

ESTHER H. DECKER, ET AL
COMPLAINANTS
VS
NETTIE WIGGS, ET AL,
RESPONDENTS

1796
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 1796

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, Decree Pro Confesso and proof as noted by the Register, and it appearing to the satisfaction of the Court that the Complainants are the owners in fee simple of, and in the actual and peaceable possession of the lands described in the bill of complaint in this cause, and each and every part and parcel thereof, and that the title of the Complainants has been duly and justly proven by legal and competent evidence, the Court is of the opinion that the Complainants are entitled for the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that the Respondents, Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker and Phena Decker, separate and severally and also any and all persons, firms, or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land or any part or parcel thereof have no estate, right, claim, interest in, or encumbrance upon the following described land, or any part or parcel thereof in Baldwin County, Alabama, to-wit

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayo's fence, thence running South and parallel with the center line of section running North and South, 23 chains 75 links to a stake for the point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains, thence Easterly to the point of beginning -- containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded -- to Elmond A.

Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road $8\frac{1}{2}$ chains; thence West on a line with the Northerly line of said Section 21, 10 chains, thence North on a line with the Northerly line of said Section 21, 10 chains thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker----- thence Easterly along the Southerly line of said land deeded to Decker aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said section running East and West lying 15 feet West of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of the Daphne Road, thence Northerly and along the West line of said Daphne Road to the point of beginning containing in all about 10 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the full fee simple title to the said lands in Baldwin County, Alabama, described as follow, to-wit:

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayo's fence, thence running South and parallel with the center line of section running North and South 23 chains 75 links to a stake for a point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains, thence Easterly to the point of beginning - - containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded - - to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road $8\frac{1}{2}$ chains; thence West on a line with the Northerly line of said Section 21, 10 chains, thence North on a line with the Northerly line of said Section 21, 10 chains thence North on a line parallel with the Westerly line of said Section 21, 10 chains, to the line of land heretofore deeded by the said Company to the said Decker- - - - thence Easterly along the Southerly line of said land deeded to Decker aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said section running East and West lying fifteen feet west of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of the Daphne Road, thence Northerly and along the West line of said Daphne Road to the point of beginning, containing in all about 10 acresmore or less.

is vested absolutely in the Complainants, Esther H. Decker and Delania E. Decker.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, in the direct index in the names of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson, Wiggs, Edward Wiggs, Ralph Wiggs, and in the indirect index in the names of Esther H. Decker and Delania E. Decker.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that the Register shall within thirty days from the rendition of this decree file a certified copy thereof in the office of the Probate Judge of Baldwin County, Alabama, for record, and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainants pay the costs of this cause for which execution may issue.

Done this the 1st day of May, 1947.

F. W. Hare
JUDGE

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the foregoing is a full, true, correct and complete copy of the final decree in the case of Esther H. Decker et al, Complainants vs Nettie Wiggs, et al, Respondents, being Case No. 1796, as the same appears on file in my office.

IN WITNESS WHEREOF I have hereunto set my hand and seal of office on this the 1st day of April, 1947.

Register

ESTHER H. DECKER, ET AL,
COMPLAINANTS

VS

NETTIE WIGGS, ET AL,
RESPONDENTS

FINAL DECREE

filed

6-1-49

*Anne J. French
Rey*

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Esther H. Decker, et al Complainant

VS.

Nettie Wiggs, et al Respondent

I, Evelyn Watts
as ~~Register and~~ Commissioner
have called and caused to come before me Esther H. Decker and Delania E. Decker

witness^{es} named in the Requirement for Oral Examination, on the 21 day of April
194 7, at the office of Hubert M. Hall
in Bay Minette, Alabama, and having first sworn said Witness^{es} to speak the
truth, the whole truth, and nothing but the truth, the said Esther H. Decker and
Delania E. Decker doth depose and say as follows:

