Otto E Zundel, Complainant.)
vs)
Charles M Mitchell, a minor
et al , Defendants.)

Circuit Court, Baldwin County,
Alabama, in Equity.

- - - - - - - - - - - - - - -

REPORT OF SALE AND REFERENCE BY THE REGISTER.

TO THE HONORABLE JOHN D LEIGH, JUDGE OF SAID COURT:

WHEREAS, by a decree of this Court rendered heretofore on the 26th, day of March, 1921, the Register was ordered to sell at private sale the following described real property , for division to wit:

The North part of the Southwest quarter of the Northwest quarter of Section Twenty (20), Township Seven South, of Range Two East, containing twenty-six (26) acres. Said land being bounded on the North by land of Mrs. E Bryant; on the South by land of Jessie Darling, on the West by Caldwell Tract, and on the East by Wilson Tract, and being the same land conveyed by deed from Jesse Darling to John Bishop on the 25th, day of Febuary, 1881; and being the same land conveyed by John M Bishop and Caroline A Bishop, his wife , to James M Henderson, deceased, on the 15th, day of January, 1901, as shown by deed recorded in Deed Record 3, N.S. pages 539 and 540 in the Probate office of Baldwin County Alabama. And in pursuance and in strict accordance with said decree the undersigned Register did on April 6th, 1921, offer said lands for sale at private sale in his office at the Court House of Baldwin County, Alabama, and at such sale said lands were purchased by Otto E Zundel for and at the sum of $559.82 which sum has been paid in to the Register by Otto E Zundel this being a fair and reasonable value of the lands , and in pursuance of said decree the Register has executed to the said Otto E Zundel, conveying to him the interest of the Plaintiff in this suit, Otto E Zundel, and of the defendants in this suit, viz: Charles M Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, all being minors under fourteen years of age, Milton C Henderson, Florence L Henderson , Minors over fourteen years of age and Ella Aline Bishop, an adult married woman.

And whereas, said decree directed the said Register to hold a ref--erence to determine the respective shares of the various parties to said cause in and to the proceeds of such sale.

And in pursuance with said decree the undersigned Register, after due and proper notice to the parties to said suit, did at his office on the 8th day of April,1921, hold a reference in said cause, no testimony being offered, the Register proceeded to determine the respective interests of the various parties from the allegations in the original bill of complaint, and finds their interests to be as follows:

Otto E Zundel ,one-half interest; Charles M Mitchell.Evans Clarence Mitchell, Corinne L Mitchell, Mildred Oliver Mitchell, and Catherine Virginia Mitchell,jointly one-eighth interest; Milton C Henderson a one-eighth,interest. Florence L Henderson a one-eighth interest.and Ella Aline Bishop a one eighth;

The costs in said cause being the sum of $59.82, leaves a balance of $500.00 to be divided between the parties to said cause in the proportions above set forth, and the Register finds the various parties to be entitled to the followin amounts:

Otto E Zundel , one-half or	$250.00
Charles M Mitchell ,one fifth of one eighth --or----------	12.50
Evans Clarence Mitchell(the same) --	12.50
Corinne L Mitchell (the asme) ---	12.50
Mildred Oliver Mitchell(the same)---	12.50
Catherine Virginia Mitchell(the same)-	12.50
Milton C Henderson(one eighth or ---	62.50
Florence L Henderson(one eighth or--	62.50
Ella Aline Bishop (one eighth or)	62.50
Total	$500.00

Respectfully submitted.

T. W. Robinson -Register.

Bay Minette, Alabama.April 8,1921.

Received of T.W.Richerson, $250.00 my half interest to be allowed me in cause of Otto E Zundel vs Chas M Mitchell, et als.

Otto E Zundel

RECORDED

8581 NOTE OF TESTIMONY.

Otto E Gundell

vs.

Ella Elaine Bishop. et-al

THE STATE OF ALABAMA,

BALDWIN COUNTY

IN EQUITY,

CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Decree pro confesso, and deposition of Mrs. Virginia P Henderson. Otto E Gundell.

and in behalf of Defendant upon

T W Bellinger

Register

10 a

No.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

Otto E. Gundel

vs.

