

868

EMMA R. ELLIS,

Complainant,

-vs-

LUVERNE E. ELLIS, LOUIS S.  
ELLIS, VARL REA ELLIS AND  
GLENN E. ELLIS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY No. 868

This cause duly coming on to be heard on the 12<sup>th</sup> day of March, 1930, on the bill of complaint, and upon the decree pro confesso heretofore taken against the respondents, viz, Luverne E. Ellis, Louis S. Ellis, Varl Rea Ellis and Glenn E. Ellis, and also upon the testimony as noted by the Register; and said cause being at issue and ready for submission, and having been submitted at the request of the complainant, and the court having considered the cause and having understood it; and it appearing to the court that L. E. Ellis intended to convey to the said Emma R. Ellis the following described lot or parcel of land situated in Baldwin County, Alabama, and more particularly described as follows, viz: Beginning at the Northeast corner of the intersection of Bay View Avenue and Magnolia Avenue, according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321 in the records of the Probate Court of Baldwin County, Alabama, running thence North on the East side of Bay View Avenue 499.2 feet for a point of beginning, thence East 240 feet, thence North 142 feet and four inches, thence West 75 feet, thence South 2 degrees 15 minutes West 75.2 feet, thence West 162 feet, thence South 71.6 feet to the beginning point, said lands lying in Section 19, Township 6 South of Range 2 East; but that said land through a mistake of the scrivener, Minnie E. Grimm, was erroneously described as follows, viz: Beginning at the Northeast corner at the intersection of Bay View Avenue and Magnolia Avenue according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321, running north on the East side of Bay

View Avenue 449 feet and six inches for a point of beginning, thence East 240 feet, thence North 145 feet and four inches, thence West 75 feet, thence South 2 degrees 15 Minutes West 73.2 feet, thence West 162 feet, thence South 71 feet and six inches to the point of beginning, said lands lying in Section 18, Township 6 South, Range 2 East; and it further appearing to the Court that L. E. Ellis is dead and that the said Laverne K. Ellis, Louis S. Ellis, Verl Ron Ellis and Glenn K. Ellis are the only heirs of the said L. E. Ellis, and that service has been duly had by publication upon all of the respondents in this cause; and it further appearing to the Court that the Complainant is entitled to relief;

It is now ordered, adjudged and decreed that said deed from L. E. Ellis to Emma R. Ellis dated the 25th day of June, 1921, recorded in Deed Book 31 N.S. page 544 of the Probate Records of Baldwin County, be reformed so that the same shall read as follows, viz:

This deed made the 25th day of June, 1921, between L. E. Ellis, of the first part, and Emma R. Ellis, of the second part, Witnesseth that the party of the first part in consideration of One Dollar and other valuable considerations to him in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell, convey and deliver unto the said party of the second part, her heirs and assigns forever, all that real property in Baldwin County, Alabama, more particularly described as follows, viz: Beginning at the Northeast corner of the intersection of Bay View Avenue and Magnolia Avenue, according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 220-221 in the records of the Probate Court of Baldwin County, Alabama, running thence north on the East side of Bay View Avenue 499.2 feet for a point of beginning, thence East 240 feet, thence North 142 feet and four inches, thence West 75 feet, thence South 2 degrees 15 Minutes West 73.2 feet, thence West 162 feet, thence South 71.6 feet to the beginning point, said lands lying in Section 18, Township 6 South, Range 2 East.

Together with all the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Emma R. Ellis, her heirs and assigns forever.

And the said L. E. Ellis does covenant with the said Emma R. Ellis that he will defend her title to said lands against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the said L. E. Ellis has hereunto set his hand and seal on the day and year hereinabove written.

L. E. ELLIS (Seal)

STATE OF IOWA.

Marshall County.

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

Given under my hand and seal this 25th day of June, 1921.

MINNIE E. GRIMM (Seal)

It is further ordered, adjudged and decreed that said deed as reformed shall have the same force and effect as though it had been executed by the said L. E. Ellis upon said 25th day of June, 1921.

It is further ordered, adjudged and decreed that the Register of this Court shall cause a certified copy of this decree to be recorded in the office of the Probate Judge of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that the costs of this cause shall be taxed against the complainant, for which let execution issue.

Ordered, adjudged and decreed this 12<sup>th</sup> day of  
March, 1930

F. W. Hare

Judge of the Twenty-first Judicial  
Circuit of Alabama.

STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

I, T. W. Richerson, Register of said Circuit Court  
of said County, Alabama, do hereby certify that the above is  
a fully, true and correct copy of the decree rendered by said  
Court on the 12th day of March, 1930 ,  
in the cause of \_\_\_\_\_

Emma R. Ellis, Complainant  
Luverne K Ellis, Louis S. Ellis, Verl Rea Ellis And  
Glenn E. Ellis Defendants.  
as appears of record in said Court.

Witness my hand and the seal of said Court, this  
the 14th day of March, 1930.

