



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

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON  
PERSONAL SERVICE**

Issued this \_\_\_\_\_ day of \_\_\_\_\_

19\_\_\_\_\_.

Register:

FLOYD T. McCONNELL and	§	
JOHN T. GRAY,	§	
	§	IN THE CIRCUIT COURT OF
Complainants,	§	
v.	§	BALDWIN COUNTY, ALABAMA,
	§	
OLIVE NELSON, et al.,	§	In Equity No. 4,410
Respondents.	§	

AMENDMENT TO ORIGINAL BILL OF COMPLAINT

Come the complainants in the above styled cause and amend their original bill of complaint heretofore filed therein, as follows:

1. Complainants amend paragraph "FOUR" of their bill of complaint by deleting from the description of the land therein the words "Deed Book No. 1, page 678," and by inserting therein, in lieu thereof, the following words: "Deed Book No. I, page 678".

2. Complainants amend paragraph "SEVEN" of said bill of complaint by deleting therefrom the following words and figures:

"January 10, 1949

Received of V. M. Reynolds the sum of one hundred fifty (\$150.00) Dollars payment on adjoining 75' to north of the above lot. The balance of purchase price is to be the cost of obtaining a clear title to the above 75' lot, including lawyer's fee, court cost and any other expenses I may incur in obtaining a clear deed and transfer of same to V. M. Reynolds.

Mildred L. Jensen"

And complainants further amend said paragraph of said bill of complaint by deleting therefrom the words "Each writing", and by inserting therein, in lieu thereof, the following words: "The writing".

3. Complainants amend paragraph "EIGHT" of said bill of complaint by deleting therefrom the words "two writings", and by inserting therein, in lieu thereof, the following word: "writing".

4. Complainants amend paragraph "NINE" of said bill of complaint by deleting therefrom the word "writings", and by inserting therein, in lieu thereof, the following word: "writing".

5. Complainants amend paragraph "TEN" of said bill of complaint by deleting from the last sentence thereof the word "east", and by inserting, in lieu thereof, the following word: "west".

6. Complainants amend paragraph "TWELVE" of said bill of complaint by deleting therefrom the following words and figures: "which came into existence as a legal entity on, to-wit, the 24th day of April, 1918, under and by virtue and pursuant to the laws".

HAMILTON, DENNISTON, BUTLER & RIDDICK

*Thomas A. Hamilton*  
Solicitors for Complainant

Address:  
Mobile, Alabama

VERIFICATION

Before me, the undersigned Notary Public in and for the County of Mobile, State of Alabama, personally appeared Thomas A. Hamilton, who is known to me and who, being by me first duly sworn, on oath deposes and says as follows:

That he is one of the solicitors for the complainants in the above styled cause; that he has read the foregoing amendment to the bill of complaint and that the facts stated therein are true and correct, to the best of his knowledge, information and belief.

*Thomas A. Hamilton*  
Thomas A. Hamilton

Subscribed and sworn to before me this 28<sup>th</sup> day of November, 1959.

*Charles B. Butler*  
Notary Public, Mobile County, Alabama

FILED  
DEC 14 1959  
ALICE J. DUCK, CLERK  
REGISTER

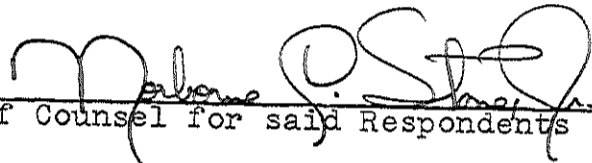
ACCEPTANCE OF SERVICE

I, Norborne C. Stone, Jr., one of the solicitors for respondents Susie H. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds and Ralph Reynolds, in the above styled cause, acknowledge receipt of a copy of the foregoing amendment to the bill of complaint therein and waive any and all other notice thereof, on this the 14<sup>th</sup> day of December, 1959..

FILED

DEC 14 1959

ALICE W. DUCK, CLERK  
REGISTER

  
Of Counsel for said Respondents

FLOYD T. McCONNELL and  
JOHN T. GRAY,  
  
Complainants,  
  
v.  
  
OLIVE NELSON, et al.,  
  
Respondents.

IN THE CIRCUIT COURT OF  
  
BALDWIN COUNTY, ALABAMA  
  
In Equity - No. 4410

STATE OF ALABAMA )  
COUNTY OF MOBILE )

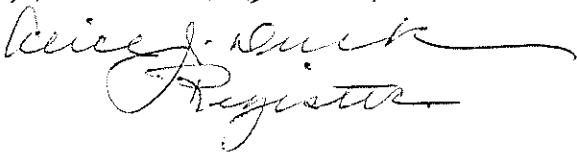
Before me, the undersigned authority, personally ap-  
peared Thomas A. Hamilton, who is known to me and who, being  
by me first duly sworn, on oath deposes and says as follows:

That he is one of the attorneys for the complainants  
in the above styled cause, and that none of the respondents  
now, and none was at the time this suit was filed,  
therein is/in the Military, Naval or other Armed Services of  
the United States, according to the best of affiant's knowl-  
edge, information and belief, except John M. Reynolds who, as  
affiant is informed and believes, is in the United States Air  
Force.

  
Thomas A. Hamilton

Subscribed and sworn to before me  
this the 20th day of July, 1959.

  
Notary Public, Mobile County, Alabama

Filed 7-21-59  
  
Registrar

JOHN T. GRAY, et al.,	¶	IN THE CIRCUIT COURT OF
Complainants,	¶	BALDWIN COUNTY, ALABAMA
v.	¶	
OLIVE NELSON, et al.,	¶	In Equity No. 4410
Respondents.	¶	

MOTION FOR DECREE PRO CONFESSO

Come the complainants in the above styled cause and move the Court to enter a decree pro confesso against the following respondents therein, namely: Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson and Mildred L. Jensen, and complainants in support of said motion respectfully represent unto the Court that all of said respondents have been properly served with process in said cause, and that more than thirty days have elapsed since such service of process on them and none of them has appeared therein.

**FILED**  
**JUL 28 1950**  
**ALICE L. DUCK, CLERK**  
**REGISTER**

HAMILTON, DENNISTON, BUTLER & RIDDICK

By *Wm. A. Hamilton*  
 Solicitors for Complainants

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 11-4-58 9:AM  
Recorded 2:30 PM book 4 page 445-7  
W. R. Stuart  
Judge of Probate

LEGAL NOTICE

BOOK 004 PAGE 465

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA  
IN EQUITY, Case No. 4410

Notice is hereby given to Olive Nelson, 1509 Greenlawn Drive, Mobile, Alabama; Olivia Williams, 1509 Greenlawn Drive, Mobile, Alabama; Nellie Nelson, 1571 Greenlawn Drive, Mobile, Alabama; Herbert Nelson, Daphne, Alabama; Winnie Hightower, 1509 Greenlawn Drive, Mobile, Alabama; Pauline Nelson, 902 Cottrell Street, Mobile, Alabama; Mildred L. Jensen, 852 East Victory Drive, Mobile, Alabama; Susie H. Reynolds, 1400 Center Street, Mobile, Alabama; John M. Reynolds, Commanding Officer, Biggs AFB, El Paso, Texas; Florence R. Southall, 2259 Martin Drive, Mobile, Alabama; Elizabeth R. Havard, 1411 Holden Street, Seattle, Washington; Susan R. Coulson, Route 1, Box 726, Mobile, Alabama; Mildred R. Cooper, 209 Lexington Avenue, Mobile, Alabama; Markward Reynolds, Hillcrest Road, Spring Hill, Mobile, Alabama; and Ralph Reynolds, 1400 Center Street, Mobile, Alabama, respondents, that Floyd T. McConnell and John T. Gray, complainants, have on the 23 day of October, 1958, filed their verified complaint in the Circuit Court of Baldwin County, in Equity, in Case No. 4410, against the land hereinafter described and against the above named respondents, and against the interest in said land in controversy as hereinafter set forth, said land being situated in the County of Baldwin, State of Alabama, and being more particularly described as follows, to-wit:

