

T. C. MARRIOT, JR. ( )  
COMPLAINANT ) IN THE CIRCUIT COURT OF  
VS. ( )  
BALDWIN COUNTY ALABAMA,  
LANDS HEREINAFTER DESCRIBED AND ( )  
ELMA FURTH AND AUGUSTA NELSON ) IN EQUITY  
AND THE HEIRS AND DEVISEES OF )  
HANNA BAL ANDERSON NYGARD ( )  
RESPONDENTS )

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

Your Orator, T. C. MARRIOT, JR. presents this bill of complaint against the following described real property situated in Baldwin County, Alabama, to wit:

The West three-fourths (W 3/4) of the South  
Half (S 1/2) of the Southwest Quarter (SW 1/4) of  
the Northwest Quarter (NW 1/4), of Section One  
(1), Township Six (6) South, Range Three (3)  
East.....

and against the heirs and devisees of Hannabal Anderson Nygard and against Elma Furth and Augusta Nelson and the heirs and devisees of such 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 thereupon, your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident of Baldwin County, Alabama.
2. The Respondents are, if living, over the age of twenty-one years, but their place of residence and post office addresses are unknown and cannot be ascertained after diligent effort and inquiries to ascertain the facts with regard thereto, except the following: The said Elma Furth and Augusta Nelson were, in the year 1918, residents of City Christiania, Kingdom of Norway.
3. Your Orator owns the said lands in Baldwin County, Alabama, namely:

The West three-fourths (W 3/4) of the South  
Half (S 1/2) of the Southwest Quarter (SW 1/4) of  
the Northwest Quarter (NW 1/4), of Section One  
(1), Township Six (6) South, Range Three (3)  
East.....

in his own right, absolutely and in fee simple, and is in the actual peaceable possession of all of the said property. Your Orator, together with those through whom he claims title to the said lands, has held color of title thereto and has been in the actual, peaceable, continuous and undisputed possession of all of the said property for more than ten years next preceding the filing of this Bill of Complaint. No persons, firms or corporations, other than your Orator and those through whom he claims title to the said property, have paid any taxes on the said lands, or any part thereof, or any interest therein, for more than ten years next preceding the filing of this Bill of Complaint. No suit is pending to test your Orator's title to, interest in, or right to possession of the said lands or any part thereof, WHEREFORE, your Orator files this, his verified Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity, the County where the said lands lie, against the said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, to establish a title to the said lands and to clear up all doubts and disputes concerning the same.

4. Your Orator has and claims to have the absolute fee simple title to all of the above described property. The title so held and claimed by your Orator in and to all of the said lands was obtained from the persons and through the instruments as will hereinafter appear. Your Orator further shows that the title to all of the said lands stands upon the records of the Probate Court of Baldwin County, Alabama, the County where the said lands are situated in the name of your Orator; that no person, firm or corporation other than your Orator and those through whom he claims title to the said lands, have at any time within ten years next preceding the filing of this Bill of Complaint paid any taxes upon the said lands, or any part thereof, or any interest therein, nor has any other person, firm or corporation, other than your Orator and those through whom he claims title to the said lands, had any possession of the said lands, or any part thereof for more than ten years next preceding the filing of this Bill of Complaint. The Complainant pledges that he and those under whom he claims have paid taxes on these lands for 10 yrs. preceding the filing of this bill, this bill.

5. Your Orator claims the absolute fee simple title to all of the said lands under, by and through the following instruments of writing, all of which are recorded in the Probate Record of Baldwin County, Alabama, the County where the said lands are situated, to-wit:

a. Warranty Deed from Aaron Harford and Frances Harford, his wife, Fred Harford and Clara A. Harford, his wife, dated March 18, 1898, and recorded in Deed Book Z, page 26-7.

b. Warranty Deed from John V. Kollander and Annie Killander, his wife, dated October 23, 1908, and recorded in Deed Book 16NS, page 538.

c. Warranty Deed from C. J. Madsen and Augusta Madsen, his wife, dated September 20, 1910 and recorded in Deed book 16NS page 635-4.

d. Warranty Deed from John M. Madson, dated March 21, 1914, and recorded in Deed book 22NS page 382.

e. Road Deed from H. A. Nygard, dated June 9, 1916, and recorded in Deed book 24NS page 609.

f. Petition of Final Settlement in the estate of Hannabal Anderson Nygard, filed October 16, 1916, recorded in Record Book I, page 61.

