody, Claude M. Nelson, Margaruite Nelson Moody, George Amos Nelson, Harold Nelson and L. L. Jerrell, Milton J. Nelson; all the above heirs of the late Amos Cicero Nelson, and Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F.C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Breiston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood and William Zundel, all the above parties are the heirs and devisees of Charles F. Zundel, deceased; and Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris or if said parties are deceased, against their heirs and devisees of Joseph Nelson, deceased, and Cornelia Nelson, deceased; and against any and all persons claiming title thereto, interest in, lien or encumbrance upon said land, or any part thereof, and against said land to establish the right or title to said land, to clear up all doubts or disputes concerning same, and that the said parties hereinabove named shall be made Respondent to this bill of complaint and that process be served on them or publication be made requiring them to plead, answer or demur to the same within the time required by law or a decree pro confesso may be entered against them.

Complainant prays that the Court will appoint Guardians ad Litem for the unknown parties and heirs or minors in this bill.

Complainant further prays that this Court will find the rights and interests of all parties to this suit are before the



Court and will be finally adjudicated by this Court's decree.

Complainant further prays that this Court will make and enter all orders, judgments and decrees that may be meet and proper in the premises and that upon a final hearing of this cause will find and decide and decree that the Complainant has an entire and undivided interest in said lands and has a fee simple title thereto free of all liens and encumbrances.

Complainant further prays that if he is mistaken in the relief asked for, that this Court grant such other, further or different or additional relief as may appear to the Court to be just and equitable.

RICKARBY & RICKARBY

By: (Signed) E.G. RICKARBY, JR.

E. G. Rickarby, Jr.,  
Solicitor for Complainant.



STATE OF ALABAMA:  
COUNTY OF BALDWIN:

Before me, E. G. Rickarby, Jr., a Notary Public in and for said State and County, personally appeared H. C. JORDAN, who being by me first duly sworn, deposes and says on oath that he is the Complainant in the foregoing bill of complaint, that he has read the same and has knowledge of the facts therein stated and that the facts so stated are true.

(Signed) H. C. JORDAN  
Complainant.

Subscribed and sworn to before me this the \_\_\_\_ day of  
\_\_\_\_, 1954.

(Signed) E. G. RICKARBY, JR.  
Notary Public, Baldwin County, Alabama.

RICKARBY & RICKARBY  
By:

(Signed) E. G. Rickarby, Jr.,  
Solicitor for Complainant

FILED  
JUN 23 1954  
OFFICE OF THE CLERK, BALDWIN COUNTY, ALABAMA



H. C. JORDAN	)	
Complainant	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
MILTON J. NELSON, et al	)	IN EQUITY NO. 3333
and Certain Lands,	)	
Respondent	)	

ORDER APPOINTING GUARDIAN AD LITEM AND ATTORNEY AT LITEM

This cause is submitted on the Complainant's motion for the appointment of a Guardian Ad Litem and an Attorney Ad Litem, upon consideration, it is ordered, adjudged and decreed by the Register in Chancery of said Court that J. Connor Owens, who is a practicing attorney of the Baldwin Bar, be and hereby is appointed Guardian Ad Litem for the unknown Defendants to represent them throughout this proceeding, and also Attorney Ad Litem for any of the Defendants who may be in the Armed Forces of the United States of America.

Dated Nov 16, 1954

*David L. Owens*  
Register in Chancery

ACCEPTANCE

Comes J. Connor Owens, attorney, and accepts the appointment by this Court of him as guardian ad litem for all unknown defendants in this proceeding and also as attorney ad litem for any defendants in this proceeding who may be in the Armed Forces of the United States of America.

\_\_\_\_\_



H. C. JORDAN

COMPLAINANT

VS

MILTON J. NELSON, ET AL,

DEFENDANTS

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

AFFIDAVIT OF NON RESIDENT OF ADULT DEFENDANT.

Before me \_\_\_\_\_, a Notary Public, Baldwin County, Alabama, personally appeared before me H. C. Jordan, who being first duly sworn, deposes and says that George Amos Nelson and Melton J. Nelson, defendants, in the above styled cause are non residents of the State of Alabama, and that their place of residence is unknown, and that it cannot be ascertained after reasonable effort, and further, that in belief of said affiant the said Defendants are over the age of twenty-one years.

