

4411

GILLARD C. STRONG, SR.,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	
v.	¶	BALDWIN COUNTY, ALABAMA
OLIVE NELSON, et al.,	¶	
Respondents.	¶	In Equity - No. 4411

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, as amended, on file; thereupon, the Court ascertains that this cause is at issue, and, upon consideration thereof, the Court ascertains that the complainant, Gillard C. Strong, Sr., was, at the time the bill of complaint was filed in this cause, and on the date of this decree is, in the actual and peaceable possession of the following described land in the County of Baldwin, State of Alabama, to-wit:

Lot 1 of the A. W. B. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book I, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231.

And the Court has further ascertained that the complainant, as shown by the testimony in this cause, obtained and acquired the legal title to said lands by virtue of a deed from E. W. Strong and Virginia Strong, his wife, dated August 28, 1946, and recorded on the 7th day of September, 1946, in Deed Book 111, pages 203-4 of the Probate Court Records of Baldwin County, Alabama.

And the Court has further ascertained that complainant claims in his own right to own said lands in fee simple, and the Court has also ascertained that the complainant and those through

whom he claims have been in the actual and peaceable possession of said land, claiming to own the same, since the year, to-wit, 1922 to the date hereof, and that complainant has 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 complainant's title to, interest in, or his right to the possession of such lands, and that the other allegations of the bill of complaint, as amended, are true and that the complainant now holds and owns the complete legal and equitable title in fee simple to said lands;

IT IS NOW, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the complainant Gillard C. Strong, Sr. is the true and lawful owner in fee simple of the property above described, and that the complainant have judgment as prayed for in his 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, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson, J. Blocker Thornton, Jr., Sallie Blocker T. Irvine, W. W. Boyles, Jr., Helen E. Boyles, Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker, Augusta Tucker Townsend, George A. Michael, S. A. Tonsmeire, Adele B. Horst, Martin Horst, H. H. Maschmeyer, Kathleen R. Wright, Grace Nielsen Buck, James McPhillips, T. Grady Stephenson and his heirs or devisees, if deceased, J. B. Harris and his heirs or devisees, if deceased, Mack Andrews and his heirs or devisees, if deceased, Frank Parker and his heirs or devisees, if deceased, Myrtle R. Gay and her heirs or devisees, if deceased, Eulalia Jeter and her heirs or devisees, if deceased, Mary Louise Crawford and her heirs or devisees, if deceased, and Mrs. M. M. Crawford and her heirs or devisees, if deceased, named as respondents in this cause, whose claims therein or thereto are hereby ad-

judged and decreed to be invalid, groundless and of no effect, and complainant's title to said lands 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 certified 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 persons, respectively, named in the next preceding paragraph of this decree, in the direct index, and in the name of Gillard C. Strong, Sr., in the reverse index;

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, and the Court has ascertained, that a fee to be paid to Robert L. Byrd, Jr., Esq., as Guardian ad Litem and Solicitor ad Litem in these proceedings, in the sum of \$ 35⁰⁰ is a reasonable fee for his services herein, and that the same be taxed as a part of the costs of this cause; and,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the complainant be taxed with all costs incurred in this cause, for which let execution issue.

Done in term time this 20 day of June, 1960

Hubert M. Jones
Judge

GILLARD C. STRONG, SR.,
Complainant,
No. 4411 VS
OLIVE NELSON, et al.,
Respondents.

Entered on _____
Min. Book No. _____ Entry _____
Mrs. Alice J. Duck, Register
~~W. Elsworth Haughton, Register~~

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE, as amended

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

FOR COMPLAINANT

Evidence heretofore noted for complainant in original note of evidence, which is hereby adopted.

Wm. A. Edmonson
Solicitor for Complainant

FILED 12-21-59
Alice J. Duck Register

FOR RESPONDENTS

Answer to bill of complaint, as amended.

Robert L. Boyd
Solicitor for Respondent
~~Solicitor for Respondent~~
As Guardian ad Litem and Solicitor ad Litem

The undersigned counsel of record in the above styled cause hereby consent to the filing of the foregoing amended note of evidence therein and consent to the submission of said cause thereon on this the 21st day of December, 1959.

Wm. A. Edmonson
Of Counsel for Complainant
Robert L. Boyd
As Guardian ad Litem and Solicitor ad Litem

FILED
DEC 22 1959
ALICE J. DUCK, CLERK
REGISTER

No.....

Vs.

**ORDER OF SUBMISSION
NOTE OF EVIDENCE, AS
AMENDED**

Filed

FILED

NOV 29 1959

Register

WILCE J. DICK, CLERK
Ent. Min. No., REGISTER

Entry.....

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No. 1111

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CLIVE 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

CLIVE NELSON ET AL

, Defendant

by GILLARD C. STONE, JR.

, Plaintiff

Witness my hand this 23 day of October 19 58

Birney P. Duck Clerk

GILLARD C. STRONG, SR.,	¶	IN THE CIRCUIT COURT OF
Complainant,	¶	
v.	¶	BALDWIN COUNTY, ALABAMA
OLIVE NELSON, et al.,	¶	IN EQUITY - No. _____
Respondents.	¶	

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

Comes the complainant in the above styled cause and shows unto this Honorable Court as follows:

ONE

Complainant is a bona fide resident citizen of Baldwin County, Alabama, and is over the age of 21 years.

TWO

The complainant brings this bill against the land hereinafter described and against Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson, J. Blocker Thornton, Jr., Sallie Blocker T. Irvine, W. W. Boyles, Jr., Helen E. Boyles, Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker, Augusta Tucker Townsend, George A. Michael, S. A. Tonsmeire, Adele B. Horst, Martin Horst, H. H. Maschmeyer, Kathleen R. Wright, Grace Nielsen Buck, James McPhillips, T. Grady Stephenson and his heirs or devisees, if deceased, J. B. Harris and his heirs or devisees, if deceased, Mack Andrews and his heirs or devisees, if deceased, Frank Parker and his heirs or devisees, if deceased, Myrtle R. Gay and her heirs or devisees, if deceased, Eulalia Jeter and her heirs or devisees, if deceased, Mary Louise Crawford and her heirs or devisees, if deceased, and Mrs. M. M. Crawford and her heirs or devisees, if deceased.

THREE

That the addresses of such of said respondents as are

known to complainant are set forth below opposite his or her names:

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,
J. Blocker Thornton, Jr., Shreveport, Louisiana,
Sallie Blocker T. Irvine, 57 Williams Court, Mobile,
Alabama,
W. W. Boyles, Jr., 159 St. Louis Street, Mobile, Alabama,
Helen E. Boyles, 258 Woodlands Avenue, Mobile, Alabama,
Kathleen Tucker Phillips, 1555 Monterey Place, Mobile,
Alabama,
Susan Tucker Cobb, 2763 Brierwood Drive, Mobile, Alabama,
Joseph Louis Tucker, c/o J. D. Buckner, Shelbyville,
Kentucky,
Augusta Tucker Townsend, P. O. Box 69, Ruxton, Maryland,
George A. Michael, 312 S. Monterey Street, Mobile,
Alabama,
S. A. Tonsmeire, 16 Cedar Place, Long Island, New York,
New York,
Adele B. Horst, 307 Levert Avenue, Mobile, Alabama,
Martin Horst, 907 Government Street, Mobile, Alabama,
H. H. Maschmeyer, 1209 Government Street, Mobile,
Alabama,
Kathleen R. Wright, 6 South Ann Street, Mobile, Alabama,
Grace Nielsen Buck, c/o U. S. Attorney, Federal Building,
Mobile, Alabama,
James McPhillips, c/o Southern Industries Corporation,
Waterman Building, Mobile, Alabama,

and complainant alleges that all of said respondents are over the age of 21 years.