Decree on final settlement in the estate of Hannabal Anderson Nygard, dated November 19, 1918, recorded in Minute book H, Page 397, wherein Hance Nygard, Elma Furth and Augusta Nelson are named as sole heirs of said Hannabal Anderson Nygard.

g. Quitclaim deed from H. T. Newgard and Alma B. Newgard, his wife dated April 25, 1951, and is filed for record in the office of the Judge of Probate, Baldwin County on September 5, 1951, and is not yet recorded.


Your Orator avers that he has made and caused to be made a diligent search to ascertain the names, ages and addresses of all of the parties named herein who are now deceased and also to ascertain if anyone is making any claim to the said property, or any part thereof. These inquiries have consisted of writing to H. T. Newgard, 2025 Boylston N. Seattle 2, Washington who is one of the three heirs at law of Hannabal Anderson Nygard, deceased and also discussing the matter with him on long distance telephone and making diligent inquiries in and around the community where this land is located. Your Orator has examined and has employed an attorney and abstractor to examine the records in the Office of the Probate Judge, the Tax Assessor and the Tax Collector of Baldwin County, Alabama, and to ascertain to whom the records show to have any claim to or encumbrance on the said property; he has made and caused a thorough inquiry to be made in the community where the said lands are situated for the purpose of ascertaining any claimants to it, or any other information having any bearing on the title to the said property; that these efforts by your Orator, his agents and attorney, have continued faithfully and diligently since April, 1951, and all of the information so secured as to the said heirs, prior ownership and possession of the said property is set out in this Bill of Complaint.

PRAYER FOR PROCESS

Your Orator prays that the lands hereinabove described, the Respondents named herein and the unknown heirs, devisees, personal representatives and next of kin of the Respondents named herein who are dead and any and all person, 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 this Court by the usual and proper process.

PRAYER FOR RELIEF

Your Orator prays that each and all of the Respondents named and the unknown heirs, devisees, legal representatives and next of kin of such Respondents herein named who are dead and all other persons, firms or corporations who claim to own said lands or any part thereof, or any interest therein, or any lien or encumbrance thereon, be required to set forth and specify such claim, title, right, interest, lien or encumbrance and how and by what instrument the same is derived and created and that upon the final hearing of this cause it be Ordered, Adjudged and Decreed that your Orator, at the time of the filing of this Bill of Complaint, had the legal title to all of the above described lands and that none of the Respondents herein specifically named, 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 may be cleared up and your Orator's title to the said lands be fully and completely quieted. Your Orator further prays for such other, further and general relief as he may be entitled to, the premises considered.

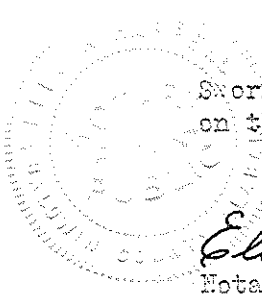
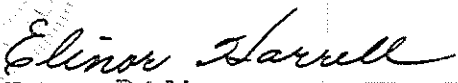
  
Solicitor for Complainant

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me, the undersigned authority, within and for said County and State, personally appeared Forest A. Christian, who, after being by me first duly sworn, deposes and says: That he is the Solicitor for the Complainant named in the above entitled cause; that he prepared the foregoing Bill of Complaint and that the facts stated therein are true.

  
Forest A. Christian

Sworn to and subscribed before me  
on this the 5th day of September, 1951.

  
  
Elinor Harrell  
Notary Public

THE FOLEY ONLOOKER

BALDWIN NEWS-HERALD

FOLEY, ALA., Sept. 29 1957

# HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. Duck

Bay Minette, Ala.