Sworn to and subscribed before me this \_\_\_\_ day of August, 1954.

\_\_\_\_\_  
Notary Public, Baldwin County, Alabama

H. C. JORDAN,

Complainant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

-VS-

MILTON J. NELSON, et al  
and Certain Lands,

No. 3333

Respondents.

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM:

Domes the Complainant in the above styled cause and shows that it appears from the bill that some of the Respondents in this cause are unknown parties, the identity of which are unknown;

WHEREFORE, Complainant moves that this Court appoint a Guardian Ad Litem to represent and defend the interests of such parties as may be infant, lunatic, or unknown parties in this proceeding and further moves that the same party be appointed Attorney ad Litem to represent the interests of any unknown parties who might be in the Armed Forces of the United States of America and require the services of an Attorney ad Litem under the Soldier's and Sailor's Relief Act.

RICH RBY & RICKARBY

By:

E. G. Rickarby, Jr.,  
Solicitor for Complainant.



# APPLICATION FOR REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE

(No collection of surcharge is required on international registered mail)

*Alice J. Duck, Agent Clerk*

(Name of sender)

hereby applies for the registration of the articles described below and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed or the known or estimated cost of duplication in the case of nonnegotiable securities.

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and endorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) Postage (exclusive of other charges or fees)	(4) Regis- try fee	(5) Fee paid for return receipt	(6) Delivery restrict- ed—Fee paid	(7) Full value or cost of dupli- cation if nonnegotiable securities*	(8) Surcharge on entire contents of article	(9) REMARKS†
1	4036 <i>Claude M Nelson, 9026 N.W. 21<sup>st</sup> Ave Miami Fla</i>	03	30	7	20			
2	4037 <i>Eva Louise Nelson Moody Calhoun School Laurel Miss</i>	03	30	7	20			
3	4038 <i>Marguerite Nelson Miami 8939 N.W. 21<sup>st</sup> Ave Miami Fla</i>	03	30	7	20			
4	4039 <i>Corine Nelson Jones 7910 N.W. 17<sup>th</sup> St. Miami Fla</i>	03	30	7	20			
5	4040 <i>Augusta Nelson Patton 8940 N.W. 20<sup>th</sup> Ave Miami Fla</i>	03	30	7	20			
6	4041 <i>Emma Lu Nelson Daffin Opa Locka Fla</i>	03	30	7	20			
7	4042 <i>Harold Nelson Opa Locka Fla</i>	03	30	7	20			
8	4043 <i>Andrew J Nelson Lake City Fla</i>	03	30	7	20			
9								
10								
11								
12								
13								
14								
15								

\* When an article contains matter declared for full value and that for which the cost of duplication is declared, enter in column (7) the sum of the declarations for "full value" and "cost of

Total number of pieces listed by sender *Eight*

Affix stamp here for additional copies of this bill



H. C. JORDAN,

Complainant

-VS-

MILTON J. NELSON, et al  
and Certain Lands,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

NO. 3333

To the

HONORABLE ALICE J. DUCK, REGISTER:

The Complainant in the above entitled cause requests and requires the oral examination of H. C. JORDAN and E. G. RICKARBY, JR. as Witnesses for Complainant in support of his bill filed in the above cause; such examination to be before a special commissioner appointed by you; That the said H. C. Jordan and E. G. Rickarby, Jr. reside in Fairhope, Baldwin County, Alabama, and Complainant suggests Mrs. Florence Isbell, who resides in the City of Fairhope, Baldwin County, Alabama, as a disinterested person as the person to be appointed special commissioner and Complainant requests her appointment.

RICKARBY & RICKARBY

By:

E. G. Rickarby, Jr.,  
Solicitor for Complainant.



LAW OFFICES  
RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

2 November 1954

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

Dear Mrs. Duck:

With this we are handing you motion for decree pro confesso in the Jordan vs. Milton J. Nelson, et al, Case No. 3333.

