

1301

The State of Alabama, }
Baldwin County.

No. _____ CIRCUIT COURT, IN EQUITY

NEUMAN I. JENSEN

Complainant

vs.

AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON & SIGURD

SVENDSON Defendant

In this cause it appears to the Register

that a Summons requiring the Defendant AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON & SIGURD SVENDSON

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon said Defendants was served upon them by the Sheriff registered mail ~~County of Baldwin~~ on the 27th-28th day of March 19 45

And the said Defendants having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON and SIGURD SVENDSON

Defendant aforesaid.

This 17th day of May 19 45

Register.

RECORDED

No. _____ Page _____

**The State of Alabama,
Baldwin County**

Circuit Court In Equity

NEUMAN I. JENSEN

vs.

AGNES GILLETT, ET AL

**Decree Pro Confesso On
Personal Service.**

Issued May 17 1945

R. Deed

Register.

The State of Alabama, }
BALDWIN COUNTY.

No. CIRCUIT COURT IN EQUITY.

NEUMAN I. JENSEN

Complainant.

vs.

AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON and SIGURD SVENDSON

Defendant.S

Motion is hereby made for a Decree Pro Confesso against AGNES GILLETT, BJARNE SVENDSON

MORRIS SVENDSON and SIGURD SVENDSON

Defendant.S

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said

Defendant..... by registered mail; and that said summons was duly served according to law, and that said DefendantS... have... failed

to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 16th day of MAY 1945

Richard S. Rieley

Solicitor.

RECORDED

No. Page

**STATE OF ALABAMA,
Baldwin County.**

CIRCUIT COURT, IN EQUITY.

NEUMAN I. JENSEN

Vs.

AGNES GILLETT, BJARNE SVENDSON

MORRIS SVENDSON & SIGURD SVENDSON

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed *May 17* 192*5*

Refiled

Register.

Recorded in Record,

Vol. Page

Register.

Baldwin Times Print, Bay Minette.

NEUMAN I. JENSEN,
Complainant

E Q U I T Y

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

VS

AGNES GILLETT, ET AL,
Defendants.

This cause coming on to be heard was submitted for decree upon the pleading, non-military affidavit and decree pro confesso as noted and it appearing to the Court that notice has been given to all Defendants by registered mail and that they have neither pleaded nor demurred to the Bill within the time prescribed by Law: NOW, upon consideration thereof, the Court is of the opinion that the Complainant, NEUMAN I. JENSEN, is entitled to the relief prayed.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Defendants AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON and SIGURD SVENDSON, have no estate or interest in or encumbrances on the following described land or any part thereof, namely:

From the Southwest corner of Section Five, Township Seven South Range Three East in Baldwin County, Alabama, thence North Fifty-nine rods; thence East Six Hundred twenty-six feet, to center of public road; thence North $16\frac{1}{2}^{\circ}$ East, two Hundred five feet along center of public road; thence North 60° West, Four Hundred Seven feet one-fifth for the point of beginning; from point of beginning run North 34° East One Hundred thirty-nine feet; thence North 63° West Sixty-four feet; thence South 34° West, One Hundred thirty-six feet; thence South 60° East, Sixty-four feet to point of beginning; less 25 feet along the North line for a public road.

IT IS FURTHER ADJUDGED and DECREED that the full fee simple title to said land as against the said Defendants hereinbefore named is vested in the Complainant, NEUMAN I. JENSEN, as the adopted son and only heir of Mathea Jensen, deceased, subject, however, to whatever debts the said Mathea Jensen may have owed at the time of her death and to the expenses of administration of her estate.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that letters of administration upon the estate of Mathea Jensen, deceased, issue to Neuman I. Jensen, upon execution by him of bond in favor of and approved by the Register of this Court in the sum of FIVE HUNDRED DOLLARS, and that he, as such officer, administer the estate of said decedent.

It is further ORDERED that the Register of this Court, within thirty days of the rendition of this decree, file same in the office of the Probate Judge of Baldwin County for record therein and the costs thereof be taxed as part of the costs of this case.

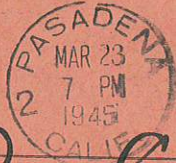
It is further ORDERED that this cause continue upon the docket of this Court for such further orders and decrees as may be proper for the administration of the estate of Mathea Jensen, deceased.

Done at Monroeville, Alabama, this the day of May,
Nineteen Hundred Forty-five.

Judge.

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



POSTMARK OF DELIVERING
OFFICE

Return to

R. S. Duck
(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. *1570*

Post Office

Bay Minette, Ala.

