

2293

J. EDWIN GOODEN,
Complainant

E Q U I T Y

No. 2293

vs

CIRCUIT COURT OF

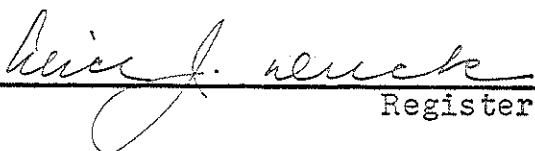
JEROME H. SHEIP, ET AL
Defendants

BALDWIN COUNTY, ALABAMA.

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 26th day of May, 1949, in the Fairhope Courier, a newspaper published in Fairhope, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 28th day of May 1949, and copies of said order mailed to all non-resident defendants whose addresses are given in the bill, namely: Jerome H. Sheip, Stanley Sheip and Eugenia Sheldon, and that more than thirty days have elapsed since personal service of summons upon MILDRED D. WILLIAMS.

And it now further appearing to the Register that the said JEROME H. SHEIP, STANLEY SHEIP, EUGENIA SHELDON, IDA G. STROUD, MILDRED D. WILLIAMS and the unknown heirs, devisees and next of kin of Ida G. Stroud and Edwin A. Sheldon 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 that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said JEROME H. SHEIP, STANLEY SHEIP, EUGENIA SHELDON, IDA G. STROUD, MILDRED D. WILLIAMS and the unknown heirs, devisees and next of kin of Ida G. Stroud and Edwin A. Sheldon.

This the 25th day of July, 1949


Register

J. EDWIN GOODEN,
Complainant

vs

JEROME H. SHEIP, ET AL,
Defendants

DECREE PRO CONFESSO

FILED

JUL 25 1949

ALICE J. DUCK, Register

J. EDWIN GOODEN,
Complainant

vs

JEROME H. SHEIP, ET AL,
Defendants

E Q U I T Y

No. _____

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

At the hearing of this cause the following note of
evidence was taken, to-wit:

FOR COMPLAINANT:

Bill, Decree Pro Confesso against Defendants
on
on personal service and on publication and
request for submission.

FOR DEFENDANTS:

Nothing.

Reuben L. Early
Solicitors for Complainant

J. EDWIN GOODEN,
Complainant

VS

JEROME H. SHEIP, ET AL,
Defendants.

NOTE OF EVIDENCE

Filed: July 26, 1949

Alice L. Luck
Register.

J. EDWIN GOODEN,
Complainant

E Q U I T Y

No. 2293

CIRCUIT COURT OF

VS

JEROME H. SHEIP, ET AL,
Defendants

BALDWIN COUNTY, ALABAMA.

Motion is hereby made for a Decree Pro Confesso against MILDRED D. WILLIAMS, defendant in the above styled cause, on the ground that more than thirty days have elapsed since service of summons against defendant; that said summons was duly served according to law and that said Defendant has failed to plead, answer or demur to the Bill of Complaint in this cause to this date.

Motion is further hereby made for a Decree Pro Confesso against JEROME H. SHEIP, STANLEY SHEIP, IDA G. STROUD, EUGENIA SHELDON and the unknown heirs, devisees or next of kin of Ida G. Stroud and Edwin A. Sheldon, Defendants in the above styled cause on the ground that more than thirty days have elapsed since the perfection of publication as made under the order of this Court; and it having been shown by due proof to the Court that said Defendants are non-residents of the State of Alabama and have failed to answer, plead or demur to the Bill in this cause to the date thereof.

Quincy & Rice, Esq.
Solicitors for Complainant.

Transferred for production

J. EDWIN GOODEN,
Complainant

vs

JEROME H. SHEIP, ET AL,
Defendants

MOTION
FOR
DECREE PRO CONFESSO

FILED

JUL 25 1949

ALICE J. DUCK, Register

J. EDWIN GOODEN,
Complainant

E Q U I T Y

No.

vs

JEROME H. SHEIP, ET AL,
Defendants

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

This cause coming on to be heard was submitted for decree on the pleadings and decree pro confesso as noted and upon consideration thereof, the Court is of the opinion that the Complainant, J. EDWIN GOODEN, is entitled to relief.

IT IS THEREFORE ORDERED AND DECREED that the Defendants, JEROME H. SHEIP, STANLEY SHEIP, EUGENIA SHELDON, IDA G. STROUD, MILDRED D. WILLIAMS and the unknown heirs, devisees and next of kin of Ida G. Stroud and Edwin A. Sheldon, have no estate or interest in or encumbrance on the following described lands or any part thereof, namely: LOTS TWO, THREE, FOUR, FIVE, ELEVEN, TWELVE and SIXTEEN in BLOCK THREE and LOT EIGHT in BLOCK EIGHT of Ingleside Highlands, an addition to the Town of Fairhope.

IT IS FURTHER ORDERED that the Register of this Court within thirty days of the rendition of this decree file a certified copy of the same in the office of the Probate Judge of Baldwin County for record therein, and that the cost thereof be taxed in the costs of this cause.