At the same time I wish to call your attention to the fact that in the bill we alleged that George Nelson and Milton J. Nelson were residents of the State of Alabama but were not found in this County by the Sheriff. The pertinent code sections on this are: Section 118 as last amended which provides that publications shall in all respects serve as notice to unknown parties whose whereabouts are not known and parties who conceal themselves so that process cannot be served on them, and that no other advertising or forms of notice shall be required as to such parties; which indicates that service of publication is good except for Section D, Equity Rule 5, which provides for an affidavit of three months non-residence since the filing of the bill.

I have been unable to find a definite precedent in this matter and ask you to think about this matter for if a decree is rendered when we don't have legal service, we have nothing and the title will be no good and the proceedings wasted whereas I can hold up for about thirty days and get an affidavit of three months' non-residence since the filing of the bill as the bill has only been filed two and one-half months.

Yours very truly,

E. G. Rickarby, Jr.

R/i  
Encl.  
2495



LAW OFFICES  
RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

8 November 1954

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

Dear Mrs. Duck:

With this we are handing you the file in the Jordan case.

You will notice that your advertisement and your notice and your order of publication is against both of these parties in question.

Please expedite this matter as much as possible.

Yours very truly,

E. G. Rickarby, Jr.

R/i  
29495  
Encls.



1/2  
50 lbs  
Eucaly

*M. Gray*

YOUTHERN

Please expedite this matter as much as possible.

10

*[Handwritten signature]*

● ● ● ● ●

case. *Wm. B. Smith*

near Wils. Park.

Был written by

STEWART COUNTY COMMISSIONERS

John T. Colla, Esq.

8. 1. 1952

АМБАЛА.ЭЧОННАТ

YERAKIN & YERAKIN

8301790 WAJ

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MILTON J. NELSON et al., and Certain  
\_\_\_\_\_ Lands

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

H. C. JORDAN

against MILTON J. NELSON et al., and Certain Lands.

Herein fail not. Due return make of this writ as the law directs.

Witness this 23rd day of August, 1954

Delice J. Nelson, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)



THE STATE OF ALABAMA  
Baldwin County

Circuit Court

TO:

Mrs. Florence Isbell

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 H. C. Jordan and E. G. Rickarby, Jr.,

as witnesses in behalf of H. C. Jordan in a cause pending in our Circuit Court in Baldwin County, of said State, wherein H. C. Jordan is

et al, Complainant  
and Milton J. Nelson and Certain Lands, are

Respondent  
on oath, to be by you administered, upon H. C. Jordan and E. G. Rickarby, Jr.,  
to take and certify the deposition s of the witness s and return the same to our Court, with all convenient speed, under your hand.

Witness 17th day of November, 1945

Commissioner's Fee, \$10.00

Witness' Fees, \$          

Alice J. Hinkle  
Register.

In response to direct examination by E. G. Rickarby, Jr., Solicitor for Complainant, the Witness testified as follows:

My name is H. C. JORDAN and I am a resident of Baldwin County, Alabama, and am over the age of twenty-one years and I am bringing this suit against the one hundred ten (110) acres of land to quiet and establish my title to this land. I have read over the bill and the names, ages and residences of the parties defendant to this bill are as stated in this bill, to the best of my knowledge, except Milton J. Nelson who I later learned is a resident of Texas but I do not know his address.

Mr. Rickarby and I have tried to find out the addresses of Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris and tried to find out whether they are living or dead and if dead, who their heirs are. We have been unable to find out anything about this although Mr. Rickarby has held this case up long enough to establish these facts. I claim to own this land and do not know anyone who has any claims against this land except the mortgage I put against the land with the First Federal Savings & Loan Association of Mobile, and mortgage with the Bank of Fairhope mentioned in the bill but since this time this mortgage has been paid off and cancelled, and Joseph Schneider who has a claim for bulldozing in the sum of Two Thousand Dollars (\$2000.00).