INSURED PARCEL

No.

Insured March 28, 1945
State

16-12421

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 *Agnes Hill*
Deliver to Addressee Only
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery **MAR 23 1945**, 194**5**

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



Return to R. S. Duck
(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. 1571
INSURED PARCEL

Post Office

Bay Minette, Ala.

No. _____

16-12421

State _____

[Handwritten signature]

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

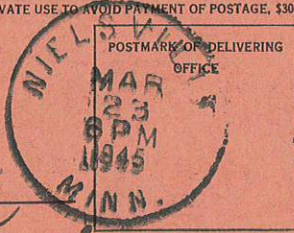
1 Deliver to Addressee Only Bjornna Swenson
(Signature or name of addressee)

2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery March 23, 1945

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300



[Handwritten signature]
[Handwritten address]

Return to *R. S. Duck*
(NAME OF SENDER)

Street and Number, }
or Post Office Box, }

REGISTERED ARTICLE

No. *1572* Post Office *Bay Minette, Ala.*

INSURED PARCEL

No. _____ State _____

16-12421

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card,

1 Deliver to Addressee Only
(Signature or name of addressee)

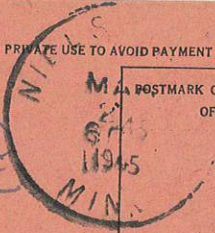
2 _____
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery Mar 23, 1945

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

1573 1945



POSTMARK OF DELIVERING OFFICE

Return to *R. S. Duck*
(NAME OF SENDER)

Street and Number,
or Post Office Box,

REGISTERED ARTICLE

No. *1573*
INSURED PARCEL

Post Office

Bay Minette, Ala.

No. _____

16-12421

State _____

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1 Morris Jendron
Deliver to Addressee Only
(Signature or name of addressee)

2 me
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery Mar 23, 1945

RECEIPT FOR REGISTERED ARTICLE No. 1570

70 fee paid. 1 class postage paid. 3-20, 1945
(Date)

Declared value, \$ none Surcharge paid, \$ _____

From R S Duck
(Sender)

Addressed to Agnes Gillett
(Post office and State)

244 S Lullabone
(Address)
Paradise, Calif
(Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee 4 { in person Special delivery fee _____
or order _____
Delivery restricted to addressee { Fee paid 70 Postmaster, per uor

o r o 16-12666



RECEIPT FOR REGISTERED ARTICLE No. 1571

70 fee paid. 1 class postage paid. 3-20, 1945
(Date)

Declared value, \$ none Surcharge paid, \$ _____

From R S Duck
(Sender)

Addressed to Bjare Sverdrup
(Post office and State)

Neilville, Minn.
(Address)
Neilville, Minn.
(Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee 4 { in person Special delivery fee _____
or order _____
Delivery restricted to addressee { Fee paid 70 Postmaster, per uor

o r o 16-12666



RECEIPT FOR REGISTERED ARTICLE No. 1572

70 fee paid. 1 class postage paid. 3-20, 1945
(Date)

Declared value, \$ none Surcharge paid, \$ _____

From R S Duck
(Sender)

Addressed to Sigurd Sverdrup
(Post office and State)

Neilville, Minn.
(Address)
Neilville, Minn.
(Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee 4 { in person Special delivery fee _____
or order _____
Delivery restricted to addressee { Fee paid 70 Postmaster, per uor

o r o 16-12666



RECEIPT FOR REGISTERED ARTICLE No. 1573

70 fee paid. 1 class postage paid. 3-20, 1945
(Date)

Declared value, \$ none Surcharge paid, \$ _____

From R S Duck
(Sender)

Addressed to Morris Sverdrup
(Post office and State)

Neilville, Minn.
(Address)
Neilville, Minn.
(Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery
Return receipt fee 4 { in person Special delivery fee _____
or order _____
Delivery restricted to addressee { Fee paid 70 Postmaster, per uor

o r o 16-12666



STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned Notary, personally appeared NEUMAN I. JENSEN, who, being sworn, says that AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON and SIGURD SVENDSON, against whom Affiant has a cause pending in the Circuit Court of Baldwin County, are not members of the Armed Forces of the United States, and hence are not entitled to the protection of the Soldiers and Sailors Relief Act.

Neuman I. Jensen

Subscribed and sworn to before me this the 26th day of May, 1945.

Clifford S. Piskaly
NOTARY PUBLIC, BALDWIN COUNTY, ALA.

Handwritten notes and scribbles at the top of the page.