Mrs. Ella Elmira Bishop et-al

NOTE OF TESTIMONY.

Filed in Open Court this 21

day of Feb 191

T. M. Rickerson

Register

RECORDED

OTTO E. ZUNDEL, COMPLAINANT. VS. CHARLES M.MITCHELL,ET AL, RESPONDENT.	No._____ IN THE CIRCUIT COURT OF BALDWIN COUNTY,ALABAMA. IN EQUITY.

By virtue of the commission hereto annexed, issued from the office of the Clerk of the Circuit Court of Baldwin County, State of Alabama, I, the commissioner therein named,have called and caused to come before me, the said Otto E.Zundel and Mrs.Virginia P. Henderson,the witnesses named in said commission,on this 18th. day of January,1921;at 1010 Van Antwerp Building,Mobile,Alabama, and having duly cautioned and sworn each of the said witnesses to speak the truth, the whole truth, and nothing but the truth, the said witnesses did depose and say, as follows, upon oral examination:

DEPOSITION OF OTTO E. ZUNDEL.

My name is Otto E. Zundel. I am the complainant in the above stated cause, pending in the Circuit Court of Baldwin County, Alabama, in Equity. I am over the age of 21 years, was such at the time of the filing of the bill of complaint in this cause, and am a bona fide resident citizen of Baldwin County, Alabama. The respondents, Charles M. Mitchell, Evans Clarence Mitchell, Corinne L. Mitchell, Mildred Olivia Mitchell, and Catherine Virginia Mitchell, are minors under fourteen years of age, and reside in Mobile County, Alabama. The respondents, Milton C. Henderson and Florence L. Henderson, are minors over the age of fourteen years, and reside in the City and County of Mobile, Alabama; Ella Aline Bishop is a married woman, over the age of twenty-one years, and was such at the time of the filing of the bill of complaint in this cause, and she is living in the western part of the United States, with her husband, Louis Bishop, who escaped from the penitentiary of Alabama, and fled to the West, before the filing of the bill of complaint in this cause. I have made diligent inquiry and search among the friends and relatives of the said Ella Aline Bishop for the purpose of ascertaining where she resided at the time the bill of complaint in this cause was filed, or recently before that time, or since then, and I have been unable to learn in what State she has been residing since she left Alabama to join her husband in some Western State, further than to learn and know, as a matter of fact, that she is a non-resident of the State of Alabama, and has been such ever since before the filing of the bill of complaint in this cause.

At the time of the filing of the bill of complaint in this cause, I was the owner of an undivided one-half interest in the real estate situated in Baldwin County, Alabama, and particularly described in the second paragraph of the said bill of complaint, and am still the owner of said interest in said real estate. At the time of filing the bill of complaint in this cause, and down to the present time, the other undivided one-half interest in and to said real estate was and is owned by the respondents named in the bill of complaint, and mentioned by me in this testimony, as tenants in common; that is to say, an undivided one-eighth part thereof is jointly owned by those of the respondents who are minors under fourteen years old, viz: Charles M. Mitchell, Evans Clarence Mitchell, Corinne L. Mitchell, Mildred Olivia Mitchell and Catherine Virginia Mitchell. Another undivided one-eighth part thereof is owned by the said Milton C. Henderson, a minor over the age of fourteen years; another undivided one-eighth part thereof is owned by Florence L. Henderson, a minor over the age of fourteen years, and the last undivided one-eighth part thereof is owned by the said Ella Aline Bishop, a married woman, over the age of twenty-one years.

I know, of my own personal knowledge, that some of the

land described in the second paragraph of the bill of complaint in this cause, is of good quality, and some of it is very inferior in quality. Some of it is fairly level and suited for cultivation, but I would say that one-half of the land is not particularly valuable, for the reason that it is not suitable for purposes of cultivation. In my judgment, twenty-five dollars per acre would be a good price for said land, taking it as a whole, for, while a portion of it, say one-third of it, might be worth thirty or forty dollars an acre, the balance of it would not be worth more than ten dollars per acre, and the entire tract would not usually sell for an average of twenty-five dollars per acre, except to some person who might have a special need for it.