I have been in possession of this land since about 1946. I know this because I have just looked at the original sales contract I made with A. Cicero Nelson in 1946, when I bought this property and remember that I went on the property and took possession of it at that time. Prior to that time Amos Cicero Nelson was in possession of this property. Since the year 1946 I have been paying taxes on this land and have had it regularly assessed to me and for three years prior to that time I know that Amos Cicero Nelson paid taxes on this land because I had an abstractor make a search of the title and he reported these taxes paid.



Since I have had this property I have cleared this land and farmed it by tenant and I cleared some of it when I first got it and just recently Mr. Joe Schneider cleared the balance of this land for me. This land is all under fence now and prior to Mr. Rickarby's filing suit to quiet title I had Mr. Fred Wilson, Licensed Land Surveyor, make a survey to determine the boundaries of this land and the land as described in the amended bill is the correct description of the land that I hold and this land is under fence.

I claim title to this land through a deed from Milton J. Nelson, et al, which deed is recorded in Deed Book 169, NS, pages 346-353, and the parties in this deed are the only heirs of the late Amos Cicero Nelson who I contracted to buy the land from and who I paid most of the money for the land to.

In response to questions by J. Connor Owan, Esquire, Guardian ad Litem and Attorney ad Litem, the Complainant, H. C. Jordan, testified as follows:

I have been on this land for eight years and the land has been fenced for eight years. There have been no other persons who have disputed my claim to the land and no other persons paid any taxes on it with the exception of D. R. Coley, Jr., who made a quitclaim deed to the land while I was arranging about the purchase of it.

Subscribed and sworn to by H. C. Jordan, before me this the 17th day of November, 1954.

  
Commissioner.

My name is E. G. Rickarby, Jr. and I am an attorney at law in Fairhope, Alabama, and I represent Dr. H. C. Jordan in filing this bill to quiet title against the one hundred ten (110) acres of land now pending in the Circuit Court of Baldwin County, Alabama.


Prior to filing this bill against this land I made diligent search to determine who were the heirs and parties interested in this land and to aid me in this search I used an abstract prepared by J. A. Ertzinger & Son covering this property which abstract was prepared by J. A. Ertzinger & Son and dated the 20th day of April, 1946, and brought up to date by that same firm by continuation dated 4 February, 1954, and made a search of various court records to ascertain the names and addresses of the Nelson heirs and the Zundel heirs and made inquiries among the local residents to ascertain the names and addresses of the other parties to this bill but was unable to find the correct addresses of Jewell Fulford, W. Gilmore, R. Harris and Thomas Gages nor could not determine whether they were living or dead but concluded they must not be dead because they were not known to the local residents of this community.

I further had my client employ a surveyor to survey this property to determine his boundaries to this property and the surveyor made a report of his survey from which I got the description of this property.


I further knew that the property was owned and occupied by the late Amos Cicero Nelson prior to his sale to Jordan and that he was in possession of this property for many years prior to his sale to Jordan. I knew this personally because at one time there was some dispute about Charlotte Richardson owning this land and I went out to look at Charlotte Richardson's holdings. Later her property was excluded from this sale by the deed that the



Nelsons gave Dr. H. C. Jordan.



Subscribed and sworn to by E. G. Rickarby, Jr., before  
me this the 17th day of November, 1954.

  
Commissioner.

H. C. JORDAN,  
Complainant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

-vs-

IN EQUITY

MILTON J. NELSON, et al  
and Certain Lands,

Case No. 3333

Respondents

DEPOSITIONS OF H. C. JORDAN AND E. G.  
RICKARBY, JR., Witnesses for  
Complainant in the Above Cause.

By virtue of the Commission hereto annexed issued by the Register for the Circuit Court of said County, sitting in Equity, in the above stated cause pending in said Court of said County, I, Florence Isbell, the Commissioner named in said Commission, have called and caused to come before me, H. C. JORDAN and E. G. RICKARBY, JR., the witnesses named in said commission, and having first sworn said witnesses to speak the truth, the whole truth and nothing but the truth, said witnesses deposed and stated and testified as shown on the attached statement, I Florence Isbell, the said Commissioner, hereby certify that the foregoing testimony was taken down in writing by me in the words of the witnesses and read over to them and that they assented to, swore to and subscribed the same in my presence on the 17th day of November, 1954, at Fairhope, Alabama; that I have personal knowledge of the identity of the witnesses and that I am not of counsel or kin to any of the parties to said cause or in any manner interested in the results thereof and I enclose said depositions together with the commission and the documents which were deposed to in the envelope properly endorsed and sealed and returned to the Register of said Court of said County.

