

E. MIKKELSEN, ET AL,	0	IN THE CIRCUIT COURT OF
COMPLAINANTS	0	BALDWIN COUNTY, ALABAMA
VS.	0	IN EQUITY
C. R. JENSEN, ET AL,	0	NO. 2253
RESPONDENTS	0	

# FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decrees pro confesso, and proof as noted by the Register, and it appearing to the satisfaction of the Court that the Complainants are the owners in fee simple of, are now, and were at the time this proceeding was filed, in the actual, and peaceable possession of the land involved in this proceeding and hereinafter described, and each and every part and parcel thereof, and that the title of the Complainants has been duly and justly proven by legal and competent evidence, the Court is of the opinion that the Complainants are entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the Court, that the Respondents, Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. B. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof, have no estate, right, claim, interest in or encumbrance upon the following described land, or any part or parcel thereof in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township

6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court, that the full fee simple title to the said lands in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East,

is vested absolutely in the Complainants, E. Mikkelsen and Ruth Mikkelsen.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Judge of Probate, Baldwin County, Alabama, in the direct index in the names of, Ella Walters, Ella Trinen, O. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, and the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them, and in the indirect index in the names of E. Mikkelsen and Ruth Mikkelsen.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Register 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, and that the costs thereof be taxed in the cost of this cause.

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

Dated this the 26<sup>th</sup> day of July, 1949.

Jeffrey J. Marshall, Jr.  
Judge

FINAL DECREE

E. WIKKESEN, ET AL

COMPLAINANTS

VS.

C. R. JENSEN, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2253

Filed this 26<sup>th</sup> day of July, 1949.

In law office of H. M. Hall.

E. MIKKELSEN AND RUTH  
MIKKELSEN,

COMPLAINANTS

VS

C. R. JENSEN, ET AL.

RESPONDENTS

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Your Complainants E. MIKKELSEN and RUTH MIKKELSEN, present  
this their bill of complaint against the following described lands  
in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter  
of Section 26, Township 6 South, Range 4 East; South-  
west quarter of Northeast quarter of Section 17,  
Township 6 South, Range 4 East; North half of North-  
west quarter of Southwest quarter of Section 26,  
Township 6 South, Range 4 East; Northeast quarter of  
Northwest quarter of Section 26, Township 6 South,  
Range 4 East; West half of Southwest quarter of South-  
west quarter of Section 26, Township 6 South, Range 4  
East; East half of Southwest quarter of Southwest quar-  
ter of Section 26, Township 6 South, Range 4 East;  
Southeast quarter of Northeast quarter of Section 27,  
Township 6 South, Range 4 East; Southwest quarter of  
Northeast quarter of Section 11, Township 7 South,  
Range 3 East;

and also against Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte,  
Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A.  
Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen  
William Livingston, the unknown  
heirs, devisees, grantees, personal representatives and assigns of Ella  
Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J.  
S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox,  
O.W. Halversen  
Walter J. Cox, William Livingston, and each of them, and any and all  
persons, firms or corporations claiming any right, title to, interest  
in, lien or encumbrance upon the said land or any part or parcel there-  
of, and respectfully represents and shows unto your Honor and this  
Honorable Court as follows:

1.

That your Complainants are both over twenty-one years of age,

and bona fide resident of Baldwin County, Alabama, living at Summerdale.

2.

That the Respondent J. S. Lowrey, is over twenty-one years of age, and a resident of Bay Minette, Baldwin County, Alabama; that the Respondent Ella Walters, is a non resident of the State of Alabama, and over twenty-one years of age; that her address is not known and cannot be ascertained after a diligent search and inquiry; that Ella Trinen, is over twenty-one years of age and a non resident of the State of Alabama; that her last known address was 536 West 89th Street, Chicago, Illinois; that a diligent search and inquiry has been made to ascertain her present address, but it is unknown; that C. R. Jensen, is over twenty-one years of age, and a non resident of the State of Alabama, that his last known address was 64 Center Street Bellville, New York, that a diligent search and inquiry has been made to ascertain his address, but it is unknown; that Lucy Coyte, Leila D. Armistead, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. O. W. Halversen Cox/and William Livingston, are all over twenty-one years of age, and non residents of the State of Alabama; that their addresses cannot be ascertained after a diligent search and inquiry; that a diligent search and inquiry has been made by an examination of the records in the Court House, at Bay Minette, Alabama, the preparation of an Abstract of Title, and inquires from various parties at Summerdale, and in the neighborhood, of the lands, to determine whether or not any of the Respondents whose addresses are not known are now living or dead, and if dead the names, ages and addresses of their heirs, devisees, grantees, personal representatives and assigns, but such information cannot be obtained, however, from all information obtainable they are all non residents of the State of Alabama, and over twenty-one years of age.

3.

That your Complainants are the owners in fee simple and in the actual possession of the lands described herein in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South,

Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

4.

That there is no suit pending to test the Complainants title to, interest in, or rights of possession to said land; that the Complainants called upon the Respondent and each of them, to set forth and specify what right, title or interest they have in and to said lands, or any part thereof and by what instrument or instruments the same is created and are derived.

5.

That your Complainants obtained title to the said lands, as follows;

North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East;

by deed from Samuel Schnitman and Margaret Schnitman, his wife, dated August 6, 1947, and of record in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 122 pages 119; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Leila D. Armistead and husband, dated June 14, 1947; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East, by deed from Walter J. Cox and wife, dated September 24, 1946; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Samuel Schnitman and wife, dated August 6, 1947; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East, by deed from Marone McCurdy and wife, dated February 14, 1945, and of record in 89 NS page 447; Northeast quarter of Southwest quarter of Northwest quarter of Section 12, Township 7 South, Range 3 East, from William J. Livingston, by deed dated October 17, 1945, and of record in 100 NS pages 225-6; Southwest quarter of Northeast quarter of Section 11,

Township 6 South, Range 4 East, by deed from Walter Avera and wife, dated January 3, 1938, recorded in Deed Book 64 NS pages 145-6.