A certain part of Lot No. 1 in the Thomas Drury Grant, or Shell Banks, as shown on the plat thereof recorded in deed book No. 1, page 678, of the records of the Probate Court of Baldwin County, Alabama; viz.: beginning at the point where a prolongation of the west line of said lot No. 1 enters Mobile Bay; thence southwardly along the west line of Lot No. 1, a distance of 117 feet, more or less to an east-west fence of the property now occupied by E. W. Strong; thence eastwardly along



said fence, a distance of 11 feet, more or less, to a corner of said fence; thence southwardly along the north-south fence of the said E. W. Strong and parallel to the west line of lot No. 1 to the north line of Second street as shown on said plat; thence eastwardly along the north line of Second Street 139 feet; thence northwardly and parallel to the west line of Lot No. 1 to Mobile Bay; thence westwardly along Mobile Bay to the point of beginning;

that said complainants claim in their own right to own said land and the entire interest therein in fee simple, except as to a certain right of way over a portion thereof, more particularly described in said verified bill of complaint; that complainants allege in said bill of complaint that one E. W. Strong was in the actual, peaceable, open and notorious possession of said land, claiming to own the same, from some day in 1922 or 1923 until, to-wit, the 28th day of August, 1946 and that no other person or corporation was in possession of said land at any time during that period; that on the 28th day of August, 1946, E. W. Strong and Virginia Strong, his wife, conveyed said land to G. C. Strong, Sr., by deed recorded on the 7th day of September, 1946, in Deed Book 111, pages 203-4, of the Probate Court records of Baldwin County, Alabama; that the said G. C. Strong, Sr. entered into actual peaceable possession of said land on the date of said conveyance and remained in actual exclusive peaceable possession until, to-wit, the 25th day of September, 1946, on which date last mentioned said G. C. Strong, Sr., (otherwise known as Gillard C. Strong, Sr.) and his wife, Maude C. Strong, conveyed said land to said complainants by deed recorded on the 28th day of January, 1947, in Deed Book 116 N. S., pages 231-2, of the Probate Court Records of Baldwin County, Alabama, whereupon complainants entered into actual peaceable possession thereof and are, at the time of the filing of their bill of complaint, in the actual peaceable possession thereof, except to the extent of a trespass on a portion thereof as described in said bill of complaint, by one V. M. Reynolds, now deceased, and certain of his heirs named as respondents in said bill of complaint; also, complainants allege that they have assessed and paid taxes on

said land for the tax years 1947 to date.

It is, therefore, ordered by the undersigned Register that publication of this notice be made in the Baldwin Times, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons, firms and corporations, claiming any right, title to, interest in or lien or encumbrance upon said land or any part thereof be and they are hereby required to appear, plead, demur and answer to the bill of complaint in this cause within the time required by law and on or before Nov 23, 1958, or suffer decrees pro confesso to be rendered against them.

W. W. Brock  
 6-3-58  
 FILED  
 OCT 23 1958  
 BALDWIN COUNTY, ALA.

It is further ordered that a copy of this notice, certified by the undersigned Register as being correct, shall be recorded as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama.

Done in office this 23 day of October, 1958.

Reese L. Luck  
 Register, Circuit Court of  
 Baldwin County, Alabama

JOHN P. GRAY, ET AL.,	X	
Complainants,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
OLIVE NELSON, ET AL.,	X	
Respondents.	X	IN EQUITY
	X	

ANSWER

Come now the Respondents Susie H. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds and Ralph Reynolds, by their Solicitors, and for answer to the Bill of Complaint heretofore filed against them, say as follows:

1. The Respondents admit the allegations of paragraph "ONE" of the Bill of Complaint.

2. The Respondents admit the allegations of paragraph "TWO" of the Bill of Complaint.

3. The Respondents admit the allegations of paragraph "THREE" of the Bill of Complaint.

4. The Respondents admit all of the allegations of paragraph "FOUR" of the Bill of Complaint except that the map or plat of Shell Banks is recorded in Deed Book I at page 678 of the Records of the Probate Court of Baldwin County, Alabama.

5. The Respondents deny all of the allegations of paragraph "FIVE" of the Bill of Complaint.

6. The Respondents deny the allegations of paragraph "SIX" of the Bill of Complaint except those allegations therein which relate to the assessment and payment of taxes by these Respondents and those under whom they claim of a portion of the property described in the Bill of Complaint.

7. The Respondents deny the allegations of paragraph "SEVEN" of the Bill of Complaint.

8. The Respondents deny the allegations of paragraph "EIGHT" of the Bill of Complaint except those allegations concerning the Last Will and Testament of V. M. Reynolds, Deceased, and the fact of its being probated in Mobile County, Alabama

9. The Respondents deny the allegations of paragraph "NINE"

10. Inasmuch as the allegations of paragraph "TEN" do not present any matter in which these Respondents are interested they neither admit nor deny the allegations of paragraph "TEN" of the Bill of Complaint.

11. The Respondents, for the reason stated in paragraph "10" hereof, neither admit nor deny the allegations of paragraph "TEN" of the Bill of Complaint.

12. The Respondents deny the allegations of paragraph "TWELVE" of the Bill of Complaint.

13. The Respondents admit the allegations of paragraph "THIRTEEN" of the Bill of Complaint.

Respectfully submitted,

CHASON & STONE

**FILED**

JUL 27, 1959

ALICE J. DUCK, CLERK  
ALICE J. DUCK, REGISTER

By: 

Solicitors for the named Respondents

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,  
Baldwin County.

}

Circuit Court, Baldwin County

No. 4410

----- TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon OLIVE NELSON ET AL

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-----

OLIVE NELSON ET AL-----, Defendant-----

by LLOYD P. McCombll and John T. Gray-----

-----, Plaintiff-----

Witness my hand this 23 day of October 1958

Wesley J. Venable, Clerk

No. 4410 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

FLOYD T. MCCONELL AND JOHN T. GRAY

Plaintiffs

vs.

OLIVE NELSON ET AL

Defendants

Summons and Complaint

Filed October 23, 1958 19\_\_\_\_

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19\_\_\_\_

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

I have executed this summons

19\_\_\_\_

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

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

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

FLOYD T. McCONNELL and  
JOHN T. GRAY,

Complainants,

v.

OLIVE NELSON, et al.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY, No. \_\_\_\_\_

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA, IN EQUITY:

Come the complainants in the above cause and show unto  
this Honorable Court as follows:

ONE

Complainant Floyd T. McConnell is a bona fide resi-  
dent citizen of Mobile County, Alabama, and is over the age of  
21 years. The complainant John T. Gray is a bona fide resident  
citizen of Arlington County, Virginia, and is over the age of 21  
years.

TWO

The complainants bring this bill against the land here-  
inafter described and against Olive Nelson, Olivia Williams, Nel-  
lie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson,  
Mildred L. Jensen, Susie E. Reynolds, John M. Reynolds, Florence  
R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R.  
Cooper, Markward Reynolds, and Ralph Reynolds. Each respondent  
above named is over the age of 21 years.

THREE

The address of each respondent above named is set forth  
below opposite his or her name:

<u>Name</u>	<u>Address</u>
Olive Nelson	1509 Greenlawn Drive, Mobile, Alabama,
Olivia Williams	1509 Greenlawn Drive, Mobile, Alabama,
Nellie Nelson	1571 Greenlawn Drive, Mobile, Alabama,

Herbert Nelson	Daphne, Alabama,
Winnie Hightower	1509 Greenlawn, Drive, Mobile,
	Alabama,
Pauline Nelson	902 Cottrell Street, Mobile,
	Alabama,
Mildred L. Jensen	852 East Victory Drive, Mobile,
	Alabama,
Susie H. Reynolds	1400 Center Street, Mobile,
	Alabama,
John M. Reynolds	Commanding Officer, Biggs AFB,
	El Paso, Texas,
Florence R. Southall	2259 Martin Drive, Mobile, Ala.,
Elizabeth R. Havard	1411 Holden Street, Seattle,
	Washington,
Susan R. Coulson	Rt. 1, Box 726, Mobile, Alabama,
Mildred R. Cooper	209 Lexington Avenue, Mobile,
	Alabama,
Markward Reynolds	Hillcrest Road, Spring Hill,
	Mobile, Alabama,
Ralph Reynolds	1400 Center Street, Mobile, Ala-
	bama.