I further certify that at the time said testimony was taken there was present E. G. Rickarby, Jr., Solicitor for the Complainant, and J. Connor Owans, Esquire, Guardian ad Litem and Attorney ad Litem in said cause.

Given under my hand and seal this the 17th day of November, 1954.

  
Commissioner.



FILED

NOV 18 1954

ALICE J. DUCK, Register

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MILTON J. NELSON et al, and Certain  
Lands

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State.

H. C. JORDAN

against MILTON J. NELSON et al, and Certain Lands.

Herein fail not. Due return make of this writ as the law directs.

Witness this 23rd day of August, 1951

Deice J. Leach, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)



E. C. JORDAN,

Complainant

-vs-

LANDS DESCRIBED IN THE

BILL, ET AL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No. 3333

FINAL DECREE

This case being submitted for final decree on the pleadings, decrees pro confesso, and the testimony, as the same appears in the note of evidence filed in this case and upon consideration thereof, the court finds, orders, adjudges and decrees, as follows:

That the bill of complaint in this case is filed under the provisions of Article 2, of Chapter 32 of Title 7 of the 1940 Code of Alabama to quiet title in rem to that certain real property located in the County of Baldwin, State of Alabama, described as follows:

Begin at the center of Section Thirty (30), Township Six (6) South, Range Two (2) East, run East one thousand fifty and seven-tenths feet (1050.7); thence south two hundred ninety-six (296) feet; thence east two hundred and ninety-six (296) feet; thence north two hundred ninety-six (296) feet; thence east six hundred seventy-one and eight-tenths (671.8) feet; thence South two thousand six hundred fortysix and two-tenths (2646.2) feet; thence west six hundred and seventy-one (671) feet; thence North four hundred eighteen (418) feet; thence west six hundred twenty-seven (627) feet; thence south four hundred eighteen (418) feet; thence west four hundred twenty and five-tenths (420.5) feet; thence north two hundred ninety-six (296) feet; thence west two hundred ninety-six (296) feet; thence north to point of beginning, being the Southeast Quarter (SW $\frac{1}{4}$ ) of Section Thirty (30), Township Six (6) South, Range Two (2) East, and containing one hundred ten (110) acres, more or less.

And, it further appearing to the court that all persons whose names and addresses were known to the Complainant were served with legal process as prescribed by law and that a decree pro confesso was taken against all who were not minors and who are not in the armed forces of the United States of America or its allies within the meaning of the Soldiers and Sailors Civil Relief Act, and that the Complainant made diligent inquiry to ascertain the names, ages and addresses of all persons, firms or corporations who claim or are reputed to claim any right, title, interest, lien or encumbrance upon the land or any part thereof, and that all unknown part-

ies or parties whose whereabouts are not known were served with notice by publication once a week for four consecutive weeks in a newspaper having a general circulation and published in the County of Baldwin, Alabama, where the lands lie, as prescribed by law, and the filing of a copy of the lis pendens certified by the Register of the Circuit Court of Baldwin County, Alabama, as being correct, in the office of the Judge of Probate of Baldwin County, Alabama, as prescribed by law, and that all unknown parties were duly represented by a Guardian ad Litem appointed by this Court and any defendant who may be in the armed forces of the United States of America or its allies within the meaning of the Soldiers and Sailors Relief Act were duly represented by an attorney ad litem appointed by this Court; and

It further appearing to the Court that more than thirty days has expired since the first publication of the said notice and the filing of the Lis Pendens in the Office of the Judge of Probate and that all the Respondents have answered or have suffered decrees pro confesso to be taken against them, and that more than one day has elapsed since the rendition of the decrees pro confesso, and that no demurrers were filed to the bill of complaint and that the said guardian ad litem and attorney ad litem has answered the bill of complaint and that no person has attempted to intervene; and