6.

That the title to said lands claimed by your Complainants stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of the Complainants, E. Mikkelsen and Ruth Mikkelsen.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said lands other than the Complainants and Ella Trinen, Walter Dobson, Samuel Schnitman, C. R. Jensen, Leila D. Armistead, Charles Elstrom, Barbara Gullledge, W. E. Barginer, Marone McCurdy, Walter J. Cox and William Livingston.

8.

That the only persons known by your Complainants to claim said land, or any part thereof, or any interest therein are your Complainants, E. Mikkelsen and Ruth Mikkelsen and the Respondents: Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen, William Livingston.

9.

That your Complainants in an effort to ascertain the names and addresses of any parties claiming any interest in said lands has made and caused to be made a search of the records in the Court House at Bay Minette, Alabama, has had prepared an Abstract of Title, and has made inquiries of parties in Summerdale, Alabama, and in the vicinity of the lands.

WHEREFORE your Complainants pray that your Honor will by proper process make the said Ella Trinen, Ella Walters, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy, Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, if living, or if dead, the unknown heirs, devisees, grantees, personal representatives and assigns of the, and each of

them, and any other persons, firms or corporations claiming any right, title to, interest in, or incumbrance upon the said lands in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East, West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

or any part thereof to be made parties Respondent to this bill of complaint and required to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law, and the practice of this Honorable Court.

Complainants further pray upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title free of encumbrances to the lands herein described and to each and every part and parcel thereof is vested in your Complainants, E. Mikkelsen and Ruth Mikkelsen, and that neither Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, the unknow heirs, devisees, grantees, personal representatives and assigns of the said Respondents, Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, nor any other persons, firms or corporations have any right, title, interest in, or incumbrance upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainants further pray for such other, further, different or general relief as they may be in equity and good



conscience entitled to receive and as in duty bound they will  
ever pray.

*H. M. Hall*  
Solicitor for the Complainants

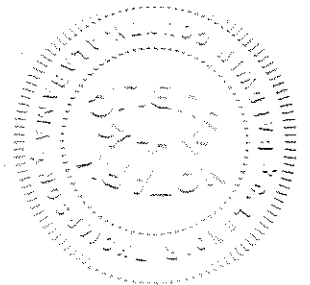
STATE OF ALABAMA  
BALDWIN COUNTY

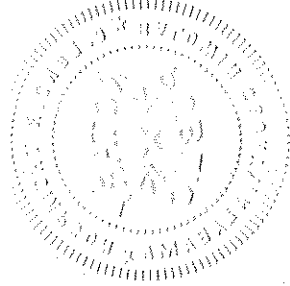
Before me, the undersigned authority in and for said County,  
in said State, personally appeared H. M. Hall, who is known to me,  
and who having been by me first duly sworn, deposes and says, that  
he is Solicitor of record for the Complainants in the above styled  
cause, and duly authorized to make this affidavit; that the alle-  
gations contained in the foregoing complaint, from all information  
obtainable are true.

*H. M. Hall*

Sworn to and subscribed before me on this the 15 day of March,  
1949.

*W. D. Thompson*  
Notary Public, Baldwin County, Ala.





no 2253

E. MIKKELSEN AND RUTH  
MIKKELSEN,

COMPLAINANTS

VS.

C. R. JENSEN, ET AL

RESPONDENTS.

Executed 3-19 1949  
by serving copy of within Summons and  
Complaint on

J. S. Lowery

Taylor Wilkins Sheriff

By W. F. Hall Deputy Sheriff

Received in Sheriff's Office  
this 18 day of March, 1949  
TAYLOR WILKINS, Sheriff

Filed March 15th, 1949.

Alice J. Luck  
Registrar

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2253---

TERM, 194---

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon J. S. Lowery et als

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

C. R. Jensen et als

, Defendant....

by

E. MIKKELSEN et al

, Plaintiff....

Witness my hand this 15th day of March 1949

Alice J. Smith

, Clerk.

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

**THE STATE of ALABAMA,**  
BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS and COMPLAINT**

Filed \_\_\_\_\_, 194\_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

\_\_\_\_\_, 194\_\_\_\_\_

\_\_\_\_\_, Sheriff

I have executed this summons

this \_\_\_\_\_, 194\_\_\_\_\_  
by leaving a copy with

Sheriff

Deputy Sheriff

E. MIKKELSEN and RUTH  
MIKKELSEN.

COMPLAINANTS

VS.

C. R. JENSEN

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

It having been made to appear in the above styled cause by proper affidavit, that Ella Trinen, a non resident of the State of Alabama, and over twenty-one years of age and her last known address being 536 West 89th Street; Chicago, Illinois; that C. R. Jensen, is a non resident of the State of Alabama, and over twenty-one years of age and his last known address being 64 Center Street, Bellville, New York; that Ella Walters, Lucy Coyte, Leila D. Armistead, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, are all over twenty-one years of age and non resident of the State of Alabama; that their address cannot be ascertained after a diligent search and inquiry; that E. Mikkelsen and Ruth Mikkelsen, are the owners in fee simple, and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East; Northeast quarter of Southwest quarter of Northwest quarter of Section 12, Township 7 South, Range 3 East.

