

35.00
3636
ORT H. ERTZINGER,

Complainant,

VS.

CERTAIN LANDS and
WALTER SPLITT AND MILDRED SPLITT,

Respondent.

IN THE

CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

IN EQUITY.

JANUARY 4, 1956

TESTIMONY TAKEN ORALLY IN CHAMBERS, BEFORE HON. HUBERT M. HALL,
JUDGE OF SAID COURT:

HON. JAMES R. OWEN, Representing the Complainant

HON. TELFAIR J. MASHBURN, JR., Representing the Respondents as
Guardian Ad Litem.

MR. ORT H. ERTZINGER, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Owen.

Q. This is Mr. Ort H. Ertzinger?

A. Yes sir.

Q. Mr. Ertzinger, you are over 21 years of age?

A. Yes sir.Q.

Q. And a resident of Baldwin County, Alabama?

A. Yes sir.

Q. Do you personally know the two Respondents, Walter and Mildred Splitt?
Splitt?

A. I do not.

Q. But if they are living, could you testify that they are over 21 years
of age?

A. Yes.

Q. Mr. Ertzinger, have you made any effort in the last few months
to locate Walter Splitt and Mildred Splitt?

A. Yes; I went to their home in Hammond Indiana in August
and went to the Lawyer who represented Mr. Splitt, and the
lawyer was dead, and they didn't know anything about him in
the office, and I went to where Mr. Walter Splitt had lived

And he had moved and I couldn't locate either of the Respondents; apparently, they didn't live in Hammond.

Q. Are you in the actual, peaceable possession of the lands described in the bill of complaint in this cause, that is, the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Section 28, Township 6 South, Range 3 East

A. Yes sir.

Q. Will you tell the Court what possession you have had of this property since you bought it on the 24th day of September, 1951?

A. Immediately after I bought it I went to see the property and went all over it and later on I sold ~~ix~~ off all of the timber on the land.

Q. Do you remember what year you sold the timber?

A. I think it was a little over six months after I bought the property.

Q. Mr. Ertzinger, have you and Ralph Splitt, the person from whom you purchased this land, paid the taxes on this property for the past 10 years?

A. Yes sir.

Q. Have you and Ralph J. Splitt, the person from whom you purchased the property, been in the peaceable possession of this property for 10 years immediately preceding the filing of this bill of complaint?

A. Yes.

Q. You are claiming title - the unincumbered, fee simple title, to all of this property by virtue of the deed from Ralph J. Splitt to you, dated September 24, 1951, which deed is recorded in Deed Book 171, at page 260 in the office of the Judge of Probate of Baldwin County, Alabama?

A. Yes sir.

Q. I believe you said you have made a diligent search for any one who might claim any title to this property, or any firm or corporation who might be making any claim to it?

A. That is right.

Q. You have had an abstract made of this property?

A. Yes sir.

Q. Are all of the facts you have ascertained, and everything you have been able to ascertain about the property, as set out in your bill here?

A. Yes sir.

MR. OWEN: We would like to introduce in evidence deed from Ralph J. Splitt, to Ort H. Ertzinger, dated September 24, 1951, and Recorded in Deed Book 171, at page 260, in the Probate Office of Baldwin County, Alabama, and ask that it be identified as Complainants' Exhibit A., with leave to withdraw the original deed and substitute therefor a copy of the same.

CROSS EXAMINATION BY MR. MASHBURN, GUARDIAN AD LITEM:

Q. Mr. Ertzinger, who is Ralph J. Splitt?

A. He is a nephew of George Splitt, who used to run a mercantile business in Summerdale.

Q. Did the old man, George Splitt, have any children?

A. Yes sir, he had two children; Walter Splitt and Mildred Splitt. George's wife ~~xxx~~ ran off with the two children with another man and George died of a broken heart.