FOUR

The land against which this bill is brought is described as follows:

A certain part of Lot No. 1 in the Thomas Drury Grant, or Shell Banks, as shown on the plat thereof recorded in Deed Book No. 1, page 678, of the records of the Probate Court of Baldwin County, Alabama; viz., beginning at the point where a prolongation of the west line of said Lot No. 1 enters Mobile Bay; thence southwardly along the west line of Lot No. 1, a distance of 117 feet, more or less, to an east-west fence of the property now occupied by E. W. Strong; thence eastwardly along said fence, a distance of 11 feet, more or less, to a corner of said fence; thence southwardly along the north-south fence of the said E. W. Strong and parallel to the west line of Lot No. 1 to the north line of Second Street as shown on said plat; thence eastwardly along the north line of Second Street 139 feet; thence northwardly and parallel to the west line of Lot No. 1 to Mobile Bay; thence westwardly along Mobile Bay to the point of beginning.

FIVE

The complainants claim to own said land and the entire interest therein in their own right in fee simple, except as to that certain right of way, hereinafter mentioned, over a portion thereof, and allege that E. W. Strong was in actual, peaceable, open and notorious possession of the said land, claiming to own the same, from some day in 1922 or 1923 until, to-wit, the 28th day of August, 1946, and that no other person or corporation was in possession of the said land at any time during that period; that on the 28th day of August, 1946, E. W. Strong and Virginia



Strong, his wife, conveyed the said land to G. C. Strong, Sr., by deed recorded on the 7th day of September, 1946, in Deed Book 111, pages 203-4, of the Probate Court Records of Baldwin County, Alabama; that the said G. C. Strong, Sr., entered into actual peaceable possession of said land on the date of the aforementioned conveyance and remained in actual exclusive peaceable possession until, to-wit, the 25th day of September, 1946; that on the date last mentioned, the said G. C. Strong, Sr., (otherwise known as Gillard C. Strong, Sr.), and his wife, Maude C. Strong, conveyed the said land to the complainants by deed recorded on the 28th day of January, 1947, in Deed Book No. 116 N. S., pages 231-2, of the Probate Court Records of Baldwin County, Alabama; and that on the date of the conveyance last mentioned, the complainants entered into actual peaceable possession of the said land and at the time of the filing of this bill of complaint are in actual peaceable possession thereof, except to the extent of a trespass on a portion of said land, as hereinafter described, by V. M. Reynolds, now deceased, and his heirs, who are hereinabove named as the respondents Susie H. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds and Ralph Reynolds.

SIX

The complainants have assessed and paid taxes on said land for the tax years 1947 to date. The East 75 feet of said property also has been assessed to and taxes have been paid by Mrs. F. D. Nelson (who is one and the same person as the above named Olive Nelson) from prior to the tax year 1947 through the tax year 1955. The West 75 feet of said property was assessed to and taxes were paid by Mrs. R. L. Jensen (who is one and the same person as the above named Mildred L. Jensen), for the tax years 1948 and 1949. The West 75 feet of said property has been assessed to and taxes have been paid by V. M. Reynolds and his widow, the respondent Susie H. Reynolds, et al, from the tax year 1950 to date.

SEVEN

By deed dated December 20, 1944, recorded in Deed Book 87, page 383, of the Probate Court Records of Baldwin County, Alabama, the respondent, Mildred L. Jensen, acquired title to certain land contiguous to and west of the property hereinabove described. By deed dated January 10, 1949, recorded in Deed Book 157, page 484, of said records, the said Mildred L. Jensen and her husband, Ray L. Jensen, conveyed the said contiguous property to V. M. Reynolds, now deceased, and executed also two writings, as follows:

"CONTRACT ENTERED INTO THIS 12TH DAY OF JANUARY, 1949, BETWEEN MILDRED AND ROY L. JENSEN, JR., AND V. M. REYNOLDS

TO WHOM IT MAY CONCERN:

We, the undersigned, do hereby grant unto V. M. Reynolds, his heirs and assigns, right of way and trespassing privileges on the west 75 feet of Lot No. 1 in the village of Shellbanks, part of A. W. B. Kennedy survey of the Drury Tract fronting on Mobile Bay, Section 23, T9S, R2E, and adjoining the property purchased from the undersigned on 10 January 1949, in the Drury Tract known as the old Strong property.

We further grant V. M. Reynolds, his heirs and assigns, FIRST OPTION on said land described above, if and when same becomes 'For Sale'.

Roy L. Jensen, Jr.  
Mildred L. Jensen"

"January 10, 1949

Received of V. M. Reynolds the sum of one hundred fifty (\$150.00) Dollars payment on adjoining 75' to north of the above lot. The balance of purchase price is to be the cost of obtaining a clear title to the above 75' lot, including lawyer's fee, court cost and any other expenses I may incur in obtaining a clear deed and transfer of same to V. M. Reynolds.

Mildred L. Jensen"

Each writing above quoted was recorded on or about October 9, 1950, in Deed Book 157 N. S., page 483, of the Probate Court Records of Baldwin County, Alabama.

EIGHT

From time to time during the period extending from January, 1949, until his death on 5 January 1954, the said V. M.

Reynolds trespassed upon the west 75 feet of the property described in paragraph "FOUR" above, and since his death, the respondents Susie H. Reynolds, widow of the said V. M. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Ralph Reynolds and Markward Reynolds, children of the said V. M. Reynolds, have claimed the right to so trespass by virtue of the two writings quoted in paragraph "SEVEN" above, and by virtue of the last will of V. M. Reynolds, which provides, in pertinent part, as follows:

"Item Nine: - I give, devise and bequeath to my wife, Susie H. Reynolds, and to each of my seven children, equally, all of the property which I own in the Village known as Gasque, Baldwin County, Alabama, upon which is located my Summer Home."

The said will was admitted to probate by the Probate Court of Mobile County, Alabama on January 20, 1954, and is recorded in Will Book No. 29, pages 275-278, of said Probate Court Records.

NINE

A bona fide controversy, which should be settled, exists between the respondents last named and the complainants as to whether the writings quoted in paragraph "SEVEN" above give the said respondents the right to trespass on the west 75 feet of the property owned in fee simple by the complainants, against which this bill is brought. Complainants make no claim and no controversy exists as to the property mentioned in the will of V. M. Reynolds as his summer home or to the right of way mentioned in the above quoted "trespassing" agreement.

TEN

The complainants are informed that the respondents Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower and Pauline Nelson, heretofore claimed title to all of the property described in paragraph "FOUR" above by virtue of dower and rights of descent and distribution from F. D. Nelson, deceased. The respondent Olive Nelson is the widow

of the said T. D. Nelson, and all other respondents, except Pauline Nelson, are his children and only heirs at law and next of kin. Pauline Nelson is the widow of C. Mollie Nelson, a son of said T. D. Nelson, who died intestate and without issue. The complainants are further informed that the said respondents at the present time claim only the east 75 feet of the said property, having heretofore and on the 7th day of December, 1946, conveyed their right, title and interest to the west 75 feet to Mildred L. Jensen by deed recorded on December 31, 1946, in Deed Book 115 N. S., pages 337-8, of the records of the Probate Court of Baldwin County, Alabama.

ELEVEN

The complainants are not informed as to whether Mildred L. Jensen at the present time claims any interest in the property in controversy, but allege that the deed last described in paragraph "TEN" above constitutes a cloud upon the complainants' title.