It would be absolutely impossible to divide the land between the numerous owners thereof, in such manner as to have the several pieces or parcels of anything like equal value, and the only way in which the several owners of the land could ever obtain anything like reasonable returns therefrom, would be by having all of the said land sold in one body, and by making division of the net proceeds among the owners. Undoubtedly, it would be for the best interest of all of the owners for the property to be sold at public outcry, under a decree of this Court. There are no improvements on this proland, and there is no timber thereon.

Otto E. Jundel

DEPOSITION OF MRS. VIRGINIA P.HENDERSON.

My Name is Mrs. Virginia P. Henderson, and I live in the City and County of Mobile, Alabama. I am well acquainted with Mr. Otto E. Zundel, the complainant, in the case in the Circuit Court of Baldwin County, Alabama, wherein Charles M. Mitchell and others are respondents, and I am well acquainted with all of the respondents, indeed, I am related by blood to the respondents, and am well familiar with all of the facts set up in the bill of complaint in the above mentioned cause. I am over twenty-one years old. Otto E. Zundel, the complainant, is over twenty-one years old, and all of the respondents are minors, except Ella Aline Bishop, and she is a married woman over the age of twenty-one years. I know that Mr. Zundel, the complainant, is a resident citizen of Baldwin County, Alabama, and that all of the respondents, except Ella Aline Bishop, reside in the City and County of Mobile, Alabama. Ella Aline Bishop, as already stated, is a married woman, over the age of twenty-one years, and she is living somewhere in the West part of the United States with her husband, Louis Bishop. Louis was confined in the penitentiary of Alabama, and escaped and fled to the West, and his wife, Ella Aline, went out there to live with him, before this suit was filed, and she has been out there ever since. I do not know in what State she is living, and I do not know of any one who can give me any definite information on this subject.

Mr. Otto E. Zundel, the complainant, was, at the time of filing the suit in this case, and is, at the present time, the owner of an undivided one-half interest in the real estate located in Baldwin County, Alabama, known as the North part of the Southwest quarter of the Southwest quarter of Section Twenty, Townshop Seven South, Range Two East, containing about twenty-six acres, and the land being bounded on the North by land of Mrs. E. Bryant, on the South by land of Jessie Darling; on the West by the Caldwell Tract, and on the East by the Wilson Tract, being the same land conveyed by Jessie Darling to John Bishop, on the 25th. of February, 1881, and conveyed by John Bishop and wife to James M. Henderson, now deceased, on the 15th. day of January, 1901, as shown by deed recorded in Deed Book 3, N.S., pages 539-540, in the Probate Office of Baldwin County, Alabama. The other undivided one-half interest is owned by the respondents, as tenants in common, in the fractions set forth in Paragraph TWO of the bill of complaint in this cause.

Some of this land is of very good quality, and some of it is of very poor quality. I would say that one-third of this land is well suited for cultivation for vegetables and produce, but the other portion of it is not very valuable. I would say that an average of ten dollars per acre all round would be about a fair price forthis property. There are so many people interested in it that it is not worth anything to them, and there is no income from it, and it would be impossible to divide the land between the many owners in such way as to have the different parcels of anything near equal value. The only way in which the owners of the land can obtain anything near reasonable returns from it is by having all of it sold in a body and have a division of the money among the owners. It would be for the best interest of all of the owners for this property to be sold at public sale, under an order of this Court. There is no timber, nor are there any improvements on this land.

Mrs. Virginia P. Henderson

CERTIFICATE.