My name is Esther H. Decker. I am over 21 years of age and a non-resident of the State of Alabama. My address is 2381 State Street, Salem, Oregon. Delania E. Decker is my husband. He is also over twenty-one years of age and a non-resident of the State of Alabama, his address being 2381 State Street, Salem, Oregon. Delania E. Decker is a son of Edmond A. Decker, sometimes called Elmond A. Decker and Phena Decker. Edmond A. Decker and Elmond A. Decker was one and the same person. Both Elmond A. Decker and Phena Decker are dead. They died several years ago. The heirs and next of kin of Edmond A. Decker and Phena Decker were Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, and Ralph Wiggs. They lived in Memphis, Tennessee. My husband and I have made inquiries as to whether or not they are living and from all information obtainable Nettie Wiggs and Lorena Hamm are dead; that the other parties named are their sole and only heirs and next of kin. Phena Decker sometimes gave her name as Phena C. Decker; That Phena Decker and Phena C. Decker was one and the same person. We have caused to be made an abstract of title to determine whether or not Edmond A. Decker, Phena C. Decker or any of the heirs and next of kin made any conveyances of the property involved in this suit, and find that none were made. The heirs and next of kin, from all information obtainable, of Edmond A. Decker and Phena Decker are non-residents of the State of Alabama, and over twenty-one years of age. We have made inquiries from parties and friends at Memphis, Tennessee, to determine the address of the Respondents in this suit, but have not been able to locate them.

My husband, Delania E. Decker, and I are the owners in fee simple and in the actual possession of the land involved in this suit, in Baldwin County, Alabama, and described as follows:

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayor's fence, thence running South and parallel with the center line of Section running North and South, 23 chains 75 links to a stake for the point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains, thence Easterly to the point of beginning—containing $7\frac{1}{2}$ acres, more or less.

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition ~~s~~ on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 21 day of April, 194 7.

Evelyn Watts (L. S.)

NO. _____	PAGE _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
vs.	Complainant
Respondent.	
Oral Deposition	
Filed _____	194 _____
Recorded in _____	Register.
Vol. _____	Page _____
Register.	

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded - - to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road 8½ chains; thence West on a line with the northerly line of said Section 21, 10 chains; thence North on a line with the Northerly line of said Section 21, 10 chains, thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker---thence Easterly along the Southerly line of said land deeded to Decker as aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said Section running East and West lying fifteen feet West of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of said Daphne Road to the point of beginning containing in all about 10 acres, more or less.

There is no suit pending to test our title to or interest in or rights of possession to said lands.

My husband and I obtained title to the said lands by the following conveyances: Joseph E. Hubbell and Gertrude Hubbell, his wife, to Esther H. Decker dated February 1, 1935, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 57 NS, page 346; that the original deed is hereto attached and marked Exhibit "A"; deeded from G. W. Humphries, Judge of Probate of Baldwin County, Alabama, to Delania E. Decker dated June 23, 1931, and of record in Deed Book 50 NS, page 589; that a certified copy of said deed is hereto attached marked Exhibit "B", that a careful search has been made to find original, but it is lost.

No one has at any time within the last ten years next preceding the filing of this bill of complaint paid any taxes upon or had any possession of said lands or any part thereof except the Complainants, Esther H. Decker and Delania E. Decker; that the Complainants have owned and hold the property involved in this suit openly and adversely to the Respondents named in this suit and any and all persons, firms or corporations that might now or that might have in the past claimed or attempted to claim any title to or rights of possession to the said property.

That the only persons known by the Complainant to have any claim upon said land or any part thereof, other than the Complainants are Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker, and Phena C. Decker; that the Complainants have assessed and paid all taxes on the said lands for more than ten years next preceding the filing of the bill of complaint in this cause and have done and exercised every means to advertize to the Respondents and to the world in general that they were the owners of said land and that they were holding the same adversely to the rights of any parties whomsoever; that the Complainants have used and exercised every means possible to bring to the Respondents the fact that they were holding the said land adversely. That she knows, and from all information obtainable states it to be a fact that none of the Respondents have looked after, or attempted to look after the said land or made any investigation thereof for more than twenty years past, during all of which time the Complainants have claimed to own said land held the same adversely and paid all taxes and assessments thereof.

Esther H. Decker

Delania E. Decker, the Complainant, being first duly sworn, deposes and says:

That he has carefully read over and understands all the facts and circumstances as set out in the testimony of Esther H. Decker; that the facts therein recited are true; that he as a son of Edmond A. Decker and Phena Decker has made repeated efforts to ascertain the addresses of the Respondents, but has been unable to do so, however, from all information obtainable he believes and states the facts to be that Edmond A. Decker, Phena Decker, Nettie Wiggs and Lorena Mann are dead; that they left as their sole and only surviving heirs the other Respondents named other than this Complainant; that he has done all possible to bring to the attention of the Respondents that he and his wife hold the said land adversely and to the exclusion of all other parties interested.