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

In term time at Bay Minette, Alabama, on this the twenty-sixth day of July, 1949.

Jeffrey S. Mashburn, Jr.
Judge, Circuit Court, In Equity

J. EDWIN GOODEN,
Complainant
vs
JEROME H. SHEIP, ET AL
Defendants

DEGREE

FILED

RECORDED

TO THE HONORABLE TELFAIR J. MASBURN, JR., JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY; IN EQUITY:

Comes J. EDWIN GOODEN, and by this his Bill of Complaint, presented against JEROME H. SHEIP, STANLEY SHEIP, IDA G. STROUD, EUGENIA SHELDON, MILDRED D. WILLIAMS, and the unknown heirs, devisees and next of kin of EDWIN A. SHELDON, deceased, and IDA G. STROUD, and respectfully shows:

FIRST: That Complainant is a resident of Fairhope, Baldwin County, Alabama, over the age of twenty-one years and owns and is in actual, peaceable possession of Lots Two, Three, Four, Five, Eleven, Twelve and Sixteen in Block Three and Lot Eight in Block Eight of Ingleside Highlands, an addition to the Town of Fairhope, a map of which is recorded in Map Book One, page 72, of the Probate Records of Baldwin County.

SECOND: That JEROME H. SHEIP and STANLEY SHEIP reside in the City of Apalachicola, Florida; MILDRED D. WILLIAMS resides at Springhill, Mobile County, Alabama; EUGENIA SHELDON in a non-resident of the State of Alabama, residing at 311 22nd Street, N. E., Cedar Rapids, Iowa; all of whom are over age. That the heirs, devisees and next of kin of IDA G. STROUD, who was formerly of Mobile County, cannot be located after diligent search and inquiry, but are believed to be non-residents of the State of Alabama and over the age of twenty-one years. That the unknown heirs, devisees and next of kin of EDWIN A. SHELDON, whose names and addresses Complainant has been unable to learn though inquiry has been made of relatives in Baldwin County who are not informed as to the whereabouts of said parties, other than that they are non-residents of the State of Alabama and over the age of twenty-one years.

THIRD: That the parties defendant are reputed to own or claim some right, title, interest or claim in and to the lands above described; or some lien or encumbrance thereon and no suit is pending to enforce or attest the validity to such title or claim to or encumbrance on said lands.

THE PREMISES CONSIDERED Complainant prays that JEROME H. SHEIP, STANLEY SHEIP, IDA G. STROUD, EUGENIA SHELDON, MILDRED D. WILLIAMS and the unknown heirs, devisees or next of kin of EDWIN A. SHELDON and IDA G.

STROUD be made parties defendant to this cause, and by personal service upon defendant MILDRED D. WILLIAMS and by publication against all other defendants and be notified to plead, answer or demur to this complaint within the time prescribed by law and abide by such orders and decrees as may be made in the premises.

Complainant further prays that upon hearing of this cause a decree be rendered forever quieting title in Complainant to the lands above described and further decreeing that JEROME H. SHEIP, STANLEY SHEIP, IDA G. STROUD, EUGENIA SHELDON, MILDRED D. WILLIAMS and the unknown heirs, devisees and next of kin of EDWIN A. SHELDON, deceased, and IDA G. STROUD, deceased, have no right or title in or interest or encumbrance to said lands or any part thereof, also granting to Complainant such other, further or different relief as to equity may seem meet.

Rickarby & Rickarby
RICKARBY & RICKARBY

Solicitors for Complainant.

STATE OF ALABAMA:

BALDWIN COUNTY:

Before me, the undersigned authority, personally appeared this day, J. EDWIN GOODEN, who, being sworn, says that he is the Complainant in the above styled cause; that he and his solicitors have made diligent search and inquiry of all parties presumably in possession of the information to ascertain the names and addresses of IDA G. STROUD and of the unknown heirs, devisees and the next of kin of IDA G. STROUD, deceased, and EDWIN A. SHELDON, deceased, without success as to such names and addresses; but is informed and believes and from all available information, now states that all parties named as defendants other than MILDRED D. WILLIAMS are non-residents of the State of Alabama, and over the age of twenty-one years; and that their names and addresses are unknown to Affiant.

J. Edwin Gooden
J. EDWIN GOODEN

Subscribed and sworn to before me this the 18th day of May, 1949.

Elliott G. Rickarby
ELLIOTT G. RICKARBY

Notary Public, Baldwin County, Alabama.

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2293

TERM, 194

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Jerome H. Shipp, Stanley Sheip, Mildred D. Williams,
Williams, Eugenia Sheldon

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 Jerome Sheip, Stanley
Sheip, Mildred Williams, and Eugenia Sheldon, Defendant

by J. EDWIN GOODEN

, Plaintiff

Witness my hand this 21st day of May 1949

Alice J. Smith, Clerk.

