G. W. EADE AND MATTIE EADE Complainants

1424

VS

CERTAIN LANDS ET ALS Respondents IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.

#### FINAL DECREE

This cause coming on to be heard on this date is submitted for final decree on behalf of the Complainants upon the Original Bill of Complaint, Notice of Pendency of Bill of Complaint, Proof of Publication of Notice of Pendency of Bill of Complaint, Register's Certificate as to service, Motion for Decrees Pro Confesso, Decrees Pro Confesso, Disclaimer of Lyle G. Eade and Lorna E. Eade, Motion for Appointment of Guardian Ad Litem and Special Attorney, Order Appointing Guardian Ad Litem and Attorney, Notice of Appointment, Acceptance and Answer Special of Guardian Ad Litem and Special Attorney and the testimony as noted by the Register upon consideration of all of which the Court is of the opinion that the Complainants are entitled to the relief prayed for by them in their said Bill of Complaint, whereupon it is therefore ORDERED, ADJUDGED AND DECREED by the Court:

1. That the Compleinants, G. W. Eade and Mattie Eade are the lawful owners of, in fee simple, the following described lands situated in Baldwin County, Alabama, to-wit:

> All of the Southwest Quarter of Northwest Quarter and West Half of Southwest Quarter, lying East of Fish River, in Section 32, except the following described Four (4) Tracts of land to-wit:

EXCEPTION NO. 1: Start at the Northeast Corner of Southwest Quarter of Southwest Quarter of Section 32, Township 6 South, Range 3 East, thence West 4.35 chains, thence North 2.73 chains to a stake in the branch for a beginning corner; Beginning at said stake in the branch, run thence North 5.20 chains, thence North 60-1/4 degrees West 20 chains to East bank of Fish River, thence down said river to the mouth of Robinson Branch, thence up said branch with its meanders to the point of beginning, containing 33.93 acres, more or less, lying in Sections 31 and 32 Township 6 South, Range 3 East, which lands were conveyed by Nellie Baldwin to H. M. Robertson by deed dated March 18, 1892, recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book R at pages 445-7.

EXCEPTION NO. 2: Start at the Northeast Corner of the Southwest Quarter of Southwest Quarter of Section 32, Township 6 South, Range 3 East, run thence West 4.35 chains, thence North 7.93 chains to the beginning corner; Beginning at said corner run North 32.50 chains to a stake in the swamp, thence West 17.07 chains to the East bank of Fish River, thence down said river regardless of its meanders 23.50 chains to a stake, thence South 60-1/4 degrees East 20 chains to the plage of beginning, containing 54.96 acres more or less in Sections 31 and 32, Township 6 South, Range 3 East.

EXCEPTION No. 3: Four (4) acres, more or less, in the extreme Southwest Corner of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, near Fish River, heretofore sold by the late Laurent Millandon to one Baker of Baldwin County as excepted from that certain deed from Louis Burthe to D. W. Taylor, recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book M at pages 470-4.

EXCEPTION No. 4: That certain tract of land conveyed by Lyle G. Eade to J. R. Underwood, by deed dated <sup>O</sup>ctober 20, 1933, recorded in Deed Book 56 at page 204 of the records of the office of the Judge of Probate of Baldwin County, Alabama, and described as follows: From Southeast corner of Southwest Quarter of Section 52, Township 6 South, Range 3 East, run West 1688 feet and North 14-1/2 degrees West 370 feet for point of beginning, thence North 47-1/2 degrees East 223 feet, thence North 42 degrees 45 minutes West 100 feet, thence South 47-1/2 degrees West 330 feet, more or less, to East bank of Fish River, thence South 42 degrees 45 minutes East 100 feet thence along East bank of Fish River, thence North 47-1/4 degrees East 93 feet to point of beginning, containing 3/4 acres, more or less.

Northeast Quarter of Southwest Quarter of Section 32; Southeast Quarter of Southwest Quarter of Section 32, except the following described land, to-wit: Start at the Northwest Corner of the Southeast Quarter of the Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East 3.05 chains to a stake, thence South 7.48 chains to a stake, for a beginning corner, thence South 323.75 feet to a stake, thence East 180 feet, thence North 523.75 feet to a stake, thence West 180 feet to place of beginning, containing 1.34 acres, and being Lots 1, 2 and 3 and North Half of Lot 4 in Block 4 of the Baldwin Addition to Marlow, Alabama.

East Half of Northwest Quarter of Section 32; South Half of Southeast Quarter of Section 32; Northwest Quarter of Southeast Quarter of Section 32 except a tract 5.25 acres, which said excepted property is described as follows, to-wit: From the Southwest Corner of the Northwest Quarter of Southeast Quarter of Section 32, Township 6 South, Range 3 East, run North 170 feet to the beginning corner; thence run North 523 feet to a corner; thence East 707 feet to a corner; thence South 323 feet to a corner; thence West 707 feet to the beginning corner.

East Half of Northeast Quarter of Section 32.

All of the Southeast Q uarter of Southwest Quarter of Section 29, lying East of Polecat Creek, which creek is otherwise known as Silver Creek.

All of the foregoing lands lying in Township 6 South Range 3 East of St. Stephens Meridian.

Also: South fifteen and one-half (15-1/2) acres of the tract of land known as "James Laduc Tract" which tract is described as follows: Starting at the half section post of the South boundary line of Section 5, Township 7 South Range 3 East and running North 45.00 chains for a beginning corner; thence West 11.00 chains to a public road; thence North 10.00 chains to a stake, thence East 31.00 chains to a stake, thence South 10.00 chains to a stake; thence West 20.00 chains to the point of beginning; and being in the Southwest Quarter of the Northeast Guarter and Southeast Q uarter of Northwest Q uarter of Section 5, Township 7 South, Range 3 East of St. Stephens Meridian;

that the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said Complainants, free and clear of and from the claim or claims of any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof or any interest therein; that the said Complainants have and they are hereby given judgment against the said lands and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof. The Complainants'title to the said land is hereby quieted against Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks, Clement <sup>M</sup>illandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardanne, Edmond Burthe, Emanuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Madeline Millandon, Genevieve Millandon, A. Tamboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette, Herbert Macan Bonner, Geo. P. Chapman, Jas. P. Chapman, Helen DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northan Carl A. Krause, Frank H. Riddle, Homer Ohlhaver, Alice Ohlhaver,

Mildred Ohlhaver Stubbs, Lila <sup>O</sup>hlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida <sup>L</sup>ou Russell, Daniel Gardner, Lorna E. Eade, Lyle G. <sup>E</sup>ade and the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof and any and all such claim or claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

2. The Register of this Court shall within thirty (30) days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama for record therein and tax the cost of such recording as a part of the costs of this proceeding.

The Judge of Probate of Baldwin County, Alabama 3. shall record the said certified copy of this decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks, Clement Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardanne Edmond Burthe, Enanuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Madeline Millandon, Genevieve Millandon, A. Tamboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette, Herbert Macan Bonner, Geo. P. Chapman, Jas. P. Chapman, Helen DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northam, Carl A. Krause, Frank H. Riddle, Homer Ohlhave Alice Ohlhaver, Mildred Ohlhaver Stubbs, Lila Ohlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Lou Russell, Daniel Gardner, Lorna E. Eade and Lyle G. Eade and shall index the same in the indirect or reverse index of said records in the manes of G. W. Eade and Mattie Eade.

4. The title hereby decreed to be in the said Complain ants G. W. Eade and Mattie Eade shall enure to the benefit of all persons who derive title to the said lands, or any interest therein from or through the said Complainants and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said Complainants.

5. The costs of this proceeding are hereby taxed against the said Complainants for which execution may issue. ORDERED, ADJUDGED AND DECREED this the 15th day of

Judge.

March, 1946.

FEN. Hare

G. W. EADE AND MATTIE EADE Complainants

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.

CERTAIN LANDS ET ALS Respondents

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NOTICE OF APPOINTMENT, ACCEPTANCE AND ANSWER OF GUARDIAN AD LITEM

TO T. J. MASHBURN, JR:

You are hereby notified that you have been appointed as guardian ad litem to represent any unknown minors interested in this proceeding and as special attorney to represent any of the unknown parties interest in this proceeding who are in the military service.

Dated this llth day of March, 1946.