It further appearing to the Court that the Complainant, H. C. Jordan, has in all ways, complied with the provisions of Article 2 of Chapter 32 of Title 7 of the 1940 Code of Alabama, and that said H. C. Jordan has shown by legal evidence that he is entitled to the relief prayed for in his bill,

It is therefore ORDERED, ADJUDGED and DECREED that H. C. Jordan is the owner in fee simple of all the lands described in the bill of complaint and as hereinafore set out except the mortgage in favor of the Bank of Fairhope and the mortgage in favor of the First Federal Savings & Loan Association of Mobile and the claim of Joseph Schneider for materialman's lien on said property and that no other persons, firms or corporation



has any right, title, interest, claim or demand in or to said land or any part thereof; and

That Milton J. Nelson, George Amos Nelson, Emma Lee Nelson Daffin, Harold Nelson, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Margaruite Nelson Moody, Andrew J. Nelson, L. L. Jerrell, Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr., Hilda Zundel Hargrove, Mrs. Ruth Brieston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood, William Zundel, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris, and if any of said parties are dead, their heirs or devisees and any unknown defendants who claim or may be reputed to claim any right, title interest, claim or encumbrance or demand in and to said land or any part thereof; do not have any right, title, interest, claim or encumbrance or demand in or to said land, or any part or parcel thereof, and that all right, title, interest, claim, encumbrance or demand that any of said Respondents, their heirs, devisees or next of kin previously held, is hereby divested out of them and vested in H. C. Jordan; and

That a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of Milton J. Nelson, George Amos Nelson, Emma Lee Nelson Daffin, Harold Nelson, Augusta Nelson Norton, Corine Nelson Jones, Eva Louise Nelson Moody, Claude M. Nelson, Margaruite Nelson Moody, Andrew J. Nelson, L. L. Jerrell, Margaret Parker, Rozina Hamilton, Louis T. Zundel, Mamie Zundel, F. C. Zundel, Jr. Hilda Zundel Hargrove, Mrs. Ruth Brieston, Amelia Zundel Wood, Alicia Gunsckle, Mildred Hammond, Emilia Z. Wood, William Zundel, Jewell Fulford, W. Gilmore, Thomas Gates and R. Harris; and any unknown defendants who claim or may be reputed to claim any right, title, interest, lien, encumbrance or demand in or to said land or any part thereof, on the direct index of conveyances of real property, and that it be indexed in the indirect index of conveyances of real property in the Probate Court of Baldwin County, Alabama, in the name of H. C. Jordan, and

That the Complainant pay all costs of this cause, for  
which execution may issue.

Done this the 18 day of November, 1954.

Hubert M. Hall  
JUDGE.



Equity 3333

Here.

FILED  
NOV 19 1954

ALMA L. BUCK, Register 3170

The State of Alabama, \_\_\_\_\_ County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon MILTON J. NELSON, et al, and  
Certain Lands.

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-  
plaint filed in said Circuit Court, in equity, for said County of said State.

H. C. JORDAN

against MILTON J. NELSON et al, and Certain Lands.

Herein fail not. Due return make of this writ as the law directs.

Witness this 23rd day of August, 1954

Reverie J. French, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)



The State of Alabama

MOBILE COUNTY.

IN CIRCUIT COURT, IN EQUITY

*W.C. Glidden*

vs.

*William J. McLean et al*

SUMMONS

Returned by the Sheriff and filed in office, this  
the ..... day of ..... 19.....  
Register.

FILED

AUG 23 1954

ALICE J. DICK, Register

SHERIFF'S RETURN

3333 Baldwin Co.

981

Received on the 15th day of September, 1954 and on the 15th day of September, 1954 I executed the within by serving a copy of the writ on L. L. Jarrell, Mamie Zundel and Mrs. Ruth Breisten. On the 16th day of September, 1954 a copy of the writ was served on Margaret Parker. On the 17th day of September, a copy of the writ was served on Louis T. Zundel and F. C. Zundel Jr. On the 18th day of September, 1954 a copy of the writ was served on Alicia Gunsckle and Mildred Hammond. On the 19th day of September, 1954 a copy of the writ was served on William Zundel. On the 20th day of September, 1954 a copy of the writ was served on Hilda Zundel Hargrove. This writ is herewith returned to court for further action.