Delania E. Decker

ESTHER H. DECKER, ET AL ,

COMPLAINANTS

VS

NETTIE WIGGS, ET AL,

RESPONDENTS

ORAL DEPOSITION

*Filed April 21, 1947
Alice J. Murch
Register*

ESTHER H. DECKER, ET AL,
COMPLAINANTS
VS
NETTIE WIGGS, ET AL,
RESPONDENTS


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 1796

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainants on the following:

1. Original summons and complaint.
2. Lis Pendens notice filed for record in the office of the Probate Judge of Baldwin County, Alabama,
3. Notice and proof of publication in the Baldwin Times,
4. Motion for decree pro confesso on publication,
5. Decree Pro Confesso on Publication,
6. Request for appointment of commissioner,
7. Appointment of commissioner,
8. Notice of time of taking of testimony,
9. Testimony of Esther H. Decker and Delania E. Decker, with exhibits attached.


Register


Solicitor for the Complainants

ESTHER H. DECKER, ET AL,

COMPLAINANTS

VS

NETTIE WIGGS, ET AL,

RESPONDENTS

NOTE OF TESTIMONY

Filed April 21, 1947
Alice J. Henck
Registrar

THE STATE OF ALABAMA, }
BALDWIN COUNTY

Circuit Court

To Evelyn Watts

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 Esther H. Decker and Delania E. Decker

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Esther H. Decker, et al

Complainant
and Nettie Wiggs, et al

Respondent
on oath, to be by you administered, upon Esther H. Decker and Delania E. Decker
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 15 day of April, 19 47

Oliver J. Luck
Register

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Esther H. Decker, et al

Complainant

VS.

Nettie Wiggs, et all

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Filed April 15, 1947
Alice J. Welch
Register

ESTHER H. DECKER ET AL,

COMPLAINANTS

VS

NETTIE WIGGS, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

NO. 1796

NOTICE OF TIME OF TAKING OF TESTIMONY

TD: Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker and Phena C. Decker:

Notice is hereby given that the Complainant will on the 21 day of April, 1947, ^{in Bay Minette Ala.} before Evelyn Watts, as special commissioner take the testimony orally of the following witnesses:

Esther H. Decker, whose residence address is 2381 State Street, Salem Oregon;

Delania E. Decker, whose residence address is 2381 State Street, Salem, Oregon.

Dated this the 15 day of April, 1947.

John Hall
Solicitor for the Complainants

Evelyn Watts
Special Commissioner

ESTHER H. DECKER, ET AL,

COMPLAINANTS

VS

NETTIE WIGGS, ET AL,

RESPONDENTS

NOTICE OF TIME OF
TAKING OF TESTIMONY

*Filed April 15, 1947:
Alice J. Duck
Register*

ESTHER H. DECKER and
DELANIA E. DECKER

COMPLAINANTS

VS

NETTIE WIGGS, LORENA HAMM,
ROBERT WIGGS, EMERSON WIGGS,
EDWARD WIGGS, RALPH WIGGS, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

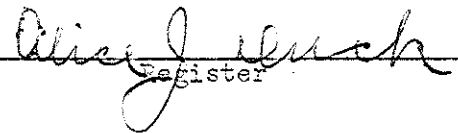
NO. 1796

DECREE PRO CONFESSO ON PUBLICATION

In this cause it appearing to the court that an order of publication heretofore made in this cause was published for four consecutive weeks commencing on January 9th, 1947, in the Baldwin Times a newspaper published in Bay Minette, Baldwin County, Alabama; that a copy of said order was posted at the court house door in Baldwin County, Alabama, on 3rd day of January, 1947; and it now further appearing to the court that the said Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, personal representatives, grantees, and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, have to the day hereof failed to plead, answer or demur to the said bill of complaint in this cause.

It is therefore, on motion of the 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 Respondents.

Witness my hand and seal this the 14 day of April, 1947,


Register

ESTHER H. DECKER and
DELANIA E. DECKER

COMPLAINANTS

VS

NETTIE WIGGS, ET AL

RESPONDENTS

DECREE PRO CONFESSO
ON PUBLICATION

*Filed April 14, 1947
Alice J. Black
Register*

ALABAMA'S BEST COUNTY'S-

BEST NEWSPAPER

The **BALDWIN**
Times
BAY MINETTE, ALABAMA

LEGAL NOTICE

In the Circuit Court of Baldwin County, Alabama, In Equity.

