

HADDONFIELD NATIONAL BANK, ET AL,)

Complainants,)

vs.)

UNKNOWN HEIRS, NEXT OF KIN, and
LEGAL REPRESENTATIVES OF OLE H.
GJORUD.)

Respondents.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

EQUITY DIVISION.

No. 525.

Now comes the complainant in the above entitled cause
and submits the cause for final decree on pleadings, proof
of publication and decree pro confesso.

Thornton & Frayer

Attorneys for Complainant.

STATE OF ALABAMA, BALDWIN COUNTY.

Haddonfield National Bank, a
Corporation, and Walter C. Barclay
as Executors, and Walter C. Barclay,
individually. Complainants.

vs

The Unknown Heirs at law, Next of kin,
and other Legal Representatives of
Ole H. Gjord, Respondents.

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

NO. 525.

FINAL DECREE.

This cause being at issue and coming on to be heard, and being submitted on the pleadings and decree pro confesso, and it appearing to the Court that the Complainants are entitled to the relief prayed for.

It is now, therefore, hereby ordered, adjudged and decreed that the Complainants have judgment as prayed for in its Bill of Complaint herein against the unknown heirs at law, next of kin, and other legal representatives of Ole H. Gjord, and each of them, that all claims of the defendants the unknown heirs, next of kin, and other legal representatives of Ole H. Gjord, deceased, and each of them, in or to the lands described in the Bill of Complaint, and all claims of all persons, firms or corporations other than the complainants, claiming said land, or any part thereof, or any interest therein, or lien or incumbrance thereon, are hereby adjudged and decreed to be invalid and groundless. And the Complainants, the Haddonfield National Bank, a corporation, and Walter C. Barclay, as Executors of the Estate of Charles Barclay, deceased, and Walter C. Barclay deceased, and Walter C. Barclay, individually, are hereby declared and adjudged to be the true and lawful owners of the said land which are described as follows:

Lots Nos. 1 and 2, in Block 1, also that portion of Block A. lying and being north of said Lot 1, and east of the western line of said Lot 1, extending to Bayou Volant or Ely Creek in the Town of Volanta, being a subdivision of Baron De Ferret, Spanish Grant, Section 27, Township 6 South, Range 2 East, as shown by plat and survey made by Theodore Widell, Surveyor, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Record No. 1, at page 341, and that the title to said land, both in law and equity is hereby adjudged and decreed to be in complainants in the fiduciary capacity and in Walter C. Barclay, individually, and it is further ordered, adjudged and decreed by the Court that the said complainants title to said land is hereby quieted against all claims or demands of any of the heirs at law, next of kin, and legal representatives of Ole H. Gjord, claiming any title to, interest in, lien or incumbrance upon said lands.

It is further ordered, adjudged and decreed that the conveyance from Charles Barclay to Ole H. Gjord, dated September 14, 1915, and recorded September 21, 1915, in Book 23N.S., page 508, Probate Court Records of Baldwin County, Alabama, be and is hereby cancelled and declared null and void, and the heirs, next of kin and legal representatives of Ole H. Gjord, deceased, and their assignees, are hereby perpetually estopped from setting up any claims to the property described in said conveyance, under or through the said conveyance.

It is further ordered, adjudged and decreed that the Register of this Court shall, within 30 days from the rendition of this decree, prepare and file a certified copy thereof in the office of the Judge of Probate of Baldwin County for record, and tax the expense thereof as part of the costs of this case, and it is further directed that the Judge of Probate shall record such copy in the same book and manner in which deeds are recorded, and index the same in the name of Walter C. Barclay in the direct index, and in the name of the unknown Heirs at law,

and next of kin, and other legal representatives of Ole H.Gjorud, deceased, on the indirect or reverse index.

It is further ordered, adjudged and decreed that the title herein established in Complainants shall enure to the benefit of all persons who derive title to said lands or any interest therein, from or through complainants.

It is further ordered and decreed that the Complainants be taxed with all costs incurred in this cause, for the collection of which let execution issue.

Done at Bay Minette, Baldwin County, Alabama, this the 22nd day of January, 1926.

John D. Leigh, Judge.

The State of Alabama,
Baldwin County.

Circuit Court in Equity.

I, T. W. Richerson, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 22nd day of January, 1926, in the cause of Haddonfield National Bank, a Corporation, and Walter C. Barclay, individually, Complainants vs The Unknown Heirs at Law, Next of Kin, and other Legal Representatives of Ole H. Gjorud, Respondents, as appears of record in said Court.

Witness my hand and seal of said Court, this the 22nd day of January, 1926.

- - - - - Register.

THE HADDONFIELD NATIONAL BANK,
a corporation, and WALTER C.
BARCLAY, as Executors, and
WALTER C. BARCLAY, individually,

Complainants,

v.