20 Feb 1942. Expected any amount to be paid in full by 1st of March.

Handwritten signature or name in the center of the page.

Filed May 29 - 1942
W. R. [Signature]

No. EQUITY.

NEUMANN I. JENSEN, Petitioner.
vs
AGNES GILLET et al. Defendants.
NON-MILITARY AFFIDAVIT.

COURT OF EQUITY
STATE OF WISCONSIN

Handwritten mark or signature at the bottom right.

NEUMAN I. JENSEN
Complainant

E Q U I T Y
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

vs.

AGNES GILLETT, ET AL
Defendants

This cause coming on to be heard upon the prayer of the bill that letters issue to Complainant, appointing him administrator and authorizing him to administer upon the estate of Mathea Jensen, deceased, and it appearing to the Court that more than forty days have elapsed since the death of said decedent, and that administration to a competent person applying therefor is a matter of right:

IT IS THEREFORE ORDERED AND DECREED that upon NEUMAN I. JENSEN filing an administrator's bond in this COURT in the sum of \$720.00 with sureties satisfactory to said Register the Register of this Court issue to said Neuman I. Jensen letters of administration upon the estate of Mathea Jensen, deceased.

Done at Monroeville, Alabama, this the day of
March, 1945.

Judge.

NEUMAN I. JENSEN,
Complainant

vs.

AGNES GILLET, ET AL
Defendants

ORDER APPOINTING ADMINISTRATOR

NEUMAN I. JENSEN
Complainant

E O A I I A

IN THE CIRCUIT COURT OF

THE FIRST JUDICIAL CIRCUIT

AGNES GILLET, ET AL
Defendants

ORDER APPOINTING ADMINISTRATOR

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF ...
AGNES GILLET, ET AL
Defendants

Complainant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
SPRING TERM, 1945
BAY MINETTE, ALABAMA.

TO: AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON and SIGURD SVENDSON:

You are hereby notified to appear, either in person or by attorney, and plead, answer or demur, within thirty days from receipt hereof, to the attached complaint filed in the Circuit Court of Baldwin County, State of Alabama, in Bay Minette, against you as Defendants by Neuman I. Jensen, Complainant, in default of which appearance a decree will be rendered against you.

Witness my hand this 20th day of March, 1945.



Register, Circuit Court.

March 26, 1945.

Mr. Elliott G. Rickarby,
Fair Hope, Alabama.

Dear Mr. Rickarby:-

A few days ago I received the file of Neuman I. Jensen, vs. Agnes Gillett, et al, praying that the petitioner be appointed administrator of the estate of Martha Jensen, deceased.

I notice that you state in this petition that the declaration of the step mother made on June 7, 1940, constituted the complainant her son and sole heir. The question presented is a rather delicate one and one that I would like for you to give me a brief on. I have not had the opportunity to study the matter carefully, but it happens that in 1938 I had a case, Johnson vs. Long, 236 Alabama, 126, 181 So. 120, which is quite similar to the facts presented by the bill.

It seems to me that the only hope for your client is to enforce the declaration as a contract to adopt under the authority of Prince vs. Prince, 194 Ala. 455, 69 So. 906, Marietta vs. Faulkner, 220 Ala, 561; 126 So. 635.

I do not think letters of administration should be issued unless and until your client can specifically enforce the agreement to adopt after due service is had upon the next of kin. Of course, this matter will come for decision on submission on pleading and proof, but I would appreciate your giving the matter some study, and giving me the benefit of your conclusions on the law.

I am returning the file to Mr. Duck, as I do not think letters of Administration should be issued prior to the enforcement of the contract of adoption, if in fact your client is entitled to such a decree. I thought perhaps, also, you might wish to amend the bill to make it more specific in certain respects.

Yours very truly,

F. W. HARE

TO THE

HONORABLE FRANCIS W. HARE, JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA: IN EQUITY

Comes NEUMAN I. JENSEN and by this his Bill of Complaint presented against AGNES GILLETT, BJARNE SVENDSON, MORRIS SVENDSON and SIGURD SVENDSON, and respectfully shows:

FIRST: That all parties hereto are over the age of twenty-one years. That Complainant is a resident of Marlow, Baldwin County, Alabama; Agnes Gillett resides at 244 South Euclid Avenue, Pasadena, California and Bjarne Svendson, Morris Svendson and Sigurd Svendson reside in Nielsville, Minnesota.