W. H. H loombe, Sheriff  
Mobile County, Ala.

BY

*Sanders*  
*Ferguson*  
*Bernstein*  
Sanders  
Ferguson  
Bernstein  
Glidden.

D S

H. C. JORDAN,

Complainant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

-vs-

MILTON J. NELSON, et al  
and Certain Lands,

No. 3333

Respondents.

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM:

Domes the Complainant in the above styled cause and shows that it appears from the bill that some of the Respondents in this cause are unknown parties, the identity of which are unknown;

WHEREFORE, Complainant moves that this Court appoint a Guardian Ad Litem to represent and defend the interests of such parties as may be infant, lunatic, or unknown parties in this proceeding and further moves that the same party be appointed Attorney ad Litem to represent the interests of any unknown parties who might be in the Armed Forces of the United States of America and require the services of an Attorney ad Litem under the Soldier's and Sailor's Relief Act.

RICKARBY & RICKARBY

By:

E. G. Rickarby, Jr.,  
Solicitor for Complainant.



H. C. JORDAN,

Complainant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

-vs-

MILTON J. NELSON, et al  
and Certain Lands,

NO. 3333

Respondents.


To the

HONORABLE ALICE J. DUCK, REGISTER:

The Complainant in the above entitled cause requests and requires the oral examination of H. C. JORDAN and E. G. RICKARBY, JR. as Witnesses for Complainant in support of his bill filed in the above cause; such examination to be before a special commissioner appointed by you; That the said H. C. Jordan and E. G. Rickarby, Jr. reside in Fairhope, Baldwin County, Alabama, and Complainant suggests Mrs. Florence Isbell, who resides in the City of Fairhope, Baldwin County, Alabama, as a disinterested person, as the person to be appointed special commissioner and Complainant requests her appointment.

RICKARBY & RICKARBY

By:

  
E. G. Rickarby, Jr.,  
Solicitor for Complainant.

H. C. JORDAN

COMPLAINANT

VS

MILTON J. NELSON, ET AL,

DEFENDANTS

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

AFFIDAVIT OF NON RESIDENT OF ADULT DEFENDANT.

Before me E. G. TRICKARD, JR. a Notary Public, Baldwin  
County, Alabama, personally appeared before me H. C. Jordan, who being first  
duly sworn, deposes and says that George Amos Nelson and Melton J. Nelson,  
defendants, in the above styled cause are non residents of the State of  
Alabama, and that their place of residence is unknown, and that it cannot  
be ascertained after reasonable effort, and further, that in belief of said  
affiant the said Defendants are over the age of twenty-one years.

Sworn to and subscribed before me this 5 day of August, 1954.  
now.

E. G. TRICKARD, JR.  
Notary Public, Baldwin County, Alabama

~~File  
maintain  
decree  
pro. corpus  
aw 11/26. + take  
decree now  
Have you given court  
3 days notice to  
take testimony~~



ELLIOTT G. RICKARBY  
(DECEASED)

LAW OFFICES  
**RICKARBY & RICKARBY**  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

17 November 1954

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


Dear Mrs. Duck:

With this we are handing you the original bill, the bill as amended and the court file and the depositions, note of testimony and a proposed decree in the Jordan case.

Please give Mr. Owens at least \$25.00 as a fee and give me a ring as soon as you know what these costs will be. Subtract that \$50.00 Dr. Jordan has already paid you and I will get a check from him.

Please hurry this as much as you can.

Yours very truly,

  
E. G. Rickarby, Jr.

R/1

cc: Dr. H. C. Jordan  
City

2495

Encls.

## RICKARBY &amp; RICKARBY

ELLIOTT G. RICKARBY  
(DECEASED)

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

3 November 1954

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

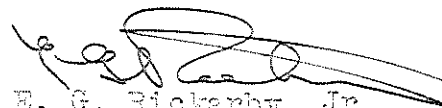
Dear Mrs. Duck:

With this we are handing you motion for decree pro confesso in the Jordan vs. Milton J. Nelson, et al, Case No. 3333.