TWELVE

The complainants have obtained an abstract which shows that the only possible claimant to the property in controversy, except the respondents herein named, is the U. S. Conservation Company, a corporation which came into existence as a legal entity on, to-wit, the 24th day of April, 1918, under and by virtue and pursuant to the laws of the State of Delaware. On the 23rd day of January, 1922, a proclamation was made by the Governor of the State of Delaware, by virtue of the laws of that State, by the terms of which the charter of the U. S. Conservation Company was repealed for failure to pay taxes assessed against it or due by it.

THIRTEEN

There is no suit pending to test complainants' interest in, title to, or possession of said land.

PRAYER FOR PROCESS

The premises considered, the complainants file this verified bill of complaint against the respondents named in paragraph "TWO" above, and against any and all persons claiming title to the lands described in paragraph "FOUR" of any interest in, lien or encumbrances thereon, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same; the complainants pray that the parties named in paragraph "TWO" be made respondents to this bill of complaint and that process be served on each of them, or publication be made requiring them and each of them to plead, answer or demur to the same within the time required by law, or decree pro confesso may be entered against them.

PRAYER FOR RELIEF

Complainants further pray that this Court will find that the rights and interests of all parties to this suit are before the Court and that such rights and interests be adjudicated by final decree. Complainants further pray that this Honorable Court will make and enter all orders, judgments, and decrees that may be meet and proper in the premises, and that upon final hearing of this cause will find and decree that the Complainants each has a one-half undivided interest in fee simple in said land, free from all liens and encumbrances.

Complainants further pray, if they are mistaken in the relief asked for, that this Court grant such other, further or additional relief as may appear to the Court to be just and equitable.

The complainants offer to do equity and to abide by such orders and decrees as may be made by the Court.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By *Wm. A. Hamilton*  
Solicitors for Complainants

Address: Mobile, Alabama

VERIFICATION

Before me, the undersigned Notary Public in and for the County of Mobile, State of Alabama, personally appeared Floyd T. McConnell, who is known to me and who, being by me first duly sworn, on oath deposes and says: That he is one of the complainants in the foregoing bill of complaint; that he has read the same, has knowledge of the facts therein stated, and that such facts as stated are true; that all respondents named in said bill of complaint are residents of the State of Alabama, except John M. Reynolds and Elizabeth R. Havard, who are non-residents of said State, both of whom are, as affiant believes, over the age of 21 years; that the address of respondent John M. Reynolds is Commanding Officer, Biggs AFB, El Paso, Texas, and that the address of respondent Elizabeth R. Havard is 1411 Holden Street, Seattle, Washington.

*Floyd T. McConnell*

FILED  
 23 10 58  
 6708 08  
 NOTARY PUBLIC

Subscribed and sworn to before me this  
9th day of October, 1958.

*Lillian M. Newbach*  
Notary Public, Mobile County, Alabama.

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS & COUNSELLORS AT LAW  
FIRST NATIONAL BANK BUILDING  
P. O. BOX 1671

MOBILE, ALABAMA

PETER HAMILTON (1838-1888)  
THOMAS A. HAMILTON (1844-1897)  
J. GAILLARD HAMILTON (1899-1956)  
THOMAS A. HAMILTON  
ROBERT P. DENNISTON  
CHARLES R. BUTLER  
HARRY H. RIDDICK  
ROBERT P. LOCKLIN  
MILLER A. WIDEMIRE

July 27, 1959

Mrs. Alice J. Duck,  
Register in Chancery  
Circuit Court of Baldwin County  
Bay Minette, Alabama

RE: Gray v. Nelson et al  
No. 4410 in Equity

Dear Mrs. Duck:

We enclose herewith motion for decree pro confesso against all of the respondents in the above matter except those for whom an appearance has been filed by Mr. Norborne C. Stone, Jr. As to these respondents against whom decree pro confesso is sought, you already have on file an affidavit showing that none of them is in the military services, etc., so that no solicitor ad litem need be appointed.

Please advise when this decree pro confesso has been entered so that we may proceed with taking testimony.

Thanking you, we are

Yours respectfully,



For the Firm

TAH:lh  
No. 2965

cys to Messrs. John T. Gray and  
Floyd T. McConnell

## LEGAL NOTICE

### LEGAL NOTICE

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY, Case No. 4410

Notice is hereby given to Olive Nelson, 1509 Greenlawn Drive, Mobile, Alabama; Olivia Williams, 1509 Greenlawn Drive, Mobile, Alabama; Nellie Nelson, 1571 Greenlawn Drive, Mobile, Alabama; Herbert Nelson, Daphne, Alabama; Winnie Hightower, 1509 Greenlawn Drive, Mobile, Alabama; Paulino Nelson, 902 Cottrell Street, Mobile, Alabama; Mildred L. Jensen, 852 East Victory Drive, Mobile, Alabama; Susie H. Reynolds, 1400 Center Street, Mobile, Alabama; John M. Reynolds, Commanding Officer, Biggs AFB, El Paso, Texas; Florence R. Southall, 2259 Martin Drive, Mobile, Alabama; Elizabeth R. Harvard, 1411 Holden Street, Seattle, Washington; Susan R. Coulson, Route 1, Box 726, Mobile, Alabama; Mildred R. Cooper, 209 Lexington Avenue, Mobile, Alabama; Markward Reynolds, Hillcrest Road, Spring Hill, Mobile, Alabama; and Ralph Reynolds, 1400 Center Street, Mobile, Alabama, respondents, that Floyd T. McConnell and John T. Gray, complainants, have on the 23 day of October, 1958, filed their verified complaint in the Circuit Court of Baldwin County, in Equity, in Case No. 4410, against the land hereinafter described and against the above named respondents, and against the interest in said land in controversy as hereinafter set forth, said land being situated in the County of Baldwin, State of Alabama, and being more particularly described as follows, to-wit:

A certain part of Lot No. 1 in the Thomas Drury Grant, or Shell Banks, as shown on the plat thereof recorded in deed book No. 1, page 578, of the

Ala., Thursday, November 20, 1958

records of the Probate Court of Baldwin County, Alabama; viz.: beginning at the point where a prolongation of the west line of said lot No. 1 enters Mobile Bay; thence southwardly along the west line of Lot No. 1, a distance of 117 feet, more or less, to an east-west fence of the property now occupied by E. W. Strong; thence eastwardly along said fence, a distance of 11 feet, more or less, to a corner of said fence; thence southwardly along the north-south fence of the said E. W. Strong and parallel to the west line of lot No. 1 to the north line of Second Street as shown on said plat; thence eastwardly along the north line of Second Street 139 feet; thence northwardly and parallel to the west line of Lot No. 1 to Mobile Bay; thence westwardly along Mobile Bay to the point of beginning.

that said complainants claim in their own right to own said land and the entire interest therein in fee simple, except as to a certain right of way over a portion thereof, more particularly described in said verified bill of complaint; that complainants allege in said bill of complaint that one E. W. Strong was in the actual, peaceable, open and notorious possession of said land, claiming to own the same, from some day in 1922 or 1923 until, to-wit, the 28th day of August, 1946 and that no other person or corporation was in possession of said land at any time during that period; that on the 28th day of August, 1946, E. W. Strong and Virginia Strong, his wife, conveyed said land to G. C. Strong, Sr. by deed recorded on the 7th day of September, 1946, in Deed Book 111, pages 203-4, of the Probate Court records of Baldwin County, Alabama; that the said G. C. Strong, Sr. entered into actual, peaceable possession of said land on the date of said conveyance and remained

in actual exclusive peaceable possession until, to-wit, the 25th day of September, 1946, on which date last mentioned said G. C. Strong, Sr. (otherwise known as Gillard C. Strong, Sr.) and his wife, Maude C. Strong, conveyed said land to said complainants by deed recorded on the 28th day of January, 1947, in Deed Book 116 N.S., pages 231-2, of the Probate Court Records of Baldwin County, Alabama, whereupon complainants entered into actual peaceable possession thereof and are, at the time of the filing of their bill of complaint, in the actual peaceable possession thereof, except to the extent of the trespass on a portion thereof as described in said bill of complaint, by one V. M. Reynolds, now deceased, and certain of his heirs named as respondents in said bill of complaint; also, complainants allege that they have assessed and paid taxes on said land for the tax years 1947 to date.