That they ~~xxx~~ acquired title to said lands by conveyances as follows:

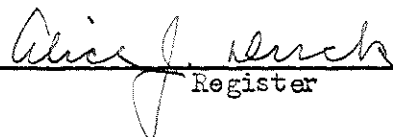
Walter Avera and wife, dated January 3, 1938, recorded in Deed Book 64, pages 145-6; Samuel Schnitman and wife, dated October 6, 1947, recorded 122 NS pages 119-20; Leila D. Armistead, dated June

14th, 1947, Marone McCurdy and wife, dated February 14, 1945, and recorded in Deed Book 89 NS page 47; Walter J. Cox, et al, dated September 24, 1946, William J. Livingston, October 17, 1945, 100 NS pages 225-6; W. E. Barginer and wife, dated August 6, 1947, recorded 122 NS pages 127-8; that no person is known to have paid any taxes on said lands, or to have been in possession thereof, within ten years next preceding the filing of this bill of complaint, except E. Mikkelsen and Ruth Mikkelsen, Samuel Schnitman, Charles Elstrom, Barbara Gullledge, W. E. Barginer, Marone McCurdy, Walter J. Cox, and William Livingston.

IT IS THEREFORE ORDERED and notice is hereby given that said Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, the unknown heirs, devisees, grantee, personal representatives and assigns of, Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, and any other persons, firms, or corporations claiming any title to, right, interest in, lien or encumbrance upon the said land, or any part thereof, to appear in this court and plead, answer or demur to this bill of complain on or before April 18, 1949, or upon their having failed to do so upon the expiration of thirty days from said date, a decree pro confesso, shall be taken against them, and this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 15th day of March, 1949.

  
Register

H. M. Hall  
Solicitor for the Complainant.

BOOK 002 210

BOOK 002 - 220

STATE OF ALABAMA  
BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama, in the cause of E. Mikkelsen et al vs. C. R. Jensen et al, and filed for record in the office of the Judge of Probate of Baldwin County, Alabama, the county in which said land lies, in accordance with the provision of the laws of the state of Alabama.

IN WITNESS WHEREOF I have hereunto set my hand and seal of office on this 15 day of March, 1948.

Alice J. Duck  
Register

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 3-18-49.....10.22..M  
Recorded Lis. Pend. book...21...page...218.20  
.....J. C. Stewart.....  
Judge of Probate 3

18 NO 225-3  
3-15-49  
E. MIKKELSEN AND 39  
RUTH MIKKELSEN

COMPLAINANTS

VS.

C. R. JENSEN 79

RESPONDENTS

2-218-20  
Filed March 15th, 1949

*Alice J. Duck*  
*Registrar*

B. 1. 35'

*Mrs. Duck*



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

Circuit Court of Baldwin County, Alabama  
(In Equity)

E. MIKKELSEN ET AL

Complainant

VS.

C. R. JENSEN ET AL

Respondent

I, LOUISE MORRIS

as Register and Commissioner

have called and caused to come before me E. Mikkelsen and Marone McCurdy

witness named in the Requirement for Oral Examination, on the 22 day of July 1949, at the office of H. M. Hall in Baldwin County, Alabama, and having first sworn said Witness to speak the truth, the whole truth, and nothing but the truth, the said E. Mikkelsen and Marone McCurdy doth depose and say as follows:

My name is E. Mikkelsen. I am also often referred to as Einar Mikkelsen. I am over twenty-one years of age and a bona fide resident of Baldwin County, Alabama. Ruth Mikkelsen is also over twenty-one years of age and a bona fide resident of Baldwin County, Alabama.

The Respondent J. S. Lowrey is over twenty-one years of age and a resident of Baldwin County, Alabama. The Respondents Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, if living, are all over twenty-one years of age, and non residents of the State of Alabama. The addresses cannot be ascertained after a diligent search and inquiry. Copies of the bill of complaint in this cause were mailed to those whose addresses could be learned, however all were returned unclaimed. I have also had an examination of the records of Baldwin County, Alabama made, and an Abstract of Title prepared to find out who was making any claim to the lands described in the bill of complaint in this cause, or any part thereof.

Ruth Mikkelsen and I are the owners and in the actual possession of the lands described in the bill of complaint in this cause, and to each parcel thereof. There is no suit pending to test our title to, interest in, or rights of possession to said lands.

We obtained title to said lands as follows:

Deed from Samuel Schnitman and Margaret Schnitman, his wife, dated August 6, 1947, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 122, page 119, conveying the North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Section 26, Township 6 South, Range 4 East; South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; that said original deed is hereto attached.

We obtained title to the Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Leila D. Armistead and husband, dated June 14, 1947; that said deed is hereto attached.

We obtained title to the Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East, by deed from Walter J. Cox and wife, dated September 24, 1946, and which deed is hereto attached.

We obtained title to the East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Samuel Schnitman and wife, dated August 6, 1947, which deed is hereto attached.

We obtained title to the Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East, by deed from Marone McCurdy and wife, dated February 14, 1945, which deed is hereto attached.

We obtained title to the Northeast quarter of Southwest quarter of Northwest

**ORAL EXAMINATION.**

I, Louise Morris, as Register and Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to them and they signed the same in the presence of myself H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness—; 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 22 day of July, 194<sup>9</sup>.

Louise Morris (L. S.)

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

F. MIKKEISEN ET AL.

vs. Complainant

C. R. JENSEN ET AL.  
Respondent.

**Oral Deposition**

Filed \_\_\_\_\_, 194\_\_\_\_

\_\_\_\_\_, Register.

Recorded in

\_\_\_\_\_, Record

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

\_\_\_\_\_, Register.

quarter of Section 12, Township 7 South, Range 3 East, by deed from William J. Livingston, by deed dated August 17, 1945, and which is hereto attached.

We obtained title to the Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East, by deed from Walter Avera and wife, dated January 3, 1938, and which is hereto attached.

The title to the said land now stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of the Complainant.

No one has 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, other than the following, the Complainants, E. Mikkelsen and Ruth Mikkelsen, Ella Trinen, Walter Dobson, Samuel Schmitman, C. R. Jensen, Leila D. Armistead, Charles Elstrom, Barbara Gulledge, W. E. Barginer, Marone McCurdy, Walter J. Cox, and William Livingston. The only parties known by your Complainant to have any claim against the said land are those mentioned in the original bill of complaint as Respondents.