T. W. Richerson  
Register.

CERTIFIED COPY OF DECREE,

Emma R. Ellis

Complainant,

-VS-

Luverne K. Ellis, ET AL ✓

Defendants.

3-12-30.

Filed March 14th, 1930.

T. W. Richerson

Register.

THE STATE OF ALABAMA }  
BALDWIN COUNTY }

PROBATE COURT

Filed in office this 14 day of Mar 1930

and duly recorded in Book No. 47

pages 570-571; and I certify that the

license or privilege tax, paid as required by an Act of

the Legislature, approved September 12, 1928, and

the license or privilege tax, paid as re-

quired by an Act of the Legislature, approved August

20, 1929.

T. W. Richerson

Judge of Probate.

T. W. Richerson

Attest per hco

3/14/30  
10 am

The State of Alabama,  
Baldwin County.

Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Luverne K. Ellis, and Glenn E. Ellis, 4228 4th Street, North Des Moines, Iowa,

of ~~the County of~~ to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Emma R. Ellis,

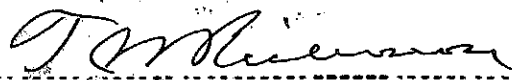
against said

, Luverne K. Ellis and Glenn E. Ellis et als,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 28th

October 1929.

 Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

*Original*

SERVE ON

Circuit Court of Baldwin County  
In Equity.

No.

SUMMONS

*Emma K. Ellis*

vs.

*Lurine K. Ellis*

*James F. Hogan*  
Solicitor for Complainant

Recorded in Vol. Page

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this  
day of 192

Sheriff.

Executed this day of  
192  
by leaving a copy of the within Summons with

Defendant.

Sheriff.

By  
Deputy Sheriff.

*Copy of Summons  
Copy of Bill  
Registered  
Lurine K. Ellis  
vs Emma K. Ellis  
4228 4th St  
North Birmingham  
Ala*

TO THE HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN CHANCERY

Comes now your complainant, Emma R. Ellis, and shows unto your Honor that she is over the age of twenty-one years, and is a resident of Baldwin County, Alabama, and exhibits this her bill of complaint against Luverne K. Ellis, who resides at 4228 - 4th street, North Des Moines, Iowa, Verl Rea Ellis, whose address is unknown to your complainant, Louis S. Ellis, whose address is unknown to your complainant, and Glenn E. Ellis, whose address is 4228 - 4th Street, North Des Moines, Iowa; all of whom are over the age of twenty-one years, respectfully showing as follows, viz:

1. That L. E. Ellis executed a deed upon to wit, the 25th day of June, 1921, for One Dollar and other valuable considerations, conveying to your complainant, the said Emma R. Ellis, certain real property in Baldwin County, Alabama, more particularly described as follows: Beginning at the northeast corner at the intersection of Bay View Avenue and Magnolia Avenue according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321, running north on the east side of Bay View Avenue 449 feet and six inches for a point of beginning, thence east 240 feet, thence north 145 feet and four inches, thence west 75 feet, thence south 2 degrees 15 minutes west 73.2 feet, thence west 162 feet, thence south 71 feet and six inches to the point of beginning, said lands lying in section 18, Township 6 South, Range 2 East.

2. Your complainant further says that the said L. E. Ellis intended to convey to this complainant by said deed the following tract of land situated in Baldwin County, Alabama, more particularly described as follows: Beginning at the northeast corner of the intersection of Bay View Avenue and Magnolia Avenue, according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321 in the records of the Probate Court of Baldwin County, Alabama, running thence north on the east side of Bay View Avenue 499.2 feet for a point of

beginning, thence east 240 feet, thence north 142 feet and four inches, thence west 75 feet, thence south 2 degrees 15 minutes west 73.2 feet, thence west 162 feet, thence south 71.6 feet to the beginning point, said lands lying in section 18, Township 6 South of Range 2 East, but that by a mistake of the scrivener the beginning point was described in said deed as being 449 1/2 feet, running north on the east side of Bay View Avenue, from the northeast corner at the intersection of Bay View Avenue and Magnolia Avenue, instead of beginning 499.2 feet running north on the east side of Bay View Avenue, from the northeast corner of the intersection of Bay View Avenue and Magnolia Avenue; and the second course is described as "thence north 145 feet and four inches instead of 142 feet and four inches."

3. Your complainant further says that the said L. E. Ellis died subsequent to the execution of said deed, and that the said Luverne K. Ellis, Louis S. Ellis, Glenn E. Ellis and Verl Rea Ellis are the only heirs at law of the said L. E. Ellis, being his children, and that your complainant was the wife of the said L. E. Ellis at the time of his death.