Complainant further alleges that, after exercising reasonable diligence, he is unable to ascertain the whereabouts of, or to ascertain with certainty whether, the other named respondents, viz., T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford and Mrs. M. M. Crawford, are alive at the time of the filing of this bill of complaint, though if living all of them are over the age of 21 years, and complainant alleges that the facts showing just what diligence complainant has exercised are as follows: complainant has had an abstract of the title to said property prepared and has had same examined by an attorney; he has had his attorneys check the city and telephone directories of Mobile, Alabama, and of other cities; he has had his attorneys check Probate Court wills and estate records, and he has had them interview and

interrogate numerous long time residents of Mobile and of South Baldwin County, as well as bankers in the area, but, despite such diligent effort and inquiry, he has been unable to ascertain the whereabouts of said other respondents, or whether they are living or dead.

FOUR

The land against which this bill is brought is located in Baldwin County, Alabama, and is described as follows, to-wit:

Lot 1 of the A. W. B. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book 1, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231.

FIVE

The complainant alleges 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 the complainant 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; and that on the date of the conveyance last mentioned, the complainant entered into actual, peaceable possession of the said land, thereafter enclosing the same with a fence and constructing two houses thereon, and at the time of the filing of this bill of complaint he is in actual, peaceable possession thereof, claiming to own the same in his own right and in fee simple.

SIX

The complainant has assessed and paid taxes on said land

for the tax years 1947 to date. Mrs. T. D. Nelson (who is one and the same person as the above named Olive Nelson), has also assessed and paid taxes on the said land from prior to the tax year 1947 through the tax year 1955.

SEVEN

The complainant is informed that the respondents Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower and Pauline Nelson heretofore claimed title to all of the said property described in paragraph "FOUR" above, against which this bill is brought 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 of said respondents named above in this paragraph "SEVEN", 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.

EIGHT

The complainant is informed that respondents Mary Louise Crawford and Mrs. M. M. Crawford are the heirs or devisees of George Crawford, deceased; that J. Blocker Thornton, Jr. and Sallie Blocker T. Irvine are the heirs or devisees of J. Blocker Thornton, deceased, and of his widow, Fannie S. Thornton, also deceased; that respondents W. W. Boyles, Jr. and Helen E. Boyles are the heirs or devisees of W. W. Boyles, deceased; that respondents Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker and Augusta Tucker Townsend are the heirs or devisees of Louis Tucker, deceased; that Adele B. Horst is the heir or devisee of Thomas A. Horst, deceased; that respondent Kathleen R. Wright is the heir or devisee of Ruffin Wright, deceased, and that respondent Grace Nielsen Buck is the heir or devisee of J. A. Buck, deceased, and the respondents named in this paragraph "EIGHT" are therefore made parties hereto in the stead of said decedents, respectively.

NINE

The complainant has 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 of 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.

TEN

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

PRAYER FOR PROCESS

The premises considered, the complainant files 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", or any interest in, lien or encumbrance thereon, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same, the complainant prays 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


Complainant further prays that this Court will find 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. Complainant further prays that this 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 Complainant is the fee simple owner of said land free from all liens and encumbrances.

Complainant further prays, if he is 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 complainant offers to do equity and to abide by such orders and decrees as may be made by the Court.

HAMILTON, DENNISTON, BUTLER & RIDDICK


Solicitors for Complainant

Address: Mobile, Alabama

VERIFICATION

Before me, a Notary Public in and for the County of Mobile, State of Alabama, personally appeared Gillard C. Strong, Sr., who is known to me and who, being by me first duly sworn, deposes and says on oath: That he is the complainant in the foregoing bill of complaint; that he has read the same, has knowledge of the facts stated therein, and that such facts as stated are true; and further, that respondent J. Blocker Thornton, Jr. is a non-resident whose address is Shreveport, Louisiana, respondent Joseph Louis Tucker is a non-resident whose address is c/o J. D. Buckner, Shelbyville, Kentucky, respondent Augusta Tucker Townsend is a non-resident whose address is P. O. Box 69, Ruxton, Maryland, respondent S. A. Tonsmeire is a non-resident whose address is 16 Cedar Place, Long Island, New York, New York, and that the residences of the following respondents are unknown and cannot be ascertained after reasonable effort, namely: T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford, Mrs.

M. M. Crawford, and their respective heirs or devisees, if deceased, though all of the respondents named in this affidavit, if living, affiant believes to be over the age of 21 years.


Willard P. Strong Sr.

Subscribed and sworn to before me this
the 10th day of October, 1958.

Lucian M. Yearbach
Notary Public, Mobile County, Alabama

GILLARD C. STRONG, SR.,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
VS.)	IN EQUITY - No. _____
OLIVE NELSON, et al.,)	
Respondents.)	

NOW COMES Robert L. Byrd, Jr., as the duly appointed, qualified, and acting Guardian Ad Litem for any unknown parties interested in this proceeding, and as Solicitor Ad Litem for any Parties interested in this proceeding who may be in the Armed Forces, and denies each and every allegation contained in the Bill of Complaint heretofore filed in this cause, and demands strict proof thereof.


 AS GUARDIAN AD LITEM
 AND SOLICITOR AD LITEM

The State of Alabama,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY

No. 4411 Term, 19

GILLARD C. STRONG, SR. Complainant

OLIVE NELSON ET AL Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 30 day of Oct., 1958, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____ 19____, and

And it now further appearing to the Register Alice J. Duck, that the said T. Grady Stephens and Heirs, J.B. Harris and his heirs, Mack Andrews and his heirs Frank Parker and his heirs, Myrtle R. Gay and his heirs, Eulalia Jeter and her heirs, Mary Louise Crawford and her heirs, and Mrs. M.M. Crawford and her heirs

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant _____, ordered and decreed by the Register _____ Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Respondents

This 22 22 day of July 1959

Alice J. Duck Register.

No. -----

Page -----

The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Vs.

Decree Pro Confesso of Publication

Issued ----- 19-----

Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

GILLARD C. STRONG, SR.,
Complainant,
v.
OLIVE NELSON, et al.,
Respondents.

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¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
In Equity - No. 4411

STATE OF ALABAMA)
COUNTY OF MOBILE)

Before me, the undersigned authority, 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 attorneys for the complainant 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 knowledge, information and belief.


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
Alice J. ...
Register

GILLARD C. STONR, SR.
 Complainant,
 Vs.
OLIVE NELSON ET AL
 Respondent.

In the Circuit Court.
 In Equity No. _____

DECREE PRO CONFESSO ON PERSONAL SERVICE

5/26/59;

In this cause, it appears to the Register, that service was had on the Respondent Hubert Nelson on Olive Nelson, Olivia Williams, Nellie Nelson, & Winnie Hightower on 10/24/58; Helen E. Boyles, Kathleen Tucker Phillips, George A. Michael, Martin Horst, H.H. Maschmeyer & Kathleen R. Wright on 10/27/58; Sallie Blocker T. Irvine on 10/28/58; W.W. Boyles, Jr., Adele B. Horst, Grace Nielsen Buck, James McPhillips on 10/29/58; Pauline Nelson on 11/8/58; Susan Tucker Cobb on 11/13/58

by the Sheriff of Mobile County, on the 22 day of July above stated dates

for _____.

And it futher appears to the Register, that the said Respondents

_____ ~~the Respondent~~, having to the date hereof, failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore, on motion of Hamilton, Denniston, Butler & Riddick Solicitors for Complainant, ordered, and decreed by the Register that the Bill of Complaint in this cause be, and it hereby is, in all things taken as confessed against the said _____

Respondents

This 22 day of July, 19 59.

W. J. Duck
 Register.

No. _____

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

Complainant,

Vs.

Respondent.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE**

Issued this _____ day of _____

19_____.

Register.

GILLARD C. STRONG, SR.
COMPLAINANT,
VS
OLIVE NELSON, ET ALS
RESPONDENTS.

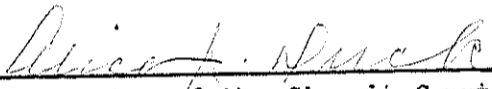
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
CASE NO. 4411

NOTICE OF APPOINTMENT OF
GUARDIAN AD LITEM AND SOLICITOR AD LITEM

TO: Robert L. Byrd, Jr. Esquire

You are hereby notified that by a decree of this Court heretofore rendered in this cause, you have been appointed Guardian Ad Litem for all unknown Respondents in this cause; and also appointed Solicitor Ad Litem for any of the Armed Forces of the United States of America, or its Allies within the meaning of Soldiers and Sailors Relief Act.