It is, therefore, ordered by the undersigned Register that publication of this notice be made in the Baldwin Times, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons, firms and corporations, claiming any right, title to, interest in or lien or encumbrance upon said land or any part thereof be and they are hereby required to appear, plead, demur and answer to the bill of complaint in this cause within the time required by law and on or before Nov. 23, 1958, or suffer decrees pro confesso to be rendered against them.

It is further ordered that a copy of this notice, certified by the undersigned Register as being correct, shall be recorded as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama.

Done in office this 23 day of October, 1958.

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

Hamilton, Denniston, Butler & Riddick,  
Solicitors For Complainants.

42-4tc.



# THE BALDWIN TIMES

JIMMY FAULKNER  
PUBLISHER

*Alabama's Best County's Best Newspaper*

BAY MINETTE, ALABAMA

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.  
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Notice to Oliver Nelson, etc.

### COST STATEMENT

918 WORDS @ 6 1/2 cents ..... \$ 59.67  
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.  
Editor.

was published in said newspaper for 4 consecutive weeks in the following issues:

Date of 1st publication Oct 30, 1958 Vol. 70 No. 42

Date of 2nd publication Nov. 6, 1958 Vol. 70 No. 43

Date of 3rd publication Nov. 13, 1958 Vol. 70 No. 44

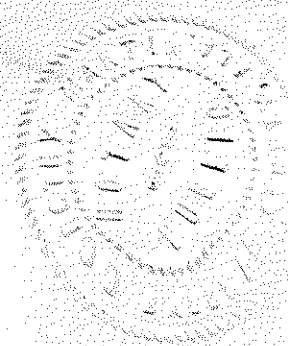
Date of 4th publication Nov. 20, 1958 Vol. 70 No. 45

Subscribed and sworn before the undersigned this 20 day of Nov, 1958.

Dorothy Martin

Notary Public, Baldwin County.

E. R. Morrisette Jr.  
Editor.



HAMILTON, DENNISTON, BUTLER & RIDDICK

PETER HAMILTON (1838-1888)  
THOMAS A. HAMILTON (1844-1897)  
J. GAILLARD HAMILTON (1899-1956)  
THOMAS A. HAMILTON  
ROBERT P. DENNISTON  
CHARLES R. BUTLER  
HARRY H. RIDDICK  
ROBERT P. LOCKLIN  
MILLER A. WIDEMIRE

ATTORNEYS & COUNSELLORS AT LAW  
FIRST NATIONAL BANK BUILDING  
P. O. BOX 1671  
MOBILE, ALABAMA

May 12, 1959

Mrs. Alice J. Duck,  
Register in Equity  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Dear Mrs. Duck:

RE: Floyd T. McConnell et al, v.  
Olive Nelson et al, Case #4410

Gillard C. Strong Sr. v.  
Olive Nelson et al, Case #4411

In each of the above cases the Sheriff made a return of "not found" as to Herbert Nelson, whose address was given as Daphne, Alabama.

We now find that this respondent, Herbert Nelson, is living at 2120 Highland Court, Mobile, Alabama. Accordingly, please have alias summons issued in each of these cases, to be served on Herbert Nelson by the Sheriff of Mobile County at the address last mentioned.

Thanking you, we are

Your respectfully,



For the Firm

TAH:lh  
No. 2965

FLOYD T. McCONNELL, et al  
Complainant

No. 4410 Vs.

OLIVE NELSON, et al  
Defendant

BALDWIN  
CIRCUIT COURT OF MOBILE  
COUNTY, ALABAMA  
IN EQUITY

DEMAND FOR ORAL EXAMINATION

The State of Alabama }  
Baldwin-Mobile County }

The complainants requests the oral examination of the following named witnesses on their behalf, viz.: John T. Gray, Floyd T. McConnell, Thomas A. Hamilton and G. C. Strong, Sr.,

said witnesses reside in the County of Mobile, State of Alabama, except the witness first named, who resides in the State of Virginia, and the witness last named, who resides at Baldwin County, Alabama. Louis M. Hubbard, Jr., who resides at Mobile, Alabama, is suggested as a suitable person to be appointed Commissioner to take deposition of said witness on such oral examination.

Filed 8-2-57

HAMILTON, DENNISTON, BUTLER & RIDDICK

~~W. ELSWORTH HAUGHTON~~, Register.

*Thomas A. Hubbard*

Solicitors for

Complainants

No. ....

~~BALDWIN~~

~~CIRCUIT COURT OF MOBILE COUNTY~~

~~Mobile, Alabama~~

Vs.

~~DEMAND FOR ORAL EXAMINATION~~

HAMILTON, DENNISTON, BUTLER & RIDDICK

PETER HAMILTON (1838-1888)  
THOMAS A. HAMILTON (1844-1897)  
J. GAILLARD HAMILTON (1899-1956)

ATTORNEYS & COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE 13, ALABAMA

THOMAS A. HAMILTON  
ROBERT P. DENNISTON  
CHARLES R. BUTLER  
HARRY H. RIDDICK  
ROBERT R. LOCKLIN  
W. JACK EDWARDS

September 30, 1958

Mrs. Alice F. Duck, Register  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed are the original and 15 copies of bill of complaint of Floyd T. McConnell and John T. Gray against Olive Nelson, et al, which please file for us on the Equity side of your Court, having copies of the bill of complaint served on those respondents who are residents of the State of Alabama. Also, as to the two non-resident respondents, John M. Reynolds and Elizabeth R. Havard, please have them served by sending a summons, together with a copy of the bill, by registered mail, postage prepaid, marked "for delivery to addressee only", and with return receipt demanded, addressed to you as the Register of the Court in which the proceeding is pending.

Also enclosed are the original and two copies of a notice provided for in Sections 1119, 1120 and 1121, as amended, of Title 7 of the Alabama Code of 1940. Please have this notice published, after signing same, once a week for four consecutive weeks in the newspaper having general circulation in Baldwin County, and please have a copy thereof, certified by you as Register as being correct, recorded as a lis pendens in the office of the Probate Judge of Baldwin County.

Thanking you, we are

Yours respectfully,



For the Firm

TAH:lh  
No. 2965

P. S. The blanks in the notice should of course be filled in and the blank on page 3 thereof fixing the time within which respondents must appear, etc., should be as provided in Section 1121 of Title 7 of the Code, as amended.

TAH

FLOYD T. McCONNELL and	¶	
JOHN T. GRAY,		
	¶	IN THE CIRCUIT COURT OF
Complainants,		BALDWIN COUNTY, ALABAMA
v.	¶	
OLIVE NELSON, et al.,	¶	In Equity No. 4,410
Respondents.	¶	

FINAL DECREE

This cause, coming on to be heard, is submitted for final decree on the pleadings, decrees pro confesso and the testimony as shown by the note of evidence on file, and on stipulation of solicitors of record for complainants and of solicitors of record for all respondents against whom decrees pro confesso have not been heretofore taken, namely: Susan H. Reynolds, John M. Reynolds, Florence A. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds and Ralph Reynolds; thereupon, the Court ascertains that this cause is at issue, and, upon consideration thereof, the Court ascertains that the complainants, Floyd T. McConnell and John T. Gray were, at the time the bill of complaint was filed in this cause, and on the date of this decree are, in the actual and peaceable possession of the following described land in the County of Baldwin, State of Alabama, to-wit:

A certain part of Lot No. 1 in the Thomas Drury Grant, or Shell Banks, as shown on the plat thereof recorded in Deed Book No. 1, page 678, of the records of the Probate Court of Baldwin County, Alabama; viz., beginning at the point where a prolongation of the West line of said Lot No. 1 enters Mobile Bay; thence southwardly along the west line of Lot No. 1, a distance of 117 feet, more or less, to an east-west fence of the property now occupied by E. W. Strong; thence eastwardly along said fence, a distance of 11 feet, more or less, to a corner of said fence; thence southwardly along the north-south fence of the said E. W. Strong and parallel to the west line of Lot No. 1 to the north line of Second Street as shown on said plat; thence eastwardly along the north line of Second Street 139 feet; thence northwardly and parallel to the west line of Lot No. 1 to Mobile Bay; thence westwardly along Mobile Bay to the point of beginning ;

but that said complainants and their spouses, by deeds dated May

9, 1961 and December 5, 1961, and recorded in Deed Book 313, pages 315-322, and Deed Book 313, pages 312-314, respectively, of the Baldwin County Probate Records, conveyed a portion of said land to said respondents (against whom decrees pro confesso have not been taken), who have been in the actual and peaceable possession of said portion since delivery to them of said deeds, together with the right to the use of a right of way as described and set forth in said deeds.