4. Your complainant further says that the said Luverne K. Ellis, Louis S. Ellis, Glenn E. Ellis and Verl Rea Ellis are all non residents of the State of Alabama; that the address of the said Luverne K. Ellis is 4228 - 4th Street, North Des Moines, Iowa, that the address of the said Glenn E. Ellis is 4228 - 4th Street, North Des Moines, Iowa, and that the addresses of the said Louis S. Ellis and Verl Rea Ellis are unknown to your complainant; that she has made diligent effort to ascertain the same; that she has caused letters to be written to the said Luverne K. Ellis enquiring for the addresses of the said Louis S. Ellis and Verl Rea Ellis, but that he wholly failed to reply to said letters; that the said Luverne K. Ellis, Louis S. Ellis, Glenn E. Ellis and Verl Rea Ellis are not children of your complainant, and that they do not correspond with your complainant; that she is informed and believes and upon such information and belief avers that the said Louis S. Ellis and Verl Rea Ellis are non-residents.

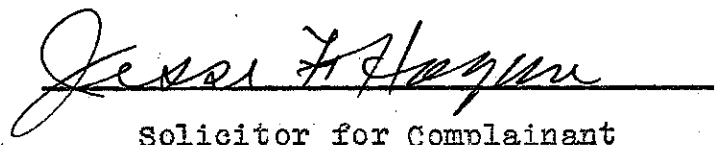
And your complainant prays that your Honor will decree that she is entitled to relief, and that said deed be reformed so that the description of said real estate shall be as follows: The following described land situated in Baldwin County, Alabama, more particularly described as follows: Running, from the northeast corner of the intersection of Bay View Avenue and Magnolia Avenue, according to the map of the Fairhope Single Tax Corporation, recorded in Miscellaneous Book 1 pages 320-321 of the Probate Records of Baldwin County, Alabama, north along the east side of Bay View Avenue 499.2 feet for a point of beginning, thence east 240 feet, thence north 142 feet and 4 inches, thence west 75 feet, thence south 2 degrees 15 Minutes west 73.2 feet, thence west 162 feet, thence south 71.6 feet to the beginning point, said lands lying in Section 18, Township 6 South of Range 2 East.

And if your complainant has not asked for the proper relief, your complainant further prays that she may have such further and other relief in the premises as the nature of her case shall require, and as to your Honor shall seem meet.

And your complainant submits herself to the jurisdiction of the court and offers to do whatever the court may consider necessary to be done on her part towards making the decree which she seeks just and equitable with regard to the other parties to the suit.

And your complainant would further pray that your Honor direct that the Register of this court make out and superintend the appropriate order of publication to the non-resident defendants, viz: Luyerne K. Ellis, Verl Rea Ellis, Louis S. Ellis and Glenn E. Ellis, commanding them and each of them within thirty days after the period specified in the order of publication, to appear and answer all and singular the premises and to stand to and abide such orders and decrees therein as to this Honorable Court shall seem meet.

And your complainant shall ever pray, etc.

  
Solicitor for Complainant

## FOOT NOTE:

The Respondents, and each of them, are hereby required to answer the allegations of the foregoing bill from paragraphs 1 to 4, inclusive, but not under oath, oath to answer being hereby expressly waived.

Jean F. Hogan

Solicitor for Complainant

TR 1 Original  
Bill

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RECORDED

Emma R Ellis

= OS =

Livorne R Ellis  
et al

Filed Oct 28, 1929  
T W McKeen  
Register

James F. Hogan  
Atty for Complainant

EMMA R. ELLIS,

Complainant,

-vs-

LUVERNE K. ELLIS,  
VERL REA ELLIS,  
LOUIS S. ELLIS,  
GLENN E. ELLIS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AFFIDAVIT

STATE OF MISSISSIPPI,

COUNTY OF HARRISON.

Before me, Gaston H. Hewes a Notary Public in and for said County in said State, personally appeared Mrs. Emma R. Ellis, who is known to me, who being by me first duly sworn deposes and says that she is the complainant in the foregoing cause, and that the said Luverne K. Ellis is a non-resident and resides at 4228 - 4th street, North Des Moines, Iowa; that affiant is informed and believes and upon such information and belief avers that the said Verl Rea Ellis is a non-resident, but that his address is unknown to affiant; that affiant is informed and believes and upon such information and belief avers that the the said Louis S. Ellis is a non-resident, but that his address is unknown to affiant, and that the said Glenn E. Ellis is a non-resident, his address being 4228 - 4th Street, North Des Moines, Iowa, and that each one of said parties is over the age of twenty-one years.

Emma R. Ellis

Subscribed and sworn to before me  
on this 8th day of October, 1929;  
in witness whereof I have hereunto  
affixed my official seal.

Gaston H. Hewes  
Notary Public, Harrison County, Mississippi.

MY COMMISSION EXPIRES  
JULY 2, 1931

2  
**RECORDED**

Filed Oct 28/929  
T. M. McIlwain  
Register

Emma R .Ellis

vs.

Luverne K. Ellis et al

THE STATE OF ALABAMA,  
Baldwin COUNTY.CIRCUIT COURT OF  
Baldwin COUNTY.