Q. And Ralph Splitt was a nephew?

A. Yes sir.

Q. The two children of George Splitt, did you know them?

A. No.

Q. Do you have any idea where they are now?

A. No. I tried to find them this summer.

Q. By what right did Ralph Splitt Deed you the property?

A. George Splitt left a will, willing it to Ralph.

Q. Was that will Probated in Baldwin County?

A. No.

Q. When did Mr. Splitt die?

A. He died some time in 1943 -

Q. Did you know his children's name?

A. Only from the papers here; I had the names with me when I went there.

MR. OWEN: The two children are the Respondents in this case -
Walter Splitt and Mildred Splitt.

Q. Did this nephew, Ralph Splitt - he was the one that made the deed to you?

A. Yes sir.

Q. Did he pay the taxes from 1943 on?

A. Yes, I was his agent and paid the taxes for George until he died and then I paid the taxes for Ralph until I bought the land.

THE COURT: You personally took care of the taxes?

WITNESS: Yes sir.

C E R T I F I C A T E:

I hereby certify that the foregoing, consisting of pages 1 to 4 both inclusive, correctly sets forth a true and correct transcript of the testimony as taken by me in Chambers, on this the 4th day of January, 1956.

Louise Dusecherry
Official Court Reporter

2.260
I Certify that the following Privilege Tax
has been paid.

Deed Tax

50

Mortgage Tax

W.B. Stuart
Judge of Probate

By *L.*

QUIT-CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that for and in consid-
eration of the sum of One Hundred Dollars (\$100.00) and other
good and valuable considerations to me in hand paid by ORT H.
ERTZINGER, the receipt of which is hereby acknowledged, I, RALPH
J. SPLITT, a single man, sole heir and devisee under the Last
Will and Testament of George L. Splitt, deceased, do hereby grant,
bargain, sell, convey and quit-claim unto the said ORT H. ERTZINGER
all of my right, title and interest in and to the following describ-
ed lands in Baldwin County, Alabama, to-wit:

NW $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec. 28-6-3, 40 acres, Start. at
NW corner SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 32-6-3, running
East 3.6 chs. to a stake S. 7.48 chs. for
beg. corner, thence S. 320.75 ft., E. 180 ft.

N. 323.75 ft., W. 180 ft. to begin. being
Lots 1-2-3-& N $\frac{1}{2}$ 4, Blk. 4, Baldwin Addn.
Marlow

Lots 7-8, Blk. 4, S'Dale

all situated in Baldwin County, Alabama.

TO HAVE AND TO HOLD unto the said ORT H. ERTZINGER, his
heirs and assigns forever.

WITNESS my hand this 24th day of September, 1951.

Ralph J. Splitt

Ralph J. Splitt

STATE OF INDIANA)
COUNTY OF LAKE)SS:

I, ELSIE M. LUNDEWALL, a Notary Public in and for said
state and county hereby certify that RALPH J. SPLITT, a single man,
whose name is signed to the foregoing conveyance and who is known
to me, acknowledged before me on this day that, being informed of
the contents of said conveyance, he executed the same voluntarily
on the day the same bears date.

WITNESS my hand this 24th day of September, 1951.

My commission expires:
February 18th, 1955.

Elsie M. Lundewall

Notary Public
(Elsie M. Lundewall)

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3636

CERTIFICATE

I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify as follows:

1. The Notice of Pendency of Bill of Complaint in this cause was filed for record in the office of the Judge of Probate of Baldwin County, Alabama, on October 24, 1955.
2. Notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published in Bay Minette in Baldwin County, Alabama, which said notice appeared in the issues of said paper published on October 27, 1955, November 3, 1955, November 10, 1955, and November 17, 1955.
3. A copy of the Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the courthouse of Baldwin County, Alabama, on October 27, 1955.

Dated this 29th day of Dec, 1955.

Alice J. Duck
Register.