STATE OF ALABAMA BALDWIN COUNTY

I, T. J. MASHBURN, JR. do hereby accept appointment as guardian ad litem and as special attorney in this cause and for answer to the Bill of Complaint filed in this cause and to each and every count thereof separately and severally, I deny each and all of the allegations of said complaint and demand strict proof of same.

A. maslib

attorney.

Guardian ad litem and special

Dated this 11th day of March, 1946.

NOTICE OF APPOINTMENT, ACCEPT-ANCE AND ANSWER OF GUARDIAN AD LITEM G. W. EADE AND MATTIE EADE Complainants ٧S CERTAIN LANDS ET ALS Respondents IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424. Dated March 11, 1846

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.

CERTAIN LANDS ET ALS Respondents

Complainants

G.W. EADE and MATTIE EADE

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the date :

Level 1 6th

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#### MOTION

TO R. S. DUCK AS REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Now come the Complainants in this cause by their solicitor and respectfully represent that this suit has been filed against certain unknown parties and that it is possible that some of the said parties are minors and that some are in the military service.

Complainants further represent that if any of said unknown respondents are minors or in the military service and interested in this cause they can be properly protected and properly represented by a guardian ad litem and by an attorney appointed by the Court to represent any of said unknown parties who may be in the military service.

Wherefore Complainants move the Court to appoint a guardian ad litem to represent any of the said unknown parties and an attorney to represent any of said unknown parties who may be in the military service.

Solfcitor for Complainants.

Respectfully submitted,

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM G. W. EADE AND MATTIE EADE Complainants ٧S CERTAIN LANDS ET ALS State. Respondents IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424. Filed March 11, 1244 Heyster. 2.4 R.

G. W. EADE AND MATTIE EADE

CERTAIN LANDS ET ALS

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Complainants

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.

# Respondents

#### DECREES PRO CONFESSO

In this cause, it being made to appear to the Register that a copy of the Summons and Bill of Complaint in this cause was personally served on the respondents Ida V. Moore, Voncile Sute, Ida Lou Russell and Daniel Gardner more than sixty (60) days prior to this date and that each of said respondents have failed to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause; that a copy of the notice of pendency of Bill of Complaint in this cause was mailed by the Register by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed", return receipt requested addressed to the said Register, which said articles were sent to the following named respondents at the addressed given below: Alice Ohlhaver, Aurora, Illinois; Mildred Ohlhaver Stubbs, Aurora, Illinois; Lila Ohlhaver Morrill, Aurora, Illinois and Homer Ohlhaver, Chicago, Illinois; that the said registered articles so mailed to Mildred Ohlhaver Stubbs and Homer Ohlhaver were returned undelivered; that the return cards signed by Alice Ohlhaver and Lila Ohlhaver Morrill were received and filed by the Register of this Court more than thirty (30) days prior to this date and it being made further to appear to the Register that a copy of the notice of pendency of Bill of Complaint in this cause was published once a week for four (4) consecutive weeks in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, which said publication commenced on the 11th day of October, 1945; that a certified copy of the said notice was filed for record in the office of the Judge of Probate of Baldwin County, Alabama on October 11, 1945; that on the said

date a copy of the said notice was posted at the front door of the Courthouse in Baldwin County, Alabama, in each and all of which notices the following respondents were named: Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks, Clement Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardanne, Edmond Burthe, Emanuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Madeline Millandon, Genevieve Millandon, A. Tamboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette, Herbert Macan Bonner, Geo. P. Chapman, Jas. P. Chapman, Helen Dewitt, Clara Chapman, Kate Chapman, H.S. Derby, Edward D. Northam, Carl A. Krause, Frank H. Riddle, Homer Ohlhaver, Alice Ohlhaver, Mildred Ohlhaver Stubbs, Lila Ohlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Lou Russell, Daniel Gardner, Lorna E. Eade, Lyle G. Eade and the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands described in the said notice and the Bill of Complaint filed in this cause and to date hereof each and all of the said respondents have failed to appear and plead, answer or demur to the Bill of Complaint in this cause:

Now, therefore, on motion of the complainants, it is ORDERED, ADJUDGED AND DECREED by the Register that the said Bill of Complaint be and it is hereby confessed against the said Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks, Clement Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardanne, Edmond Burthe, Enanuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Madeline Millandon, Genevieve Millandon, A. Tamboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette, Herbert Macan Bonner, Geo. P. Chapman, Jas. P. Chapman, Helen DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northam, Carl A. Krause, Frank H. Riddle, Homer Ohlhaver, Alice Ohlhaver, Mildred Ohlhaver Stubbs, Lila Ohlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Lou Russell, Daniel Garaner, Lorna E. Eade, Lyle G. Eade and the heirs and devisees of such of said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands which are specifically described in the Bill of Complaint filed in this cause.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court on this the //t day of March, 1946.

Register.

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G. W. EADE AND MATTIE EADE Complainants VS BALDWIN COUNTY, ALABAMA CERTAIN LANDS ET ALS IN EQUITY. No. 1424.

Respondents

### MOTION FOR DECREES PRO CONFESSO

Motion is hereby made for Decrees <sup>P</sup>ro Confesso against the respondents Ida V. Moore, Voncile Sute, Daniel Gardner and Ida Lou Russell on the ground that each of the said parties were personally served with a copy of the Summons and Bill of Complaint in this cause more than sixty (60) days prior to this date and that to the date hereof each and all of said parties have failed to appear and plead, answer or demur to the Bill of Complaint filed against them in this cause.

Motion is further made for Decrees Pro Confesso against the respondents Alice Ohlhaver and Lila Ohlhaver Morrill on the ground that a copy of the Notice of the Pendency of the Bill of Complaint filed in this cause was mailed to each of them by the Register of this Court by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed" with return receipt demanded addressed to said Register and that said return receipts so signed by each of the said respondents were received and filed by the said Register more than thirty (30) days prior to this date and that the said respondents each have failed to appear and answer, plead to or demur to the Bill of Complaint filed against them in this cause.

Motion is further made for Decrees Pro Confesso against Robert Steel, John A. Cottrell; James M. Dannelly; John W. Hicks; Clement Millandon; Benjamin Laurent Millandon; Henrietta Millandon; Casimir Gardanne; Edmond Burthe; Emanuel Burthe; F. George Burthe; Andre Burthe; Marguerette Butler; Lizzie Millandon; Mrs. Adolph Tamboury; Madeline Millandon; Genevieve Millandon; A. Tamboury;

David Gorden; John Morton; Alexander Morton; George M. Bonner; Lillie Bonner Machette; Herbert Macan Bonner; Geo. P. Chapman; Jas. P. Chapman; Helen DeWitt; Clara Chapman; Kate Chapman; H. S Derby; Edward D. Northam; Carl A. Krause; Frank H. Riddle; Homer Ohlhaver; Mildred Ohlhaver Stubbs; M. E. Gieple; Lorna E. Eade; Lyle G. Eade and the heirs and devisees of such of said parties as may be dead and against all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands which are specifically described in the Bill of Complaint filed in this cause which form the basis of this suit on the ground that more than sixty (60) days have elapsed since the first publication of the notice of pendency of the Bill of Complaint in this cause, which said service was had by publication according to law and the said respondents and each of them have failed to answer, plead to or demur to the Bill of Complaint in this cause to this date and on the further ground that a copy of the notice of the pendency of the Bild of Complaint was mailed to the respondents Mildred Ohlhaver Stubbs and Homer Ohlhaver by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed" with return receipt demanded and that such registered articles were returned undelivered to the Register of this Court. Dated this 11 the day of March, 1946.

Solifcitor for Complainants.

MOTION FOR DECREES PRO CONFESS

G. W. EADE and MATTIE EADE Complainants

CERTAIN LANDS et als

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

Respondents

Nol 1424.

Filed 3-11- 1944 Robert Register

VS

G. W. EADE AND MATTIE EADE Complainants VS CERTAIN LANDS ET ALS

Respondents

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IN THE	CIRCUIT	COURT OF
BAL DWI	1 COUNTY,	ALABAMA
IN EQUI	CTY.	No. 1424.