IN EQUITY.

In this cause it appearing to the Court, by certificate of the Clerk, that the Order of Publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 31st day of

October 29 1929, in the Baldwin Times

a newspaper published in Bay Minette, Baldwin Co. Ala; that a copy of said order was

posted at the Court House door in said County, on the 31st day of October 1929,

of Bill & Summons 31st day of October 1929 and ~~that another copy~~ was deposited in the Postoffice on the day of

directed to the said Luverne K. Ellis Verle Rae Ellis, Louis S. Ellis, Glenn E. Ellis,

at his place of residence, and it now further appearing to the Court that the said

Luverne K. Ellis, Verle Rae Ellis, Louis S. Ellis,

Glenn E. Ellis,

has, to the date hereof, failed to plead, answer or demur to the Bill of Complaint in this cause. It is, therefore, on motion of Complainant, ordered and decreed by the Court, that the said Bill of Complaint be, and it hereby is, in

all things, taken as confessed against the said Luverne K. Ellis Verle Rae Ellis, Louis S. Ellis,

Glenn E. Ellis,

This 4th day of February 1930

J. W. Hare  
Judge of the Circuit Court of  
Baldwin County.

3

No. 868

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT OF  
Baldwin COUNTY.

Emma K. Ellis

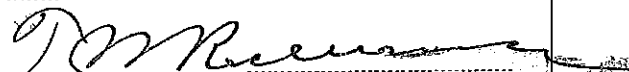
RECORDED

vs.

Luverne K. Ellis

DECREE PRO CONFESSO AGAINST  
NON-RESIDENT DEFENDANT.

Filed this 4th day of  
February 19 30

  
Register.

MRS. EMMA R. ELLIS, )

Complainant, )

-vs- )

LUVERNE K. ELLIS, )

VERL REA ELLIS, )

LOUIS S. ELLIS, )

GLENN E. ELLIS, )

Respondents. )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

At the hearing of this cause the following note of  
evidence was taken, towit:

FOR COMPLAINANT

Deposition of Mrs. Emma R. Ellis.

ATTEST:

T. W. Robinson

REGISTER

Emma R Ellis  
vs  
Livonne R Ellis

Note of Evidence

Filed Mar 7<sup>th</sup> / 93  
T. W. Bickman  
Register

MRS. EMMA R. ELLIS,  
Complainant,

-vs-

LUVERNE K. ELLIS, et al.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Deposition of Mrs. Emma R. Ellis, a witness for complainant.

Mrs. Emma R. Ellis, a witness in her own behalf, after being first duly sworn testified as follows:

DIRECT EXAMINATION BY JESSE F. HOGAN, Esq.

My name is Emma R. Ellis. I am the complainant in this suit. I am over the age of twenty-one years and am a resident of Baldwin County, Alabama.

Luverne E. Ellis is over the age of twenty-one years and resides at 4228 - 4th street, North Des Moines, Iowa. Verl Rea Ellis is also over the age of twenty-one years, but his address is unknown to me. Louis S. Ellis is over the age of twenty-one years. His address is unknown to me. Glenn E. Ellis is also over the age of twenty-one years. His address is 4228 - 4th street, North Des Moines, Iowa.

I was the wife of L. E. Ellis. The said L. E. Ellis died on April 4th, 1923. The said Luverne E. Ellis, Louis S. Ellis, Glenn E. Ellis and Verl Rea Ellis are the only children of the said L. E. Ellis and are the only heirs at law of the said L. E. Ellis. I was the wife of the said L. E. Ellis at the time of his death. The said L. E. Ellis executed a deed to me upon to-wit, the 25th day of June, 1921, conveying to me certain real property in Baldwin County, Alabama, more particularly described as follows: Beginning at the northeast corner at the intersection of Bay View Avenue and Magnolia Avenue according to the map of the Fairhope Single Tax Corporation and recorded in the office of the Judge of Probate for Baldwin County, Alabama, in Misc. Book 1 pages 320-321, running north on the east side of Bay view Avenue 449 1/2 feet for a point of beginning, thence east 240 feet, thence north 145 feet 4 inches, thence west 75 feet, thence south 2 degrees and 15 minutes west 73.2 feet, thence west 162 feet, thence south 71 1/2 feet to the beginning in Section 18, Township 6 South, Range 2 East. I have in my possession this deed which is offered in evidence and is attached hereto and marked Exhibit "A" for identification.