Dated this 22 day of July, 1959.

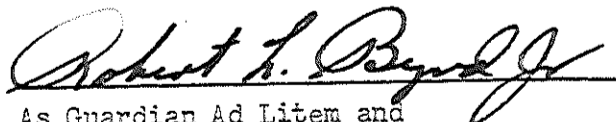

As Register of the Circuit Court
of Baldwin County, Alabama

CONSENT TO ACT

STATE OF ALABAMA
BALDWIN COUNTY

I, the undersigned, Robert L. Byrd, Jr, do hereby accept appointment as Guardian Ad Litem to represent any unknown Parties interested in this proceeding and also as Solicitor Ad Litem to represent any Respondents who may be in the Armed Forces.

Dated this 22nd day of July, 1959.


As Guardian Ad Litem and
Solicitor Ad Litem

GILLARD C. STRONG, SR.,

Complainant,

-VS-

CLIVE NELSON, et al.,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

In Equity - #4411

Comes the complainant in the above styled cause and respectfully moves the Court to enter a Decree pro Confesso against the respondents therein, and to appoint a Solicitor ad Litem to represent the unknown respondents therein, and complainant, in support of said motion, respectfully represents unto the Court that all respondents in said cause have been properly served with process therein, and that more than thirty days have elapsed since such service of process on them and none of them has appeared therein.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By

Thomas A. Hamilton
Solicitors for Complainant

FILED

JUL 22 1959

ALICE J. DUCK, CLERK
REGISTER

GILLARD C. STRONG, SR.,
Complainant
Vs.
OLIVE NELSON, ET AL,
Respondents.

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA
In Equity - No. 4411

NOTICE PURSUANT TO EQUITY RULE 55

Notice is hereby given to Robert L. Byrd, Jr., as guardian ad litem for any unknown parties interested in this proceeding and as solicitor ad litem for any parties interested in this proceeding who may be in the Armed Forces that the complainant has requested the oral examination of Gillard C. Strong, Sr., John T. Gray and Thomas A. Hamilton, and that Louis M. Hubbard, Jr., who resides at Mobile, Alabama, has been suggested by the complainant as a suitable person to be appointed Commissioner to take the deposition of said witnesses on such oral examination.

Dated this 18th day of August, 1959.

FILED

8-20 1959

ALICE I. DUCK, CLERK REGISTER

HAMILTON, DENNISTON, BUTLER & RIDDICK

Thomas A. Hamilton
Solicitors for Complainant

*Copy mailed by Register, Alice Duck
on August 24, 1959 -
To Mr. Robert L. Byrd
40 Howell Johnston
First National Bank Bldg.
Mobile, Ala*

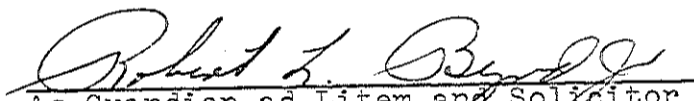
GILLARD C. STRONG, SR.,
Complainant,
v.
OLIVE NELSON, et al.,
Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
In Equity - No. 4411

ANSWER TO BILL OF COMPLAINT AS AMENDED

Now comes Robert L. Byrd, Jr., as the duly appointed, qualified and acting Guardian as Litem for any unknown parties interested in this proceeding, and as Solicitor ad Litem for any parties interested in this proceeding who may be in the Armed Forces, and denies each and every allegation contained in the Bill of Complaint as amended and heretofore filed in this cause, and demands strict proof thereof.


As Guardian ad Litem and Solicitor
as Litem

I, Thomas A. Hamilton, one of the solicitors of record for the complainant in the above styled cause, hereby acknowledge receipt of a copy of the foregoing answer to the bill of complaint as amended therein, waive all further notice thereof and consent to the filing thereof.

FILED

OCT 23 1959

AUDE L. DUCK, CLERK
REGISTER


Of Counsel for Complainant

GILLARD C. STRONG, SR.,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
VS.)	IN EQUITY - No. _____
OLIVE NELSON, et al.,)	
Respondents.)	

NOW COMES Robert L. Byrd, Jr., as the duly appointed, qualified, and acting Guardian Ad Litem for any unknown parties interested in this proceeding, and as Solicitor Ad Litem for any Parties interested in this proceeding who may be in the Armed Forces, and denies each and every allegation contained in the Bill of Complaint heretofore filed in this cause, and demands strict proof thereof.

Robert L. Byrd Jr.
 AS GUARDIAN AD LITEM
 AND SOLICITOR AD LITEM

FILED
 JUL 25 1959
WELLS CLERK
 REGISTER

LEGAL NOTICE

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN EQUITY, CASE NO. 4411

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; J. Blocker Thornton, Jr., Shreveport, Louisiana; Sallie Blocker T. Irvine, 57 Williams Court, Mobile, Alabama; W. W. Boyles, Jr., 159 St. Louis Street, Mobile, Alabama; Helen E. Boyles, 258 Woodlands Avenue, Mobile, Alabama; Kathleen Tucker Phillips, 1555 Monterey Place, Mobile, Alabama; Susan Tucker Cobb, 2763 Brierwood Drive, Mobile, Alabama; Joseph Louis Tucker, c/o J. D. Buckner, Shelbyville, Kentucky; Augusta Tucker Townsend, P. O. Box 69, Ruxton, Maryland; George A. Michael, 312 South Monterey Street, Mobile, Alabama; S. A. Tonsmeire, 16 Cedar Place, Long Island, New York, N. Y.; Adele B. Horst, 207 Levert Avenue, Mobile, Alabama; Martin Horst, 907 Government Street, Mobile, Alabama; H. H. Maschmeyer, 1209 Government Street, Mobile, Alabama; Kathleen R. Wright, 6 South Ann Street, Mobile, Alabama; Grace Nielsen Buck, c/o U. S. Attorney, Federal Building, Mobile, Alabama; James McPhillips, c/o Southern Industries Corporation, Waterman Building, Mobile, Alabama; T. Grady Stephenson and his heirs or devisees, if deceased, whose addresses are unknown; J. B. Harris and his heirs or devisees, if deceased, whose addresses are unknown; Mack Andrews and his heirs or devisees, if deceased, whose addresses are unknown; Frank Parker and his heirs or devisees, if deceased, whose addresses are unknown; Myrtle R. Gay, and her heirs or devisees, if deceased, whose addresses are unknown; Eulalia Jeter

STATE OF ALABAMA, BALDWIN COUNTY

Filed 11-4-58 9:17 AM

Recorded Lois P. Pond book 4 page 468-70

W. R. Stival
Judge of Probate

and her heirs or devisees, if deceased, whose addresses are unknown; Mary Louise Crawford and her heirs or devisees, if deceased, whose addresses are unknown, and Mrs. M. M. Crawford and her heirs or devisees, if deceased, whose addresses are unknown, respondents, that Gillard C. Strong, Sr., complainant, has on the 23 day of October, 1958, filed his verified complaint in the Circuit Court of Baldwin County, Alabama, in Equity, in Case No. 4411, 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:

Lot 1 of the A. W. B. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book 1, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231;

that said complainant claims in his own right to own said land and the entire interest therein in fee simple; that complainant alleges in said bill of complaint that one 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 said land to complainant 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; and that on the date of the conveyance last mentioned, the complainant entered into actual possession of the said land, thereafter enclosing the same with a fence and constructing two houses thereon, and that at the time of the filing of said bill of complaint he is in actual peaceable possession

thereof, claiming to own the same in his own right and in fee simple; also, complainant alleges that he has 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 or 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

GILLARD C. STRONG, SR.,		IN THE CIRCUIT COURT OF
Complainant,		
v.		BALDWIN COUNTY, ALABAMA
OLIVE NELSON, et al.,		IN EQUITY - No. <u>4411</u>
Respondents.		