ESTHER H. DECKER, ET AL. Complainants, vs. NETTIE WIGGS, ET AL. Respondents.

Notice is hereby given that the Complainants in the above styled cause, Esther H. Decker and Delania E. Decker, have filed their bill of complaint, duly verified, in the Circuit Court of Baldwin County, Alabama, in Equity, against the following described lands in Baldwin county, Alabama, to-wit:

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line in Section 21, running thence West 40 links to the Southeast corner of J. Mayo's fence, thence running South and parallel with the center line of section art running North and South, 23 chains and 3 links to a stake for the point of beginning, thence South 73 chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South 73 chains, thence Easterly to the point of beginning — containing 73 acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded — to Elmond A. Decker, March 4, 1910, running thence South along the Westerly line of the road known as the Daphne Road 51 chains, thence West

drain back into the can that drips in the groove will the top of the can. Any paint inch around the small groove in mer and nail about every half-holes are punched with a hammer prevent the lid from sticking. If paint you will save paint and When opening a new can of

no one person, firm or corporation claiming any right, title to, interest in or encumbrance upon said land, or any part thereof, to appear in this court and plead, answer or demur to this bill of Complaint on or before the 9th day of February, 1947, or upon their having failed to do so upon the expiration of thirty days from said date this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 3rd day of January, 1947.

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

H. M. HALL, Solicitor for the Complainant.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Jimmy Faulkner, 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

Esther H. Decker vs.
Nettie Wiggs

COST STATEMENT

8,92 WORDS @ 4 1/2 cents — — — \$ 40.14

I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

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

Date of 1st publication Jan. 9, 1947 Vol. 57 No. 50

Date of 2nd publication Jan. 16, 1947 Vol. 57 No. 51

Date of 3rd publication Jan. 23, 1947 Vol. 57 No. 52

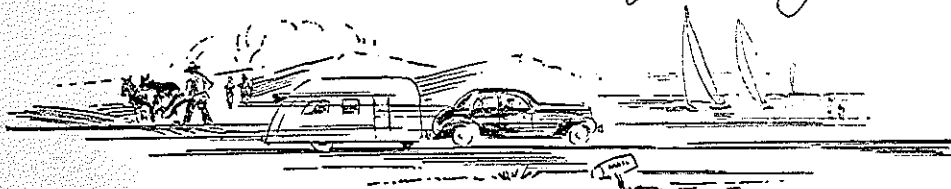
Date of 4th publication Jan. 30, 1947 Vol. 58 No. 1

Subscribed and sworn before the undersigned this 31 day of Jan., 1947

Charles T. Sims

Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



ESTHER H. DECKER, ET AL,
COMPLAINANTS
VS
NETTIE WIGGS, ET AL,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY
NO. 1796

TO HONORABLE ALICE J. DUCK, Register of the Circuit Court of
Baldwin County, Alabama:


The Complainant wishes to take orally on behalf of the Complainant
the testimony of the following witnesses:

Esther H. Decker, whose residence address is 2381 State Street,
Salem, Oregon;

DeLania E. Decker, whose residence address is 2381 State Street,
Salem, Oregon.

It is hereby request that due and proper notice be given hereof,
and that Evelyn Watts be appointed as special commissioner to take the
testimony of said witnesses; that due and legal notice be given as
required by law.

Dated this the 15 day of April, 1947.


Solicitor for the Complainants

ESTHER H. DECKER ET AL

COMPLAINANTS

VS

NETTIE WIGGS, ET AL,

RESPONDENTS

REQUEST FOR APPOINTMENT
OF COMMISSIONER

Filed April 15, 1947

*Allice J. Welch
Registrar*

ESTHER H. DECKER and
DELANIA E. DECKER

COMPLAINANTS

VS

NETTIE WIGGS, LORENA HAMM,
ROBERT WIGGS, EMERSON WIGGS,
EDWARD WIGGS, RALPH WIGGS, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 1796

MOTION FOR DECREE PRO CONFESSO ON PUBLICATION

Comes the Complainant in the above styled cause and shows unto the court that an order of publication was made on the 3rd day of January, 1947, and which was duly published in the Baldwin Times, a newspaper in Bay Minette, Baldwin County, Alabama, and directed to Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, personal representatives, grantees and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker, Phena C. Decker, Respondents, to answer or demur to the bill of complaint in this cause within thirty days after the 9th day of January, 1947, and which said Respondents have to this day failed to do.