SECOND: That Mrs. Mathea Jensen, a resident of Baldwin County, died intestate near Marlow in said County on or about the 20th day of November, 1944 leaving a small amount of personal property ^{of little value} and a lot of land upon which her home is located, ~~household goods~~ ~~and other personal property~~ of which Complainant is now in possession and the description of which lot is:

From the Southwest corner of Section Five, Township Seven South Range Three East in Baldwin County, Alabama, thence North Fifty-nine rods; thence East Six Hundred twenty-six feet, to center of public road; thence North $16\frac{1}{2}$ East, two Hundred five feet along center of public road; thence North 60° West, Four Hundred seven feet one-fifth for the point of beginning; from point of beginning run North 34° East, One Hundred thirty-nine feet; thence North 63° West Sixty-four feet; thence South 34° West, One Hundred thirty-six feet; thence South 60° East, Sixty-four feet to point of beginning, less 25 feet along the North line for a public road.

The rental value of said realty is \$120.00 per year.

THIRD: That the next of kin of said decedent are Complainant, her stepson and adopted son, and one niece and three nephews, the Defendants above named, who are non-residents of Alabama.

FOURTH: Complainant as next of kin, desiring to administer the estate of said Mathea Jensen, pay all debts and properly settle all questions of inheritance now brings these proceedings for said purposes.

FIFTH: That the late Mathea Jensen on June 7, 1940, more than four years prior to her death, executed a solemn instrument before a Notary Public recognizing Complainant, her stepson, as her legal son and heir, a copy of which declaration is attached hereto as

Exhibit A and made a part of this pleading. This declaration, while it did not comply with the formal procedure of adoption prescribed by the Code of Alabama, nevertheless under the law of this State constituted Complainant her son and sole heir.

SIXTH: Complainant avers that from the time of the marriage of his late father, Bernard Jensen, to Mrs. Mathea Jensen, his father's second wife and Complainant's stepmother, Complainant lived with his parents on or near the above described property and materially contributed to their support. That his relations with the older couple were so close and affectionate that on December 31, 1934, Complainant's father divided the home on which they were then living between said stepmother and Complainant.

SEVENTH: That after the death of his father Complainant continued the same care and support of his stepmother, who on June 7, 1940 evidenced her appreciation of this by executing the paper attached as Exhibit A, thereby making Complainant her son by law as well as by affection and as her son Complainant continued to tenderly care for his adopted mother up to the time of her death.

Complainant now prays that an order be made forthwith that letters of administration issue to him upon the estate of the said Mathea Jensen upon execution by him of such bond as the Court may fix.

Complainant further prays that his relationship as the adopted son and sole heir of decedent be confirmed and his rights as such recognized in the disposition of the net assets of said estate.

Complainant further prays that said decree quiet all claims of the Defendants above named in and to the real property of the estate and in the assets thereof, and that he be recognized as the sole heir of decedent.

Complainant further prays that Agnes Gillett, Bjarne Svendson, Morris Svendson and Sigurd Svendson be made parties defendant to this cause and that due notice be given them by registered mail to answer this bill within the time prescribed by law

Complainant further prays for such other, further or different relief as to equity may seem meet.

Elliott G. Rickarby
Solicitor for Complainant

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned Notary, personally appeared this day ELLIOTT G. RICKARBY, who, being sworn, says that he is the solicitor of record for the Complainant; that he is informed and believes and on such information so states that the Defendants in the foregoing Bill are non-residents of the State of Alabama; that their addresses are, to the best of his knowledge and belief, correct as stated in this Bill, and for this reason personal service cannot be had upon Defendants, so that service by registered mail is essential.

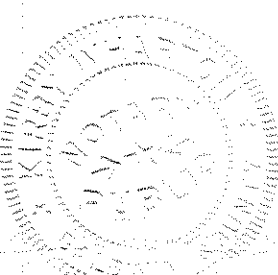
Elliott G. Rickarby

Subscribed and sworn to before me on this the 19th day of March, 1945.

King

Notary Public, Baldwin County, Alabama.

My Commission Expires
February 12, 1946



1051

----- TO WHOM IT MAY CONCERN -----

STATE OF ALABAMA

BALDWIN COUNTY:

KNOW ALL MEN BY THESE PRESENTS, that I, Mathea Jensen, the undersigned, hereby agree to adopt my step-son, Neuman I. Jensen, as my legal son and heir and same to be effective in every way, intent and purpose of the law, and same to be effective from this date.

Given under my hand and seal, this the 7th day of June, 1940.

(Signed) MATHEA JENSEN (SEAL)

Sworn and subscribed to before me this the 7th day of June, 1940.

CLAUDE PETEET (Signed)
Notary Public, Baldwin
County, Alabama.
My Commission Expires Sept. 12, 1943.