That a diligent search and inquiry has been made to find out whether or not any of the names of the Respondents were dead, and if so the names, ages, and addresses of their heirs. I have been unable to get any information as to any of them.

I at the time I purchased the several parcels of land fenced the same and have made other improvements and in fact most of the land is under cultivation. No one has at any time exercised or attempted to exercise any rights of possession or ownership over the said lands. Any possession has been opened peaceable, notorious, adverse and continuous.

Einar Mikkelsen

My name is Marone McCurdy. I live at Summerdale, in Baldwin County, Alabama. I am personally acquainted with the lands owned by Einar Mikkelsen and Ruth Mikkelsen, his wife, and have known them for the past several years. I know that the Complainant are now and have been since they acquired title to the said lands been in the actual possession thereof. That their possession has been open, visible, notorious, adverse and continuous.

Marone McCurdy

E. MIKKELSEN AND RUTH  
MIKKELSEN,

COMPLAINANTS

VS

C. R. JENSEN, ET AL.

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

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

Your Complainants E. MIKKELSEN and RUTH MIKKELSEN, present  
this their bill of complaint against the following described lands  
in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter  
of Section 26, Township 6 South, Range 4 East; South-  
west quarter of Northeast quarter of Section 17,  
Township 6 South, Range 4 East; North half of North-  
west quarter of Southwest quarter of Section 26,  
Township 6 South, Range 4 East; Northeast quarter of  
Northwest quarter of Section 26, Township 6 South,  
Range 4 East; West half of Southwest quarter of South-  
west quarter of Section 26, Township 6 South, Range 4  
East; East half of Southwest quarter of Southwest quar-  
ter of Section 26, Township 6 South, Range 4 East;  
Southeast quarter of Northeast quarter of Section 27,  
Township 6 South, Range 4 East; Southwest quarter of  
Northeast quarter of Section 11, Township 7 South,  
Range 3 East;

and also against Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte,  
Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. H.  
O. W. Halversen  
Cox, Mrs. S. A. Cox, Walter J. Cox, William Livingston, the unknown  
heirs, devisees, grantees, personal representatives and assigns of Ella  
Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J.  
S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox,  
O. W. Halversen  
Walter J. Cox, William Livingston, and each of them, and any and all  
persons, firms or corporations claiming any right, title to, interest  
in, lien or encumbrance upon the said land or any part or parcel there-  
of, and respectfully represents and shows unto your Honor and this  
Honorable Court as follows:

1.

That your Complainants are both over twenty-one years of age,

and bona fide resident of Baldwin County, Alabama, living at Summerdale.

2.

That the Respondent J. S. Lowrey, is over twenty-one years of age, and a resident of Bay Minette, Baldwin County, Alabama; that the Respondent Ella Walters, is a non resident of the State of Alabama, and over twenty-one years of age; that her address is not known and cannot be ascertained after a diligent search and inquiry; that Ella Trinen, is over twenty-one years of age and a non resident of the State of Alabama; that her last known address was 536 West 89th Street, Chicago, Illinois; that a diligent search and inquiry has been made to ascertain her present address, but it is unknown; that C. R. Jensen, is over twenty-one years of age, and a non resident of the State of Alabama; that his last known address was 64 Center Street Bellville, New York, that a diligent search and inquiry has been made to ascertain his address, but it is unknown; that Lucy Coyte, Leila D. Armistead, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. O. W. Halversen Cox and William Livingston, are all over twenty-one years of age, and non residents of the State of Alabama; that their addresses cannot be ascertained after a diligent search and inquiry; that a diligent search and inquiry has been made by an examination of the records in the Court House, at Bay Minette, Alabama, the preparation of an Abstract of Title, and inquires from various parties at Summerdale, and in the neighborhood, of the lands, to determine whether or not any of the Respondents whose addresses are not known are now living or dead, and if dead the names, ages and addresses of their heirs, devisees, grantees, personal representatives and assigns, but such information cannot be obtained, however, from all information obtainable they are all non residents of the State of Alabama, and over twenty-one years of age.

3.

That your Complainants are the owners in fee simple and in the actual possession of the lands described herein in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South,

Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

4.

That there is no suit pending to test the Complainants title to, interest in, or rights of possession to said land; that the Complainants called upon the Respondent and each of them, to set forth and specify what right, title or interest they have in and to said lands, or any part thereof and by what instrument or instruments the same is created and are derived.

5.

That your Complainants obtained title to the said lands, as follows:

North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East;

by deed from Samuel Schmitman and Margaret Schmitman, his wife, dated August 6, 1947, and of record in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 122 pages 119; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Leila M. Armistead and husband, dated June 14, 1947; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East, by deed from Walter J. Cox and wife, dated September 24, 1946; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Samuel Schmitman and wife, dated August 6, 1947; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East, by deed from Marone McCurdy and wife, dated February 14, 1945, and of record in 89 NS page 447; Northeast quarter of Southwest quarter of Northwest quarter of Section 12, Township 7 South, Range 3 East, from William J. Livingston, by deed dated October 17, 1945, and of record in 100 NS pages 225-6; Southwest quarter of Northeast quarter of Section 17,

Township 6 South, Range 4 East, by deed from Walter Avera and wife, dated January 3, 1938, recorded in Deed Book 64 NS pages 145-6.

6.

That the title to said lands claimed by your Complainants stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of the Complainants, E. Mikkelsen and Ruth Mikkelsen.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said lands other than the Complainants and Ella Trinen, Walter Dobsen, Samuel Schnitman, C. E. Jensen, Leila D. Armistead, Charles Elstrom, Barbara Gullledge, W. E. Barginer, Marone McCurdy, Walter J. Cox and William Livingston.

8.

That the only persons known by your Complainants to claim said land, or any part thereof, or any interest therein are your Complainants, E. Mikkelsen and Ruth Mikkelsen and the Respondents: Ella Walters, Ella Trinen, C. E. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen, William Livingston.