CERTIFICATE

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

RECORDED

FILED
DEC 29 1955

ALICE L. JONES, CLERK

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of
the Complainant upon the following:

1. Original Verified Bill of Complaint.
2. Order designating newspaper in which Notice of
Pendency of Bill of Complaint shall be published.
3. Notice of Pendency of Bill of Complaint.
4. Proof of publication of Notice of Pendency of Bill
of Complaint.
5. Register's Certificate as to service.
6. Motion for Decree Pro Confesso.
7. Decree Pro Confesso.
8. Motion of Complainant for an order or decree setting
cause for hearing, appointing a guardian ad litem to represent
unknown minors and persons of unsound mind interested in this
proceeding, and an attorney to represent any unknown parties
interested in this proceeding who may be in the military service of
the United States.
9. Decree dated December 29, 1955, setting this cause
for hearing on this date, appointing Telfair J. Mashburn, Jr., as
guardian ad litem to represent any unknown minors and persons of
unsound mind interested in this proceeding and as attorney to
represent any person interested in this proceeding who may be in
the military service of the United States, and ordering that the
testimony of the witness for the Complainant be taken in open court
and transcribed in the manner provided by Equity Rule No. 56, as
amended.

10. Notice of appointment of guardian ad litem and attorney to represent parties in the military service and acceptance of such appoint.

11. Answer of guardian ad litem and attorney for unknown parties interested in this proceeding who may be in the military service of the United States.

12. Testimony of Ort H. Ertzinger, a witness for the Complainant, taken in open court in the manner provided by Equity Rule No. 56, as amended.

13. Exhibit Numbered 1 to testimony of Complainant's witness.

Dated this 4th day of January, 1956.

Alice J. [Signature]
Register.

J. B. Blackman
Solicitor for Complainant.

NOTE OF TESTIMONY

CHAS H. BRITTINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY
NO. 3636

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the Complainant upon the original verified Bill of Complaint; order designating newspaper in which Notice of Pendency of Bill of Complaint will be published; Notice of Pendency of Bill of Complaint; proof of publication of Notice of Pendency of Bill of Complaint; Register's certificate as to service; Motion for Decree Pro Confesso; Decree Pro Confesso; motion of Complainant for an order or decree setting cause for hearing, appointing a guardian ad litem to represent unknown minors and persons of unsound mind interested in this proceeding, and an attorney to represent any unknown parties interested in this proceeding who may be in the military service of the United States; Decree dated December 29, 1955, setting this cause for hearing on this date, appointing Telfair J. Mashburn, Jr., as guardian ad litem to represent any unknown minor or person of unsound mind interested in this proceeding, and as attorney to represent any person interested in this proceeding who may be in the military service of the United States, and ordering that the testimony of the witness for the Complainant be taken in open court and transcribed in the manner provided by Equity Rule No. 56, as amended; Notice of Appointment of Guardian ad litem and Attorney to Represent Parties in the Military Service and acceptance of such appointments; answer of guardian ad litem and attorney for unknown parties interested in this proceeding who may be in the military service of the United States; and the testimony of Ort H. Ertzinger, witness for the Complainant, taken in open court on this date, and the exhibit to the testimony of the said witness, all of which has

been noted by the Register; upon consideration of all of which it appears to the Court that all persons, firms or corporations named in the Bill of Complaint filed in this cause have permitted a Decree Pro Confesso to be taken against them; that the allegations of the said Bill of Complaint are true and that the Complainant is entitled to a decree quieting title to the lands described in the said Bill of Complaint; upon consideration of all of which it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the Complainant, Ort H. Ertzinger, is the lawful owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Southeast Quarter of Section 28,
Township 6 South, Range 3 East.

that the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the said Complainant, Ort H. Ertzinger, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said Complainant has and is hereby given judgment against the said lands and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The Complainant's title to the said lands is hereby quieted against Walter Splitt and Mildred Splitt, and against the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

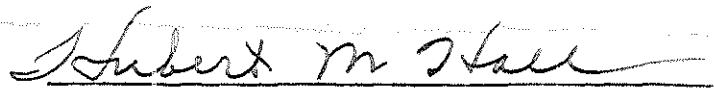
3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, for record thereof and tax the costs of such recording as a part of the costs of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of Walter Splitt and Mildred Splitt and shall index the same in the indirect or reverse index of said records in the name of Ort H. Ertzinger.

5. The title hereby adjudged and decreed to be in the said Complainant, Ort H. Ertzinger, shall inure to the benefit of all persons who derive title to the said lands, or any part thereof, or any interest therein, from or through the said Complainant, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainant.