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No. 2293

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THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

J. Edwin Kooden

Plaintiffs

vs.

Jerome Sheip et al

Defendants

SUMMONS and COMPLAINT

Filed 8-21, 1949

Rebecca Henry Clerk

Reckard & Reckard
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Mobile Ala

RECEIVED IN OFFICE

5.25

, 1949

Taylor Wilkins

, Sheriff

I have executed this summons

5/30/49

this

, 194

by leaving a copy with

Robert D. Humain

Sheriff

Deputy Sheriff

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the attached
legal notice appeared in the Fairhope
Courier, a newspaper published in
Fairhope, Baldwin Co. on the dates of
May 26, June 2, 9 and 16, 1949.

Frances G. Crawford

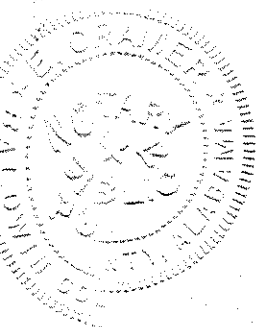
Frances G. Crawford, Editor

State of Alabama
Baldwin County

Subscribed and sworn to this 8th day
of July, A. D. 1949, before me.

E. Cromley

Notary Public, Baldwin County, Ala..



RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

May 18, 1949

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

Dear Mrs. Duck:

GOODEN vs SHEIP, ET AL

With this we hand you Bill in Equity to quiet title, together with four copies; one to be served by the Sheriff of Mobile County upon Mrs. Mildred Williams at Springhill, and three others to be served on the two Messrs. Sheip of Apalachicola, Florida and one Mrs. Eugenia Sheldon of Cedar Rapids, Iowa. ~~We have also prepared a copy of advertisement to be published as against the non-resident, unknown heirs, and here ask for an order of publication upon the affidavit attached to the Bill. This notice we intend to have printed in the Courier.~~

Sincerely,

*Elliott G. Rickarby*for
RICKARBY & RICKARBYEGR:HB
Encs. - 4
2922*Copied by Mark Mason*

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA: IN EQUITY:
REGISTER'S OFFICE, May 20, 1949.


J. EDWIN GOODEN vs JEROME H. SHEIP, ET AL.

No.

In this cause, it appearing from the affidavit of Complainant on file, that the Defendants JEROME H. SHEIP and STANLEY SHEIP, are non-residents residing at Apalachicola, Florida; that EUGENIA SHELDON is a non-resident residing at 311 22nd Street, N. E., Cedar Rapids, Iowa; and that the unknown heirs, devisees and next of kin of Edwin A. Sheldon and Ida G. Stroud, whose names and addresses are unknown to Complainant, are non-residents of Alabama and all Defendants named are over the age of twenty-one years;

IT IS ORDERED that said Defendants named plead, answer or demur to the allegations of the Bill of Complaint filed against them in this cause before the twenty-second day of June, 1949, or upon the expiration of thirty days from said date, the same will be taken as confessed against them.

IT IS FURTHER ORDERED that notice of this order be published once a week for four successive weeks in the "Fairhope Courier", a newspaper published in the Town of Fairhope, County of Baldwin, State of Alabama.


Alice J. Duck, Register.

RICKARBY & RICKARBY, Solicitors for Complainant.

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

May 23, 1949

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

Dear Mrs. Duck:

GOODEN vs SHEIP: In response to yours of
Saturday asking for the original Bill of Com-
plaint, I hand you with this a copy, as the
original was sent you with the papers and as
this has already been signed by the Complainant
the copy can be used for delivery to Mrs. Williams,
the resident defendant.

Sincerely,

Elliott G. Rickarby
for
RICKARBY & RICKARBY

EGR:HB
2922
Enc - 1

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

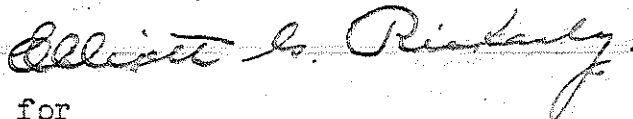
July 23, 1949

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

Dear Mrs. Duck:

GOODEN VS SHEIP, ET AL: With this we
send you Motion for Decree Pro Confesso and also
the Decree to which we are entitled in this case,
as my examination of the record showed that no
answers had been filed. Final decree, which we
will ask you to request for us on Tuesday next,
will be in your hands by that time.

Sincerely,



for
RICKARBY & RICKARBY

EGR:HB
Enc - 2
2922

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

July 25, 1949

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

Dear Mrs. Duck:

GOODEN VS SHEIP, ET AL: With this find note of evidence and final decree in this cause, which please present to Judge Mashburn for signature. Two copies of the decree are to be certified are also enclosed; one, of course, you will file for record, mailing the other to us with the cost bill, which we will then present, together with an emolument due to a hard working law firm.

Sincerely,



for
RICKARBY & RICKARBY

EGR:HB
Enc - 4
2922