9.

That your Complainants in an effort to ascertain the names and addresses of any parties claiming any interest in said lands has made and caused to be made a search of the records in the Court House at Bay Minette, Alabama, has had prepared an Abstract of Title, and has made inquiries of parties in Summerdale, Alabama, and in the vicinity of the lands.

WHEREFORE your Complainants pray that your Honor will by proper process make the said Ella Trinen, Ella Walters, C. E. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy, Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, if living, or if dead, the unknown heirs, devisees, grantees, personal representatives and assigns of the, and each of

them, and any other persons, firms or corporations claiming any right, title to, interest in, or incumbrance upon the said lands in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

or any part thereof to be made parties Respondents to this bill of complaint and required to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law, and the practice of this Honorable Court.

Complainants further pray upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title free of encumbrances to the lands herein described and to each and every part and parcel thereof is vested in your Complainants, E. Mikkelsen and Ruth Mikkelsen, and that neither Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, the unknown heirs, devisees, grantees, personal representatives and assigns of the said Respondents, Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, nor any other persons, firms or corporations have any right, title, interest in, or incumbrance upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainants further pray for such other, further, different or general relief as they may be in equity and good



conscience entitled to receive and as in duty bound they will  
ever pray.

John Lee  
Solicitor for the Complainants

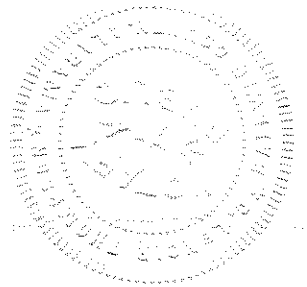
STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority in and for said County,  
in said State, personally appeared E. M. Hall, who is known to me,  
and who having been by me first duly sworn, deposes and says, that  
he is Solicitor of record for the Complainants in the above styled  
cause, and duly authorized to make this affidavit; that the alle-  
gations contained in the foregoing complaint, from all information  
obtainable are true.

John Lee

Sworn to and subscribed before me on this the 15 day of March,  
1949.

Charles H. Thompson  
Notary Public, Baldwin County, Ala.



E. MIKKELSEN ET AL,  
COMPLAINANTS

VS.

C. R. JENSEN ET AL,  
RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

REQUEST FOR APPOINTMENT OF COMMISSIONER

TO: Mrs. Alice J. Duck, register of the Circuit Court of  
Baldwin County, Alabama:

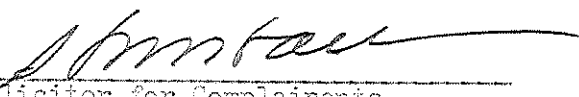
The Complainants wish to take orally, on behalf of the  
Complainants the testimony of the following witnesses:

Einar Mikkelsen, Summerdale, Alabama

Marone McCurdy, Summerdale, Alabama

It is hereby requested that they be given proper and legal  
notice and that Louise Morris be appointed as special Commissioner,  
to take testimony of said witnesses, and that due and legal notice  
be given as required by law.

Dated this the 12th day of July, 1949.

  
Solicitor for Complainants.

2253

E. Munkelien et al  
v

C. R. Jensen et al

Request for Appointment  
of Commissioners

Filed July 12, 1949  
Alicia. Duck  
Register

E. MIKKELSEN ET AL,

COMPLAINANTS

VS.

C. R. JENSEN ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

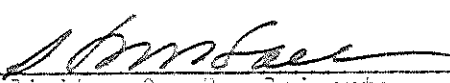
NO. 2253

TO: Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila  
D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox,  
Mrs. S. A. Cox, Walter J. Cox, C. W. Halvorsen and William Livingston.

Notice is hereby given that the Complainants will on the 22nd  
day of July, 1949, before Louise Morris as special Commissioner take  
the testimony of the following witnesses.

Einar Mikkelsen, Summerdale, Alabama  
Marone McCurdy, Summerdale, Alabama

Dated this the 12th day of July, 1949.

  
Solicitor for Complainants

Register

Special Commissioner

#2253

E. Minkelsen et al  
vs

C. R. Jensen, et al

Notice of time of  
taking testimony

Said July 12, 1949

Wm. J. Minkelsen  
Registered

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

No. 2253 Circuit Court, In Equity.

R. WIKKELSEN ET AL

Complainant

Vs.

C. R. JENSEN, ET AL

Defendant

Motion is hereby made for a Decree Pro Confesso against J. S. Lowrey

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 9<sup>th</sup> day of July 19 60

Shirley Solicitor.

No. 2253

Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

E. MITCHELSEN ET AL

Vs.

G. R. JOHNSON, ET AL

Motion for Decree Pro Confesso on  
Personal Service

Filed July 9<sup>th</sup> 19 49

Avery J. Welch  
Register.

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

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

Register.

E. MIKKELSEN ET AL,	}	IN THE CIRCUIT COURT OF
COMPLAINANTS	}	BALDWIN COUNTY, ALABAMA
VS.	}	IN EQUITY
C. R. JENSEN ET AL,	}	NO. 2253
RESPONDENTS	}	

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Come the Complainants in the above styled cause and show unto the Court that an oder of publication was made on the 15th day of March, 1949, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, and was directed to Ella Trinen, C. R. Jensen, Ella Walters, Lucy Coyte, Leila D. Armistead, Charles Elsbrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, O. W. Halversen and William Livingston, the unknown heirs, devisees, grantees, personal representatives and assigns of them and each of them and any other persons, firms or corporations, claiming any title to, right, interest in, lien or encumbrance upon the following described land situated in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East,

as Respondent, which required the said Respondents, and each of them to answer or demur to the bill of complaint on or before April 10, 1949, or upon their having failed to do so upon the expiration of thirty days from said date, a decree pro confessor would be taken against them, and which said Respondents have to this day failed to do.