## Brought Forward

Sept.	6	Legal Notice	
"	13	for	
"	20		
"	27	T. C. Marriott, Jr.	\$22.86

QUIT CLAIM DEED

BOOK 169 PAGE 105

THE STATE OF ALABAMA, )  
BALDWIN COUNTY. )

KNOW ALL MEN BY THESE PRESENTS, That we, HANS NEWGARD, also known as H. T. NEWGARD, and Alma B. Newgard NEWGARD, his wife, GRANTORS, for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, to us in hand paid by T. C. MARRIOTT, JR., GRANTEE, the receipt whereof is, upon the delivery of these presents, hereby acknowledged, do hereby REMISE, RELEASE, QUITCLAIM and CONVEY unto the said GRANTEE, all our RIGHT, TITLE, INTEREST and CLAIM in and to the following described real estate, situated in the County of Baldwin, State of Alabama, to wit:

The West three-fourths (W 3/4) of the South Half (S 1/2) of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4), of Section One (1), Township Six (6) South, Range Three (3) East.....

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same unto the said GRANTEE, and unto his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 25 day of April, 1951.

Hans Newgard (SEAL)  
Hans Newgard  
Alma B. Newgard (SEAL)  
Alma B. Newgard

THE STATE OF WASHINGTON, )  
COUNTY OF KING. )

I, A. W. Ludwig, a Notary Public in and for said County and State, do hereby certify that Hans Newgard, also known as H. T. Newgard, and ALMA B. Newgard, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

And I do further certify that on the 25<sup>th</sup> day of April, 1951, personally appeared before me the within named ALMA B. Newgard, known to me to be the wife of the within named Hans Newgard, who, being examined separate and apart from the husband, touching her signature to the within conveyance, acknowledged that she executed the same of her own free will and accord, and without fear, constraint or threats on the part of the husband.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this the 25<sup>th</sup> day of April, 1951.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 9-6-51 9:30 AM.  
Affix Seal: Read book 169 page 105  
Notary Public A. W. Ludwig  
that the following Privilege Tax

50  
M. B. Strick  
Judge of Probate  
By G.

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

T. C. MARRIOTT, JR.

Complainant

Vs.


LANDS HEREINAFTER DESCRIBED AND ELMA FURTH AND AUGUSTA NELSON,  
AND THE HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD Defendant

Motion is hereby made for a Decree Pro Confesso against CERTAIN LANDS, ELMA FURTH AND  
AUGUSTA NELSON, AND THE HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD Defendant

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

This 13th day of November 1951

746 Code

 Solicitor.

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

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

T. C. MARRIOTT, JR.

Complainant \_\_\_\_\_

Vs.

CERTAIN LANDS, ELMA FURTH, ET AL.

Defendant \_\_\_\_\_

Motion for Decree Pro Confesso  
on Publication

Filed 11-13 1951

*David J. Henrich*  
Register.

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

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

Register.

T. C. MARRIOTT, JR.

COMPLAINANT

IN THE CIRCUIT COURT OF

VS:

BALDWIN COUNTY ALABAMA

LANDS HEREINAFTER DESCRIBED AND  
ELMA FURTH AND AUGUSTA NELSON  
AND THE HEIRS AND DEVISEES OF  
HANNAH ANDERSON NYGARD

IN EQUITY

RESPONDENTS

NOTICE TO NON-RESIDENT DEFENDANTS

It having been made to appear in the above styled cause from the Affidavit of Forest A. Christian, the Solicitor of Record for the Complainant in said cause, that the Respondents, Elma Furth and Augusta Nelson, are non-residents of the State of Alabama, their residences or Post Office address being unknown to Complainant.