And the Court has further ascertained that the complainants, as shown by the testimony in this cause, obtained and acquired the legal title to all of said lands by virtue of a deed from G. C. Strong, Sr. (otherwise known as Gillard C. Strong, Sr.), and his wife, Maude C. Strong, dated January 28, 1947 and recorded in Deed Book 116 N. S., pages 231-2, of the Probate Court Records of Baldwin County, Alabama.

And the Court has further ascertained that complainants claim in their own right to own said lands in fee simple (except said portion thereof, and except for said right of way, conveyed to said respondents named above, and which portion said named respondents now claim in their own right in fee simple, together with the right to use said right of way, by virtue of said deeds from complainants and their spouses), and the Court has also ascertained that the complainants and those through whom they claim have been in the actual and peaceable possession of said lands, claiming to own the same, since the year, to-wit, 1922 to the date hereof, except said portion thereof conveyed to said named respondents, which portion said named respondents have had in their actual and peaceable possession since delivery of said deeds to them, and that complainants have assessed and paid the taxes thereon for the tax years 1947 to date.

And the Court has further ascertained that no other suit is pending to test complainants' title to, interest in or their right to the possession of such lands, and that the other

allegations of the bill of complaint, as amended, are true and that complainants now hold and own the complete legal and equitable title in fee simple to said lands, except said portion thereof conveyed to said named respondents, which said named respondents now hold and own the complete legal and equitable title in fee simple to that portion of said lands so conveyed to them by said deeds, and that respondents also have an easement or right of way as described in said deeds;

IT IS NOW, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the complainants Floyd T. McConnell and John T. Gray are the true and lawful owners in fee simple of the property above described, except that portion conveyed to said named respondents, and that said named respondents are the true and lawful owners in fee simple of said portion of said property conveyed to them by said deeds, and also have the right to the use of said right of way granted to them thereby, and that the complainants have judgment as prayed for in their bill of complaint, as amended, against said lands, and against any and all persons claiming or reputed to claim any title to, interest in, lien or encumbrance on said lands, or any part thereof, and especially the claims of the following persons, namely: Olive Nelson, Olivia Williams, Herbert Nelson, Winnie Hightower, Pauline Nelson and Mildred L. Jensen, named as respondents in this cause, whose claims therein or thereto are hereby adjudged and decreed to be invalid, groundless and of no effect, and complainants' title to said lands, and the title of said/<sup>first hereinabove</sup>named respondents to that portion of said lands conveyed to them by said deeds, is hereby quieted against any and all persons claiming any right or title to, interest in, or lien or encumbrance on said lands, or any part thereof;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Register of this Court shall, within thirty (30) days from the rendition of this decree, prepare and file a cer-



tified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record, and tax the expense thereof as a part of the costs in this cause, and that the Probate Judge of Baldwin County, Alabama, shall record said certified copy in the same book and in the same manner in which deeds are recorded, and index the same in the name of the respondents named in the next preceding paragraph of this decree, in the direct index, and in the name of Floyd T. McConnell and John T. Gray, in the reverse index;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the title hereby established and quieted in complainants shall enure to the benefit of all persons who derive or have derived titles to said lands or any interest therein from or through the complainants;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the costs of this cause be taxed one-half against the complainants and the other one-half against said named respondents, for which let execution issue.

Done in term time this 20 day of March,  
1962.

Hubert M. Stee  
Judge

FLOYD T. McCONNELL and JOHN T. GRAY,	¶	IN THE CIRCUIT COURT OF
	¶	
Complainants,		BALDWIN COUNTY, ALABAMA,
v.	¶	
OLIVE NELSON, et al.,	¶	IN EQUITY, No. _____
Respondents.	¶	

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Come the complainants in the above cause and show unto this Honorable Court as follows:

ONE

Complainant Floyd T. McConnell is a bona fide resident citizen of Mobile County, Alabama, and is over the age of 21 years. The complainant John T. Gray is a bona fide resident citizen of Arlington County, Virginia, and is over the age of 21 years.

TWO

The complainants bring this bill against the land hereinafter described and against Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson, Mildred L. Jensen, Susie H. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds, and Ralph Reynolds. Each respondent above named is over the age of 21 years.

THREE

The address of each respondent above named is set forth below opposite his or her name:

<u>Name</u>	<u>Address</u>
✓ Olive Nelson	1509 Greenlawn Drive, Mobile, Alabama,
✓ Olivia Williams	1509 Greenlawn Drive, Mobile, Alabama,
✓ Nellie Nelson	1571 Greenlawn Drive, Mobile, Alabama,

<del>244</del> Herbert Nelson	Daphne, Alabama,
<del>244</del> Winnie Hightower	1509 Greenlawn, Drive, Mobile, Alabama,
<del>51</del> Pauline Nelson	902 Cottrell Street, Mobile, Alabama,
<del>227</del> Mildred L. Jensen	852 East Victory Drive, Mobile, Alabama,
<del>237</del> Susie H. Reynolds	1400 Center Street, Mobile, Alabama,
John M. Reynolds	Commanding Officer, Biggs AFB, El Paso, Texas,
Florence R. Southall	2259 Martin Drive, Mobile, Ala.,
Elizabeth R. Havard	1411 Holden Street, Seattle, Washington,
<del>7</del> Susan R. Coulson	Rt. 1, Box 726, Mobile, Alabama,
<del>227</del> Mildred R. Cooper	209 Lexington Avenue, Mobile, Alabama,
<del>237</del> Markward Reynolds	Hillcrest Road, Spring Hill, Mobile, Alabama,
<del>237</del> Ralph Reynolds	1400 Center Street, Mobile, Ala- bama.

FOUR

The land against which this bill is brought is described as follows:

A certain part of Lot No. 1 in the Thomas Drury Grant, or Shell Banks, as shown on the plat thereof recorded in Deed Book No. 1, page 678, of the records of the Probate Court of Baldwin County, Alabama; viz., beginning at the point where a prolongation of the west line of said Lot No. 1 enters Mobile Bay; thence southwardly along the west line of Lot No. 1, a distance of 117 feet, more or less, to an east-west fence of the property now occupied by E. W. Strong; thence eastwardly along said fence, a distance of 11 feet, more or less, to a corner of said fence; thence southwardly along the north-south fence of the said E. W. Strong and parallel to the west line of Lot No. 1 to the north line of Second Street as shown on said plat; thence eastwardly along the north line of Second Street 139 feet; thence northwardly and parallel to the west line of Lot No. 1 to Mobile Bay; thence westwardly along Mobile Bay to the point of beginning.