### ORDER APPOINTING GUARDIAN AD LITEM

In this cause it being made to appear to the Register that this suit has been filed against various Respondents, some of which are unknown and the Complainants have filed a motion in this cause requesting appointment of a guardian ad litem to represent any of the unknown heirs which may be minors and an attorney to represent any of the said parties which may be in the military service.

It further appearing to the Register that the Attorney hereinafter named is not of kin or council to any of the parties to this suit or in any way interested in the result thereof and is in all respects qualified to act as guardian ad litem for any of the said unknown parties who are minors and as attorney for any of the said parties who may be in the military service.

It is therefore ORDERED, ADJUDGED AND DECREED by the Register that <u>T. J. Mashburn. Jr</u> be and he is hereby appointed as guardian ad litem to represent any of the said unknown parties respondent who are minors and as attorney to represent any of the said unknown parties respondent who are in the military service.

Dated this 1/22 day of March, 1946

Register

	ORDER APPOINTING GUARDIAN AD LITEM G. W. EADE AND MATTIE EADE Compleinants VS CERTAIN LANDS ET ALS Respondents IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.
	Mated March 11/1946

G. W. EADE AND MATTIE EADE Complainants VS

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.

CERTAIN LANDS ET ALS Respondents

#### CERTIFICATE

I, the undersigned R. S. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the notice of pendency of Bill of Complaint in this cause was published once a week for four (4) successive weeks in the Baldwin Times, a newspaper published it Bay Minette, in Baldwin County, Alabama, the said notice appearing in the issues of said paper of October 11, October 18, October 25 and November 1, 1945.

I further certify that on October 11, 1945, a copy of said notice was filed for record in the office of the Judge of Probate of Baldwin County, Alabama and on the said date a copy of the said notice was: posted at the front door of the courthouse at Bay Minette, in Baldwin County, Alabama.

A copy of the summons and <sup>B</sup>ill of <sup>C</sup>omplaint in said cause was served on the respondents Ida V. Moore, Voncile Sute and Daniel Gardner on November 23, 1945 and a copy of the summons and Bill of Complaint was served on the respondent, Ida Lou Russell on December 4, 1945.

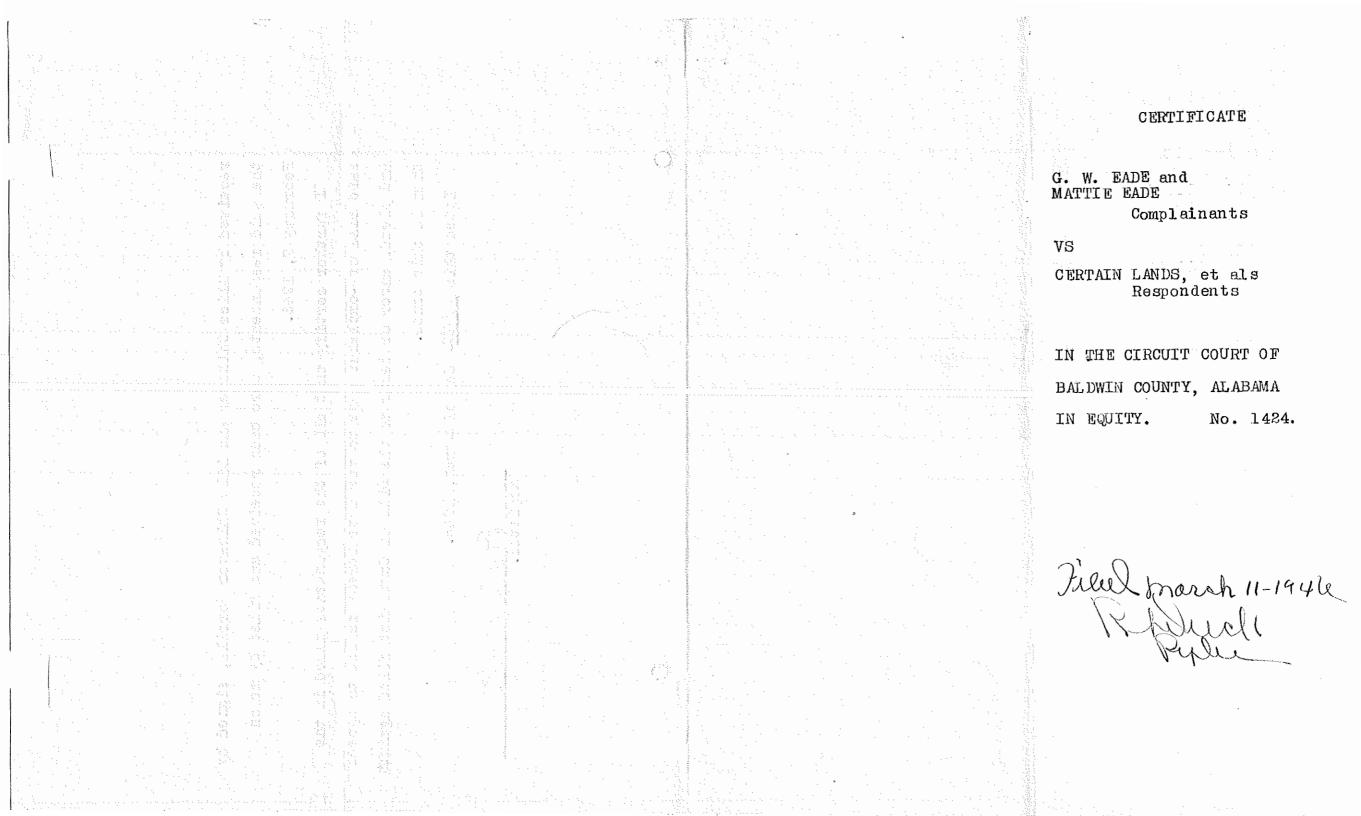
I did on January 31, 1946, mail a copy of the notice of pendency of Bill of Complaint in said cause by registered mail, postage prepaid, marked "For delivery only to person to whom addressed" with return receipt demanded addressed to me as sending officer to the following respondents at the following addresses: Alice Ohlhaver, Aurora, Illinois; Mildred Ohlhaver Stubbs, Aurora, III; Lila Ohlhaver Morrill, Aurara, Illinois and Homer Ohlhaver, Chicago, Illinois. The said registered articles so mailed to Mildred Ohdhaver Stubhs and Homer Ohlhaver were returned undelivered The return receipt for the said registered articles sent to and received by Alice Ohlhaver and Lila Ohlhaver Morrill, signed by the said respondents, were each received and filed by me on February 7, 1946.

I further certify that all of the respondents named in the said Bill of Complaint have to the date hereof failed to appear and plead, anser or demur to the Bill of Complaint filed against them in this cause.

Dated this // the day of March, 1946.

Autorities States and States

Register.



notice of complat

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I hereby certify th.

Was published in said r

Date of 1st publication

 In COUNTY, ALABAMA. IN EQUITY
 Machette: Herbert Macan Bonner, Geo.

 Description
 Notice is hereby given to Rober complaints.
 P. Chapman, Jas. P. Chapman, Kate C

following described Four (4) tracts of land, to-wit: EXCEPTION NO. 1: Start at the Northeast Corner of Southwest Quar-ter of Southwest Quarter of Section 32, Township 6 South, Range 3 East, thence West 4.35 chains thence North 2.73 chains to a stake in the branch, for a beginning corner; Beginning at said stake in the branch, run thence North 5.20 chains, thence North 604 degrees West 20 chains to East bank of Fish River, thence down said river to the mouth of Robinson Branch, thence up said branch with its meanders to the point of beginning, containing 33.93 acres, more or less, lying in Sec-tions 31 and 32 Township 6 South Range 3 East, which lands were conveyed by Nellie Baldwin to H. M. Robertson, by deed dated March Judge of Probate of Baldwin County, Alabama, in Deed Book R at pages 445-7.