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

Comes the complainant in the above styled cause and shows unto this Honorable Court as follows:

ONE

Complainant is a bona fide resident citizen of Baldwin County, Alabama, and is over the age of 21 years.

TWO

The complainant brings this bill against the land hereinafter described and against Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson, J. Blocker Thornton, Jr., Sallie Blocker T. Irvine, W. W. Boyles, Jr., Helen E. Boyles, Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker, Augusta Tucker Townsend, George A. Michael, S. A. Tonsmeire, Adele B. Horst, Martin Horst, H. H. Maschmeyer, Kathleen R. Wright, Grace Nielsen Buck, James McPhillips, T. Grady Stephenson and his heirs or devisees, if deceased, J. B. Harris and his heirs or devisees, if deceased, Mack Andrews and his heirs or devisees, if deceased, Frank Parker and his heirs or devisees, if deceased, Myrtle R. Gay and her heirs or devisees, if deceased, Eulalia Jeter and her heirs or devisees, if deceased, Mary Louise Crawford and her heirs or devisees, if deceased, and Mrs. M. M. Crawford and her heirs or devisees, if deceased.

THREE

That the addresses of such of said respondents as are

known to complainant are set forth below opposite his or her names:

~~24X~~ Olive Nelson, 1509 Greenlawn Drive, Mobile, Alabama,
~~24X~~ Olivia Williams, 1509 Greenlawn Drive, Mobile, Alabama,
~~24X~~ Nellie Nelson, 1571 Greenlawn Drive, Mobile, Alabama,
~~24X~~ Herbert Nelson, Daphne, Alabama,
~~24X~~ Winnie Hightower, 1509 Greenlawn Drive, Mobile, Alabama,
~~24X~~ Pauline Nelson, 902 Cottrell Street, Mobile, Alabama,
~~24X~~ J. Blocker Thornton, Jr., Shreveport, Louisiana,
~~24X~~ Sallie Blocker T. Irvine, 57 Williams Court, Mobile,
Alabama,
~~24X~~ W. W. Boyles, Jr., 159 St. Louis Street, Mobile, Alabama,
~~24X~~ Helen E. Boyles, 258 Woodlands Avenue, Mobile, Alabama,
~~24X~~ Kathleen Tucker Phillips, 1555 Monterey Place, Mobile,
Alabama,
~~24X~~ Susan Tucker Cobb, 2763 Brierwood Drive, Mobile, Alabama,
~~24X~~ Joseph Louis Tucker, c/o J. D. Buckner, Shelbyville,
Kentucky,
~~24X~~ Augusta Tucker Townsend, P. O. Box 69, Ruxton, Maryland,
~~24X~~ George A. Michael, 312 S. Monterey Street, Mobile,
Alabama,
~~24X~~ S. A. Tonsmeire, 16 Cedar Place, Long Island, New York,
New York,
~~24X~~ Adele B. Horst, 307 Levert Avenue, Mobile, Alabama,
~~24X~~ Martin Horst, 907 Government Street, Mobile, Alabama,
~~24X~~ H. H. Maschmeyer, 1209 Government Street, Mobile,
Alabama,
~~24X~~ Kathleen R. Wright, 6 South Ann Street, Mobile, Alabama,
~~24X~~ Grace Nielsen Buck, c/o U. S. Attorney, Federal Building,
Mobile, Alabama,
~~24X~~ James McPhillips, c/o Southern Industries Corporation,
Waterman Building, Mobile, Alabama,

and complainant alleges that all of said respondents are over the age of 21 years.

Complainant further alleges that, after exercising reasonable diligence, he is unable to ascertain the whereabouts of, or to ascertain with certainty whether, the other named respondents, viz., T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford and Mrs. M. M. Crawford, are alive at the time of the filing of this bill of complaint, though if living all of them are over the age of 21 years, and complainant alleges that the facts showing just what diligence complainant has exercised are as follows: complainant has had an abstract of the title to said property prepared and has had same examined by an attorney; he has had his attorneys check the city and telephone directories of Mobile, Alabama, and of other cities; he has had his attorneys check Probate Court wills and estate records, and he has had them interview and

interrogate numerous long time residents of Mobile and of South Baldwin County, as well as bankers in the area, but, despite such diligent effort and inquiry, he has been unable to ascertain the whereabouts of said other respondents, or whether they are living or dead.

FOUR

The land against which this bill is brought is located in Baldwin County, Alabama, and is described as follows, to-wit:

Lot 1 of the A. W. B. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book 1, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231.

FIVE

The complainant alleges 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 the complainant 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; and that on the date of the conveyance last mentioned, the complainant entered into actual, peaceable possession of the said land, thereafter enclosing the same with a fence and constructing two houses thereon, and at the time of the filing of this bill of complaint he is in actual, peaceable possession thereof, claiming to own the same in his own right and in fee simple.

SIX

The complainant has assessed and paid taxes on said land

for the tax years 1947 to date. Mrs. T. D. Nelson (who is one and the same person as the above named Olive Nelson), has also assessed and paid taxes on the said land from prior to the tax year 1947 through the tax year 1955.

SEVEN

The complainant is informed that the respondents Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower and Pauline Nelson heretofore claimed title to all of the said property described in paragraph "FOUR" above, against which this bill is brought 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 of said respondents named above in this paragraph "SEVEN", 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.

EIGHT

The complainant is informed that respondents Mary Louise Crawford and Mrs. M. M. Crawford are the heirs or devisees of George Crawford, deceased; that J. Blocker Thornton, Jr. and Sallie Blocker T. Irvine are the heirs or devisees of J. Blocker Thornton, deceased, and of his widow, Fannie S. Thornton, also deceased; that respondents W. W. Boyles, Jr. and Helen E. Boyles are the heirs or devisees of W. W. Boyles, deceased; that respondents Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker and Augusta Tucker Townsend are the heirs or devisees of Louis Tucker, deceased; that Adele B. Horst is the heir or devisee of Thomas A. Horst, deceased; that respondent Kathleen R. Wright is the heir or devisee of Ruffin Wright, deceased, and that respondent Grace Nielsen Buck is the heir or devisee of J. A. Buck, deceased, and the respondents named in this paragraph "EIGHT" are therefore made parties hereto in the stead of said decedents, respectively.

NINE

The complainant has 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 of 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.

TEN

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

PRAYER FOR PROCESS

The premises considered, the complainant files 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", or any interest in, lien or encumbrance thereon, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same, the complainant prays 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

Complainant further prays that this Court will find 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. Complainant further prays that this 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 Complainant is the fee simple owner of said land free from all liens and encumbrances.

Complainant further prays, if he is 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 complainant offers to do equity and to abide by such orders and decrees as may be made by the Court.

HAMILTON, DENNISTON, BUTLER & RIDDICK


Solicitors for Complainant

Address: Mobile, Alabama

VERIFICATION

Before me, a Notary Public in and for the County of Mobile, State of Alabama, personally appeared Gillard C. Strong, Sr., who is known to me and who, being by me first duly sworn, deposes and says on oath: That he is the complainant in the foregoing bill of complaint; that he has read the same, has knowledge of the facts stated therein, and that such facts as stated are true; and further, that respondent J. Blocker Thornton, Jr. is a non-resident whose address is Shreveport, Louisiana, respondent Joseph Louis Tucker is a non-resident whose address is c/o J. D. Buckner, Shelbyville, Kentucky, respondent Augusta Tucker Townsend is a non-resident whose address is P. O. Box 69, Ruxton, Maryland, respondent S. A. Tonsmeire is a non-resident whose address is 16 Cedar Place, Long Island, New York, New York, and that the residences of the following respondents are unknown and cannot be ascertained after reasonable effort, namely: T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford, Mrs.

M. M. Crawford, and their respective heirs or devisees, if deceased, though all of the respondents named in this affidavit, if living, affiant believes to be over the age of 21 years.

Gillard C. Strawn Sr
D

Subscribed and sworn to before me this
the 10th day of October, 1958.