WHEREFORE the Complainant moves the court to grant a decree pro confesso against the said Respondents.

Dated this the 10 day of April, 1947.



Solicitor for the Complainant

ESTHER H. DECKER AND
DELANIA E. DECKER

COMPLAINANTS

VS

NETTIE WIGGS, ET AL

RESPONDENTS

MOTION FOR DECREE PRO
CONFESSIO ON PUBLICATION

Filed April 10, 1947
Alvin J. Ulrich
Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU that you summons NETTIE WIGGS, LORENA HAMM, ROBERT WIGGS, EMERSON WIGGS, EDWARD WIGGS, RALPH WIGGES, the unknown heirs, devisees, grantees, personal representatives and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Edward Wiggs, Emerson Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker, Phena C. Decker, and any other person, firm or corporation claiming any right, title to, interest in, and encumbrance upon the said land or any part or parcel thereof, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising chancery jurisdiction, within thirty days after the service of summons and thereto plead, answer or demur without oath, to a bill of complaint lately exhibited by ESTHER H. DECKER and DELANIA E. DECKER, against them and each of them, and further to do and perform what the said Judge shall order and direct in their behalf and this the Respondents shall in no wise omit under penalty by law. And we command that you return this writ with your execution thereof, to our said court immediately upon the execution thereof.

WITNESS, ALICE J. DUCK, Register of said Court this the 3 day of January, 1947.

Alice J. Duck
Register

ESTHER H. DECKER and
DELANIA E. DECKER,

COMPLAINANTS

VS

NETTIE WIGGS, LORENA HAMM,
ROBERT WIGGS, EMERSON WIGGS,
EDWARD WIGGS, RALPH WIGGS,
the unknown heirs, devisees,
grantees, personal represent-
atives, and assigns of Nettie
Wiggs, Lorena Hamm, Robert Wiggs,
Emerson Wiggs, Edward Wiggs,
Ralph Wiggs, Edmond A. Decker
Elmond A. Decker, and Phena
C. Decker, et al

RESPONDENTS

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

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

Your Complainants, Esther H. Decker and Delania E. Decker, presents this
their bill of complaint against the following described land situated in
Baldwin County, Alabama, to-wit:

All that certain tract of land lying in Section 21, Township
2 South, Range 3 East, in Baldwin County, Alabama, described
as follows: Commencing at the center post of the Section of
the North line of Section 21, running thence West 40 links to
the Southeast corner of J. Mayo's fence, thence running South
and parallel with the center line of section running North
and South, 23 chains 75 links to a stake for the point of

beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains, thence Easterly to the point of beginning -- containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded---to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the daphne road $8\frac{1}{2}$ chains; thence West on a line with the northerly line of said Section 21, 10 chains; thence North on a line with the Northerly line of said Section 21, 10 chains thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker--- thence easterly along the Southerly line of said land deeded to Decker aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said section running East and west lying Fifteen feet west of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of the Daphne Road, thence Northerly and along the West line of said Daphne road to the point of beginning containing in all about 10 acres, more or less.

and also against Nettie Wiggs, Lorena Hamm, Roberts Wiggs, Emerson Wiggs,

Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker Phena C. Decker, and any and all persons, firms, corporations claiming any right, title to, interest in, or encumbrance upon the said land, or any part or parcel thereof, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainants are each over 21 years of age and non-residents of the State of Alabama, their address being 2381 State Street, Salem, Oregon.

2.

That Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives, and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker and Phena C. Decker are non-residents of the State of Alabama, that the last address of Nettie Wiggs, Robert Wiggs, Emerson Wiggs, Edward Wiggs, and

Ralph Wiggs was Memphis, Tennessee; that a diligent search and inquiry has been made to ascertain the present addresses of the said Respondents but they are unknown.

3.

That your Complainants are the owners of and in the actual possession of the said lands in Baldwin County, Alabama, described as follows:

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayor's fence, thence running South and parallel with the center line of section running North and South, 23 chains 75 links to a stake for the point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains, thence Easterly to the point of beginning---containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded ----to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road $8\frac{1}{2}$ chains; thence West on a line with the northerly line of said Section 21, 10 chains; thence North on a line with the Northerly line of said Section 21, 10 chains, thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker---thence easterly along the Southerly line of said land deeded to Decker as aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeastquarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said Section running east and west lying fifteen feet West of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of said Daphne Road to the point of beginning containing in all about 10 acres, more or less.