Alabama, in Deed Book R at pages Alabama, in Deed Book R at pages 445-7. EXCEPTION NO. 2: Start at the Northeast Corner of the Southwest Quarter of Southwest Quarter of Sec tion 32. Township 6 South Range 3 East, run thence West 4.35 chains, thence North 7.93 chains to the be-sinning corner; Beginning at said corner run North 32.50 chains to a stake in the swamp, thence West 17.07 chains to the East hank of Fish River, thence down said river geathless of 4ts meanders 23.50 chains to a stake, thence South 604 degrees East 20 chains to the place of beginning, containing 54.96 acres, more or less in Sections 61 and 32, Township 6 South Range 3 East. EXCEPTION NO. 3: Four (4) acres, more or less, in the extreme Southwest Corner of the Southwest Quarter of Section 32 Township 6 South, Range 3 East, near Fisb River, heretofore sold by the late Laurent Millandon to one Baker of Baldwin County, Alabama in Deed both. A at pages 470-4. EXCEPTION NO. 4: That certain tract of land conveyed by Lyle G. Eade to J. R. Underwood, by deed

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dated October 20, 1983, recom Deed Book 56 at page 204 of records of the office of the J, of Probate of Baldwin County, A bama, and described as follows: Fr Southeast corner of Southwest Qua-ter of Section 32 Township 6 South Range 3 East, run West 1688 feet and North 144 degrees West 370 feet for point of beginning, thence North 473 degrees East 223 feet, thence North 42 degrees 45 minutes West 100 feet, thence South 473 de-grees West 330 feet, more or less, to East bank of Fish River, thence South 42 degrees 45 minutes East 100 feet thence along East bank of Fish River, thence North 474 de-grees East 93 feet to point of be-ginning, containing three-fourths acres, more or less. Northeast Quarter of Southwest Quarter of Section 32: Southeast Quarter of Section 32: Southeast Guarter of the South West Quarter of Section 32, except the following de-scribed land, to-wit: Start at the Northwest Corner of the Southeast Quarter of Southwest Quarter of Section 32, Township 6 South, Range 3 East, run East 3.05 chains to a stake, thence South 7.48 chains to a stake, for beginning corner, thence East 180 feet, thence West 180 feet to place of beginning, containing 1.34 acres, and being Lots 1, 2 and 3 and North Half of Lot 4 in Block a for the Baldwin Addition to Mar-low, Alabama.

4 of the Baldwin Addition to Mar-low, Alabama.
East Half of Northwest Quarter of Section 32; South Half of Southeast Quarter of Section 32; Northwest Quarter of Southeast Quarter of Sec-tion 32 except a tract 5.25 acres, which said excepted property is de-scribed as follows, to-wit: From the Southwest Corner of the Northwest Quarter of Southeast Quarter of Sec-tion 32. Township 6 South Range 3 East, run North 170 feet to the be-gining corner; thence run North 323 feet to a corner; thence East 707 feet to a corner; thence South 323 feet to a corner; thence West 767 feet to a corner; thence West 767 feet to the beginning corner.
All of the Southeast Quarter of Southwest Quarter of Section 29, ly-ing East of Polecat Creek, which creek is otherwise known as Silver Creek.

Section 32.
All of the Southeast Quarter of Southwest Quarter of Section 29, lying East of Polecat Creek, which creek is otherwise known as Silver Creek.
All of the foregoing lands lying in Township 6 South Range 3 East of St. Stephens Meridian.
Also: South filteen and one-half (153) acres of the tract of land known as "James Laduc Tract" which tract is described as follows: Starting at the half section post on the South boundary line of Section 5 Township 7 South Range 3 East and running North 45.00 chains for a beginning corner: thence West 11.00 chains to a stake, thence North 10.00 chains to a stake, thence South 1000 chains to a stake, thence West 20.00 chains to the point of beginning: and being in the Southwest Quarter of Section 5 Township 7 South Range 3 East of St. Stephens Meridian.
Tad against Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks. Clement Millandon, Benjamin Laurent Millandon, Genévieve Millandon, Ar Tamboury, David Gordon, John Morthe, Alter Malandon, John Morthacs, P. Chapman, Hele DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northarm. Carl A. Krause, Fraifk H. Riddle, Mary E. Riddle, Mary E. Riddle, Morrill. M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Loo Russell, Daniel Gardner, Lorna E. Eade and Lyle G. Eade, and the heirs and derisees of such of the said partles a may be dead, and against any and all persons, firms or corporations claiming any 'itle to the said partles concerning the title to the said partles and all persons, firms or corporations claiming any 'itle to the said partles to a the coupling and the persons firms or corporations claiming any 'itle to the said partles to the review.
The Complainants claim the absolute 'is a simple title in and to all of the said lands or any part thereof, the said lands or any part thereof, the said lands is for the purpose of quiet in the title in and to all of the said lands is for the purpose of quiet in the for the purpose of astablishing the title

Patent, United States of Ameri-ca to Robert Steel, dated March 1, 1855 and recorded in Deed Book 27 at page 270;

Book "W" at page 151, "You Autor Datent, United States o. Autor John Morton. (1) Patient, United States of Area ca to David Gordon, John Morton, Alexander Morton, dated July 10, 1839 and recorded in Deed Book 27 N. S. at page 233;

(8) Quit Claim Deed, William Ohl-haver and Alice Ohlhaver, his wife, Frank H. Riddle and Eleanor M. Riddle, his wife to Garfield Eade, dated October 11, 1928 and Recorded in Deed Book 47 N. S. at pages 101-2.

2;
 (9) Deed, 'Garfield W, Eade and Mattie M, Eade to Lyle G. Eade dated July 1, 1933 and recorded in Deed Book 55 N. S. at page 83;
 (10) Deed, Frank H. Riddle and Eleanor M. Riddle, his wife; Frank H. Riddle, as Trustee for himself, M. E. Gleple, G. W. Eade, Edward Northam, W. A. Ohlhaver, C. A. Krause, Lyle G. Eade and March Riddle, to P. E. Teter, dated March 4, 1938 and recorded in Deed Book 64 N. S. at pages 464-5;
 (11) Deed, P. E. Teter and Sidney

Riddle, to P. E. Teter, dated March.
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(11) Deed, P. E. Teter and Sidney
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(12) Deed, Lyle G. Eade to G. W.
Eade and Mattie Eade dated December 11, 1939 and recorded in Deed Book 71 N. S. at pages 72-3;
(13) Deed, Lorna E. Eade, wife of Lyle G. Eade to G. W. Eade and Mattie Eade dated September 14
1945 which was filed for record on October 8, 1945.
The Complainants, in and by their said Bill of Complaint alledge and aver that they own the said lands in their own right, absolutely and in fee simple, and that they are in the actual, peaceable, continuous and undisputed possession thereof; that they, together with those through whom they claim title to the said lands, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession of the said lands for any part thereof; that no person, firm corporation, other than the Complainants and hose through whom they claim title to, interest in or right to the possession of the said lands or any part thereof; that no person, firm corporation, and that any possession of the said lands or any part thereof are filing of this Bill of Complaint, thad any possession of the said lands and that no person, firm to any part of the said lands or any part of the said lands or any part of the said lands and that no person, firm to any part of the said lands or any part of the said lands or any part therein except S. E. Taylor, Taylor, Lowenstein and Company, Daniel Gardner, R. H. Moore and Ida V. Moore, who have at various times paid taxes on the following described tract of land situated in Baldwin County, Alabama, to-wit:

Date of 2nd publication Date of 3rd publication\_ Date of 4th publication\_ Subscribed and sworn hurch 50 -Ndtary Public, Baldwin County.

(1) Patent, United States of Ameri-(a to Robert Steel, dated March 1, 1855 and recorded in Deed Book 27 at page 270:
(2) Patent, United States of Ameri-ca to John A. Cottrell, dated No-vember 15, 1854, recorded in Deed Book 4 N. S. at pages 151-2;
(3) Patent United States of Ameri-ca to John A. Cottrell, dated March 1, 1859 and recorded in Deed Book 1 N. S. at page 645;
(4) Patent, United States of Ameri-ca to William de Forest Holly and Jacob Baptiste dated January 5, 1841 and recorded in Deed Book 27 N. S at page 112;
(5) Patent, United States of Ameri-ca to William de Forest Holly and Jacob Baptiste dated January 5, 1841 and recorded in Deed Book 27 N. S at pages 111-12;
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JAMES H. FAULKNER EDITOR AND PUBLISHER

BEST NEWSPAPER

#### BAY MINETTE, ALABAMA

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(2) Patent, United States of Ameri-ca to John A. Cottrell, dated No-vember 15, 1854, recorded in Deed Book 4 N. S. at pages 151-2;

(1) Patent. United States of Ameri-ca to Hobert Steel, dated March 1, 1355 and recorded in Deed Hook 27 at page 270;

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**AFFIDAVIT OF PUBLICATION** 

STATE OF ALABAMA, BALDWIN COUNTY.