Lillian M. Newback
Notary Public, Mobile County, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4411

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded 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 GILLIARD C. STROBE, SR. -----

-----, Plaintiff

Witness my hand this 23 day of October 1958

Archie J. Smith Clerk

GILLARD C. STRONG, SR.,	∩	IN THE CIRCUIT COURT OF
Complainant,	∩	BALDWIN COUNTY, ALABAMA
v.	∩	In Equity - No. 4,411
OLIVE NELSON, et al.,	∩	
Respondents.	∩	

AMENDMENT TO ORIGINAL BILL OF COMPLAINT

Comes the complainant in the above styled cause and amends his original bill of complaint heretofore filed therein as follows:

1. Complainant amends paragraph "FOUR" of the bill of complaint by deleting therefrom the words "Book 1, page 678" as contained in the description of the land against which said bill is brought, and by inserting, in lieu thereof, the words: "Book I, page 678".

2. Complainant amends paragraph "NINE" of the 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 of and pursuant to the laws".

HAMILTON, DENNISTON, BUTLER & RIDDICK



 Solicitors for Complainant

Address: Mobile, Alabama

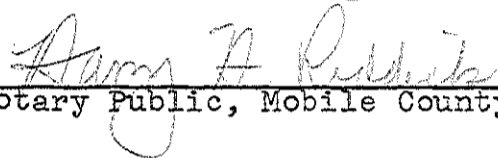
VERIFICATION

Before me, a 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 complainant in the above styled cause; that he has read the foregoing amendment to the bill of complaint in said cause and that the facts stated therein are true and correct, to the best of his knowledge, information and belief.


Thomas A. Hamilton


Subscribed and sworn to before me
this 30th day of November, 1959.


Notary Public, Mobile County, Alabama

ACCEPTANCE OF SERVICE

I, Robert L. Byrd, Jr., as guardian ad litem for any unknown parties interested in said proceeding, and as solicitor ad litem for any parties who may be in the Armed Forces, acknowledge service upon me of a copy of the foregoing amendment to the bill of complaint in said cause and waive all further notice thereof, on this the 30th day of November, 1959.

FILED
DEC 14 1959
ALICE I. DUCK, CLERK
REGISTER


As guardian ad litem for any unknown parties interested in said cause, and as solicitor ad litem for any parties who may be in the Armed Forces

GILLARD C. STRONG, SR.

Vs.

OLIVE NELSON ET AL

CIRCUIT COURT OF
Baldwin County.

IN EQUITY

In this cause it being made to appear to the Register that on the 23
day of October, 1958, a copy of the Bill of Complaint filed in this cause was
sent to J. Blocker Thornton, Jr.; Joseph Louis Tucker; S.A. Tonsmeire

Defendant\$ by registered mail, postage prepaid, marked "For delivery only to the person to whom
addressed," and return receipt demanded addressed to the Register of this Court; and that on the
10 - 14 day of November, 1958, such receipt was duly
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all things
taken as confessed against the said J. Blocker Thornton, Jr; Joseph Louis Tucker; &
S.A. Tonsmeire Defendant S

This the 22 day of July, 1959

Wesley J. Duck Register.

No. _____

**CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA**

In Equity.

Vs.

**DECREE PRO CONFESSO AFTER
NOTICE BY REGISTERED MAIL**

Filed in office this _____ day of

_____, 19____

_____, Register

Entered in O. B. _____ Page _____

[Faint, illegible text, likely bleed-through from the reverse side of the page]

100-1000-1000

83

GILLARD C. STRONG, SR., |
 Complainant, |
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:

Comes the complainant in the above styled cause and
shows unto this Honorable Court as follows:

ONE

Complainant is a bona fide resident citizen of Baldwin County, Alabama, and is over the age of 21 years.

TWO

The complainant brings this bill against the land hereinafter described and against Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson, J. Blocker Thornton, Jr., Sallie Blocker T. Irvine, W. W. Boyles, Jr., Helen E. Boyles, Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker, Augusta Tucker Townsend, George A. Michael, S. A. Tonsmeire, Adele B. Horst, Martin Horst, H. H. Maschmeyer, Kathleen R. Wright, Grace Nielsen Buck, James McPhillips, T. Grady Stephenson and his heirs or devisees, if deceased, J. B. Harris and his heirs or devisees, if deceased, Mack Andrews and his heirs or devisees, if deceased, Frank Parker and his heirs or devisees, if deceased, Myrtle R. Gay and her heirs or devisees, if deceased, Eulalia Jeter and her heirs or devisees, if deceased, Mary Louise Crawford and her heirs or devisees, if deceased, and Mrs. M. M. Crawford and her heirs or devisees, if deceased.

THREE

That the addresses of such of said respondents as are

known to complainant are set forth below opposite his or her names:

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,
J. Blocker Thornton, Jr., Shreveport, Louisiana,
Sallie Blocker T. Irvine, 57 Williams Court, Mobile,
Alabama,
W. W. Boyles, Jr., 159 St. Louis Street, Mobile, Alabama,
Helen E. Boyles, 258 Woodlands Avenue, Mobile, Alabama,
Kathleen Tucker Phillips, 1555 Monterey Place, Mobile,
Alabama,
Susan Tucker Cobb, 2763 Brierwood Drive, Mobile, Alabama,
Joseph Louis Tucker, c/o J. D. Buckner, Shelbyville,
Kentucky,
Augusta Tucker Townsend, P. O. Box 69, Ruxton, Maryland,
George A. Michael, 312 S. Monterey Street, Mobile,
Alabama,
S. A. Tonsmeire, 16 Cedar Place, Long Island, New York,
New York,
Adele B. Horst, 307 Levert Avenue, Mobile, Alabama,
Martin Horst, 907 Government Street, Mobile, Alabama,
H. H. Maschmeyer, 1209 Government Street, Mobile,
Alabama,
Kathleen R. Wright, 6 South Ann Street, Mobile, Alabama,
Grace Nielsen Buck, c/o U. S. Attorney, Federal Building,
Mobile, Alabama,
James McPhillips, c/o Southern Industries Corporation,
Waterman Building, Mobile, Alabama,

and complainant alleges that all of said respondents are over the age of 21 years.

Complainant further alleges that, after exercising reasonable diligence, he is unable to ascertain the whereabouts of, or to ascertain with certainty whether, the other named respondents, viz., T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford and Mrs. M. M. Crawford, are alive at the time of the filing of this bill of complaint, though if living all of them are over the age of 21 years, and complainant alleges that the facts showing just what diligence complainant has exercised are as follows: complainant has had an abstract of the title to said property prepared and has had same examined by an attorney; he has had his attorneys check the city and telephone directories of Mobile, Alabama, and of other cities; he has had his attorneys check Probate Court wills and estate records, and he has had them interview and

interrogate numerous long time residents of Mobile and of South Baldwin County, as well as bankers in the area, but, despite such diligent effort and inquiry, he has been unable to ascertain the whereabouts of said other respondents, or whether they are living or dead.

FOUR

The land against which this bill is brought is located in Baldwin County, Alabama, and is described as follows, to-wit:

Lot 1 of the A. W. B. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book 1, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231.

FIVE

The complainant alleges 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 the complainant 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; and that on the date of the conveyance last mentioned, the complainant entered into actual, peaceable possession of the said land, thereafter enclosing the same with a fence and constructing two houses thereon, and at the time of the filing of this bill of complaint he is in actual, peaceable possession thereof, claiming to own the same in his own right and in fee simple.

SIX

The complainant has assessed and paid taxes on said land

for the tax years 1947 to date. Mrs. T. D. Nelson (who is one and the same person as the above named Olive Nelson), has also assessed and paid taxes on the said land from prior to the tax year 1947 through the tax year 1955.

SEVEN

The complainant is informed that the respondents Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower and Pauline Nelson heretofore claimed title to all of the said property described in paragraph "FOUR" above, against which this bill is brought 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 of said respondents named above in this paragraph "SEVEN", 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.