I, L. C. Harris, the Commissioner in said commission named, do hereby certify that the foregoing depositions, taken down by me as nearly as possible in the words of the witnesses, Otto E. Zundel and Mrs. Virginia P. Henderson, were read over to them; that they assented, swore to, and subscribed the same in my presence, at the time and place herein mentioned; that I have personal knowledge of the personal identity of said witnesses; that I am not of counsel nor of kin to any of the parties to said cause, nor interested in the event thereof. And I enclose the said depositions, together with said commission, to the said Clerk of the Circuit Court, whence the same amanated, as my full execution of said commission. I further certify that Mr. John W. McAlpine, of the firm of Webb, McAlpine & Grove, Solicitors for the Complainant, was present at the taking of the said testimony.

Given under my hand and seal, this 18th. day of January, 1921.

L. C. Harris (SEAL).
COMMISSIONER.

COMMISSION TO TAKE DEPOSITION. [redacted] (Box 649.) MARSHALL & BRUCE CO., NASHVILLE

The State of Alabama, Baldwin **COUNTY.**

CIRCUIT COURT. Equity *Division.*

To ~~Mr.~~ L.C.Harris,

or such of you as may act herein, of Mobile, *County, State of* Alabama, *, Greeting:*

KNOW YE, That we, reposing confidence in your integrity, skill, and ability have appointed you Commissioners to take the testimony of

Otto E Zundel,(Zundels,Baldwin Co,Ala.)

Mrs. Virginia P Henderson, (Mobile, Alabama)

material witness es *in a suit now pending in our* Circuit *Court of* Baldwin *County, wherein* Otto E Zundel~~s~~,

Plaintiff, *and* Charles M Mitchell, et al~~s~~,

*Defendant*s, *and we hereby authorize and empower you to call and cause to come before you* Otto E Zundel and Mrs. Virginia P Henderson,

*the said witness*es *and* their *deposition on the Holy Evangelists to take, as well for the* Complainant, *as for the* ~~_____~~ *touching* their *knowledge of the matters and things in controversy in said suit, which deposition, when so taken, shall be signed by said witness*es *and certified by such of you Commissioners as may act herein; and you are further commanded, the deposition, when so taken, with this commission, to return under your hands and seals to the Clerk of said Court, with all convenient speed, and any one or more of you Commissioners, are authorized to act alone in the premises.*

Witness my hand, this 15th, *day of* January, 1921, ~~191--~~

Witness' Fees, - - - $

Commissioners' Fees, $ 5.00

D. W. Richerson *Clerk.*

No.

The State of Alabama, Baldwin County.

CIRCUIT COURT, DIVISION.

Equity

Otto E Zundel, Plaintiff,

vs.

Charles M Mitchell, Defendant.

COMMISSION TO TAKE DEPOSITION ON SET INTERROGATORIES.

Issued this 15 day of Jan 1921, 191 Clerk.

WITNESSES:

Otto E Zundel

Mrs. Virginia Wright

MARSHALL & BRUCE CO., NASHVILLE

DIRECTIONS:

TO THE COMMISSIONERS IN EXECUTING AND RETURNING THE COMMISSION.

1. If the time and place of executing the commission are not named therein, the Commissioners will subpoena the witness to appear before them at such time and place as they may appoint, and administer the oath to witness.

2. Either the Commissioners, witness, or some impartial persons, must reduce the answer of witness to writing, as near as may be in the language of the witness.

3. State the caption of the cause at the beginning, and then the following heading or title:

By virtue of the Commission hereto annexed, issued from the office of the Clerk of the Circuit Court of_____ County, State of Alabama, we, the Commissioners therein named, have called and caused to come before us the said A B, the witness named in said commission, on this_____day of_____191__, at the_____; and having duly cautioned and sworn the said witness to speak the truth, the whole truth, and nothing but the truth, A B, the said witness, deposeth and saith as follows:

First.—To first interrogatory he saith:

Second.—To second interrogatory he saith:

First.—To first cross-interrogatory he saith:

4. When the deposition is finished, it must be subscribed by the witness and certified as follows:

We, C D and E F, the Commissioners in said commission named, do hereby certify that the foregoing testimony and answers, taken down and written by us in the words of the witness, A B, were read over to him; that he assented, swore to, and subscribed the same in our presence, at the time and place herein mentioned; that we have personal knowledge of the personal identity of said witness [or, if unacquainted with the witness, that proof hath been made before us of the identity of the said witness]; that we are not of counsel or kin to either of the parties to said cause, nor interested in the event thereof. And we inclose the said testimony, together with said commission and the interrogatories, direct and cross, to the said Clerk of the Circuit Court whence the same emanated, as our full execution of said commission.