NOTICE IS HEREBY GIVEN TO Elma Furth and Augusta Nelson, if they be living and if dead the unknown heirs and assigns and devisees of them and each of them, and to any and all persons, firms or corporations claiming any interest in, title to, lien or encumbrance upon the land herein described; that on the 5th day of September, 1951, T. C. Marriott, Jr. filed in the Equity Side of the Circuit Court of Baldwin County, Alabama his Bill of Complaint against the following described land in Baldwin County, Alabama, Viz:

The West three-fourths (W 3/4) of the  
South Half (S 1/2) of the Southwest Quarter  
(SW 1/4) of the Northwest Quarter (NW 1/4)  
of Section One (1), Township Six (6)  
South, Range Three (3) East.....

and against the respondents hereinabove named and any and all other persons, firms, or corporations claiming any interest in, lien or encumbrance upon the above described land, and you are hereby notified to appear and plead answer or demur within thirty days from the completion of publication, the 10th day of November, 1951; or a decree pro confesso will be rendered against you;

That said Bill of Complaint was and is filed for the purpose of establishing the title of said Complaint to said land for the purpose of quieting its title thereto and clearing up all doubts and disputes concerning the same;

That title to said land stands in the name of the Complainant on the records in the Office of the Judge of Probate in Baldwin County, Alabama;

That Complainant claims title to said land by virtue of a quit claim deed from H. T. Newgard and Alma B. Newgard, his wife, dated April 26, 1951.

Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that he and those under whom he claims, have been in possession of said land for more than 10 years next preceding the filing of the Bill of Complaint, and they have paid the taxes on said land for the last 10 years, prior to the filing of said Bill of Complaint and no other person, firm or corporation has paid any taxes on said land during said 10 year period.

Witness my hand this the 5th day of September, 1951.

FOREST A. CHRISTIAN  
SOLICITOR

MISS ALICE J. DUCK  
Register of the Circuit Court of  
Baldwin County, Alabama.

FILED  
SEP 6 1951



LAW OFFICE OF  
**FOREST A. CHRISTIAN**  
FOLEY, ALABAMA

September 5, 1951.

Mrs. Alice J. Duck, Register  
Bay Minette, Alabama.

Dear Mrs. Duck:

Enclosed is a Bill of Complaint and copy of notice for non-resident defendants; one to be put in the Lis Pendense records of the Judge of Probate. I am enclosing a deed and check which you may use to pay for the recording for both the deed and the notice. I am delivering the notice to the Foley Onlooker tonight so that it will get in this weeks newspaper.

Kindly post one copy of the notice on the courthouse door, also copy of Bill of Complaint.

Yours very truly,



FAC/vdt

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

T. C. MARRIOTT, JR.

Complainant\_\_\_\_\_

LANDS HEREINAFTER DESCRIBED, ELMA FURTH AND AUGUSTA NELSON AND THE  
HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD

Defendant\_\_\_\_\_

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 6th day of September, 1951, in the Onlooker a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 6th day of September 1951 and a Lis Pendens Notice was filed in the Office of the Judge of Probate of Baldwin County, Alabama, on September 6th, 1951

And it now further appearing to the Register Alice J. Duck that the said

ELMA FURTH AND AUGUSTA NELSON AND THE HEIRS AND DEVISEES OF HANNABAL  
ANDERSON NYGARD

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant\_\_\_\_\_, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Elma Furth and Augusta Nelson and the Heirs and Devisees of Hannabal Anderson Nygard

This 13<sup>th</sup> day of November 1951

Alice J. Duck Register.

**THE STATE OF ALABAMA,**  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

T. C. MARRIOTT, JR.

Complainant

VS.