EIGHT

The complainant is informed that respondents Mary Louise Crawford and Mrs. M. M. Crawford are the heirs or devisees of George Crawford, deceased; that J. Blocker Thornton, Jr. and Sallie Blocker T. Irvine are the heirs or devisees of J. Blocker Thornton, deceased, and of his widow, Fannie S. Thornton, also deceased; that respondents W. W. Boyles, Jr. and Helen E. Boyles are the heirs or devisees of W. W. Boyles, deceased; that respondents Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker and Augusta Tucker Townsend are the heirs or devisees of Louis Tucker, deceased; that Adele B. Horst is the heir or devisee of Thomas A. Horst, deceased; that respondent Kathleen R. Wright is the heir or devisee of Ruffin Wright, deceased, and that respondent Grace Nielsen Buck is the heir or devisee of J. A. Buck, deceased, and the respondents named in this paragraph "EIGHT" are therefore made parties hereto in the stead of said decedents, respectively.

NINE

The complainant has 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 of 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.

TEN

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

PRAYER FOR PROCESS

The premises considered, the complainant files 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", or any interest in, lien or encumbrance thereon, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same, the complainant prays 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

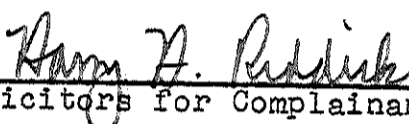
Complainant further prays that this Court will find the rights and interests of all parties to this suit are before the Court and that such rights and interests be adjudicated by

final decree. Complainant further prays that this 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 Complainant is the fee simple owner of said land free from all liens and encumbrances.

Complainant further prays, if he is 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 complainant offers to do equity and to abide by such orders and decrees as may be made by the Court.

HAMILTON, DENNISTON, BUTLER & RIDDICK


Solicitors for Complainant

Address: Mobile, Alabama

VERIFICATION

Before me, a Notary Public in and for the County of Mobile, State of Alabama, personally appeared Gillard C. Strong, Sr., who is known to me and who, being by me first duly sworn, deposes and says on oath: That he is the complainant in the foregoing bill of complaint; that he has read the same, has knowledge of the facts stated therein, and that such facts as stated are true; and further, that respondent J. Blocker Thornton, Jr. is a non-resident whose address is Shreveport, Louisiana, respondent Joseph Louis Tucker is a non-resident whose address is c/o J. D. Buckner, Shelbyville, Kentucky, respondent Augusta Tucker Townsend is a non-resident whose address is P. O. Box 69, Ruxton, Maryland, respondent S. A. Tonsmeire is a non-resident whose address is 16 Cedar Place, Long Island, New York, New York, and that the residences of the following respondents are unknown and cannot be ascertained after reasonable effort, namely: T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford, Mrs.

M. M. Crawford, and their respective heirs or devisees, if deceased, though all of the respondents named in this affidavit, if living, affiant believes to be over the age of 21 years.

Gilbert P. Stroud Sr
J

Subscribed and sworn to before me this
the 10th day of October, 1958.

Gillian M. Kewach
Notary Public, Mobile County, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4111

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CLIVE WELDON 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

CLIVE WELDON ET AL

-----, Defendant-----

by WILLARD C. STROUS, JR.

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

Witness my hand this 20 day of October 19 50

Clive F. Weldon, Clerk

No. 4711

Page 273

The State of Alabama

Baldwin County 273

CIRCUIT COURT

GILLARD C. STRONG, SR.

Plaintiffs

vs.

OLIVE NELSON ET AL

Defendants

Summons and Complaint

Filed 265 1958

FILED

OCT 23 1958

ALICE J. DUCK, CLERK REGISTER

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

2120 Highland Court

Received In Office Mobile

10/23 1958

, Sheriff

I have executed this summons

this _____ 19____

by leaving a copy with

Arrest Nelson

Returned 27 day of Oct 1958
Not found in my county after diligent search and in-
quiry Arrest Nelson

Taylor Wilkins, Sheriff

By [Signature]
Deputy Sheriff

EXECUTED

This 26 day of May, 1958

by serving a copy of the within on

Hubert Nelson

RAY D. BRIDGES, Sheriff

By H. Davis

D. S. Sheriff

Deputy Sheriff

GILLARD C. STRONG, SR.
Complainant,
No. 4411 VS
OLIVE NELSON, et al.,
Respondents.

Entered on _____
Min. Book No. _____ Entry _____
Mrs. Alice Duck,
~~W. Elsworth Haughton~~, Register

ORDER OF SUBMISSION

This cause coming on to be heard, is submitted for decree on the pleadings and on the proof as noted.

Dated,

NOTE OF EVIDENCE

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

FOR COMPLAINANT

1. Original bill of complaint, as amended.
2. Deposition of Gillard C. Strong.
3. Deposition of John T. Gray.
4. Deposition of Thomas A. Hamilton.
5. Exhibits to said depositions.

HAMILTON, DENNISTON, BUTLER &
RIDDICK

Mrs. A. Duck
Solicitors for Complainant

FILED

FILED, DEC 14 1950

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

FOR RESPONDENT

Answer of Robert L. Byrd, Jr., as guardian ad litem for any unknown parties interested in this proceeding, and as solicitor ad litem for any parties who may be in the Armed Forces.

Robert L. Byrd Jr.
Solicitor For Respondent

As guardian ad litem for any unknown parties and as solicitor ad litem for any parties who may be in the Armed Forces.

M

No.....

Vs.

00124
SA
0314

06147
1991

**ORDER OF SUBMISSION
NOTE OF EVIDENCE**

Filed

FILED

DEC 15 1956

Register

Ent. Min. No.....

ALICE I. DUCK

CLERK

Register

Entry.....

HAMILTON, DENNISTON, BUTLER & RIDDICK

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

MOBILE, ALABAMA

August 19, 1959

PETER HAMILTON (1838-1886)
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

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

Dear Mrs. Duck:

Re: Strong vs. Nelson - No. 4411 in Equity

We enclose original and copy of notice to be filed in the above matter, together with demand for oral examination of certain witnesses, which also please file for us.

Please send a copy of the enclosed notice to Mr. Robert L. Byrd, Jr., c/o Howell & Johnstone, Attorneys at Law, First National Bank Annex, Mobile, Alabama. Then, please certify service thereof in accordance with Equity Rule 55 on the bottom of the original of the notice which will remain on file in your office.

After the lapse of three days after giving the notice, please have the commission issued to the Commissioner suggested in the enclosed demand, sending the commission to us, unless objections are filed to the Commissioner suggested within such three days.

Thanking you, we are,

Yours very truly,



For the Firm

TAH/gt
No. 2,965
Enclosures

P. S. Please also note notice of the filing of the

Mrs. Duck, Register

-2-

August 19, 1959

enclosed demand for oral examination, on your docket, so that same will constitute notice to parties in default and against whom decrees pro confesso have been entered, at least three days before issuance of the commission.

We expect to take depositions on or about September 1, 1959, so please give ~~them~~ your prompt attention after the lapse of the required three days. Many thanks.



T. A. H.

GILLARD C. STRONG, SR.,
.....

Complainant

No. 4411 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 complainant requests the oral examination of the following named witnesses on his behalf, viz.: Gillard C. Strong, Sr., John T. Gray and Thomas A. Hamilton, said first named witness resides in the County of Baldwin, State of Alabama, said second named witness resided in the State of Virginia and said ^{last} witnesses resides in the County of Mobile, State of 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 9-20-59

W. ELSWORTH HAUGHTON, Register.

HAMILTON, DENNISTON, BUTLER & RIDDICK

Thomas A. Hamilton
.....

Solicitors for

Complainant
.....

WILKINS, STEPHENSON & BYRD
ATTORNEYS AT LAW
709 MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

ROBERT B. WILKINS
SAMUEL R. STEPHENSON
ROBERT L. BYRD, JR.