COUNTY'S-

Fail kner, being duly sworn, deposes and says immil what he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

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COST STATEMENT 2144 96.48 -WORDS @ 42 cents . I hereby certify this is correct, due and unpaid (paid). nnn Publisher. Was published in said newspaper for 4 consecutive weeks in the following issues: Date of 1st publication 194 5 Vol. 56 No. 37 Date of 2nd publication 194 2 Vol. 56 No. 38 C Date of 3rd publication\_ , 194 5 Vol. 56 No. 39 Date of 4th publication 194 5 Vol. 56 No. 40

Subscribed and sworn before the undersigned this 2 day of Nou 194 5

Notary Public, Baldwin County. au ism Publisher.

NOTICE OF PENDENCY OF BILL OF COMPLAINT

G. W. EADE AND MATTIE EADE,

22 2 6 6

1199. G

VS.

Complainants,

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

BOOK 002 PAGE 17

THE LANDS HEREINAFTER DESCRIBED AND ROBERT STEEL, et als,

#### Respondents.

Notice is hereby given to Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks, Clement Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardanne, Edmond Burthe, Emanuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Madeline Millandon, Genevieve Millandon, A. Tamboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette; Herbert Macan Bonner, Geo. P. Chapman, Jas. P. Chapman, Helen DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northam, Carl A. Krause, Frank H. Riddle, Mary E. Riddle, Homer Ohlhaver, Alice Ohlhaver, Mildred Ohlhaver, Stubbs, Lila Ohlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Lou Russell, Daniel Gardner, Lorna E. Eade and Lyle G. Eade, and the heirs and devisees of such of said parties as may be dead and any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 11th day of October, 1945, G. W. Eade and Mattie Eade filed in the Circuit Court of Baldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

All of the Southwest Quarter of Northwest Quarter and West Half of Southwest Quarter, lying East of Fish River, in Section 32, except the following described Four (4) tracts of land, to-wit:

EXCEPTION NO. 1: Start at the Northeast Corner of Southwest Quarter of Southwest Quarter of Section 32, Township 6 South, Range 3 East, thence West 4.35 chains, thence North 2.73 chains to a stake in the branch for a beginning corner; Beginning at said stake in the branch, run thence North 5.20 chains, thence North 60<sup>1</sup>/<sub>1</sub> degrees West 20 chains to East bank of Fish River, thence down said river to the mouth of Robinson Branch, thence up said branch with its meanders to the point of beginning, containing 33.93 acres, more or less, lying in Sections 31 and 32 Township 6 South Range 3 East, which lands were conveyed by Nellie Baldwin to H. M. Robertson, by deed dated March 18, 1892, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book R at pages 445-7. 002 PAGE Start at the Northeast Corner of the Southwest Quarter of Southwest Quarter of Section 32, EXCEPTION NO. 2: Township 6 South Range 5 East, run thence West 4.35 chains, thence North 7.93 chains to the beginning corner; Beginning at said corner run North 32.50 chains to a stake in the swamp, thence West 17.07 chains to the East bank of Fish River, thence down said river regardless of its meanders 23.50 chains to a stake, thence South 604 degrees East 20 chains to the place of beginning, containing 54.96 acres, more or less in Sections 31 and 32, Township 6 South Range 3 East.

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EXCEPTION NO. 3: Four (4) acres, more or less, in the extreme Southwest Corner of the Southwest Quarter of Section 32 Township 6 South, Range 3 East, near Fish River, here-tofore sold by the late Laurent Millandon to one Baker of Baldwin County as excepted from that certain deed from Louis Burthe to D. W. Taylor, recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book M. at pages 470-4.

NO. 4: That certain tract of land conveyed by Lyle G. Eade to J. R. Underwood, by deed dated October recorded in Deed Book 56 at page 204 of the records of EXCEPTION NO. 4: 20, 1933, the office of the Judge of Probate of Baldwin County, Alabama, and described as follows: From Southeast corner of Southwest Quarter of Section 32 Township 6 South, Range 3 East, run West 1688 feet and North 142 degrees West 570 feet for point of be-ginning, thence North 472 degrees East 223 feet, thence North 42 degrees 45 minutes West 100 feet, thence South 472 degrees West 330 feet, more or less, to East bank of Fish River, thence South 42 degrees 45 minutes East 100 feet thence along East bank of Fish River, thence North 474 degrees East 93 feet to point of beginning, containing 3/4 acres, more or less.

Northeast Quarter of Southwest Quarter of Section 32; Southeast Quarter of Southwest Quarter of Section 32, except the following described land, to-wit: Start at the Northwest Corner of the Southeast Quarter of the Southwest Quarter of Section 32. Town-snip 6 South, Range 3 East, run East 3.05 chains to a stake, thence South 7.48 chains to a stake, for beginning corner, thence South 323.75 feet to a stake, thence East 180 feet, thence North 323.75 feet to a stake, thence West 180 feet to place of beginning, containing 1.34 acres, and being Lots 1, 2 and 3 and North Half of Lot 4 in Block 4 of the Baldwin Addition to Marlow Alabema Addition to Marlow, Alabama.

East Half of Northwest Quarter of Section 32; South Half of Southeast Quarter of Section 32; Northwest Quarter of Southeast Quarter of Section 32 except a tract 5.25 acres, which said excepted property is described as follows, to-wit: From the Southwest Corner of the Northwest Quarter of Southeast Quarter of Section 32, Township 6 South Range 3 East, run North 170 feet to the beginning corner; thence run North 323 feet to a corner; thence East 707 feet to a corner; thence South 323 feet to a corner; thence West 707 feet to the beginning corner.

East Half of Northeast Quarter of Section 32.

All of the Southeast Quarter of Southwest Quarter of Section 29, lying East of Polecat Creek, which creek is otherwise known as Silver Creek.

All of the foregoing lands lying in Township 6 South Range 3 East of St. Stephens Meridian.

South fifteen and one-half  $(15\frac{1}{2})$  acres of the tract of Also: land known as "James Laduc Tract" which tract is described as follows: Starting at the half section post on the South boundary line of Section 5, Township 7 South Range 3 East and running North 45.00 chains for a beginning corner; thence West 11.00 chains to a public road; thence North 10.00 chains to a stake, thence East 31.00 chains to a stake, thence South 10.00 chains to a stake; thence West 20.00 chains to the point of beginning; and being in the Southwest Quarter of the Northeast Quarter and Southeast Quarter of Northwest Quarter of Section 5 Township 7 South, Range 3 East of St. Stephens Meridian, BOOK

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and against Robert Steel, John A. Cottrell, James M. Dannelly, John W. Hicks, Clement Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardanne, Edmond Burthe, Emanuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Madeline Millandon, Genevieve Millandon, A. Tamboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette, Herbert Macan Bonner, George P. Chapman, Jas. P. Chapman, Helen DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northam, Carl A. Krause, Frank H. Riddle, Mary E. Riddle, Homer Ohlhaver, Alice Ohlhaver, Mildred Ohlhaver Stubbs, Lila Ohlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Lou Russell, Daniel Gardner, Lorna E. Eade and Lyle G. Eade, and the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the Complainants to all of the said lands; for the purpose of quieting their title thereto and to clear up all doubts and disputes concerning the title to the said property.