This deed was written by Minnie E. Grimm of Marshalltown, Iowa. I was present when Mr. Ellis instructed Mrs. Grimm to write this deed. Mr. Ellis carried to Mrs. Grimm the deed of Ella Z. Getty and W. S. Getty, her husband, to the said L. E. Ellis conveying to him the following described lands situated in Baldwin County, Alabama, to-wit:

"From the N. E. Corner at the intersection of Bay View Ave. and Magnolia Ave. according to the map of the Fairhope Single Tax Corporation land, recorded in the office of the Judge of Probate for Baldwin County, Alabama, at Bay Minette, Alabama, Book 1 Misc. pages 320 and 321, run north on the east side of Bay View Ave. 499.2 feet for a point of beginning; thence east 240 feet, thence north 142 feet and 4 inches, thence west 75 feet; thence S. 20 degrees 15 Minutes west 73.2 feet, thence west 162 feet, thence south 71.6 feet to beginning, in Sec. 18 Twp. 6 S. of R. 2 East." This deed is offered in evidence and is marked Complainant's Exhibit "B" for identification. Mr. Ellis asked Mrs. Grimm to write the new deed so as to convey the same property described in the deed from Ella Z. Getty and W. S. Getty, her husband, to him, the said L. E. Ellis.

I first saw the deed from Ella Z. Getty and W. S. Getty, her husband, to the said L. E. Ellis, in Marshalltown, Iowa just before Mr. Ellis went to Mrs. Grimm to have her write the new deed. When I saw that the property had been conveyed to Mr. Ellis I told him I thought the property had been conveyed to me. He said he thought it was a joint deed, but that the property was mine and he would convey it to me. After this conversation he went to the office of Mrs. Minnie E. Grimm and instructed her to write a new deed to be signed by him to convey to me the property described in the deed from Ella Z. Getty and husband to the said L. E. Ellis.

Mr. Ellis used my money to pay for the lands that he purchased from the said Ella Z. Getty and W. S. Getty, her husband. The entire consideration was paid with my money, all but \$58.00 and he gave that to me. Just before the purchase of these lands

I owned property in St. Anthony, Iowa. This property was sold by Mrs. Minnie E. Grimm for me. The consideration received by me was \$1600.00 cash. In addition to that I

I also had \$86.00 on deposit in the bank at Bay Minette, Ala. had \$400.00 rentals at St. Anthony, Iowa. / Mrs. Grimm

sent this \$1600.00 to me by a draft on the bank at St.

Anthony. I endorsed this draft and the money was given to I also checked out to him the money I had on Deposit in the Banks. Mr. Ellis. / Mr. Ellis used this money in buying the property from the Gettys, as hereinabove stated.

The said Luverne K. Ellis, Louis S. Ellis, Verl Rea Ellis and Glenn E. Ellis are all non residents of the State of Alabama. I have made diligent efforts to ascertain the present addresses of Louis S. Ellis and Verl Rea Ellis. I have caused letters to be written by my attorney, Jesse F. Hogan, to the said Luverne K. Ellis <sup>and Glenn E. Ellis</sup> enquiring for the addresses of the said Louis S. Ellis and Verl Rea Ellis, but that the said Luverne K. Ellis <sup>and Glenn E. Ellis</sup> wholly failed to reply to said letters. The said Luverne K. Ellis, Louis S. Ellis, Verl Rea Ellis and Glenn E. Ellis are not my children, but they are the children of the said L. E. Ellis and Hattie Kenyon Ellis. They do not correspond with me, but I am informed and believe, and upon such information and belief state that the said Louis S. Ellis and Verl Rea Ellis are non residents.

Emma R. Ellis

DEED WITH WARRANTY.

THIS DEED made the 25th day of June 1921

between L. E. Ellis

of the first part and

Emma R. Ellis

of the second part,

WITNESSETH, That the part y of the first part, in consideration of

One dollar and other valuable considerations, ~~XXXXXX~~

to him in hand paid by the part y of the second part, the receipt of which is hereby acknowledged, has

bargained and sold, and by these presents do grant, bargain, sell convey and deliver unto the said part y of the

second part her heirs and assigns forever, all that real property in Baldwin County, Alabama,

described as follows, to-wit: From the Northeast corner at the intersection of

Bay View Avenue and Magnolia Avenue, according to the map of the

Fairhope Single Tax Corporation, and recorded in the office of the

Judge of Probate for Baldwin County, Alabama, at Bay Minette, Alabama

Book 1, Misc. Page 320 and 321, running north on the east side of

Bay View Avenue 449-1/2 feet for a point of beginning; thence east

240 feet; thence north 145 ft. 4 in. thence west 75 feet; thence south

2degrees 15 minutes west 73.2 feet; thence west 162 feet; thence

south 71-1/2 feet to beginning, in Section 18 Township 6 South of

Range 2, East.

Grantee is the wife of grantor.

TOGETHER with all appurtenances thereunto belonging, to have and to hold forever and against any person lawfully claiming the same, said part y of the first part shall ever warrant and defend.

IN WITNESS WHEREOF, the part y of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

L. E. Ellis (SEAL)

(SEAL)

Exhibit "a"

IOWA  
TE OF ~~ALABAMA~~ MARSHALL COUNTY.

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

Given under my hand <sup>and seal</sup> this 25th day of June 1921

Minnie E. Grimm  
Notary Public in and for Marshall  
County, Iowa

STATE OF ALABAMA, \_\_\_\_\_ COUNTY.