August 18, 1960

HEMLOCK B-2478

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

Re: Gillard C. Strong, Sr. VS Olive Nelson, et al
No. 4411 in Equity

Dear Mrs. Duck:

Please let this serve as my receipt for the guardian ad litem fee of \$35.00 awarded to me in the above styled cause. A firm check of Hamilton, Denniston, Butler & Riddick was received by me for this sum, in accordance with Mr. Thomas A. Hamilton's letter of August 16, 1960.

Yours very truly,

WILKINS, STEPHENSON & BYRD


Robert L. Byrd, Jr.

RLBjr:ige

cc: Mr. Thomas A. Hamilton

HAMILTON, DENNISTON, BUTLER & RIDDICK

ATTORNEYS & COUNSELLORS AT LAW

FIRST NATIONAL BANK BUILDING

P. O. BOX 1671

MOBILE, ALABAMA

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

MILLER A. WIDEMIRE
ROBERT S. SMITH
WILLIAM S. WIRE, II

PETER HAMILTON (1838-1886)
THOMAS A. HAMILTON (1844-1897)
J. GAILLARD HAMILTON (1899-1956)

December 19, 1959

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

RE: McConnell et al v. Nelson et al
No. 4411 - In Equity
Our File No. 2965

Dear Mrs. Duck:

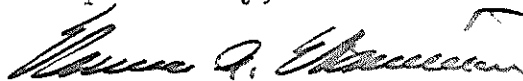
Enclosed is an answer to the amended bill of complaint in the above matter, which the Guardian ad Litem and Solicitor ad Litem wishes you to file therein.

Also enclosed is an amended note of evidence, which counsel for all parties also wish filed.

We are preparing the final decree at Judge Hall's suggestion and will send same to you within the next few days so that the Judge may sign it.

With best wishes for a Happy Holiday Season, we are

Yours respectfully,



For the Firm

TAH:lh

LEGAL NOTICE

LEGAL NOTICE

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY, Case No. 4411

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; J. Blocker Thornton, Jr., Shreveport, Louisiana; Sallie Blocker T. Irvine, 57 Williams Court, Mobile, Alabama; W. W. Boyles, Jr., 159 St. Louis Street, Mobile, Alabama; Helen E. Boyles, 258 Woodlands Avenue, Mobile, Alabama; Kathleen Tucker Phillips, 1555 Monterey Place, Mobile, Alabama; Susan Tucker Cobb, 2763 Briewood Drive, Mobile, Alabama; Joseph Louis Tucker, c/o J. D. Buckner, Shelbyville, Kentucky; Augusta Tucker Townsend, P. O. Box 69, Ruxton, Maryland; George A. Michael, 312 South Monterey Street, Mobile, Alabama; S. A. Tansmeire, 18 Cedar Place, Long Island, New York, N. Y.; Adele B. Horst, 207 Levert Avenue, Mobile, Alabama; Martin Horst, 907 Government Street, Mobile, Alabama; H. H. Maschmeyer, 1209 Government Street, Mobile, Alabama; Kathleen R. Wright, 6 South Ann Street, Mobile, Alabama; Grace Nelson Buck, c/o U. S. Attorney, Federal Building, Mobile, Alabama; James McPhillips, c/o Southern Industries Corporation, Waterman Building, Mobile, Alabama; T. Grady Stephenson and his heirs or devisees, if deceased, whose addresses are unknown; J. B. Harris and his heirs or devisees, if deceased, whose addresses are unknown; Mack Andrews and his heirs or devisees, if deceased, whose addresses are unknown; Frank Parker and his heirs or devisees, if deceased, whose addresses are unknown; Myrtle R. Gay, and her heirs or devisees, if deceased, whose addresses are unknown; Eulalia Jeter and her heirs or devisees, if deceased, whose addresses are unknown; Mary Louise Crawford and her heirs or devisees, if deceased, whose addresses are unknown; and Mrs. M. M. Crawford and her heirs or devisees, if deceased, whose addresses are unknown, respondents, that Gillard C. Strong, Sr., complainant, has on the 23 day of October, 1958, filed his verified complaint in the Circuit Court of Baldwin County, Alabama, in Equity, in Case No. 4411, 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:

Lot 1 of the A. W. E. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book 1, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231;

that said complainant claims in his own right to own said land and the entire interest therein in fee simple; that complainant alleges in said bill of complaint that one 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, said land to complainant by conveyance recorded on the 7th day of September, 1946, in Deed Book 111, pages 446-447, the Probate Court Records of Baldwin County, Alabama; and that on the 20th day of the conveyance last mentioned, the complainant entered into possession of the said land, thereupon erecting the same with a fence and erecting two houses thereon; that at the time of the filing of said complaint he is in actual peaceable possession thereof, claiming to own the same in his own right and in fee simple; and also, complainant alleges that he has assessed and paid taxes on said land for the tax years 1947 to date. Therefore, ordered by the undersigned that publication of this bill be made in the Baldwin Times, a newspaper published and having a general circulation in Baldwin County, Alabama.

THE BALDWIN TIMES

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA, BALDWIN COUNTY.

E. R. Moussette, 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 Olive Nelson, etc.

COST STATEMENT

877 WORDS @ 6 1/2 cents \$57.00 I hereby certify this is correct, due and unpaid (paid).

E. R. Moussette Jr. Editor.

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

Date of 1st publication October 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. Moussette Jr. Editor.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

}

Circuit Court, Baldwin County

No. 4411

----- 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 GILLARD C. STRONG, SR.

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

Witness my hand this 23 day of October 1958

Henry Duck, Clerk

No. _____ Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

~~WILLARD D. STEVENSON, JR.~~

Plaintiffs

vs.

~~OLIVE BULLOCK ET AL~~

Defendants

Summons and Complaint

Filed _____ 19 _____

FILED

OCT 23 1958

Clerk

ALICE J. DUCK, CLERK REGISTER

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19 _____

_____, Sheriff

I have executed this summons

this _____ 19 _____

by leaving a copy with

_____, Sheriff

_____, Deputy Sheriff

GILLARD C. STRONG, SR.,	‡	IN THE CIRCUIT COURT OF
Complainant,	‡	
v.	‡	BALDWIN COUNTY, ALABAMA
OLIVE NELSON, et al.,	‡	IN EQUITY - No. _____
Respondents.	‡	

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

Comes the complainant in the above styled cause and shows unto this Honorable Court as follows:

ONE

Complainant is a bona fide resident citizen of Baldwin County, Alabama, and is over the age of 21 years.

TWO

The complainant brings this bill against the land hereinafter described and against Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower, Pauline Nelson, J. Blocker Thornton, Jr., Sallie Blocker T. Irvine, W. W. Boyles, Jr., Helen E. Boyles, Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker, Augusta Tucker Townsend, George A. Michael, S. A. Tonsmeire, Adele B. Horst, Martin Horst, H. H. Maschmeyer, Kathleen R. Wright, Grace Nielsen Buck, James McPhillips, T. Grady Stephenson and his heirs or devisees, if deceased, J. B. Harris and his heirs or devisees, if deceased, Mack Andrews and his heirs or devisees, if deceased, Frank Parker and his heirs or devisees, if deceased, Myrtle R. Gay and her heirs or devisees, if deceased, Eulalia Jeter and her heirs or devisees, if deceased, Mary Louise Crawford and her heirs or devisees, if deceased, and Mrs. M. M. Crawford and her heirs or devisees, if deceased.