The Compleinants claim the absolute fee simple title in and to all of the said lands under, from, by and through the following conveyances, all of which are recorded in the office of the Probate Judge of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

- (1) Patent, United States of America to Robert Steel, dated March 1, 1855 and recorded in Deed Book 27 at page 270;
- (2) Patent, United States of America to John A. Cottrell, dated November 15, 1854, recorded in Deed Book 4 N. S. at pages 151-2;
- (3) Patent, United States of America to John A. Cottrell, dated March 1, 1859 and recorded in Deed Book 1 N. S. at page 645;
- (4) Patent, United States of America to William de Forest Holly and Jacob Baptiste, dated January 5, 1841 and recorded in Deed Book 27 N. S. at page 112;

(5) Patent, United States of America to William de Forest Holly and Jacob Baptiste dated January 5, 1841 and recorded in Deed Book 27 N. S. at pages 111-12;

-4-

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- (6) Patent, United States of America to George M. Bonner dated August 1, 1854 and recorded in Deed Book "W" at page 151;
- (7) Patent, United States of America to David Gordon, John Morton and Alexander Morton, dated July 10, 1839 and recorded in Deed Book 27 N. S. at page 283;
- (8) Quit Claim Deed, William Ohlhaver and Alice Ohlhaver, his wife, Frank H. Riddle and Eleanor M. Riddle, his wife to Garfield Eade, dated October 11, 1928 and Recorded in Deed Book 47 N. S. at pages 101-2;
- (9) Deed, Garfield W. Eade and Mattie M. Eade to Lyle G. Eade dated July 1, 1933 and recorded in Deed Book 55 N. S. at page 83;
- (10) Deed, Frank H. Riddle and Eleanor M. Riddle, his wife; Frank H. Riddle, as Trustee for himself, M. E. Gieple, G. W. Eade, Edward Northam, W. A. Ohlhaver, C. A. Krause, Lyle G. Eade and Mary E. Riddle, to P. E. Teter, dated March 4, 1938 and recorded in Deed Book 64 N. S. at pages 464-5;
- (11) Deed, P. E. Teter and Sidney P. Teter, his wife, to Lyle G. Eade, dated March 30, 1938 and recorded in Deed Book 65 N. S. pages 143-4;
- (12) Deed, Lyle G. Eade to G. W. Eade and Mattie Eade dated December 11, 1939 and recorded in Deed Book 71 N. S. at pages 72-3;
- (13) Deed, Lorna E. Eade, wife of Lyle G. Eade to G. W. Eade and Mattie Eade dated September 14, 1945 which was filed for record on October 8, 1945.

The Complainants, in and by their said Bill of Complaint alledge and aver that they own the said lands in their own right, absolutely and in fee simple, and that they are in the actual, peaceable possession thereof; that they, together with those through whom they claim title to the said lands, have held color of title thereto and have been in the actual, peaceable, continuous and undisputed possession thereof for more than ten years next preceding the filing of the said Bill of Complaint, during all of which time they have paid taxes thereon; that no suit is pending to test Complainants' title to, interest in or right to the possession of the said lands or any part thereof; that no person, firm or corporation, other than the Complainants and those through whom they claim title, have at anytime within ten years next preceding the filing of this Bill of Complaint, had any possession of the said lands

# BODK 002 PAGE 21

and that no person, firm or corporation has within ten years paid any taxes thereon or made any claim to any part of the said lands or any interest therein except S. E. Taylor, Taylor, Lowenstein and Company, Daniel Gardner, R. H. Moore and Ida <sup>V</sup>. Moore, who have at various times paid taxes on the following described tract of land situated in Baldwin County, Alabama, to-wit:

-5-

Beginning at the Northwest Corner of the Northwest Quarter of Northeast Quarter of Section 32, Township 6 South Range 3 East, and run thence South 6 chains; thence West 4 chains; thence North 6 chains; thence East 4 chains to beginning.

The above named parties and any and all persons, firms or Corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, must appear in this Court and plead, answer or demur to the said Bill of Complaint before December 11, 1945, or on the said date decrees pro confesso will be taken against them.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama in Equity and affixed the seal of the said Court on this the lith day of October, 1945.

Mortgage Tax

QK Duck

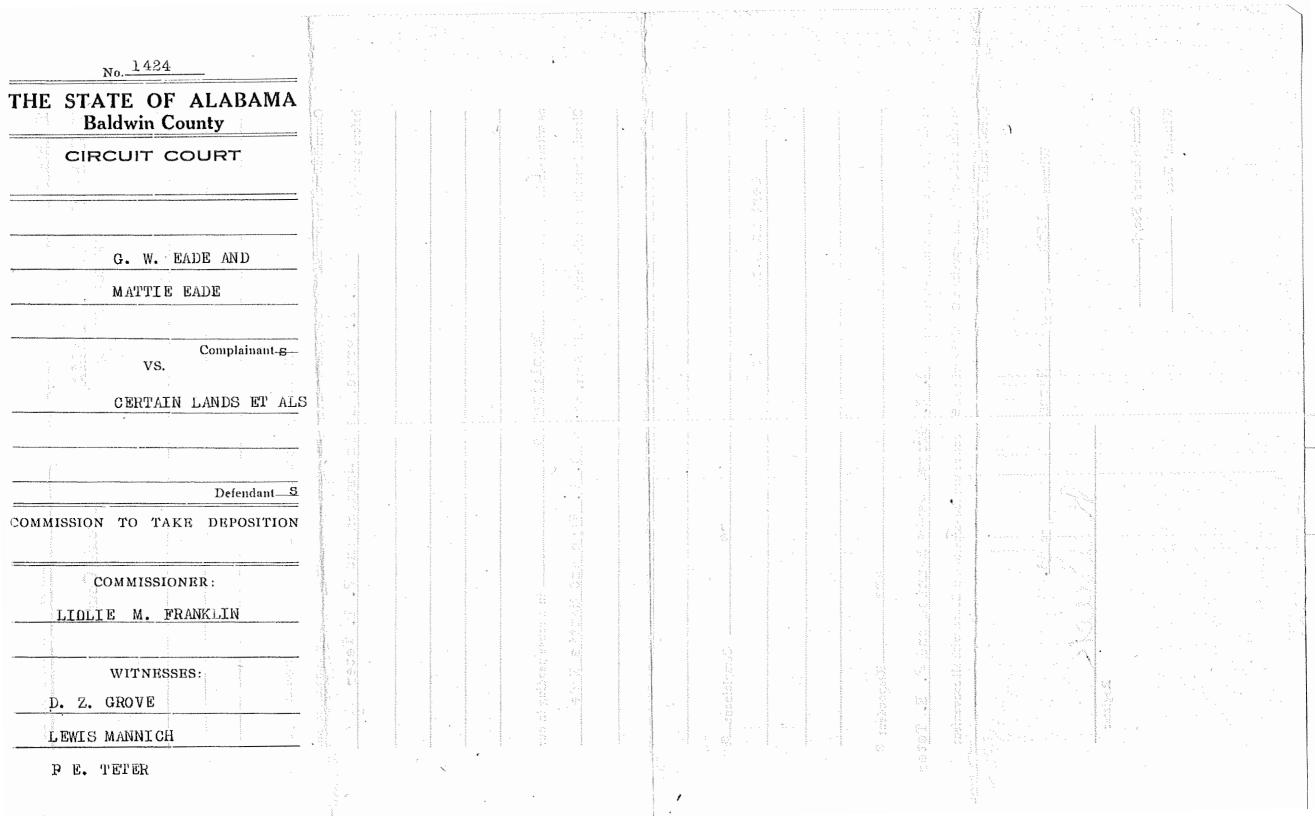
Register of the Circuit Court of Baldwin County, Alabama in Equity. STATE OF ALABAMA, BALDWIN COUNTY

Judge of Probate

J. B. Blackburn Solicitor for Complainants

10 am N. 1-194. Recorded Lis Gend book 2 page 17-21 and I certify that the following Privilege Tax has been paid. Deed lax ...