WHEREFORE the Complainants move the court to grant a decree



pro confesso against the said Respondents, and each of them.

Dated this the 9th day July, 1949.

Stonfree  
Solicitor for Complainants

#2253

E. Munkelsen et al

vs

C.R. Jensen et al

Motion for Dismissal  
pro Confess

Filed May 9, 1949

Alice J. French  
Registrar

CIRCUIT COURT COMPLAINT

Printed By Baldwin Times, Bay Minette, Ala.

E. MICKELSEN ET AL.  
Complainant,  
Vs. C. R. JENSEN ET AL.  
Respondent.

In the Circuit Court.  
In Equity No. 2252.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent

J. S. Lowrey

by the Sheriff of Baldwin County, County, on the 15 day of March,  
1949.

And it further appears to the Register, that the said J. S. Lowrey

\_\_\_\_\_, the Respondent—, having to the date hereof,  
failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,

on motion of H. M. Hall Solicitors  
for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be,  
and it hereby is, in all things taken as confessed against the said \_\_\_\_\_

J. S. Lowrey

This 11 day of July, 1949.

Archie W. Duck  
Register.

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

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

E. NIKKELSEN, ET AL

Complainant,

Vs.

G. R. JORDEN, ET AL

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE.**

Issued this \_\_\_\_\_ day of \_\_\_\_\_,  
194\_\_\_\_\_.

Register.

Baldwin Times Print

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

**Circuit Court**

TO: LOUISE MORRIS

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 E. MIKKELSEN ET AL,

as witnesses in behalf of E. MIKKELSEN ET AL in a cause pending in our Circuit Court in Baldwin County, of said State, wherein E. MIKKELSEN ET AL,

\_\_\_\_\_, Complainant  
 and C. R. JENSEN, ET AL

\_\_\_\_\_, Respondent

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

Witness 22 day of July, 1949

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ \_\_\_\_\_

W. J. Jensen  
 Register.

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

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

**CIRCUIT COURT**

**E. MIKIELSEN ET AL**

**Complainant**

**VS.**

**C. R. JENSEN ET AL**

**Defendant**

**COMMISSION TO TAKE DEPOSITION**

**COMMISSIONER:**

**WITNESSES:**

E. MIKKELSEN ET AL,

COMPLAINANTS

VS.

C. R. JENSEN ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2253

DECREE PRO CONFESIO ON PUBLICATION

In this cause it appearing to the court that the order of publication heretofore made in this cause was published for four consecutive weeks commencing on the 17th day of March, 1949; in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama; that a copy of said order was posted at the Court house door in Baldwin County, Alabama, on the 15th day of March, 1949; and it now further appearing to the Court that the said, Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, Respondents have to this day hereof failed to plead, answer or demur to this bill of complaint in this cause.

IT IS THEREFORE, On motion of the Complainants, ordered and decreed by the Court, that the said bill of complaint, be and it hereby is, in all things, taken as confessed against the Respondents named in the bill of complaint.

WITNESS my hand and seal of office this the 11 day of July, 1949.

Register

2253

E. Markheim et al

vs

C. R. Jensen et al

Deem pro Confess

Filed July 11, 1949

Alice J. Nichols  
Registrar



ALABAMA'S BEST COUNTY'S-

BAY MINETTE, ALABAMA

BEST NEWSPAPER

THE CIRCUIT COURT OF BALDWIN  
COUNTY, IN EQUITY  
MIKKELSEN and RUTH MIKKELSEN  
E. M. MIKKELSEN  
COMPLAINANTS  
VS.  
C. R. JENSEN

It having been made to appear in the above styled cause by proper affidavit, that Ella Trinen, a non resident of the State of Alabama, and over twenty-one years of age and her last known address being 536 West 89th Street, Chicago, Illinois; that C. R. Jensen, is a non resident of the State of Alabama, and over twenty-one years of age and his last known address being 64 Center Street, Bellville, New York; that Ella Walters, Lucy Coyte, Leila D. Armistead, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, are all over twenty-one years of age and non resident of the State of Alabama; that their address cannot be ascertained after a diligent search and inquiry; that E. Mikkelsen and Ruth Mikkelsen, are the owners in fee simple, and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit: South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of

Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East; Northeast quarter of Southwest quarter of Northwest quarter of Section 12, Township 7 South, Range 3 East. That they acquired title to said lands by conveyances as follows:

Walter Avera and wife, dated January 3, 1938, recorded in Deed Book 64, pages 145-6; Samuel Schnitman and wife, dated October 6, 1947, recorded 122 NS pages 119-20; Leila D. Armistead, dated June 14th, 1947, Marone McCurdy and wife, dated February 14, 1945, and recorded in Deed Book 89 NS page 47; Walter J. Cox, et al, dated September 24, 1946, William J. Livingston, October 17, 1945, 100 NS pages 225-6; W. E. Barginer and wife, dated August 6, 1947, recorded 122 NS pages 127-8; that no person is known to have paid any taxes on said lands, or to have been in possession thereof, within ten years next preceding the filing of this bill. Ruth Mikkelsen, Samuel Schnitman and Charles Elstrom, Barbara Gulledege, Barginer, Marone McCurdy, Walter man, Chind William Livingston.

W. E. WHEREFORE ORDERED and notice J. Cox, given that said Ella Walters, IT IS, C. R. Jensen, Lucy Coyte, is hereby Armistead, J. S. Lowrey, Charles Ella Trinen, Percy Wilson, S. A. Cox, Mrs. Leila D. Cox, Walter J. Cox, O. W. Halversen, William Livingston, the unknown S. A. Cavisees, granies, personal Jensen and assigns of, Ella Walters, Trinen, C. R. Jensen, Lucy Coyte, present Armistead, J. S. Lowrey, Charles ters, Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen Elstrom, William Livingston, and any other A. Cox, firms or corporations claiming and persons.

to, right, interest in, lien or encumbrance upon the said land, or any part thereof, to appear in this court and plead, answer or demur to this bill of complaint on or before April 18, 1949 or upon their having failed to do so upon the expiration of thirty days from said date, a decree pro confesso, shall be taken against them, and this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 15th day of March, 1949.