FIVE

The complainants claim to own said land and the entire interest therein in their own right in fee simple, except as to that certain right of way, hereinafter mentioned, over a portion thereof, and allege that E. W. Strong was in actual, peaceable, open and notorious possession of the said land, claiming to own the same, from some day in 1922 or 1923 until, to-wit, the 28th day of August, 1946, and that no other person or corporation was in possession of the said land at any time during that period; that on the 28th day of August, 1946, E. W. Strong and Virginia

Strong, his wife, conveyed the said land to G. C. Strong, Sr., by deed recorded on the 7th day of September, 1946, in Deed Book 111, pages 203-4, of the Probate Court Records of Baldwin County, Alabama; that the said G. C. Strong, Sr., entered into actual peaceable possession of said land on the date of the aforementioned conveyance and remained in actual exclusive peaceable possession until, to-wit, the 25th day of September, 1946; that on the date last mentioned, the said G. C. Strong, Sr., (otherwise known as Gillard C. Strong, Sr.), and his wife, Maude C. Strong, conveyed the said land to the complainants by deed recorded on the 28th day of January, 1947, in Deed Book No. 116 N. S., pages 231-2, of the Probate Court Records of Baldwin County, Alabama; and that on the date of the conveyance last mentioned, the complainants entered into actual peaceable possession of the said land and at the time of the filing of this bill of complaint are in actual peaceable possession thereof, except to the extent of a trespass on a portion of said land, as hereinafter described, by V. M. Reynolds, now deceased, and his heirs, who are hereinabove named as the respondents Susie H. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds and Ralph Reynolds.

SIX

The complainants have assessed and paid taxes on said land for the tax years 1947 to date. The East 75 feet of said property also has been assessed to and taxes have been paid by Mrs. T. D. Nelson (who is one and the same person as the above named Olive Nelson) from prior to the tax year 1947 through the tax year 1955. The West 75 feet of said property was assessed to and taxes were paid by Mrs. R. L. Jensen (who is one and the same person as the above named Mildred L. Jensen), for the tax years 1948 and 1949. The West 75 feet of said property has been assessed to and taxes have been paid by V. M. Reynolds and his widow, the respondent Susie H. Reynolds, et al, from the tax year 1950 to date.

SEVEN

By deed dated December 20, 1944, recorded in Deed Book 87, page 383, of the Probate Court Records of Baldwin County, Alabama, the respondent, Mildred L. Jensen, acquired title to certain land contiguous to and west of the property hereinabove described. By deed dated January 10, 1949, recorded in Deed Book 157, page 484, of said records, the said Mildred L. Jensen and her husband, Ray L. Jensen, conveyed the said contiguous property to V. M. Reynolds, now deceased, and executed also two writings, as follows:

"CONTRACT ENTERED INTO THIS 12TH DAY OF JANUARY, 1949, BETWEEN MILDRED AND ROY L. JENSEN, JR., AND V. M. REYNOLDS

TO WHOM IT MAY CONCERN:

We, the undersigned, do hereby grant unto V. M. Reynolds, his heirs and assigns, right of way and trespassing privileges on the west 75 feet of Lot No. 1 in the village of Shellbanks, part of A. W. B. Kennedy survey of the Drury Tract fronting on Mobile Bay, Section 23, T9S, R2E, and adjoining the property purchased from the undersigned on 10 January 1949, in the Drury Tract known as the old Strong property.

We further grant V. M. Reynolds, his heirs and assigns, FIRST OPTION on said land described above, if and when same becomes 'For Sale'.

Roy L. Jensen, Jr.  
Mildred L. Jensen"

"January 10, 1949

Received of V. M. Reynolds the sum of one hundred fifty (\$150.00) Dollars payment on adjoining 75' to north of the above lot. The balance of purchase price is to be the cost of obtaining a clear title to the above 75' lot, including lawyer's fee, court cost and any other expenses I may incur in obtaining a clear deed and transfer of same to V. M. Reynolds.

Mildred L. Jensen"

Each writing above quoted was recorded on or about October 9, 1950, in Deed Book 157 N. S., page 483, of the Probate Court Records of Baldwin County, Alabama.

EIGHT

From time to time during the period extending from January, 1949, until his death on 5 January 1954, the said V. M.

Reynolds trespassed upon the west 75 feet of the property described in paragraph "FOUR" above, and since his death, the respondents Susie H. Reynolds, widow of the said V. M. Reynolds, John M. Reynolds, Florence R. Southall, Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Ralph Reynolds and Markward Reynolds, children of the said V. M. Reynolds, have claimed the right to so trespass by virtue of the two writings quoted in paragraph "SEVEN" above, and by virtue of the last will of V. M. Reynolds, which provides, in pertinent part, as follows:

"Item Nine: - I give, devise and bequeath to my wife, Susie H. Reynolds, and to each of my seven children, equally, all of the property which I own in the Village known as Gasque, Baldwin County, Alabama, upon which is located my Summer Home."

The said will was admitted to probate by the Probate Court of Mobile County, Alabama on January 20, 1954, and is recorded in Will Book No. 29, pages 275-278, of said Probate Court Records.

#### NINE

A bona fide controversy, which should be settled, exists between the respondents last named and the complainants as to whether the writings quoted in paragraph "SEVEN" above give the said respondents the right to trespass on the west 75 feet of the property owned in fee simple by the complainants, against which this bill is brought. Complainants make no claim and no controversy exists as to the property mentioned in the will of V. M. Reynolds as his summer home or to the right of way mentioned in the above quoted "trespassing" agreement.

#### TEN

The complainants are informed that the respondents Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower and Pauline Nelson, heretofore claimed title to all of the property described in paragraph "FOUR" above by virtue of dower and rights of descent and distribution from T. D. Nelson, deceased. The respondent Olive Nelson is the widow

of the said T. D. Nelson, and all other respondents, except Pauline Nelson, are his children and only heirs at law and next of kin. Pauline Nelson is the widow of C. Hollie Nelson, a son of said T. D. Nelson, who died intestate and without issue. The complainants are further informed that the said respondents at the present time claim only the east 75 feet of the said property, having heretofore and on the 7th day of December, 1946, conveyed their right, title and interest to the west 75 feet to Mildred L. Jensen by deed recorded on December 31, 1946, in Deed Book 115 N. S., pages 337-8, of the records of the Probate Court of Baldwin County, Alabama.

ELEVEN

The complainants are not informed as to whether Mildred L. Jensen at the present time claims any interest in the property in controversy, but allege that the deed last described in paragraph "TEN" above constitutes a cloud upon the complainants' title.

TWELVE

The complainants have obtained an abstract which shows that the only possible claimant to the property in controversy, except the respondents herein named, is the U. S. Conservation Company, a corporation which came into existence as a legal entity on, to-wit, the 24th day of April, 1918, under and by virtue and pursuant to the laws of the State of Delaware. On the 23rd day of January, 1922, a proclamation was made by the Governor of the State of Delaware, by virtue of the laws of that State, by the terms of which the charter of the U. S. Conservation Company was repealed for failure to pay taxes assessed against it or due by it.

THIRTEEN

There is no suit pending to test complainants' interest in, title to, or possession of said land.

PRAYER FOR PROCESS

The premises considered, the complainants file this verified bill of complaint against the respondents named in paragraph "TWO" above, and against any and all persons claiming title to the lands described in paragraph "FOUR" of any interest in, lien or encumbrances thereon, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same; the complainants pray that the parties named in paragraph "TWO" be made respondents to this bill of complaint and that process be served on each of them, or publication be made requiring them and each of them to plead, answer or demur to the same within the time required by law, or decree pro confesso may be entered against them.

PRAYER FOR RELIEF

Complainants further pray that this Court will find that the rights and interests of all parties to this suit are before the Court and that such rights and interests be adjudicated by final decree. Complainants further pray that this Honorable Court will make and enter all orders, judgments, and decrees that may be meet and proper in the premises, and that upon final hearing of this cause will find and decree that the Complainants each has a one-half undivided interest in fee simple in said land, free from all liens and encumbrances.

Complainants further pray, if they are mistaken in the relief asked for, that this Court grant such other, further or additional relief as may appear to the Court to be just and equitable.