COMMISSION TO TAKE DEPOSITIONS Moore Printing Co., Bay Minette, Ala THE STATE OF ALABAMA, ) Circuit Court BALDWIN COUNTY LILLIE M. FRANKLIN То KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine D. Z. Grove, Lewis Mannich and P. E. Teter as witnesses in behalf of <u>Complainants</u> \_\_\_\_\_ in a cause pending in our Circuit Court in Baldwin County, of said State, wherein G. W. Eade and Mattie Eade are \_\_\_\_\_ Complainant\_\_S Certain Lands et als and are ------Respondent S on oath, to be by you administered, upon D. Z. Grove, Lewis Mannich and P. E. Teter to take and certify the deposition S of the witness@S and return the same to our Court, with all convenient speed, under your hand. Witness 15th day of March 19 reck Register Commissioner's Fee, \$\_\_\_\_ Witness' Fees, \$ \_\_\_\_\_



AWA GALLY ويتلغون معجم ترميع Herrongente Twide, fil vite lompi almantr Participants of the second sec DI BOUNT WEN G. W. EADE AND MATTIE 20 EADE. IN THE CIRCUIT COURT OF Complainants, BALDWIN COUNTY, ALABAMA. vs. CERTAIN LANDS AND ROBERT IN EQUITY. STEEL, et als. Respondents. DISCLAIMER Now comes Lyle G. Eade and Lorna E. Eade and each disclaim any interest in all of the lands involved in this proceeding, all interest therein and all liens or encumbrances thereon and each consent and agree that a commissioner be appointed, testimony taken and this cause submitted for final decree and that a final decree be rendered quieting complainants' title to all of the property involved in the said proceeding. Tecember 1945. Dated this 5 th. day of (SEAL) (SEAL) STATE OF CALIFORNIA LOS ANGELES COUNTY I, Burne, a Notary Public, within and for said County in said State, hereby certify that Lyle G. Eade, whose name is signed to the foregoing instrument, and who is known , a Notary Public, within to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date. Given under my hand and official seal on this the 5th Hovenber, 1945. day of DECEMBER\_ My Commission Expires May 11, 1948. NOTABY PUBLIC mB In and for the County of Los Angeles, State of Wath nor. Notary Public, County, California Affix Seal. STATE OF CALIFORNIA ha ha Le COUNTY 6.L. BIELBAUER I, <u>ELEVERUSE</u>, a Notary Public, within and for said County in said State, hereby certify that Lorna E. Eade whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date. Given under my hand and official seal on this the 6 November, 1945. day of Notary Public. County, California affix Seal

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G. W. EADE AND MATTIE EADE Complainants VS

IN THE CIRCUIT COURT OR BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.

Solicitor for Complainants

CERTAIN LANDS ET ALS Respondents

DEMAND FOR ORAL EXAMINATION OF WITNESSES TO R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

You are hereby notified that the Complainants will require and therefore demand an oral examination of the following witnesses: D. Z. Grove, Lewis Mannich and P. E. Teter.

The examination of the said witnesses to be taken before the commissioner to be appointed by this Court at <u>7.00</u> *a.M.* oclick on the <u>15</u> day of March, 1946 at Bay Minette, Alabama. Lillie M. Franklin is hereby suggested as a commissioner to take the testimony of said witnesses.

Dated this the // the day of March, 1946.

STATE OF ALABAMA () BALDWIN COUNTY

Decrees Pro Confesso having been lawfully rendered against all of the respondents named in this suit, it is ordered that the three days notice required by Equity Rule No. 55 be given to said parties for three days by notice spread on the order book of the Register.

Dated this 11th day of March, 1946.

Service accepted this 11th day of March, 1946.

J. J. Manuel A. A. Guardian Ad Litem and Special Attorney.

		DEMAND FOR ORAL EXAMINATION OF WITNESSES
		G. W. EADE AND MATTIE EADE Complainants
		VS CERTAIN LANDS ET ALS Respondents
		IN THE CIRCUIT COURT OF
		BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1424.
		Filed March II, 1944
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G. W. EADE AND MATTIE EADE Complainants

#### IN THE CIRCUIT COURT OF

### BALDWIN COUNTY, ALABAMA

No. 1424.

CERTAIN LANDS ET ALS Respondents

#### NOTE OF TESTIMONY

This cause is submitted for Final Decree on behalf

IN EQUITY.

of the Complainants upon the following:

VS

- Original Bill of Complaint. 1.
- Notice of Pendency of Billiof Complaint. 2.
- З. Proof of Publication of Notice of Pendency of Bill of Complaint.
- Register's certificate as to service. Motion for Decrees Pro Confesso. 4.
- 5.
- 6. Decrees Pro Confesso.
- 7. Disclaimer of Lyle G. Eade and Lorna E. Eade.
- 8. Motion for Appointment of guardian ad litem and special attorney.
- Order appointing guardian ad litem and special 9. attorney.
- Notice of appointment, acceptance and answer of guardian ad litem and special attorney. Requirement for oral examintion of witnesses. Oral deposition of P. E. Teter, taken before 10.
- 11.
- 12.
  - Lillie M. Franklin as Commissioner, together with Exhibits 1-13 both inclusive, to deposition
- of said witness.
- 13. Oral deposition of D. Z. Grove taken before Lillie M. Franklin as Commissioner.

Register

Sølicitor

for

Complainants.

14. Oral deposition of Lewis Mannich, taken before Lillie M. Franklin as Commissioner.

Dated this the 13 day of March, 1946.

### NOTE OF TESTIMONY

G. W. EADE AND G. W. EADE MATTIE EADE Complainants

### VS

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# CERTAIN LANDS ET ALS Respondents

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

## IN EQUITY. No. 1424.

NOTICE OF PENDENCY OF BILL OF COMPLAINT O. W. HADE AND MATTIE HADE, Compleinants, VS. THE LANDE REPENDATTER DESCRIPED IN MODITY.

Respondents.

AND ROBERT STEEL, ot als,

Notice is hereby given to Hobert Steel, John A. Cottrell, Jenes M. Dennelly, John W. Micks, Clament Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Cesimir Gerdame, Edmond Burthe, Menuel Burthe, F. George Burthe, Andre Burthe, Marguerette Butler, Lizzie Millandon, Mrs. Adolph Temboury, Medeline Millandon, Genevieve Millandon, A. Temboury, Devid Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machotta; Herbert Macan Bonner, Goo. P. Chapman, Jas. P. Chapman, Helen Dewitt, Clara Chapman, Lats Chapman, H. S. Derby, Meard D. Horthan, Carl A. Krause, Frank H. Riddle, Mary E. Middle, Homer Ohlhever, Alice Ohlhever, Milared Ohlhever, Studie, Lile Ohlhever Formill, M. E. Cieple. Ida V. Mome, Voncile Sute, Ida Lou Aussell, Deniel Gardner, Lorma R. Rade and Lyle C. Sade, and the heirs and devisees of such of said parties as may be dead and any and all persons, firms or corporations claiming any title to, interest in, lies or encumbrance on the lands hereinsfter described, that on the lith duy of October, 1945, G. W. Made and Mattie Rade filed in the Circuit Court of Beldwin County, Alabama, Equity Side, a verified Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-witt

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All of the Southwest Querter of Northwest Querter and West Half of Southwest Quarter, lying East of Mish River, in Section 32, except the following described Four (4) tracts of land, to-wit:

AXCEPTION NO. 1: Start at the Northeast Corner of Southwest Guarter of Southwest Quarter of Section 32, Township 6 South, Range 5 Lest, thence West 4.35 chains, thence North 2.73 chains to a stake in the branch for a beginning corner; Beginning at said stake in the branch, run thence North 5.30 chains, thence North 60; degrees West 20 chains to East bank of Fish River, thence down said river to the mouth of Nobinson Branch, thence up said branch with its meanders to the point of beginning, containing 33.93 acres, more or less, lying in Sections 51 and 52 Township 6 South Range 3 Last, which lands were conveyed by Wellie Baldwin to H. M. Robertson, by deed dated Barch 18, 1892, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book R at pages 445-7. EXCEPTION NO. 2: Start at the Hortheast Corner of the Southwest Quarter of Conthwest Quarter of Section 32, Township 6 South Renge 3 East, run thence West 4.35 chains, thence North 7.93 chains to the beginning corner; Seginning at said corner run North 32.50 chains to a stake in the swamp, thence West 17.07 chains to the East bank of Fish River, thence down said river regardless of its meanders 23.50 chains to a stake, thence South 60; degrees East 23 chains to the place of beginning, containing 54.90 acres, more or less in Sections 21 and 32, Township 6 South Range 3 Bast.

EXCEPTION NO. 3: Four (4) scres, more or less, in the extreme Southwest Corner of the Southwest Quarter of Section 32 Township 5 South, Range 3 East, near Fish Hiver, heretofore sold by the late Lewrent Millendom to one Baker of Baldwin County as excepted from that certain deed from Louis Eurthe to D. . Taylor, recorded in the office of the Judge of Probate of Baldwin County, Alabama in Baed Book M. at pages 470-4.