4.

That there is no suit pending to test the Complainants title to, or interest in ~~excess~~ or rights of possession to said land.

5.

That your Complainants obtained title to said lands by the following conveyances: Joseph Hubbell and Gertrude Hubbell, his wife, to Esther H. Decker, dated February 1, 1935, and of record in the office of the Probate Judge of Baldwin County, Alabama, in deed book 57 NS, page 346; G. W. Humphries to Delania E. Decker dated June 23, 1931, and of record in Deed Book 50 NS page 589.

6.

That the title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of Esther H. Decker and Delania E. Decker.

7.

That no ~~one~~ has at any time within the last ten years next preceding the filing of this bill of complaint paid any taxes upon or had any possession of said lands, or any part thereof, except the Complainants, Esther H. Decker and Delania E. Decker.

8.

That the only person known by your Complainants to have any claim upon or against said land or any part thereof, other than the Complainants are Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker and Phena C. Decker.

WHEREFORE your Complainant prays that your Honor will by proper process make the said Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmons A. Decker and Elmond A. Decker, Phena C. Decker, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said land, or any part thereof in Baldwin County, Alabama, to-wit:

all that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayo's fence, thence running South and parallel with the center line of Section running North and South, 23 chains 75 links to a stake for the point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains thence Easterly to the point of beginning---containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded---to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road $8\frac{1}{2}$ chains; thence West on a line with the Northerly line of said section 21, 10 chains; thence North on a line with the Northerly line of said Section 21, 10 chains thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker---thence Easterly along the southerly line of said land deeded to Decker as aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said section running East and West lying 15 feet West of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of the Daphne Road; thence Northerly and along the West line of said Daphne Road to the point of beginning containing in all about 10 acres, more or less.

parties Respondent to this bill of complaint and by proper process require them and each of them, separately and severally to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainants further pray that upon a final hearing hereof this Honorable Court will make and enter a decree that the Complainants, Esther H. Decker and Delania E. Decker, are the owners in fee simple, and in the actual possession of the lands herein described and each and every parcel thereof in Baldwin County, Alabama, to-wit:

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayo's fence, thence running South and parallel with the center line of section running North and South, 23 chains 75 links to a stake for the point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains thence easterly to the point of beginning—containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded—to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road $8\frac{1}{2}$ chains, thence West on a line with the northerly line of said Section 21, 10 chains; thence North on a line with the Northerly line of said Section 21, 10 chains, thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker— thence Easterly along the Southerly line of said land deeded to Decker as aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said Section running East and West lying 15 feet West of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of the Daphne Road; thence Northerly and along the West line of said Daphne Road to the point of beginning, containing in all about 10 acres, more or less;

and that neither the said Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker, and Phena C. Decker, nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the said land or any part thereof; that this Honorable Court will give and grant unto the Complainants such other, further, different and general relief as they may be in equity and good conscience entitled to receive.

J. H. Sae
Solicitor for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says: that he is solicitor of record for the Complainant in the case of Esther H. Decker, et al, Complainants vs Nettie Wiggs et al, Respondents, and authorized to make this affidavit; that the facts stated in the foregoing complaint from all information obtainable are true, and from such information obtainable he verily believes the same to be true.

Sworn to and subscribed before me on this the 3 day of January, 1947.

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

RECORDED
1796

ESTHER H. DECKER ET AL

COMPLAINANT

VS

NETTIE WIGGS ET AL

RESPONDENTS

SUMMONS AND COMPLAINT

Filed

1-3-47

*Miss J. Neuch
Register*

ESTHER H. DECKER ET AL

COMPLAINANTS

VS

NETTIE WIGGS ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

002 137

Notice is hereby given that the Complainants in the above styled cause, Esther H. Decker and Delania E. Decker, have filed their bill of complaint, duly verified, in the Circuit Court of Baldwin County, Alabama, in Equity, against the following described lands in Baldwin County, Alabama, to-wit:

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, in Baldwin County, Alabama, described as follows: Commencing at the center post of the Section of the North line of Section 21, running thence West 40 links to the Southeast corner of J. Mayo's fence, thence running South and parallel with the center line of section running North and South, 23 chains 75 links to a stake for the point of beginning, thence South $7\frac{1}{2}$ chains along the same course, thence running Westerly and parallel with the North line of the Section, 10 chains, thence Northerly and parallel with the center line of the Southeast corner running North and South $7\frac{1}{2}$ chains, thence Easterly to the point of beginning---containing $7\frac{1}{2}$ acres, more or less.