I, \_\_\_\_\_ in and for said  
County and State, do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_, came before  
me the within named \_\_\_\_\_, known to  
me to be the wife of the within named \_\_\_\_\_, who being examined  
separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she signed  
the same of her own free will and accord, and without fear, constraint or threats on the part of her husband.

IN WITNESS WHEREOF, I hereunto set my hand <sup>and seal</sup> this \_\_\_\_\_ day of \_\_\_\_\_ 192\_\_\_\_

Notary Public in and for ~~Marshall~~  
County, Iowa

WARRANTY DEED

FROM

Warrant 1242 of 1921  
1242 of 1921

TO

THE STATE OF ALABAMA, { Probate Court  
Baldwin County.

Filed in my office for record this 28th day of

Feb 1922, and recorded

in Deed Book No. 31 N. S. Pages 544

James M. Wood  
Judge of Probate.

Baldwin Times Print, Bay Minette.

WARRANTY DEED

State of Alabama

Baldwin County

Know All Men by These Presents, That for and in consideration of the sum

of Twenty two Hundred & 00/100 Dollars

to us in hand paid by L. E. Ellis

the receipt whereof is hereby acknowledged Ella Z. Gobby and W. S. Gobby, her husband

L. E. Ellis, do grant, bargain, sell and convey unto the said

the following described lands situated in Baldwin County, Alabama, to-wit:

From the N. E. Corner at the intersection of Bay View Ave and Magnolia Ave. according to the map of the Fatschke Single Tax Corp. land, recorded in the office of the Judge of Probate for Baldwin County, Alabama, at Bay Minette, Alabama Book 1 Misc. page 320 and 321. Run north on the East side of Bay View Ave. 499.2 ft. for a point of beginning; Thence East 240 ft. thence north 142.4 in; thence West 75 ft; thence S. 2° 15' West 73.2 ft; thence West 46.2 ft; thence South 71.6 ft to beginning in Sec 18 Twp 6 S of R 2 East

TO HAVE AND TO HOLD to the said

L. E. Ellis

his

heirs and assigns forever.

And we do covenant with the said

L. E. Ellis

that we are seized in fee of the above

described premises; that we have the right to sell and convey the same, that the said premises are

free from all encumbrances; and that we will and our heirs, executors and administrators

shall forever WARRANT AND DEFEND the same to the said L. E. Ellis

his heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hand and seal this 20th day of May 1912

WITNESSES:

Alex J. Melville

Ella Z. Gobby  
W. S. Gobby

L. S.

L. S.

L. S.

Exhibit "B"

Baldwin County

I, Her J. Melville

a Notary Public

in and for said State and County, do hereby certify that

Ella Z Getty and W. S. Getty her husband

whose name are signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day that being informed of the contents of the said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand this 20<sup>th</sup> day of May 1912.

State of Alabama

County

Her J. Melville

Notary Public in and for Baldwin County, Ala.

I,

a \_\_\_\_\_ in and for said State and County, do hereby certify

that on the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_, came before me the within named

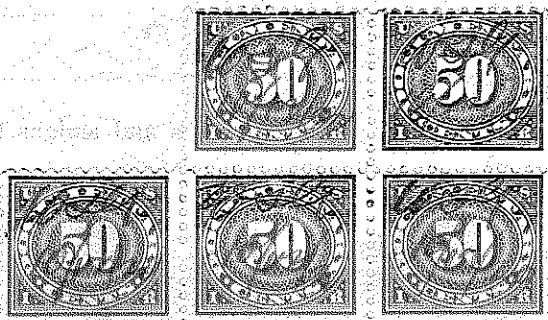
\_\_\_\_\_, known to me to be the wife of the within named

\_\_\_\_\_, who being examined separate and apart from

her husband in reference to her signature to the within conveyance, acknowledged that she signed the same

of her own free will and accord, and without fear, constraint or threats on the part of the husband.

In witness whereof, I hereunto set my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_



COMMISSIONER'S CERTIFICATE

I, K. C. Cuthbert, Commissioner under and by virtue of a commission heretofore issued out of the Circuit Court of Baldwin County, Alabama, do hereby certify that, under the power conferred upon me by said commission I caused the said Mrs. Emma R. Ellis a witness for the complainant in said cause, who is known to me and known to me to be the identical witness named in said commission, to come before me at No.427 First National Bank Building, Mobile, Alabama, on the 28th day of February, 1930, at the hour of 10 A.M., that said witness was by me first duly sworn before testifying, as aforesaid, and that in response to questions propounded to her by Jesse F. Hogan, Esq., solicitor for the complainant, she testified thereto as hereinabove written and her testimony was by me reduced to writing substantially in the language given by said witness; that said deposition was read by me to said witness and that said witness signed her name thereto in my presence.

I further certify that I am not of counsel or of kin to any of the parties to this cause, and that I am not in anywise interested in the result thereof.