At the same time I wish to call your attention to the fact that in the bill we alleged that George Nelson and Milton J. Nelson were residents of the State of Alabama but were not found in this County by the Sheriff. The pertinent code sections on this are: Section 1118 was last amended which provides that publication shall in all respects serve as notice to unknown parties whose whereabouts are not known and parties who conceal themselves so that process cannot be served on them, and that no other advertising or forms of notice shall be required as to such parties; which indicates that service of publication is good except for Section D, Equity Rule 5, which provides for an affidavit of three months non-residence since the filing of the bill. 7

I have been unable to find a definite precedent in this matter and ask you to think about this matter for if a decree is rendered when we don't have legal service, we have nothing and the title will be no good and the proceedings wasted whereas I can hold up for about thirty days and get an affidavit of three months' non-residence since the filing of the bill as the bill has only been filed two and one-half months.

Yours very truly,

  
E. G. Rickarby, Jr.

R/i  
Encl.  
2495

Phone me on this

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY  
(DECEASED)

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

20 August 1954

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

Dear Mrs. Duck:

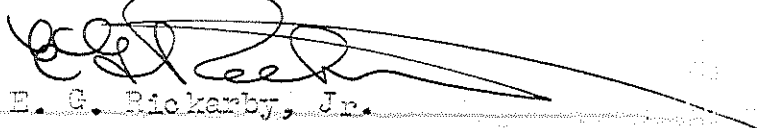
Re: H. C. Jordan  
Vs: Milton J. Nelson, et al  
& Certain Lands

With this we are handing you original bill and complaint,  
order as to publication, notice of publication, and  
notice of lis pendens for filing.

We are herewith enclosing check for \$50.00 to cover these  
expenses.

Please process immediately and oblige.

Yours very truly,



E. G. Rickarby, Jr.

R/i  
Encls.



3333

H. C. Jordan  
vs

Milton J. Nelson  
et al.

RECEIVED  
JAN 10 1900  
U.S. DEPT. OF JUSTICE

RECEIVED  
JAN 10 1900  
U.S. DEPT. OF JUSTICE

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RECEIVED  
JAN 10 1900  
U.S. DEPT. OF JUSTICE

H. C. JORDAN,

Complainant

-VS-

LANDS DESCRIBED IN THE  
BILL, ET AL,

Respondents,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No. 3333

NOTE OF EVIDENCE

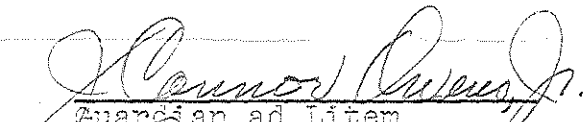
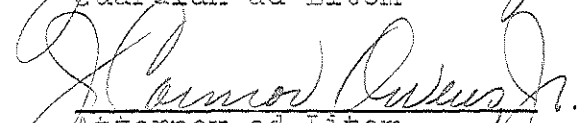
The above styled cause is submitted on bill of Complaint, decrees pro confesso, answer of Guardian ad Litem and Attorney ad Litem and depositions of E. G. Rickarby, Jr. and of H. C. Jordan, Complainant.

RICKARBY & RICKARBY

By: 

E. G. Rickarby, Jr.,  
Solicitor for Complainant

  
Registrar

  
Guardian ad Litem  
  
Attorney ad Litem

Equity 3833

Note of Credit

FILED

NOV 18 1954

ALICE L. DUCK, Register



ELLIOTT G. RICKARBY  
(DECEASED)

LAW OFFICES  
**RICKARBY & RICKARBY**  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

8 November 1954

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


Dear Mrs. Duck:

With this we are handing you the file in the Jordan case.

You will notice that your advertisement and your notice and your order of publication is against both of these parties in question.

Please expedite this matter as much as possible.

Yours very truly,

  
E. G. Rickarby, Jr.

R/1  
2/4/95  
Encls.