EXCEPTION NO. 4: That certain tract of land conveyed by Lyle G. Ende to J. R. Underwood, by deed dated October 20, 1933, recorded in Deed Book 36 at page 204 of the records of the office of the Judge of Probate of Baldwin County, Alabema, and described as follows: From Southeast corner of Southwest Quarter of Section 32 Township 6 South, Range 3 Bast, run West 1688 feet and North 14% degrees East 270 feet for point of beginning, thence North 47% degrees East 288 feet, thence North 42 degrees 45 minutes West 100 feet, thence South 47% degrees Nest 320 feet, more or less, to East bank of Fish River, thence South 42 degrees 45 minutes East 100 feet thence slong fust bank of Fish River, thence North 47% degrees East 93 feet to point of beginning, containing 5/4 acres, more or less.

Northeast Quarter of Southwest Quarter of Section 32; Southeast Quarter of Southwest Quarter of Section 32, except the following described land, to-wit: Start at the Northwest Corner of the Southwest Quarter of the Southwest Quarter of Section 32, Townwhip & South, Nanger that, Whithet 3.05 shifts to a State, thence South 7.48 chains to a stake, for beginning corner, thence South 523.75 feet to a stake, thence Sect 180 feet, thence Worth 525.75 feet to a stake, thence West 180 feet, thence of beginning, containing 1.34 acres, and being Lots 1, 2 and 3 and North Half of Lot 4 in Block 4 of the Beldwin Addition to Marlow, Alabama.

Rest Half of Northwest Quarter of Section 32; South Half of Southeast Quarter of Section 32; Northwest Quarter of Southeast Quarter of Section 32 except a tract 5.25 scree, which said excepted property is described as follows, to-wit: From the Southwest Corner of the Northwest Quarter of Southeast Quarter of Section 32, Township 6 South Range 5 East, run North 170 feet to the beginning corner, thence run North 585 feet to a corner; thence East 707 feet to a corner; thence South 523 feet to a corner; thence West 707 feet to the beginning corner.

Last Half of Northeast Quarter of Section 32.

All of the Southeast Guarter of Southwest Guarter of Section 29, lying East of Polecat Greek, which creek is otherwise known as Silver Greek.

All of the foregoing lands lying in Township 6 South Renge 3 Rest of St. Stophens Meridian.

Also: South fifteen and one-balf (15%) acres of the tract of land known as "Venes Ladue Tract" which tract is described as follows: Starting at the half section post on the South boundary line of Section 5, Township 7 South Bange 3 East and running North 45.00 chains for a beginning corner; thence West

11.00 chains to a public road; thence North 10.00 chains to a stake, thence East 51.00 chains to a stake, thence South 10.00 chains to a stake; thence West 20.00 chains to the point of beginning; and being in the Southwest Quarter of the Northeast Quarter and Southeast Quarter of Northwest Quarter of Section 5 Township 7 South, Range 5 East of St. Stephens Meridian,

and against Robert Steel, John A. Pottrell, James M. Dannelly, John W. Hicks, Clement Millandon, Benjamin Laurent Millandon, Henrietta Millandon, Casimir Gardenne, Edmond Burthe, Examuel Burthe, T. George Burthe, Andre Burthe. Marguerette Butler, Lizzie Millandon, Mrs. Adolph Tamboury, Medeline Millandon, Genevieve Millendon, A. Temboury, David Gordon, John Morton, Alexander Morton, George M. Bonner, Lillie Bonner Machette, Herbert Macan Bonner, George P. Chapman, Jas. P. Chapman, Helen DeWitt, Clara Chapman, Kate Chapman, H. S. Derby, Edward D. Northam, Carl A. Krause, Frank H. Riddle, Mary E. Riddle, Homer Ohlhaver, Alice Ohlhaver, Mildred Ohlhaver Stubbs, Lila Ohlhaver Morrill, M. E. Gieple, Ida V. Moore, Voncile Sute, Ida Lou Russell, Daniel Gardner, Lorna E. Bade and Lyle G. Eade, and the heirs and devisees of such of the said parties as may be dead, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, the said Bill of Complaint having been filed for the purpose of establishing the title of the Complainants to all of the said lands; for the purpose of quieting their title thereto and to clear up all doubts and disputes concerning the title to the said property.

The Complainants claim the absolute fee simple title in and to all of the said lands under, from, by and through the following conveyances, all of which are recorded in the office of the Probate Judge of Baldwin County, Alabama, the county where the said lands are situated, to-wit:

- Patent, United States of America to Robert Steel, dated March 1, 1855 and recorded in Deed Book 27 at page 270;
- (2) Patent, United States of America to John A. Cottrell, dated November 15, 1854, recorded in Deed Book 4 N. S. at pages 151-2;
- (3) Patent, United States of America to John A. Cottrell, dated March 1, 1859 and recorded in Deed Book 1 N. S. at page 645;

(4)

Patent, United States of America to William de Forest Holly and Jacob Baptiste, dated January 5, 1841 and recorded in Deed Book 27 N. S. at page 112;

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(5) Patent, United States of America to William de Porest Holly and Jacob Baptiste dated January 5, 1941 and recorded in Deed Book 27 N. S. at pages 111-12;

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(6) Patent, United States of America to Seorge M. Benner dated August 1, 1854 and recorded in Deed Book "W" at page 151;

(7) Patent, United States of America to David Gordon, John Morton and Alexander Morton, dated July 10, 1839 and recorded in Deed Book 27 H. S. at page 283;

Quit Claim Deed, Millims Ohlhaver and Alice Ghlhaver, his wife, Frank S. Middle and Alexnor M. Middle, his wife to Garfield Eads, dated October 11, 1928 and Recorded in Deed Book 47 N. S. at pages 101-2;

(9) Doed, Carfield N. Lade and Mattie M. Lade to Lyle G. Bade dated July 1, 1983 and recorded in Deed Book 55 N. 3. at page 85;

Deed, Frank H. Riddle and Meanor M. Middle, his wife; Frank H. Middle, as Trustee for himself, M. S. Gieple, G. W. Bade, Edward Northam, H. A. Ohlhaver, C. A. Mrause, Lyle G. Made and Mary R. Middle, to P. R. Teter, dated March 4, 1938 and recorded in Deed Book 64 N. D. at pages 454-5;

(11) Deed, P. E. <sup>2</sup>eter and Eldney F. Teter, his wife, to Lyle G. Sade, dated March 30, 1938 and recorded in Deed Book 65 M. S. pages 145-4;

(12) Need, Lyle G. Zadle to G. T. Lade and Mattic Zade dated December 11, 1939 and recorded in Doed Book 71 N. S. at pages 72-3;

(13) Deed, Lorma E. Lade, wife of Lyle G. Eade to G. W. Eade and Mattie Ende dated September 14, 1945 which was filed for record on October 5, 1945.

The Compleinants, in and by their sold Hill of Compleint elledge and ever that they own the sold lands in their own right, absolutely and in fee simple, and that they are in the actual, peaceable possession thereof; that they, together with those through whom they claim title to the sold lands, have held color of title thereto and have been in the soluel, peaceable, continuous and undisputed possession thereof for more than ten years next preceding the filing of the sold whill of Compleint, during all of which time they have paid taxes thereon; that no suit is pending to test Compleinents' title to, interest in or right to the possession of the sold lands or any part thereof; that no person, firm or corporation, other than the Compleinents and those through whom they claim title, have at emptime within ten years next preceding the filing of this Hill of Compleint, had any possession of the sold lands and that no person, firm or corporation has within ten years paid any taxes thereon or made any claim to any part of the said lands or any interest therein except S. E. Taylor, Taylor, Lowenstein and Company, Daniel Gardner, R. H. Moore and Ida V. Moore, who have at various times paid taxes on the following described tract of land situated in Baldwin County, Alabama, to-wit:

in Shee

Beginning at the Northwest Corner of the Northwest Quarter of Northeast Quarter of Section 32, Township 6 South Range 3 East, and run thence South 6 chains; thence Most 4 chains; thence North 6 chains; thence Isst 4 chains to beginning.

The above named parties and any and all persons, firms or Corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, must appear in this Court and plead, answer or demur to the said Hill of Compleint before December 11, 1945, or on the said date decrees pro confesso will be taken against them. IN WITNESS WHEREOF, I have heremnto set my hand as Register

of the Circuit Court of Baldwin County, Alabama in Squity and effixed the seal of the said Court on this the 11th day of October, 1945.

> R. S. Duck Register of the Circuit Court of Baldvin County, Alabama in Equity.

J. B. Blackburn Solicitor for Compleinents

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