THE UNKNOWN HEIRS, AT LAW, NEXT
OF KIN, AND OTHER LEGAL REPRESENTATIVES OF OLE H. GJORUD,

Respondents.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY,

ALABAMA.

IN EQUITY.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING AS A COURT OF EQUITY:

1. Humbly complaining, your orators show unto your Honor that the Haddonfield National Bank is a corporation organized under the laws of the State of New Jersey, with its principal office at Haddonfield, New Jersey; that Walter C. Barclay is more than 21 years of age and is a resident of Haddonfield, New Jersey; that the said Haddonfield National Bank and Walter C. Barclay are the executors of the Estate of Charles Barclay, deceased, and that the said Walter C. Barclay is the sole and only heir at law of Charles Barclay, deceased, and the legatee under the said will of Charles Barclay, deceased, whose will has been admitted to Probate in the Probate Court of Baldwin County, at Bay Minette, Alabama, and that complainants bring this their bill of complaint against the unknown heirs, next of kin, devisees, and other legal representatives of Ole H. Gjord, deceased; and complainants aver that Ole H. Gjord is dead, and that your orators do not know the names or addresses of any of his heirs, next of kin, devisees, or other legal representatives; that your orators have made diligent efforts and inquiry to ascertain the names and addresses of the heirs, next of kin and devisees of the said Ole H. Gjord, deceased, and that in the prosecution of such efforts your orators have had the public records of Baldwin County examined, corresponded with and interviewed all persons available who were supposed to know or might have information concerning the names, ages, addresses and whereabouts of the heirs of the said Ole H.

Gjorud, and that notwithstanding diligent search and efforts made orators aver that they are unable to ascertain the names, ages, addresses or whereabouts of said heirs, and are therefore unknown to orators, but that your orators believe that said unknown heirs are over the age of 21 and are non-residents of the State of Alabama.

2. Orators aver that they are in the actual, peaceable possession, control and use of the following described lands, lying and being situate in Baldwin County, in the State of Alabama, and claim to own and domownthe same in fee, to-wit:

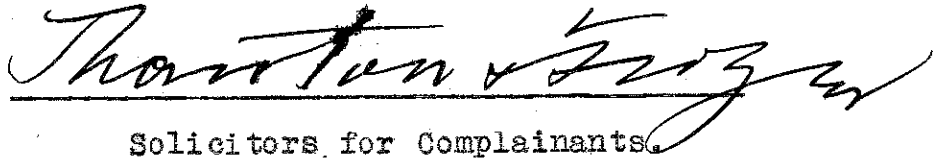
Lots. Nos. 1 and 2 in Block No. 1, also that portion of Block A. lying and being north of said Lot 1, and east of the western line of said lot 1 extending to Bayou Volant or Fly Creek in the Town of Volanta, being a subdivision of Baron DeFeriet, Spanish Grant, Section 27, Township 6 South, Range 2 East, as shown by plat and survey made by Theodore Widell, Surveyor, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Record No. 1, at page 341.

3. That Charles Barclay, now deceased, did, during his lifetime, on to-wit, September 14, 1915, execute and deliver a conveyance of said lands to Ole H. Gjorud for the nominal consideration of Two Dollars cash with the condition precedent to the passage of the title from him to the said Ole H. Gjorud, that the said Ole H. Gjorud would erect on said property a saw mill and maintain it for the manufacture of lumber and sale of lumber to the general public at the market price for a period of at least five years from the date of said conveyance, a copy of which is hereto attached and made a part of this bill of complaint as Exhibit A.; that the principal consideration which moved to the said Charles Barclay to make said conveyance was the erection and maintenance on said property of said saw mill to manufacture lumber so that it could conveniently procure and purchase lumber for the erection of buildings on the lands of the said Charles Barclay adjacent to the lands hereinabove described, all of which the said Ole H. Gjorud assured the said Charles Barclay would be done as shown in the conveyance attached as Exhibit A., but notwithstanding these assurances and contract, the said Ole H. Gjorud never took possession of the above

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cloud thereby created on the title of your orators;

That your Honor will be pleased to grant such other, further, and different relief as the nature of your orator's case may require, and which may seem meet and proper in the premises.


Solicitors for Complainants.

FOOT NOTE:

Respondents are hereby required to answer each and every allegation of the bill from paragraph 1 to paragraph 4, both inclusive, but not under oath, oath being hereby expressly waived.

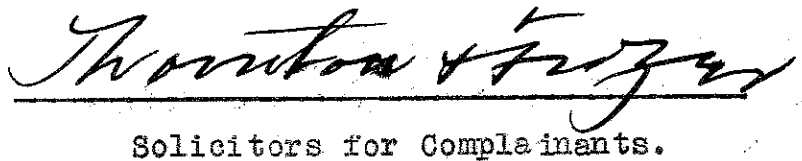

Solicitors for Complainants.