All that certain tract of land lying in Section 21, Township 2 South, Range 3 East, described as follows: Beginning at the Southeast corner of a parcel of land deeded---to Elmond A. Decker, March 4, 1910; running thence South along the Westerly line of the road known as the Daphne Road $8\frac{1}{2}$ chains; thence West on a line with the Northerly line of said Section 21, 10 chains; thence North on a line with the Northerly line of said Section 21, 10 chains thence North on a line parallel with the Westerly line of said Section 21, 10 chains to the line of land heretofore deeded by the said Company to the said Decker---thence Easterly along the Southerly line of said land deeded to Decker as aforesaid about 10 chains to the point of beginning.

All that tract of land lying in the Northeast quarter of the Southwest quarter of Section 21, Township 2 South, Range 3 East, described as follows: Beginning at a point on the middle line of said section running East and West lying 15 feet West of the center of said section; thence running due West along said middle line 660 feet to a stake; thence due South 660 feet to a stake; thence East about 839.3 feet to the West line of the Daphne Road; thence Northerly and to the West line of the Daphne Road; to the point of beginning containing in all about 10 acres, more or less.

and also against Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives, and assigns of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker Phena C. Decker, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said land or any part thereof and

alleging that they are non-residents of the State of Alabama, and over 21 years of age; that their address is 2381 State Street, Salem, Oregon; that they are the owners in fee simple, and in the actual possession of said land, and each part thereof; that they acquired title to said land through and by the following deeds of record in the office of the Probate Judge of Baldwin County, Alabama: Joseph Hubbell and Gertrude Hubbell, his wife, to Esther H. Decker, dated February 1, 1935, and of record ~~in the office of the Probate Judge of Baldwin County, Alabama~~, in Deed Book 57 NS, page 346; G. W. Humphries to Delania E. Decker dated June 23, 1931, and of record in Deed Book 50 NS, page 589; that no person is known to have paid any taxes upon said land, or any part thereof, or to have been in possession thereof within ten years next preceding the filing of this bill of complaint except the Complainants, Esther H. Decker and Delania E. Decker.

IT IS THEREFORE ORDERED and Notice is hereby given ~~that~~ Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, the unknown heirs, devisees, grantees, personal representatives, and assigns ~~of Nettie Wiggs, Lorena Hamm, Robert Wiggs, Emerson Wiggs, Edward Wiggs, Ralph Wiggs, Edmond A. Decker, Elmond A. Decker, Phena C. Decker, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said land, or any part thereof, to appear in this court and plead, answer or demur to this bill of Complaint on or before the 9th day of February, 1947, or upon their having failed to do so upon the expiration of thirty days from said date this cause shall be at issue.~~

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for four consecutive weeks.

IN WITNESS WHEREOF, I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 3 day of January, 1947.

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

H. M. Hall
 Solicitor for the Complainant

STATE OF ALABAMA, BALDWIN COUNTY

Filed *Jan. 3, 1947* 10:20 AM

Recorded *Jan. 3, 1947* book *2* page *137-8*

W. B. Thomas, Jr.
 Judge of Probate *L. F.*

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Alabama, in the cause of Esther E. Decker, et al, Complainants vs Nettie Wiggs, et al, Respondents, have filed for record, in the office of the Judge of Probate of Baldwin County, Alabama, the county in which the said lands lies, in accordance with the provisions of the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 3 day of January, 1946.

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

1796

ESTHER H. DECKER ET AL

COMPLAINANTS

VS

NETTIE WIGGS ET AL

RESPONDENTS

2 - 137-8

LIS PENDENS

P-1.35

Mrs. Duck

Filed

1-3-47

Alice J. Duck

Register

PROBATE JUDGE

Bay Minette, Ala.,

194

FOR RECORD

TOTAL \$

Judge of Probate.

PROBATE JUDGE

Bay Minette, Ala.,

Received of.

194

FOR RECORD

TOTAL \$

Judge of Probate.