Given under our hands and seals, this_____day of_____191__

_____[L. S.]

_____[L. S.]

Next unite the commissions, interrogatories, and answers together, with wafers or tape; second, envelope all, sealed with three seals; third, write each Commissioner's name across each seal; and, fourth, write on the envelope the names of the parties and witnesses, and direct it thus:

C D *v.* E F — DEPOSITION OF A B	*To*_____*Esq.,* CLERK OF THE CIRCUIT COURT. _____ _____*County, Ala.*

☞ **The package may by sent by mail or private conveyance.**

OTTO E. ZUNDEL, COMPLAINANT.	)	NO. 234
VS.	(	IN THE CIRCUIT COURT OF BALDWIN
CHARLES M. MITCHELL, ET AL, RESPONDENTS.	)	COUNTY, ALABAMA. IN EQUITY.

DECREE CONFIRMING REGISTER'S REPORT.

The Register of this Court, having reported that, pursuant to the terms of the decree of March 26th., 1921, rendered in this cause, he made private sale of the property described in paragraph Two of the bill of complaint, containing twenty-six acres, and being located in the North part of the Southwest quarter of the Northwest quarter of Section Twenty, Township Seven South, Range Two East, in Baldwin County, Alabama, particularly described in said report; and that, at such sale, said lands were purchased by Otto E. Zundel, at and for the sum of Five Hundred, Fifty-nine Dollars and eighty-two cents, ($559.82), which sum was paid, in cash, to the said Register, by the said Otto E. Zundel; and, it appearing to the Court that said sum of money represents the fair and reasonable value of said land; and the said Register having further reported that he held a reference to determine the respective shares of the various parties to said cause, in and to the proceeds of said sale, as ordered in said decree, and that he ascertained the several interests of the parties to be as set forth in his said report; and it appearing that said report has lain over in excess of the period of time required by law, and that no exceptions thereto have been filed:

Now, therefore, it is ordered, adjudged and decreed that said report be, and it is hereby, in all things confirmed, and the Register of this Court shall, as ordered in the said decree of March 26th., 1921, execute a deed conveying said property to the said purchaser, Otto E. Zundel, with proper reference to the said decree of March 26th., 1921, and this decree, and that, after deducting the costs and expenses of this proceeding from the funds received by him from said purchaser, the said Register shall make division of the net proceeds among the several owners who are adults, according to

the amounts ascertained in said Register's report to be due each of them, and shall pay over the portion or portions due any minor or minors to the parent or parents, guardian or guardians, of such minor or minors.

Dated, this 20th day of September, 1921.

John N. Leigh
JUDGE.

RECORDED

THE STATE OF ALABAMA, BALDWIN COUNTY.

OTTO E. ZUNDEL, COMPLAINANT. VS. CHARLES M.MITCHELL,EVANS CLARENCE MITCHELL,CORINNE L.MITCHELL,MILDRED OLIVIA MITCHELL,CATHERINE VIRGINIA MITCHELL, ALL BEING MINORS UNDER FOURTEEN YEARS OF AGE; MILTON C. HENDERSON AND FLORENCE L.HENDERSON, MINORS OVER FOURTEEN YEARS OF AGE, AND ELLA ALINE BISHOP,AN ADULT MARRIED WOMAN, RESPONDENTS.	NO. _____ IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

THE COMPLAINANT Requests the oral examination of the following named witnesses on his behalf, viz:

Otto E. Zundel, Complainant, Zundel's, Baldwin County, Alabama;

Mrs. Virginia P. Henderson; Mobile, Alabama.