CERTAIN LANDS, ELMA FURTH AND AUGUSTA NELSON AND THEIR  
HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD

Respondent

I, Alica A. Christian

as Register and Commissioner

have called and caused to come before me Elmer V. Lovell and T. C. Marriott, Jr.

witnesses named in the Requirement for Oral Examination, on the 15 day of November  
194 51, at the office of Forest A. Christian  
in Foley, Alabama, and having first sworn said Witnesses to speak the  
truth, the whole truth, and nothing but the truth, the said Elmer V. Lovell and T. C.  
Marriott, Jr. doth depose and say as follows:

The testimony of Elmer V. Lovell:

My name is Elmer V. Lovell; I am 57 years of age; I live at Silverhill, Alabama; and have lived near Silverhill for about 30 years. I have known the lands described as follows: The West Three-fourths (W3/4) of the South Half (S1/2) of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section One (1), Township Six (6) South, Range Three (3) East, Baldwin County, Alabama, consisting of 15 acres, more or less, which are the same lands described in the Bill of Complaint, for at least 20 years. I know that H. T. Newgard has assessed and paid the taxes for at least 20 years and that he has claimed to own it in fee simple for this period of time. He has used it in every way that it is susceptible to use. It is timber land and he has leased it for turpentine each year, and I know that neither Elma Furth nor Augusta Nelson, nor any of their heirs or assigns, nor anyone else has ever assessed or paid the taxes on these lands, nor claimed to own them within the last 20 years. I know that the Complainant, T. C. Marriott, Jr., bought this land from the said H. T. Newgard and obtained a deed from him in April or May of 1951, and that since that time he has cut the timber on the property, and has been in actual, peaceful possession of it.

\* Elmer V. Lovell  
Elmer V. Lovell

The testimony of T. C. Marriott, Jr.:

My name is T. C. Marriott, Jr.; I am the complainant in this case; I am over the age of 21 years, and reside at Foley, Baldwin County, Alabama. The respondents in this case, if living, are over the age of 21 years, but their place of residence and post office addresses are unknown to your complainant, and after diligent search and inquiry cannot be ascertained. I own the following described lands in Baldwin County, Alabama, to wit: The West Three-fourths (W3/4) of the South Half (S1/2) of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section One (1), Township Six (6) South, Range Three (3) East, containing 15 acres, more or less. I claim to own it in my own right, absolutely and in fee simple, and I am in the actual, peaceable possession of said property. I purchased this property from H. T. Newgard in April or May, of 1951, and paid him the sum of \$1,400.00 cash for said land, and have a deed to same recorded in the office of the Judge of Probate of Baldwin County, Alabama. No person, firm, or corporation, other than your affiant, and those through whom he claims title to said property have paid any taxes on said lands or any part thereof, or any interest therein, for more than ten years next preceding the filing of this Bill of Complaint. No suit is pending to test your affiant's title. Your affiant has made diligent inquiry and search to obtain information as to the names and addresses of the respondents as set out in said Bill of Complaint and finds none, and has had an abstract of title made to the premises and has had it examined by an attorney. Your affiant is in actual, peaceful possession of said premises and claims to own the same in fee simple.

T. C. Marriott, Jr.  
T. C. Marriott, Jr.

ORAL EXAMINATION.

I, Alice A. Christian, as ~~Register and~~ Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down by me in writing in the words of the witnesses and read over to them and they signed the same in the presence of myself and Forest A. Christian at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 13th day of November, 1945.

Alice A. Christian (L.S.)

I do further certify that the depositions are true and correct as given by the witnesses.

Alice A. Christian

(See Equity Rule 55, as amended.)

NO. \_\_\_\_\_ PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

T. C. MARRIOTT, JR.

vs. Complainant

CERTAIN LANDS, ELMA FURTH AND  
AUGUSTA NELSON AND THE HEIRS AND

DEVISEES OF HANNAH BAL AND BERTON NYKARD

Oral Deposition

Filed \_\_\_\_\_ 1945

FILED  
NOV 15 1951

Register.

Allice Registered in

Record

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

Page \_\_\_\_\_

, Register.

T. C. MARRIOTT, JR.

vs.

LANDS HEREINAFTER DESCRIBED AND ELMA

FURTH AND AUGUSTA NELSON, AND THE HEIRS

AND DEVISEES OF HANNABAL ANDERSON NYGARD

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, \_\_\_\_\_

The affidavit attached thereto, the Notice of Publication, the Order designating

Newspaper, Affidavit of Publication, Motion for Decree Pro Confesso on .