The complainants offer to do equity and to abide by such orders and decrees as may be made by the Court.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By Wm. A. Hamilton  
Solicitors for Complainants

Address: Mobile, Alabama



VERIFICATION

Before me, the undersigned Notary Public in and for the County of Mobile, State of Alabama, personally appeared Floyd T. McConnell, who is known to me and who, being by me first duly sworn, on oath deposes and says: That he is one of the complainants in the foregoing bill of complaint; that he has read the same, has knowledge of the facts therein stated, and that such facts as stated are true; that all respondents named in said bill of complaint are residents of the State of Alabama, except John M. Reynolds and Elizabeth R. Havard, who are non-residents of said State, both of whom are, as affiant believes, over the age of 21 years; that the address of respondent John M. Reynolds is Commanding Officer, Biggs AFB, El Paso, Texas, and that the address of respondent Elizabeth R. Havard is 1411 Holden Street, Seattle, Washington.

Floyd T. McConnell

Subscribed and sworn to before me this 9th day of October, 1958.

Lillian M. Newbach  
Notary Public, Mobile County, Alabama.

FILED  
OCT 23  
ALICE I. DICK, CLERK  
REGISTER

Returned 27 day of Oct 1958

Not found in my county after diligent search and inquiry. as to Rupert Nelson

Taylor Wilkins, Sheriff

By J. D. Horn  
Deputy Sheriff

**EXECUTED**

This 26 day of May, 1958

by serving a copy of the within on

Rupert Nelson

**RAY D. BRIDGES, Sheriff**

By H. Davis D. S.

**FILED**

**OCT 23 1958**

**ALICE I. DUCK, CLERK**

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

Nov 10

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon OLIVE NELSON 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

OLIVE NELSON ET AL, Defendant

by FLOYD T. McCONNELL and JOHN T. GRAY

Plaintiff

Witness my hand this 23 day of October 19 58

Deice J. Duck, Clerk

The State of Alabama  
Baldwin County 273  
CIRCUIT COURT

FLOYD T. McCONELL AND JOHN T. GRAY

cd 1330

Plaintiffs

vs.

OLIVE NELSON ET AL

26x  
Daw

Defendants

Summons and Complaint

Filed October 23, 1958 19

Alice J. Duck Clerk

EXECUTED

This 21 day of Nov, 1958

by serving a copy of the within on

Clarence P. Southall

RAY D. BRIDGES, Sheriff

By H. Davis D.S.

Plaintiff's Attorney

Defendant's Attorney

Received on the 24th day of Oct., 1958 and on the 24th day of Oct., 1958 this C&S was executed by serving a copy of the same on Olive Nelson, Olivia Williams, Nellie Nelson and Winnie Hightower and on the 29th day of Oct., 1958 I served a copy of the same on Mildred L. Jensen, Mildred R. Cooper and Markward Reynolds and on the 30th day of Oct., 1958 I served a copy of the same on Susie H. Reynolds and Ralph Reynolds and on the 7th day of Nov. 1958 I served a copy of the same on Susan R. Coulson and on the 8th day of Nov., 1958 I served a copy of the same on Pauline Nelson and this C&S is herewith returned to Baldwin County.

SHERIFF'S RETURN

RAY D. BRIDGES, SHERIFF

BY: H. Davis H.B. Brewster  
J. Bridges D.S.  
J. Adams

LEGAL NOTICE

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY, Case No. 4410

Notice is hereby given to Olive Nelson, 1509 Greenlawn Drive, Mobile, Alabama; Olivia Williams, 1509 Greenlawn Drive, Mobile, Alabama; Nellie Nelson, 1571 Greenlawn Drive, Mobile, Alabama; Herbert Nelson, Daphne, Alabama; Winnie Hightower, 1509 Greenlawn Drive, Mobile, Alabama; Pauline Nelson, 902 Cottrell Street, Mobile, Alabama; Mildred L. Jensen, 852 East Victory Drive, Mobile, Alabama; Susie H. Reynolds, 1400 Center Street, Mobile, Alabama; John M. Reynolds, Commanding Officer, Biggs AFB, El Paso, Texas; Florence R. Southall, 2259 Martin Drive, Mobile, Alabama; Elizabeth R. Havard, 1411 Holden Street, Seattle, Washington; Susan R. Coulson, Route 1, Box 726, Mobile, Alabama; Mildred R. Cooper, 209 Lexington Avenue, Mobile, Alabama; Markward Reynolds, Hillcrest Road, Spring Hill, Mobile, Alabama; and Ralph Reynolds, 1400 Center Street, Mobile, Alabama, respondents, that Floyd T. McConnell and John T. Gray, complainants, have on the 23 day of October, 1958, filed their verified complaint in the Circuit Court of Baldwin County, in Equity, in Case No. 4410, against the land hereinafter described and against the above named respondents, and against the interest in said land in controversy as hereinafter set forth, said land being situated in the County of Baldwin, State of Alabama, and being more particularly described as follows, to-wit:

A certain part of Lot No. 1 in the Thomas Drury Grant, or Shell Banks, as shown on the plat thereof recorded in deed book No. 1, page 678, of the records of the Probate Court of Baldwin County, Alabama; viz.: beginning at the point where a prolongation of the west line of said lot No. 1 enters Mobile Bay; thence southwardly along the west line of Lot No. 1, a distance of 117 feet, more or less to an east-west fence of the property now occupied by E. W. Strong; thence eastwardly along

said fence, a distance of 11 feet, more or less, to a corner of said fence; thence southwardly along the north-south fence of the said E. W. Strong and parallel to the west line of lot No. 1 to the north line of Second street as shown on said plat; thence eastwardly along the north line of Second Street 139 feet; thence northwardly and parallel to the west line of Lot No. 1 to Mobile Bay; thence westwardly along Mobile Bay to the point of beginning;

that said complainants claim in their own right to own said land and the entire interest therein in fee simple, except as to a certain right of way over a portion thereof, more particularly described in said verified bill of complaint; that complainants allege in said bill of complaint that one E. W. Strong was in the actual, peaceable, open and notorious possession of said land, claiming to own the same, from some day in 1922 or 1923 until, to-wit, the 28th day of August, 1946 and that no other person or corporation was in possession of said land at any time during that period; that on the 28th day of August, 1946, E. W. Strong and Virginia Strong, his wife, conveyed said land to G. C. Strong, Sr.; by deed recorded on the 7th day of September, 1946, in Deed Book 111, pages 203-4, of the Probate Court records of Baldwin County, Alabama; that the said G. C. Strong, Sr. entered into actual peaceable possession of said land on the date of said conveyance and remained in actual exclusive peaceable possession until, to-wit, the 25th day of September, 1946, on which date last mentioned said G. C. Strong, Sr., (otherwise known as Gillard C. Strong, Sr.) and his wife, Maude C. Strong, conveyed said land to said complainants by deed recorded on the 28th day of January, 1947, in Deed Book 116 N. S., pages 231-2, of the Probate Court Records of Baldwin County, Alabama, whereupon complainants entered into actual peaceable possession thereof and are, at the time of the filing of their bill of complaint, in the actual peaceable possession thereof, except to the extent of a trespass on a portion thereof as described in said bill of complaint, by one V. M. Reynolds, now deceased, and certain of his heirs named as respondents in said bill of complaint; also, complainants allege that they have assessed and paid taxes on

said land for the tax years 1947 to date.

It is, therefore, ordered by the undersigned Register that publication of this notice be made in the Baldwin's Times, a newspaper published and having a general circulation in Baldwin County, Alabama, once a week for four consecutive weeks, and that all those to whom this notice is addressed and any and all persons, firms and corporations, claiming any right, title to, interest in or lien or encumbrance upon said land or any part thereof be and they are hereby required to appear, plead, demur and answer to the bill of complaint in this cause within the time required by law and on or before Nov 23, 1958, or suffer decrees pro confesso to be rendered against them.

It is further ordered that a copy of this notice, certified by the undersigned Register as being correct, shall be recorded as a lis pendens in the office of the Probate Judge of Baldwin County, Alabama.

Done in office this 23 day of October, 1958.

Alice J. Duck  
Register, Circuit Court of  
Baldwin County, Alabama

FILED  
OCT 23 1958  
ALICE J. DUCK, CLERK  
REGISTER