6. The costs of this proceeding are hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 4th day of January, 1956.


Judge.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orator, Ort H. Ertzinger, presents this Bill of
Complaint against the following described lands situated in Baldwin
County, Alabama, to-wit:

Northwest Quarter of Southeast Quarter of Section 28,
Township 6 South, Range 3 East.

and against Walter Splitt, and against his heirs or devisees, if
deceased, Mildred Splitt, and against her heirs and devisees, if
deceased, and against any and all persons, firms or corporations
claiming any title to, interest in, lien or encumbrances on the
said lands or any part thereof, and, thereupon, your Orator com-
plains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty one years of age and is
a resident of Baldwin County, Alabama.
2. The Respondents, are, if living, over twenty one years
of age, but their respective places of residence and post office
addresses are unknown and cannot be ascertained after reasonable
efforts and the making of diligent inquiry to ascertain the facts
with regard thereto. Your Orator avers that during the month of
September, 1955, he visited Lake County, Indiana and Cook County,
Illinois, which was the last known residences of the said Respondents
and that he made inquiries at the said places, to ascertain the
present address of each of the said Respondents and was unable to
obtain said addresses.
3. Your Orator is in the actual, peaceable possession
of all of the above described land situated in Baldwin County,
Alabama, and claims to own said lands in his own right, absolutely
and in fee simple.
4. Your Orator holds color of title to and he and those
through whom he claims title have paid taxes on said lands for a
period of ten or more consecutive years next preceding the filing
of this Bill of Complaint, and no other persons, firms or corporations
other than your Orator and those through whom he claims title, have
paid taxes on, or have been in possession of the above described
lands or any part thereof for a period of ten or more consecutive

years prior to the following of this Bill of Complaint.

5. Title to all of the said lands stands upon the records in the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, in the name of your Orator.

6. No suit is pending to test your Orator's title to, right to possession of the said lands or any part thereof.

7. Your Orator has and claims to have the absolute unencumbered fee simple title to all of the real property herein described by and through the following instrument of writing which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, to-wit:

Deed from Ralph J. Splitt, a single man, to Ort H. Ertzinger, dated September 24, 1951, in Deed Book 171 at page 260, Baldwin County, Alabama Records.

8. Your Orator has made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of persons, firms or corporations who might make or who are making any claim to the said lands or any part thereof, or any interest therein, or any encumbrances thereon. Your Orator further avers that he has had an abstract company to prepare an abstract of title to the above described property, employed an attorney to examine the said abstract and has made and caused a thorough inquiry to be made in the community where the said property is situated for the purpose of ascertaining any claimant to it and for any other information having any bearing on the title to the said property. All of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the said Respondents is as hereinabove set out.

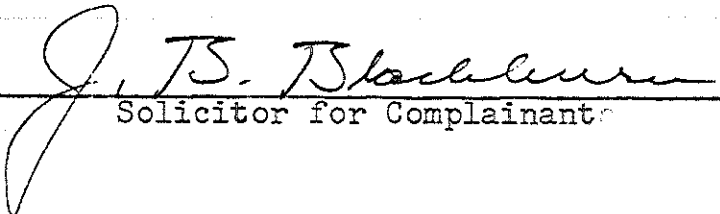
PRAYER FOR PROCESS

Your Orator prays that the said lands hereinabove described, the Respondents named herein and their heirs and devisees, if deceased, and all persons, firms or corporations claiming any

title to, interest in, lien or encumbrance on the said lands or any part thereof be made parties respondent to this Bill of Complaint and be brought into Court by the usual and proper process.