Publication, and Lis Pendens Notice, filed in the office of the Judge of

Probate of Baldwin County, Alabama, and the Testimony of Elmer V. Lovell

and T. C. Marriott, Jr.

and in behalf of Defendant upon Decree Pro Confesso on Publication

*Wm. H. ...*  
*David ...*  
 Register  
 Solicitor -  
 Register

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

**THE STATE OF ALABAMA**  
**Baldwin County**

**IN EQUITY**  
**Circuit Court of Baldwin County**

T. C. MARRIOTT, JR.

VS.

CERTAIN LANDS, ELMA FURTH, ET AL.

**NOTE OF TESTIMONY**

Filed in Open Court this 15<sup>th</sup>

day of Nov, 1947

W. J. French  
Register.

Printed by The Baldwin Times, Bay Minette.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT

TO: Alica A. Christian

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 Elmer V. Lovell and T. C. Marriott, Jr.

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein T. C. MARRIOTT, JR.

Complainant  
and Certain Lands et als

Respondent

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

Witness 13th day of November, 1951.

Register.

Commissioner's Fee, \$          

Witness' Fees, \$

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

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

T. C. MARRIOTT, JR.

Complainant—

vs.

CERTAIN LANDS et als

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:



T. C. MARRIOTT, JR.,

COMPLAINANT

VS:

CERTAIN LANDS, ELMA FURTH,  
AND AUGUSTA NELSON AND THE  
HEIRS AND DEVISEES OF  
HANNABAL ANDERSON NYGARD,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard is submitted for Final Decree upon the Bill of Complaint, the Affidavit attached hereto, the Notice of Publication, the Order Designating Newspaper, the Affidavit of Publication, the Decree Pro Confesso on Publication and Lis Pendens Notice filed in the Office of the Judge of Probate of Baldwin County, Alabama, against said Respondents, and the testimony as noted. And it appearing to the Court that T. C. MARRIOTT, JR. is in the actual, peaceable adverse possession of the following described real estate, situated in the County of Baldwin, State of Alabama, to wit:

The West Three-fourths ( $W \frac{3}{4}$ ) of the South Half ( $S \frac{1}{2}$ ) of the Southwest Quarter ( $SW \frac{1}{4}$ ) of the Northwest Quarter ( $NW \frac{1}{4}$ ), Section One (1), Township Six (6) South, Range Three (3) East,

being the same land as heretofore described in the caption of this Decree and against which this proceeding is brought, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

And it appearing to the Court that no suit is pending to test Complainant's title to, interest in, or right to possession of said land.

And it appearing to the Court that all parties interested in said land, together with the Respondents, whose names are set forth in the Bill of Complaint, have had due notice of these proceedings by publication for the length of time as prescribed by law and the rules of this Court, and the Court understanding the same is of the opinion that Complainant is entitled to the relief prayed for in this his Bill of Complaint.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Complainant is the owner in fee simple of the lands described in this Decree and that no other person, firm, or corporation has any title to, interest in or lien or encumbrance upon said lands or any part thereof and especially is this so as to the Respondents, whose names are set forth in the caption of this Decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any claim, title to, or interest in or encumbrance upon the aforesaid land or any part thereof that ELMA FURTH AND AUGUSTA NELSON AND THE HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD, if they be living and if dead, the unknown heirs and devisees of them and each of them hold or claim to hold are a cloud upon the title of the Complainant in this cause as to the aforesaid land, and that their said title to, interest in, lien or encumbrance upon said land or any part thereof are hereby decreed to be null and void and as such are removed as a cloud upon the title of the Complainant and that such title to, interest in, lien or encumbrance upon said land or any part thereof held by the aforesaid Respondents or any of them, are hereby removed and held for naught as being void and of no force and effect, and such Respondents have no interest in, title to, lien or encumbrance upon said land or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that said Decree be indexed on the Direct Indexes in the name of ELMA FURTH, AUGUSTA NELSON AND THE HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD, and that it shall be indexed in the Indirect Indexes on the records of Baldwin County, Alabama, in the name of T. C. MARRIOTT, JR., and that the Register of this Court shall within thirty days from the rendition of this Decree file said certified copy of this Decree in the Office of the Judge of Probate of Baldwin County, Alabama, for record and tax the expense thereof as a part of the cost of this proceeding, and that the Probate Judge shall record such copy in the same book and manner in which deeds are recorded and index the same as said Decree orders and directs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that T. C. MARRIOTT, JR., be and he is taxed with the cost of this proceeding for which execution may issue.