Dated this 28th day of February, 1930.

K. C. Cuthbert

Commissioner

The State of Alabama, {  
Baldwin County

CIRCUIT COURT

To Miss K.C.Cuthbert

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 Mrs. Emma R.Ellis,

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Mrs. Emma R.Ellis

Complainant

and

Luverne K.Ellis ,et al,

Defendant,

on oath to be by you administered, upon Ora examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 27th day of Febuary 19 30

*Dr. Richardson*

REGISTER

COMMISSIONER'S FEE, \$

WITNESS' FEES, \$

NO. 868

**e State of Alabama**  
**BALDWIN COUNTY**  
**CIRCUIT COURT**

mma R. Ellis et al

Complainant

vs.

uverne K. Ellis et al,

Defendant

MISSION TO TAKE DEPOSITION

COMMISSIONER:

Miss ~~W. H. H.~~ K. C. Cuthbert

WITNESSES:

rs. Emma R. Ellis.

*Commissioner's fee \$ 5 00*  
*not paid*

EMMA R. ELLIS,

Complainant,

-vs-

LUVERNEK. ELLIS, LOUIS S.  
ELLIS, VERL REA ELLIS AND  
GLENN E. ELLIS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY NO. 868

This cause duly coming on to be heard on the 12<sup>th</sup> day of March, 1930, on the bill of complaint, and upon the decree pro confesso heretofore taken against the respondents, viz, Luverne K. Ellis, Louis S. Ellis, Verl Rea Ellis and Glenn E. Ellis, and also upon the testimony as noted by the Register; and said cause being at issue and ready for submission, and having been submitted at the request of the complainant, and the court having considered the cause and having understood it; and it appearing to the court that L. E. Ellis intended to convey to the said Emma R. Ellis the following described lot or parcel of land situated in Baldwin County, Alabama, and more particularly described as follows, viz: Beginning at the Northeast corner of the intersection of Bay View Avenue and Magnolia Avenue, according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321 in the records of the Probate Court of Baldwin County, Alabama, running thence North on the East side of Bay View Avenue 499.2 feet for a point of beginning, thence East 240 feet, thence North 142 feet and four inches, thence west 75 feet, thence South 2 degrees 15 Minutes West 73.2 feet, thence West 162 feet, thence South 71.6 feet to the beginning point, said lands lying in Section 18, Township 6 South of Range 2 East; but that said land through a mistake of the scrivner, Minnie E. Grimm, was erroneously described as follows, viz: Beginning at the Northeast corner at the intersection of Bay View Avenue and Magnolia Avenue according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321, running north on the East side of Bay

View Avenue 449 feet and six inches for a point of beginning, thence East 240 feet, thence North 145 feet and four inches, thence West 75 feet, thence South 2 degrees 15 Minutes West 73.2 feet, thence West 162 feet, thence South 71 feet and six inches to the point of beginning, said lands lying in Section 18, Township 6 South, Range 2 East; and it further appearing to the Court that L. E. Ellis is dead and that the said Luverne K. Ellis, Louis S. Ellis, Verl Rea Ellis and Glenn E. Ellis are the only heirs of the said L. E. Ellis, and that service has been duly had by publication upon all of the respondents in this cause; and it further appearing to the Court that the Complainant is entitled to relief;

It is now ordered, adjudged and decreed that said deed from L. E. Ellis to Emma R. Ellis dated the 25th day of June, 1921, recorded in Deed Book 31 N.S. page 544 of the Probate Records of Baldwin County, be reformed so that the same shall read as follows, viz:

This deed made the 25th day of June, 1921, between L. E. Ellis, of the first part, and Emma R. Ellis, of the second part, Witnesseth that the party of the first part in consideration of One Dollar and other valuable considerations to him in hand paid by the party of the second part, the receipt of which is hereby acknowledged, has bargained and sold, and by these presents does grant, bargain, sell, convey and deliver unto the said party of the second part, her heirs and assigns forever, all that real property in Baldwin County, Alabama, more particularly described as follows, viz: Beginning at the Northeast corner of the intersection of Bay View Avenue and Magnolia Avenue, according to the map of the Fairhope Single Tax Corporation land, recorded in Miscellaneous Book 1 pages 320-321 in the records of the Probate Court of Baldwin County, Alabama, running thence North on the East side of Bay View Avenue 499.2 feet for a point of beginning, thence East 240 feet, thence North 142 feet and four inches, thence West 75 feet, thence South 2 degrees 15 Minutes West 73.2 feet, thence West 162 feet, thence South 71.6 feet to the beginning point, said lands lying in Section 18, Township 6 South, Range 2 East.

Together with all the rights, members, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said Emma R. Ellis, her heirs and assigns forever.

And the said L. E. Ellis does covenant with the said Emma R. Ellis that he will defend her title to said lands against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the said L. E. Ellis has hereunto set his hand and seal on the day and year hereinabove written.