PRAYER FOR RELIEF

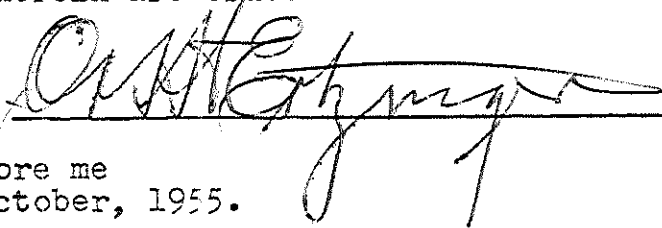
Your Orator prays that each and all of the Respondents named herein, their heirs and devisees, the unknown heirs, devisees legal representatives and next of kin of the each of the Respondents named herein who are dead, and any and all persons, firms and corporations who claim to own the said lands or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and testify such claim, right, title, interest, lien or encumbrance and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors and insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the military service; that upon a final hearing of this cause it be ordered, adjudged and decreed that the Orator, at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described lands, and that none of the Respondents herein specifically named, or their heirs or devisees, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up, and that your Orator's title to the said lands be fully and completely quieted. Your Orator prays for such other, further and general relief as he may be equitably entitled to, the premises considered.


Solicitor for Complainant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared Ort H. Ertzinger, who, after being by me first duly and legally sworn, deposes and says:

That he is the Complainant named in the above and foregoing suit, that he has read over the foregoing Bill of Complaint and that the facts stated therein are true.



Sworn to and subscribed before me
on this the 29th day of October, 1955.


Notary Public, Baldwin County, Alabama.

Book 018 p. 34

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

ANSWER OF GUARDIAN AD LITEM FOR UNKNOWN MINORS AND
INSANE PERSONS, AND AS ATTORNEY FOR ANY UNKNOWN
PERSON INTERESTED IN THIS PROCEEDING WHO MAY BE IN
THE MILITARY SERVICE OF THE UNITED STATES.

I, Jessie H. Madlibury, Jr., having been
heretofore appointed as guardian ad litem to represent any unknown
minors or insane persons interested in this proceeding, and as
attorney to represent any unknown parties interested in this pro-
ceeding who may be in the military service of the United States, for
answer to the Bill of Complaint filed in this cause, hereby deny
each and all of the allegations thereof and demand strict proof of
same.

Dated this 4th day of January, 1956.

Jessie H. Madlibury, Jr.
As guardian ad litem as aforesaid, and
as attorney to represent persons in
military service as aforesaid.

ANCHOR OF GUARDIAN AD LITEM FOR
UNKNOWN MINORS AND INSANE PERSONS,
AND AS ATTORNEY FOR ANY UNKNOWN
PERSON INTERESTED IN THIS PRO-
CEEDING WHO MAY BE IN THE MILITARY
SERVICE OF THE UNITED STATES.

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

RECORDED

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3636

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against Walter Splitt and Mildred Splitt and against their heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, on the grounds that the Notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published in Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper which were published on October 27, 1955, November 3, 1955, November 10, 1955, and November 17, 1955, which said notice contained a provision requiring all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the said notice, or any part thereof, which are the lands described in the said notice, or any part thereof, which are the lands described in the Bill of Complaint that was filed in this cause, must appear in this court and plead, answer or demur to the Bill of Complaint before the 28th day of November, 1955, or at the expiration of thirty days from the said date a decree pro confesso would be taken against them; and thirty days having expired since November 28, 1955, and no person, firm or corporation named above has appeared in this cause, the complainant is entitled to a decree pro confesso against all of the persons, firms and corporations named above. Complainant further shows unto the Register that a copy of the Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the courthouse of Baldwin County, Alabama on the 27th day of October, 1955.

Wherefore, the Complainant moves the Register to make and enter a decree pro confesso against the above named Respondents and each of them.

Dated this 29th day of December, 1955.

J. B. Blukh
Solicitor for Complainant

MOTION FOR DECREE PRO CONFESSO

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

FILED

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ORT H. ERTZINGER,

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VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3636

MOTION

Now comes the Complainant by his Solicitor and shows unto the court that all of the Respondents named in the Bill of Complaint filed in this cause have suffered a decree pro confesso to be taken against them.

Wherefore, Complainant prays that the court will make and enter a proper order or decree setting this cause for hearing, appointing a guardian ad litem to represent any unknown minor or person of unsound mind interested in this proceeding and an attorney to represent any party interested in this proceeding who may be in the military service, and prescribing the method of taking testimony in this cause.

J. B. Black

Solicitor for Complainant

MOTION

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

ORT H. ERTZINGER,

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VS.