Dated at Bay Minette, Alabama, this the 28<sup>th</sup> day of November, 1951.

Julius J. Madlbury, Jr.  
Judge of Circuit Court in Equity

T. C. MARRIOTT, JR.,

COMPLAINANT

VS:

CERTAIN LANDS, ELMA FURTH,  
AND AUGUSTA NELSON AND THE  
HEIRS AND DEVISEES OF  
HANNAH ANDERSON WYGARD,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FINAL DECREE

This cause coming on to be heard is submitted for Final Decree upon the Bill of Complaint, the Affidavit attached hereto, the Notice of Publication, the Order Designating Newspaper, the Affidavit of Publication, the Decree Pro Confesso on Publication and Lis Pendens Notice filed in the Office of the Judge of Probate of Baldwin County, Alabama, against said Respondents, and the testimony as noted. And it appearing to the Court that T. C. MARRIOTT, JR. is in the actual, peaceable adverse possession of the following described real estate, situated in the County of Baldwin, State of Alabama, to wit:

The West Three-fourths (W 3/4) of the South Half  
(S 1/2) of the Southwest Quarter (SW 1/4) of the Northwest  
Quarter (NW 1/4), Section One (1), Township Six (6)  
South, Range Three (3) East,

being the same land as heretofore described in the caption of this Decree and against which this proceeding is brought, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

And it appearing to the Court that no suit is pending to test Complainant's title to, interest in, or right to possession of said land.

And it appearing to the Court that all parties interested in said land, together with the Respondents, whose names are set forth in the Bill of Complaint, have had due notice of these proceedings by publication for the length of time as prescribed by law and the rules of this Court, and the Court understanding the same is of the opinion that Complainant is entitled to the relief prayed for in this his Bill of Complaint.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Complainant is the owner in fee simple of the lands described in this Decree and that no other person, firm, or corporation has any title to, interest in or lien or encumbrance upon said lands or any part thereof and especially is this so as to the Respondents, whose names are set forth in the caption of this Decree.

11-8-51

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any claim, title to, or interest in or encumbrance upon the aforesaid land or any part thereof that ELMA FURTH AND AUGUSTA NELSON AND THE HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD, if they be living and if dead, the unknown heirs and devisees of them and each of them hold or claim to hold are a cloud upon the title of the Complainant in this cause as to the aforesaid land, and that their said title to, interest in, lien or encumbrance upon said land or any part thereof are hereby decreed to be null and void and as such are removed as a cloud upon the title of the Complainant and that such title to, interest in, lien or encumbrance upon said land or any part thereof held by the aforesaid Respondents or any of them, are hereby removed and held for naught as being void and of no force and effect, and such Respondents have no interest in, title to, lien or encumbrance upon said land or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama, and that said Decree be indexed on the Direct Indexes in the name of ELMA FURTH, AUGUSTA NELSON AND THE HEIRS AND DEVISEES OF HANNABAL ANDERSON NYGARD, and that it shall be indexed in the Indirect Indexes on the records of Baldwin County, Alabama, in the name of T. C. MARRIOTT, JR., and that the Register of this Court shall within thirty days from the rendition of this Decree file said certified copy of this Decree in the Office of the Judge of Probate of Baldwin County, Alabama, for record and tax the expense thereof as a part of the cost of this proceeding, and that the Probate Judge shall record such copy in the same book and manner in which deeds are recorded and index the same as said Decree orders and directs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that T. C. MARRIOTT, JR., be and he is taxed with the cost of this proceeding for which execution may issue.