L. E. ELLIS (Seal)

STATE OF IOWA,  
Marshall County.

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

Given under my hand and seal this 25th day of June, 1921.

MINNIE E. GRIMM (Seal)

It is further ordered, adjudged and decreed that said deed as reformed shall have the same force and effect as though it had been executed by the said L. E. Ellis upon said 25th day of June, 1921.

It is further ordered, adjudged and decreed that the Register of this Court shall cause a certified copy of this decree to be recorded in the office of the Probate Judge of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that the costs of this cause shall be taxed against the complainant, for which let execution issue.

Ordered, adjudged and decreed this 12<sup>th</sup> day of  
March, 1930

F. W. Hare

Judge of the Twenty-first Judicial  
Circuit of Alabama.

BAY MINETTE, ALA.

*Mar 14*

19*35*

*John J. W. Robinson*

IN ACCOUNT WITH

**G. W. HUMPHRIES**

**JUDGE OF PROBATE**

**BALDWIN COUNTY**

Please Return Bill With Remittance

Privilege Tax

Rec. Fee

Total

Deed  
Reg. Mort. from

*Emma R. Ellis, Compt. to J. W. Ellis, Adm.*

*1.60*

*Recd*

*3/14/35*

*G. W. Humphries, Judge  
J. J. W. Robinson*

Emma R. Ellis

Complainant.

No.

~~10000~~

vs.

Luverne K. Ellis, Verle Rae Ellis,

Louis S. Ellis, Glenn E. Ellis,

Respondent

STATE OF ALABAMA,

Baldwin County,

CIRCUIT COURT, IN EQUITY.

This the 28th day of

28th

192

October

9

In this cause it being made to appear to the Register of this Court by the affidavit of

that the Defendant

Emma R. Ellis,

vs. Luverne K. Ellis, Verle Rae Ellis, Louis S. Ellis,

Glenn E. Ellis,

is a non-resident of the State of Alabama

are

a

Luverne K. Ellis and Glenn E. Ellis,

North

are residents of Des Moines, Iowa, their street address being

4228- 4th St., Des Moines, Iowa. The Post Office address of Verle Rae Ellis and Louis S. Ellis, being unknown to affiant.

years; it is, therefore ordered that publication be made in the

, a newspaper published in Baldwin Times

Baldwin County, Alabama, once a week for four consecutive weeks, requiring

the said

Luverne K. Ellis, Verle Rae Ellis, Louis S. Ellis and

Glenn E. Ellis,

to answer or demur to the Bill of Complaint in this cause by the 30th day of

1927

, or after thirty days therefrom a decree Pro Confesso may

be taken against

the said defendants.

Register.

James F. Hagler

Attorneys for Plaintiff.

Fried Oct  
28/1929  
J W McIlwain  
Registrar

PUBLISHED EVERY THURSDAY

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

R. B. VAIL  
EDITOR AND PROPRIETOR

## NOTICE TO NON-RESIDENT

EMMA R. ELLIS, Complainant.  
VS.

LUVERNE K. ELLIS, VERL RAE ELLIS, LOUIS S. ELLIS, GLENN E. ELLIS, Respondents.

State of Alabama, Baldwin County Circuit Court, in Equity.

This the 28th day of October, 1929.

In this cause it being made to appear to the Register of this Court by the affidavit of Emma R. Ellis, that the Defendants Luverne K. Ellis, Verl Rae Ellis, Louis S. Ellis, Glenn E. Ellis, are non-residents of the State of Alabama. Luverne K. Ellis and Glenn E. Ellis, are residents of North Des Moines, Iowa, their street address being 4228.

BAY MINETTE, ALA.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

R. B. Vail, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette,, Baldwin County, Alabama; that the notice hereto attached of \_\_\_\_\_

Emma R. Ellis vs Luverne K. Ellis

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication	<u>October 31</u>	<u>1929</u>	Vol. <u>40</u>	No. <u>39</u>
Date of second publication	<u>November 7</u>	<u>1929</u>	Vol. <u>40</u>	No. <u>40</u>
Date of third publication	<u>"</u>	<u>14</u>	<u>1929</u>	Vol. <u>40</u> No. <u>41</u>
Date of fourth publication	<u>"</u>	<u>21</u>	<u>1929</u>	Vol. <u>40</u> No. <u>42</u>

Subscribed and sworn to before the undersigned this 2 day of

January 30 1930

T. W. Richardson  
Circuit Court.

R. B. Vail

Publisher.

Emma R Ellis  
vs  
Lurine K Ellis

Filed Jan 21 1930  
D W Richmond  
Register

BAY MINETTE, ALA. 12/1/29

M J.W. Richardson CLK

**THE BALDWIN TIMES**

Jesse F. Hagan

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Notice of Emma R. Ellis VS L. W. K. Ellis et al

Run 10/31 11/7-14-21

no nos 4/1-

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