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AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3636

NOTICE OF APPOINTMENT OF GUARDIAN AD LITEM AND
ATTORNEY TO REPRESENT PARTIES IN THE MILITARY SERVICE

TO Wm. Jefferson Maddux Jr., ESQUIRE:

You are hereby notified that by a decree of this court heretofore rendered in this cause you have been appointed as guardian ad litem to represent any unknown minors or insane persons interested in this proceeding and as attorney to represent any unknown parties interested in this proceeding who may be in the military service of the United States.

Dated this 29th day of Dec, 1955.

Wm. Jefferson Maddux Jr.

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

* * * * *

STATE OF ALABAMA)

BALDWIN COUNTY)

I, the undersigned Jefferson A. Maddux Jr., do hereby accept appointment as guardian ad litem and as attorney to represent any unknown parties interested in this proceeding who may be in the military service of the United States.

Dated this 4th day of January, 1956.

Jefferson A. Maddux Jr.

As guardian ad litem and as attorney representing parties in the military service.

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

DECREE PRO CONFESSO

In this cause it appears to the Register that the Notice of Pendency of Bill of Complaint heretofore made in this cause was published for four consecutive weeks commencing on the 27th day of October, 1955, in the Baldwin Times, a newspaper published at Bay Minette in Baldwin County, Alabama; that a copy of the said notice was posted at the courthouse door in Baldwin County, Alabama, on the 27th day of October, 1955; and it further appearing to the Register that the said Respondents hereinafter named have to the date hereof failed to plead, answer or demur to the Bill of Complaint in this cause:

It is, therefore, on motion of the Complainant, ordered and decreed by the Register that the said Bill of Complaint be and it hereby is in all things taken as confessed against the said Walter Splitt and Mildred Splitt and their heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

Ordered and decreed on this the 29th day of Dec
19 55.

Alvin J. Duck
Register.

DECREE PRO CONFESSOR

ORT H. ERTZINGER,

Complaint,

VS.

THE LANDS HEREINAFTER DESCRIBED
AND WALTER SPLITT AND MILDRED
SPLITT,

Respondents.

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3636

FILED

1955

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER
DESCRIBED AND WALTER SPLITT
AND MILDRED SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ORDER OF PUBLICATION

It is ordered in this cause that the notice provided for in Section 1119, Title 7 of the 1940 Code of Alabama, be published in the Baldwin Times, which is a newspaper having general circulation and published in Baldwin County, Alabama, where the lands described in the Bill of Complaint lie.

ORDERED this the 24th day of October, 1955.

Hubert M. Hall
Judge.

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER
DESCRIBED AND WALTER SPLITT
AND MILDRED SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

OCT 25 1955

ALICE J. DUCK, Clerk

Legal Notice

NOTICE OF PENDENCY OF BILL OF COMPLAINT

ORT H. ERTZINGER,
Complainant

vs.

THE LANDS HEREINAFTER
DESCRIBED AND WALTER
SPLITT AND MILDRED
SPLITT.

Respondents.

In The Circuit Court of Baldwin County, Alabama
IN EQUITY. No. 3636

Notice is hereby given to the Respondents named below and to all persons, firms or corporations claiming any right, title or interest, lien or encumbrance on the lands hereinafter described, or any part thereof, that Ort H. Ertzinger, did, on the 24th day of October, 1955, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Southeast Quarter of Section 28, Township 6 South, Range 3 East.

and against Walter Splitt and his heirs or devisees, if deceased, and against Mildred Splitt, and her heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

The addresses of the Respondents, Walter Splitt and Mildred Splitt, are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said Complainant to all of the said lands, for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Ralph J. Splitt, a single man, to Ort H. Ertzinger dated September 24, 1951, and recorded in Deed Book 171 at page 260, Baldwin County, Alabama Records.