ALICE J. DUCK  
Register  
H. M. HALL  
Solicitor for the Complainant. 8-4tc.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

Jimmy Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

E. Mikkelsen, and Ruth Mikkelsen  
vs. C. R. Jensen

### COST STATEMENT

IS @ 4 1/2 cents --- \$ 32.99

is correct, due and unpaid (paid)

Jimmy Faulkner  
Publisher.

newspaper for 4 consecutive weeks in the following issues:

Mar. 17, 1949 Vol. 60 No. 8

Date of 2nd publication Mar. 24, 1949 Vol. 60 No. 9

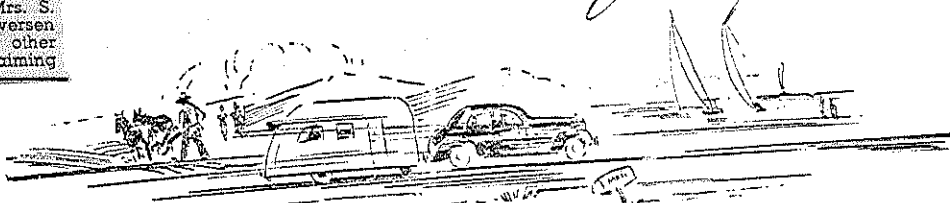
Date of 3rd publication April 7, 1949 Vol. 60 No. 10

Date of 4th publication April 14, 1949 Vol. 60 No. 11

Subscribed and sworn before the undersigned this 30 day of July, 1949

Dorothy Marler  
Notary Public, Baldwin County.

Jimmy Faulkner  
Publisher.



E. MIKKELSEN ET AL,  
COMPLAINANTS

VS.


C. R. JENSEN ET AL,  
RESPONDENTS


IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainants upon the following.

1. Original summons and complaint.
2. Lis Pendens Notice filed for record in the office of the Judge of Probate of Baldwin County, Alabama, and appearing of record in Lis Pendens record No. 2 page 218-20.
3. Notice and proof of publication in the Baldwin Times.
4. Motion for decree pro confesso on publication.
5. Decree pro confesso on publication.
6. Motion for decree pro confesso against J. S. Lowrey, on personal service.
7. Decree pro confesso against J. S. Lowrey on personal service.
8. Request for appointment of Commissioner.
9. Commission issued to special commissioner.
10. Notice of the time of taking testimony on behalf of the Complainants.
11. Testimony of Einar Mikkelsen and Marone McCurdy, with exhibits attached.

  
Solicitor for Complainants

  
Register

2253

E. Matheson et al  
n

C. R. Jensen et al

Note of Testimony

Filed July 25<sup>th</sup> 1949

Heidel. Duck  
Register

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

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

----- TERM, 194-----

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon J. S. Lowery et als

Ella Irwin

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against \_\_\_\_\_

C. R. Jensen et als

\_\_\_\_\_, Defendant \_\_\_\_\_

by \_\_\_\_\_

E. MIKALSON et al

\_\_\_\_\_, Plaintiff \_\_\_\_\_

Witness my hand this 15th day of March 1949

Alice J. Luck

\_\_\_\_\_, Clerk.

Page - - - - -

CIRCUIT COURT

### Plaintiffs

## Defendants

# SUMMONS and COMPLAINT

Filed \_\_\_\_\_, 194\_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

RECEIVED IN OFFICE

194- - - -

\_\_\_\_\_, Sheriff

I have executed this summons

this \_\_\_\_\_, 194\_\_\_\_  
by leaving a copy with \_\_\_\_\_

Sheriff

Deputy Sheriff

E. MIKKELSEN AND RUTH  
MIKKELSEN,

COMPLAINANTS

VS

C. R. JENSEN, ET AL.

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

TO HONORABLE TELFAER J. WASHBURN JR., JUDGE OF THE CIRCUIT  
COURT OF BALDWIN COUNTY, ALABAMA:

Your Complainants E. MIKKELSEN and RUTH MIKKELSEN, present  
this their bill of complaint against the following described lands  
in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter  
of Section 26, Township 6 South, Range 4 East; South-  
west quarter of Northeast quarter of Section 17,  
Township 6 South, Range 4 East; North half of North-  
west quarter of Southwest quarter of Section 26,  
Township 6 South, Range 4 East; Northeast quarter of  
Northwest quarter of Section 26, Township 6 South,  
Range 4 East; West half of Southwest quarter of South-  
west quarter of Section 26, Township 6 South, Range 4  
East; East half of Southwest quarter of Southwest quar-  
ter of Section 26, Township 6 South, Range 4 East;  
Southeast quarter of Northeast quarter of Section 27,  
Township 6 South, Range 4 East; Southwest quarter of  
Northeast quarter of Section 11, Township 7 South,  
Range 3 East;

and also against Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte,  
Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. H.  
O. W. Halversen  
Cox, Mrs. S. A. Cox, Walter J. Cox, William Livingston, the unknown  
heirs, devisees, grantees, personal representatives and assigns of Ella  
Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J.  
S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox,  
O. W. Halversen  
Walter J. Cox, William Livingston, and each of them, and any and all  
persons, firms or corporations claiming any right, title to, interest  
in, lien or encumbrance upon the said land or any part or parcel there-  
of, and respectfully represents and shows unto your Honor and this  
Honorable Court as follows:

1.

That your Complainants are both over twenty-one years of age,

and bona fide resident of Baldwin County, Alabama, living at Summerdale.

2.