EXHIBIT "A".

THIS DEED OF CONVEYANCE, made this 14th day of September, Nineteen Hundred and Fifteen, between Charles Barclay (unmarried) party of the first part, and Ole H. Gjord, party of the second part,

WITNESSETH: That the said party of the first part in consideration of Two and no/100 Dollars to him paid by the party of the second part, the receipt whereof is hereby acknowledged, and the further consideration of the covenant hereinafter recited to be kept and performed by the party of the second part, his heirs and assigns, has granted, bargained, and sold, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns, all and singular the lots or pieces of land situate in the County of Baldwin and State of Alabama, and more particularly described as follows:

Lots Nos. 1 and 2, in Block No. 1; also that portion of Block A. lying and being north of said Lot 1 and east of the western line of said lot 1, extending to Bayou Volant or Fly Creek, in the town of Volanta, being a subdivision of Baron DeFeriet, Spanish Grant, Section No. 37, Township 6 South, Range 2 East, as shown by plat and survey made by Theodore Widell, surveyor, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Record No. 1, at page 341.

It is hereby covenanted and agreed by the grantee herein that he will erect a saw mill on the said lots and maintain it for the manufacture of lumber and sell lumber to the general public at the market price for a period of at least five years from the date hereof.

TO HAVE AND TO HOLD the said lots or pieces of land, unto the said party of the second part, his heirs and assigns, and the said Charles Barclay, for himself and his heirs, the above granted premises and every part and parcel thereof unto the said party of the second part, his heirs and assigns, and against the said party of the first part and his heirs and assigns, and against all persons whomsoever lawfully claiming or to claim the same, shall and will warrant and forever defend.

IN WITNESS WHEREOF the party of the first part to these presents has hereunto set his hand and seal the day and year first above written.

CHARLES BARCLAY (L.S.)

Signed, sealed and delivered
in the presence of:

E. W. McLEOD

O. C. HALL

STATE OF ALABAMA,
COUNTY OF BALDWIN.

I, E. W. McLeod, a Notary Public in and for said County and State, do hereby certify that Charles Barclay, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that, being informed of the contents, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 16th day of September, 1915.

E. W. McLeod, Notary Public.

(SEAL)

Filed for record September 21, 1915.
Recorded September 21, 1915.

Book 23 N. S., page 503, Probate Court Records of Baldwin County, Alabama. J. H. H. Smith, Judge of Probate.

Original

Bill

1

Original Bill

1st

Filed Sept 17th 1925.
T. W. Heilman
Register

RECORDED

Sept 18th 1925
at \$25.00 On Costs.

525

STATE OF ALABAMA, BALDWIN COUNTY.

Haddonfield National Bank, a Corporation, and Walter C. Barclay, as Executors, and Walter C. Barclay, individually, Complainants.

vs.

The Unknown Heirs at law, Next of Kin, and other Legal Representatives of Ole H. Gjord, Respondents.

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

No. 525

FINAL DECREE.

This cause being at issue and coming on to be heard, and being submitted on the pleadings and decree pro confesso, and it appearing to the Court that the Complainants are entitled to the relief prayed for,

It is now, therefore, hereby ordered, adjudged and decreed that the Complainants have judgment as prayed for in its Bill of Complaint herein against the unknown heirs at law, next of kin, and other legal representatives of Ole H. Gjord, and each of them, that all claims of the defendants, the unknown heirs, next of kin, and other legal representatives of Ole H. Gjord, deceased, and each of them, in or to the lands described in the Bill of Complaint, and all claims of all persons, firms or corporations other than complainants, claiming said land, or any part thereof, or any interest therein, or lien or incumbrance thereon, are hereby adjudged and decreed to be invalid and groundless. And the Complainants, the Haddonfield National Bank, a corporation, and Walter C. Barclay, as Executors of the Estate of Charles Barclay, deceased, and Walter C. Barclay, individually, are hereby declared and adjudged to be the true and lawful owners of the said land which are described as follows:

Lots Nos. 1 and 2, in Block 1, also that portion of Block A. lying and being north of said Lot 1, and east of the western line of said Lot 1, extending to Bayou Volant or Fly Creek in the Town of Volanta, being a subdivision of Baron DeFeriet, Spanish Grant, Section 27, Township 6 South, Range 2 East, as shown by plat and survey made by Theodore Widell, Surveyor, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Miscellaneous Record No. 1, at page 341.

and that the title to said land, both in law and equity, is hereby

adjudged and decreed to be in Complainants in the fiduciary and in Walter C. Barclay, individually, and it is further ordered and decreed by the Court that the said complainant to said land is hereby quieted against all claims or demands of the heirs at law, next of kin, and legal representatives of H. Gjord, claiming any title to, interest in, lien or incumbrance upon said lands.