THREE

That the addresses of such of said respondents as are

known to complainant are set forth below opposite his or her names:

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,
J. Blocker Thornton, Jr., Shreveport, Louisiana,
Sallie Blocker T. Irvine, 57 Williams Court, Mobile,
Alabama,
W. W. Boyles, Jr., 159 St. Louis Street, Mobile, Alabama,
Helen E. Boyles, 258 Woodlands Avenue, Mobile, Alabama,
Kathleen Tucker Phillips, 1555 Monterey Place, Mobile,
Alabama,
Susan Tucker Cobb, 2763 Brierwood Drive, Mobile, Alabama,
Joseph Louis Tucker, c/o J. D. Buckner, Shelbyville,
Kentucky,
Augusta Tucker Townsend, P. O. Box 69, Ruxton, Maryland,
George A. Michael, 312 S. Monterey Street, Mobile,
Alabama,
S. A. Tonsmeire, 16 Cedar Place, Long Island, New York,
New York,
Adele B. Horst, 307 Levert Avenue, Mobile, Alabama,
Martin Horst, 907 Government Street, Mobile, Alabama,
H. H. Maschmeyer, 1209 Government Street, Mobile,
Alabama,
Kathleen R. Wright, 6 South Ann Street, Mobile, Alabama,
Grace Nielsen Buck, c/o U. S. Attorney, Federal Building,
Mobile, Alabama,
James McPhillips, c/o Southern Industries Corporation,
Waterman Building, Mobile, Alabama,

and complainant alleges that all of said respondents are over the age of 21 years.

Complainant further alleges that, after exercising reasonable diligence, he is unable to ascertain the whereabouts of, or to ascertain with certainty whether, the other named respondents, viz., T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford and Mrs. M. M. Crawford, are alive at the time of the filing of this bill of complaint, though if living all of them are over the age of 21 years, and complainant alleges that the facts showing just what diligence complainant has exercised are as follows: complainant has had an abstract of the title to said property prepared and has had same examined by an attorney; he has had his attorneys check the city and telephone directories of Mobile, Alabama, and of other cities; he has had his attorneys check Probate Court wills and estate records, and he has had them interview and

interrogate numerous long time residents of Mobile and of South Baldwin County, as well as bankers in the area, but, despite such diligent effort and inquiry, he has been unable to ascertain the whereabouts of said other respondents, or whether they are living or dead.

FOUR

The land against which this bill is brought is located in Baldwin County, Alabama, and is described as follows, to-wit:

Lot 1 of the A. W. B. Kenney survey of a part of the Drury tract fronting on Mobile Bay, known as Shell Banks Village, being a part of Section 23, T9S, R2E, said lot being shown on a map recorded in the Probate Court of Baldwin County, State of Alabama, Book 1, page 678, except the west 150 feet of said lot conveyed by the complainant to Floyd T. McConnell and John T. Gray by deed dated 25 September 1946 and recorded in Deed Book 116, page 231.

FIVE

The complainant alleges 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 the complainant 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; and that on the date of the conveyance last mentioned, the complainant entered into actual, peaceable possession of the said land, thereafter enclosing the same with a fence and constructing two houses thereon, and at the time of the filing of this bill of complaint he is in actual, peaceable possession thereof, claiming to own the same in his own right and in fee simple.

SIX

The complainant has assessed and paid taxes on said land

for the tax years 1947 to date. Mrs. T. D. Nelson (who is one and the same person as the above named Olive Nelson), has also assessed and paid taxes on the said land from prior to the tax year 1947 through the tax year 1955.

SEVEN

The complainant is informed that the respondents Olive Nelson, Olivia Williams, Nellie Nelson, Herbert Nelson, Winnie Hightower and Pauline Nelson heretofore claimed title to all of the said property described in paragraph "FOUR" above, against which this bill is brought 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 of said respondents named above in this paragraph "SEVEN", 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.

EIGHT

The complainant is informed that respondents Mary Louise Crawford and Mrs. M. M. Crawford are the heirs or devisees of George Crawford, deceased; that J. Blocker Thornton, Jr. and Sallie Blocker T. Irvine are the heirs or devisees of J. Blocker Thornton, deceased, and of his widow, Fannie S. Thornton, also deceased; that respondents W. W. Boyles, Jr. and Helen E. Boyles are the heirs or devisees of W. W. Boyles, deceased; that respondents Kathleen Tucker Phillips, Susan Tucker Cobb, Joseph Louis Tucker and Augusta Tucker Townsend are the heirs or devisees of Louis Tucker, deceased; that Adele B. Horst is the heir or devisee of Thomas A. Horst, deceased; that respondent Kathleen R. Wright is the heir or devisee of Ruffin Wright, deceased, and that respondent Grace Nielsen Buck is the heir or devisee of J. A. Buck, deceased, and the respondents named in this paragraph "EIGHT" are therefore made parties hereto in the stead of said decedents, respectively.

NINE

The complainant has 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 of 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.

TEN

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

PRAYER FOR PROCESS

The premises considered, the complainant files 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", or any interest in, lien or encumbrance thereon, and to establish the right or title to said land and to clear up all doubts and disputes concerning the same, the complainant prays 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


Complainant further prays that this Court will find 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. Complainant further prays that this 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 Complainant is the fee simple owner of said land free from all liens and encumbrances.

Complainant further prays, if he is 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 complainant offers to do equity and to abide by such orders and decrees as may be made by the Court.

HAMILTON, DENNISTON, BUTLER & RIDDICK


Solicitors for Complainant

Address: Mobile, Alabama

VERIFICATION

Before me, a Notary Public in and for the County of Mobile, State of Alabama, personally appeared Gillard C. Strong, Sr., who is known to me and who, being by me first duly sworn, deposes and says on oath: That he is the complainant in the foregoing bill of complaint; that he has read the same, has knowledge of the facts stated therein, and that such facts as stated are true; and further, that respondent J. Blocker Thornton, Jr. is a non-resident whose address is Shreveport, Louisiana, respondent Joseph Louis Tucker is a non-resident whose address is c/o J. D. Buckner, Shelbyville, Kentucky, respondent Augusta Tucker Townsend is a non-resident whose address is P. O. Box 69, Ruxton, Maryland, respondent S. A. Tonsmeire is a non-resident whose address is 16 Cedar Place, Long Island, New York, New York, and that the residences of the following respondents are unknown and cannot be ascertained after reasonable effort, namely: T. Grady Stephenson, J. B. Harris, Mack Andrews, Frank Parker, Myrtle R. Gay, Eulalia Jeter, Mary Louise Crawford, Mrs.

M. M. Crawford, and their respective heirs or devisees, if deceased, though all of the respondents named in this affidavit, if living, affiant believes to be over the age of 21 years.

Gilbert C. Stearns

Subscribed and sworn to before me this
the 10th day of October, 1958.

Lillian M. Kenbach
Notary Public, Mobile County, Alabama

HAMILTON, DENNISTON, BUTLER & RIDDICK

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

MOBILE, ALABAMA

August 19, 1959

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

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

Dear Mrs. Duck:

Re: McConnell, et al
vs. Nelson, et al - 4410 in Equity

Enclosed is demand for oral examination of certain witnesses in the above matter, which please file for us therein. We have notified Mr. Norborne C. Stone, Jr., Solicitor for Susie H. Reynolds, John M. Reynolds, Florence R. Southall Elizabeth R. Havard, Susan R. Coulson, Mildred R. Cooper, Markward Reynolds and Ralph Reynolds, certain of the respondents in said cause, notifying him of this demand pursuant to Equity Rule 55.

Please note notice thereof to the other respondents in said cause, who are in default and against ^{whom} decrees pro confesso have been rendered, on your docket, and after the lapse of three days, please issue the commission requested, sending same to us.

Thanking you, we are,

Yours very truly,



For the Firm

TAH/gt
2965
Enclosure

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 R. LOCKLIN
W. JACK EDWARDS

ATTORNEYS & COUNSELLORS AT LAW
FIRST NATIONAL BANK BUILDING
MOBILE 13, ALABAMA

October 1, 1958

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

Dear Mrs. Duck:

Enclosed are the original and 24 copies of bill of complaint of Gillard C. Strong, Sr. 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 four non-resident respondents, 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 requested, addressed to you as the Register of the Court in which the proceeding is pending.

Also enclosed are the original and two copies of the notice provided for in Sections 1119, 1120 and 1121, as amended, of Title 7 of the Alabama Code of 1940. Please sign this notice and have same published once a week for four consecutive weeks in a 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.

The blanks in the notice should of course be filled in and the time for appearance, etc., which is left blank therein should be filled in in accordance with Section 1121, as amended, of the Code.

Thanking you, we are

Yours respectfully,


For the Firm

TAH:lh
No. 2965