The Complainant, in and by his said Bill of Complaint, alleges and avers that he owns the said lands in his own right, absolute and fee simple; that the title to the said lands stands upon the records in the office of the Judge of the Probate of Baldwin County, Alabama, the county wherein the said lands are situated, in the name of the Complainant; that a suit is pending to test Complainant's title to, interest in or

right to the possession of said lands or any part thereof; that Complainant and those through whom he claims title has held color of title to and has regularly assessed and paid taxes on the said lands and each and every part thereof for more than ten years next prior to the filing of the Bill of Complaint; that no persons, firms or corporations, other than the Complainant and those through whom he claims title have paid any taxes on the said lands or any part thereof or any interest therein within ten years next prior to the filing of

The Respondents named above, the said Bill of Complaint. their heirs or devisees, if deceased, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrances on the said lands or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before the 28th day of November, 1955, or at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a Final Decree quieting Complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as

N TIMES

COUNTY

Best Newspaper

LABAMA

DAVIT OF PUBLICATION

sette, Jr., being duly sworn, deposes and says that he is the Editor and Publisher of THE BALDWIN TIMES, a Weekly Newspaper published in Baldwin County, Alabama, that the notice hereto attached of Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of said Court on this the 24th day of October, 1955.

ALICE J. DUCK,

As Register of The Circuit Court of Baldwin County, Alabama, in Equity.

J. B. Blackburn,
Solicitor for Complainant.

41-4tc.

705 WORDS @ 6¹/₂ cents — — \$ 45.82
I hereby certify this it correct, due and unpaid (paid).

E. R. Monnette Jr.
Editor Publisher.

was published in said newspaper for _____ consecutive weeks in the following issues:

Date of 1st publication Oct. 27, 1955 Vol. 66 No. 41

Date of 2nd publication Nov. 3, 1955 Vol. 66 No. 42

Date of 3rd publication Nov. 16, 1955 Vol. 66 No. 43

Date of 4th publication Nov 17, 1955 Vol. 66 No. 44

Subscribed and sworn before the undersigned this 17 day of Nov, 1955.

Dorothy Martin
Notary Public, Baldwin County.

E. R. Monnette Jr.
Editor Publisher.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

ORT H. ERTZINGER,

Complainant,

VS.

THE LANDS HEREINAFTER
DESCRIBED AND WALTER SPLITT
AND MILDRED SPLITT,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

No. 3636

Notice is hereby given to the Respondents named below and to all persons, firms or corporations claiming any right, title or interest, lien or encumbrance on the lands hereinafter described, or any part thereof, that Ort H. Ertzinger, did, on the 24th day of October, 1955, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

Northwest Quarter of Southeast Quarter of Section 28,
Township 6 South, Range 3 East.

and against Walter Splitt and his heirs or devisees, if deceased, and against Mildred Splitt, and her heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

The addresses of the Respondents, Walter Splitt and Mildred Splitt, are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said Complainant to all of the said lands, for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Ralph J. Splitt, a single man, to Ort H. Ertzinger dated September 24, 1951, and recorded in Deed Book 171 at page 260, Baldwin County, Alabama Records.

BOOK 004 PAGE 225

The Complainant, in and by his said Bill of Complaint, alleges and avers that he owns the said lands in his own right, absolutely and fee simple; that the title to the said lands stands upon the records in the office of the Judge of Probate of Baldwin County, Alabama, the county wherein the said lands are situated, in the name of the Complainant; that no suit is pending to test Complainant's title to, interest in or right to the possession of said lands or any part thereof; that Complainant and those through whom he claims title has held color of title to and has regularly assessed and paid taxes on the said lands and each and every part thereof for more than ten years next prior to the filing of the Bill of Complaint; that no persons, firms or corporations, other than the Complainant and those through whom he claims title have paid any taxes on the said lands or any part thereof or any interest therein within ten years next prior to the filing of the said Bill of Complaint.

The Respondents named above, their heirs or devisees, if deceased, and all persons, firms or corporations claiming any title to, interest in, lien or encumbrances on the said lands or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before the 28th day of November, 1955, or at the expiration of thirty days from the said date a Decree Pro Confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a Final Decree quieting Complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand has Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of said Court on this the 24th day of October, 1955.

Alice J. Duck
ALICE J. DUCK, AS REGISTER OF THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY.

J. B. BLACKBURN,
Solicitor for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 10-24-55 2 P. M.
Recorded Lia Paul Book 4 Page 225-6
MC Stuart
Judge of Probate
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