It is further ordered, adjudged and decreed that the conveyance from Charles Barclay to Ole H. Gjord, dated September 14, 1915, recorded September 21, 1915, in Book 23 N.S., page 508, Probate Records of Baldwin County, Alabama, be and is hereby cancelled, declared null and void, and the heirs, next of kin and legal representatives of Ole H. Gjord, deceased, and their assignees, are perpetually estopped from setting up any claims to the property described in said conveyance, under or through the said conveyance.

It is further ordered, adjudged and decreed that the Register of this Court shall, within 30 days from the rendition of this judgment, prepare and file a certified copy thereof in the office of the Judge of Probate of Baldwin County for record, and tax the expense thereof as part of the costs of this case, and it is further directed that the Judge of Probate shall record such copy in the same book and in the same manner in which deeds are recorded, and index the same in the name of Walter C. Barclay in the direct index, and in the name of the heirs at law, and next of kin and other legal representatives of H. Gjord, deceased, on the indirect or reverse index.

It is further ordered, adjudged and decreed that the title in established in Complainants shall enure to the benefit of the heirs and assigns of the said complainants and their sons who derive title to said lands or any interest therein, under or through Complainants.

It is further ordered and decreed that the Complainants be taxed with all costs incurred in this cause, for the collection of which let execution issue.

Done at Bay Minette, Baldwin County, Alabama, this the 2
day of January, 1926.

John D. Leigh
JUDGE

Final
decrees

Filed Jan 22, 1926,

T. W. Richardson

Register

NOTE OF EVIDENCE.

No. 525

HADDONFIELD NATIONAL BANK, ET AL.

Complainants,

vs.

UNKNOWN HEIRS, NEXT OF KIN, and

LEGAL REPRESENTATIVES OF OLD H.

GJORUD,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

EQUITY DIVISION,

No. 525.

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

FOR COMPLAINANT

1. Bill of Complaint
2. Proof of Publication
3. Decree Pro Confesso

*Thornton & Freyer
Sols. for Compt.*

FOR RESPONDENT

Attest:

J. M. Rimmer
Register.

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CIRCUIT COURT

BALDWIN
of ~~Montgomery~~ County
Bay Minette
~~Alabama~~ Alabama

IN EQUITY

No. 525

Haddonfield National Bank,

et al,

Vs. } Note of Evidence

Unknown Heirs, Next of kin,
and Legal Representatives of
Ole H. Gjorud.

Read and Filed *Dec 17th 1925*

D. W. [Signature]
Register

Entered Minutes..... Page.....

RECORDED

The State of Alabama, }
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 525. Vacation Term, 1925

The Hadonfield National Bank, a Corporation et al

Complainants

vs.

The Unknown heirs at law, next of kin and other legal representatives of
Ole H.G. Joud. Defendants

Motion is hereby made for a Decree Pro Confesso against The unknown heirs at law
next of kin and other legal representatives of Ole H.G. Joud. 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 5th day of December, 1925

746 Code.

Thornton & Frazer.

Solicitor.

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No. 525.

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STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

The Hadonfiled National Bank,

et al

Complainants.

Vs.

The unknown heirs at law, next of

kin and other legal representatives
of Ole G. Joroud.

Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed December 5th, 1925

J. W. Robinson
Register.

Recorded in Record,

Vol. Page

Register.

Baldwin Times Print, Bay Minette.

RECORDED

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
No. 525. Vacation Term, 19 25

The Hadonfield National Bank a Corporation and Walter C. Barclay, as Executor and Walter C. Barclay/ Complainant.....
vs. The unknown heirs at law, next of kin and other legal representatives of Ole H. Gjord. Defendant.....

In this cause it appears to the Register..... that the order of publication here-
tofore made in this cause, was published for four consecutive weeks, commencing on the 17th day of
September, 19 25, in the Baldwin Times
a newspaper published in Bay Minette, Baldwin Co, Alabama, that a copy of said order was posted at the Court
House door in Baldwin County, on the 17th day of
September, 19 25, &&&&

And it now further appearing to the Register T. W. Richerson,....., that the said
The unknown heirs at law, next of kin and other legal representatives
of Ole H. Gjord,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-
fore, 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.....
The unknown heirs and other legal representatives of Ole H. Gjord.

This 7th day of December, 19 25.

T. W. Richerson
Register.

No. 525

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THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

The Hadonfield National Bank et al.

vs.

The unknown heirs and other
legal representatives of

Ole H. Gjord,

DECREE PRO CONFESSO ON
PUBLICATION.

Issued December 7th 1925.

J. W. Richardson
Register.

Recorded in Record

Vol. Page

Register.

RECORDED