Dated at Bay Minette, Alabama, this the 28<sup>th</sup> day of November, 1951.

Telfair J. Mashburn, Jr.  
Judge of Circuit Court in Equity.

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 enrolled in my office.

WITNESS my hand and seal this the 28<sup>th</sup> day of November, 1951.

STATE OF ALABAMA, BALDWIN COUNTY  
1-8-52  
Book 173, Page 281  
280-81  
Deed  
Index of Deeds

Alice J. Duck  
Register of Circuit Court in Equity



# AFFIDAVIT OF PUBLICATION

E FOLEY ON

LEGAL

MARLOW

I, M. S. Lawrence  
Editor of The Onlooker, published at

Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for FOUR consecutive weeks, commencing with the issue dated SEPT. 6, 19 51, and ending with the issue dated SEPT 27, 19 51.

Subscribed and sworn to before me this 29 day  
of Sept., 19 51.

Notary Public.

MY COMMISSION EXPIRES AUGUST 14, 1955

T. C. Marriott, Worship services will be  
vs. Lands Herein the Marlow Methodist Chu  
and Elma Furth evening during the week  
son and the Heirs pastor, Rev. S. W. Trotte  
Hannabal Anders ing the mesages. Mrs. N  
spondents. Silverhill, a competent, co

In the Circuit ed Christian worker, will  
County, Alabama song service. Special  
NOTICE TO N and orchestra music are  
DEFEN for the week. Rev. Trotte  
It having been sincerity makes itself f  
n the above style ing his spiritual messag  
Affidavit of For Mrs. Nygren's enthusias  
he Solicitor of Christian joy are contag  
Complainant in come and worship with  
he Respondents, evening.

Augusta Nelson, The Rev. S. T. Trotte  
f the State of Al ed the Baldwin County M  
dences or Post O Association meeting Mo  
ng unknown to the Episcopal Parish F  
Foley.

Notice is herab The Methodist Youth F  
urth and August sub-district of Baldwin  
e living and if d met at the Marlow Churc  
eirs and assigns day evening. A delegati  
hem and each of young people and a nu  
nd all persons, f adults were present fr

ons claiming a  
tle to, lien or encumbrance upon  
ne land herein described; that on  
ne 5th day of September, 1951,  
C. Marriott, Jr., filed in the  
quity Side of the Circuit Court  
f Baldwin County, Alabama his  
ill of Complaint against the fol  
wing described land in Baldwin  
ounty, Alabama, Viz:

The West three-fourths (W  $\frac{3}{4}$ )  
the South Half (S  $\frac{1}{2}$ ) of the  
thwest Quarter (SW  $\frac{1}{4}$ ) of the  
rthwest Quarter (NW  $\frac{1}{4}$ ), of  
tion One (1), Township Six (6)  
th, Range Three (3) East. . . .  
against the respondents here-  
bove named and any and all  
er persons, firms, or corpora-  
s claiming any interest in, lien  
encumbrance upon the above  
ribed land, and you are hereby  
fied to appear and plead, an-  
or demur within thirty days  
the completion of publica-  
the 10th day of November,  
or a decree pro confesso will  
endered against you;

at said Bill of Complaint was  
is filed for the purpose of  
lishing the title of said Com-  
t to said land for the purpose  
uieting its title thereto and  
ng up all doubts and disputes  
rning the same;

t title to said land stands in  
ame of the Complainant on  
records in the Office of the

# W. R. STUART

PROBATE JUDGE

No. **1732**

Bay Minette, Ala., 1-8, 1952

Received of Mrs Duck

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<u>2. C.</u>	<u>Marriott Jr -</u>					<u>150</u>		<u>150</u>	
	<u>Certain Lands</u>								

FOR RECORD

TOTAL \$ 150

41939 MARSHALL & BRUCE-NASHVILLE

W. R. Stuart  
Judge of Probate.