That the Respondent J. S. Lowrey, is over twenty-one years of age, and a resident of Bay Minette, Baldwin County, Alabama; that the Respondent Ella Walters, is a non resident of the State of Alabama, and over twenty-one years of age; that her address is not known and cannot be ascertained after a diligent search and inquiry; that Ella Trinen, is over twenty-one years of age and a non resident of the State of Alabama; that her last known address was 536 West 89th Street, Chicago, Illinois; that a diligent search and inquiry has been made to ascertain her present address, but it is unknown; that C. R. Jensen, is over twenty-one years of age, and a non resident of the State of Alabama, that his last known address was 64 Center Street Bellville, New York, that a diligent search and inquiry has been made to ascertain his address, but it is unknown; that Lucy Coyte, Leila D. Armistead, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. O. W. Halversen Cox and William Livingston, are all over twenty-one years of age, and non residents of the State of Alabama; that their addresses cannot be ascertained after a diligent search and inquiry; that a diligent search and inquiry has been made by an examination of the records in the Court House, at Bay Minette, Alabama, the preparation of an Abstract of Title, and inquires from various parties at Summerdale, and in the neighborhood, of the lands, to determine whether or not any of the Respondents whose addresses are not known are now living or dead, and if dead the names, ages and addresses of their heirs, devisees, grantees, personal representatives and assigns, but such information cannot be obtained, however, from all information obtainable they are all non residents of the State of Alabama, and over twenty-one years of age.

3.

That your Complainants are the owners in fee simple and in the actual possession of the lands described herein in Baldwin County, Alabama, to-wit;

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southeast quarter of Section 26, Township 6 South,

Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

4.

That there is no suit pending to test the Complainants title to, interest in, or rights of possession to said land; that the Complainants called upon the Respondent and each of them, to set forth and specify what right, title or interest they have in and to said lands, or any part thereof and by what instrument or instruments the same is created and are derived.

5.

That your Complainants obtained title to the said lands, as follows:

North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East;

by deed from Samuel Schnitman and Margaret Schnitman, his wife, dated August 6, 1947, and of record in the office of the Probate Judge of Baldwin County, Alabama in Deed Book 122 pages 119; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Leila M. Armistead and husband, dated June 14, 1947; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East, by deed from Walter J. Cox and wife, dated September 24, 1946; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East, by deed from Samuel Schnitman and wife, dated August 6, 1947; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East, by deed from Marone McCurdy and wife, dated February 14, 1945, and of record in 89 NS page 447; Northeast quarter of Southwest quarter of Northwest quarter of Section 12, Township 7 South, Range 3 East, from William J. Livingston, by deed dated October 17, 1945, and of record in 100 NS pages 225-6; Southwest quarter of Northeast quarter of Section 17,



Township 6 South, Range 4 East, by deed from Walter Avera and wife, dated January 3, 1938, recorded in Deed Book 64 WS pages 145-6.

6.

That the title to said lands claimed by your Complainants stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of the Complainants, E. Mikkelsen and Ruth Mikkelsen.

7.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said lands other than the Complainants and Ella Trinen, Walter Dobson, Samuel Schnitman, C. R. Jensen, Leila D. Armistead, Charles Elstrom, Barbara Gullledge, W. E. Barginer, Marone McCurdy, Walter J. Cox and William Livingston.

8.

That the only persons known by your Complainants to claim said land, or any part thereof, or any interest therein are your Complainants, E. Mikkelsen and Ruth Mikkelsen and the Respondents: Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen, William Livingston.

9.

That your Complainants in an effort to ascertain the names and addresses of any parties claiming any interest in said lands has made and caused to be made a search of the records in the Court House at Bay Minette, Alabama, has had prepared an Abstract of Title, and has made inquiries of parties in Summerdale, Alabama, and in the vicinity of the lands.

WHEREFORE your Complainants pray that your Honor will by proper process make the said Ella Trinen, Ella Walters, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, if living, or if dead, the unknown heirs, devisees, grantees, personal representatives and assigns of the, and each of

then, and any other persons, firms or corporations claiming any right, title to, interest in, or incumbrance upon the said lands in Baldwin County, Alabama, to-wit:

South half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 17, Township 6 South, Range 4 East; North half of Northwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Northeast quarter of Northwest quarter of Section 26, Township 6 South, Range 4 East; West half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; East half of Southwest quarter of Southwest quarter of Section 26, Township 6 South, Range 4 East; Southeast quarter of Northeast quarter of Section 27, Township 6 South, Range 4 East; Southwest quarter of Northeast quarter of Section 11, Township 7 South, Range 3 East;

or any part thereof to be made parties Respondents to this bill of complaint and required to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law, and the practice of this Honorable Court.

Complainants further prays upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title free of encumbrances to the lands herein described and to each and every part and parcel thereof is vested in your Complainants, E. Mikkelsen and Ruth Mikkelsen, and that neither Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, the unknow heirs, devisees, grantees, personal representatives and assigns of the said Respondents, Ella Walters, Ella Trinen, C. R. Jensen, Lucy Coyte, Leila D. Armistead, J. S. Lowrey, Charles Elstrom, Percy Wilson, S. A. Cox, Mrs. S. A. Cox, Walter J. Cox, O. W. Halversen and William Livingston, nor any other persons, firms or corporations have any right, title, interest in, or incumbrance upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainants further pray for such other, further, different or general relief as they may be in equity and good

conscience entitled to receive and as in duty bound they will  
ever pray. 5266

J. M. Hall  
Solicitor for the Complainants

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says, that he is Solicitor of record for the Complainants in the above styled cause, and duly authorized to make this affidavit; that the allegations contained in the foregoing complaint, from all information obtainable are true.

J. M. Hall

Sworn to and subscribed before me on this the 17 day of March, 1949.

L. B. Thompson  
Notary Public, Baldwin County, Ala.