L.C.Harris,

who resides at 1010 Van Antwerp Building, Mobile, Alabama, is suggested as a suitable person to be appointed Commissioner to take the depositions of said witnesses on such oral examination.

Reed, McPhillips & Grove,

SOLICITORS FOR COMPLAINANT.

NO. 8111

CIRCUIT COURT OF BALDWIN COUNTY,
BAY MINETTE, ALABAMA.

IN EQUITY.

OTTO E. ZUNDEL, COMPLAINANT.

VS.

CHARLES M. MITCHELL, ET AL,
RESPONDENTS.

DEMAND FOR ORAL EXAMINATION.

Filed: Jan 15th 1921.

T. W. Richmond

Register.

RECORDED

8604 Decree Pro Confesso on Personal Service. 3107 Code.

THE STATE OF ALABAMA, Baldwin County. } No. 234

CIRCUIT COURT, IN EQUITY.

Otto E Grundell Complainant

vs.

Chas M Mitchell et al Defendants

In this cause it appears to the Register that a Summons requiring the Defendant Chas M Mitchell, Evans Clarence Mitchell. Corrinne L Mitchell Catherine Virginia Mitchell. Mildred Olivia Mitchell and on Chas M Mitchell father Of And Guardian of above mentioned Minor Defendant

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Chas M Mitchell Evans Clarence Mitchell. Corrinne L Mitchell Chas M Mitchell Father & Guardian of above mentioned Minors and on Chas M Mitchell Father Catherine Virginia Mitchell Mildred Olivia Mitchell Dec 30/920 by Sheriff Murphree Co clk

was served upon Them by the Sheriff of Mobile County, Alabama, on the 24 day of Sept 1920, and the said Defendant having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Mr McAphin & Grove Atty for Complainant

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Chas M Mitchell Evans Clarence Mitchell, Corrinne L Mitchell, Catherine Virginia Mitchell And Milton Olivia Mitchell

Defendant aforesaid.

This 5th day of January 1921

T. W. Reilmann

Register.

Dec

No. 234 Page

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

Otto E. Gundell

vs.

Chas M. Mitchell et al

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued Jan 5 1921

T. B. Kimbrough

Register.

Recorded in Record,

Vol. Page

RECORDED

Register.

THE STATE OF ALABAMA, Baldwin County. } No. .....

CIRCUIT COURT, IN EQUITY.

Otto E Grundell Complainant

vs.

Chas M Hudson et al Defendant's

In this cause it appears to the Register that a Summons requiring the Defendant's Florence L Henderson. And Milton C Henderson

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the service of said Summons upon Florence L Henderson was served upon her by the Sheriff of Mobile County, Alabama, on the 25th day of Sept 1920 and the said Defendant and M Milton C Henderson Act 4/1920 having failed to demur, plead to or answer the said Bill of Complaint to this date, it is now, therefore, on motion of Robertson for Complainant ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as confessed against the said Florence L Henderson And Milton C Henderson

by the Sheriff of Baldwin Co. Ala

Defendant's aforesaid.

This 15th day of Nov 1920

T M Richerson
Register.

No. 234 Page

THE STATE OF ALABAMA,

B Calhoun County.

CIRCUIT COURT, IN EQUITY.

Otto E Gundel

vs.

Chas W Truesdale

DECREE PRO CONFESSO ON PERSONAL SERVICE.

Issued Nov 15 1920

T. P. Reinmon

Register.

RECORDED

Recorded in Record,

Vol. Page

Register.

8606 DECREE PRO CONFESSO OF PUBLICATION. Baldwin Times Print.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.
No. Vacation Term, 19 20

Ottoe Zundell, Complainant

vs. Ella Aline Bishop et al. Defendant

In this cause it appears to the Register of this Court that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 3rd, day of June, 19 20, in the Baldwin Times a newspaper published in Baldwin County, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 3rd day of June 19 20, and

And it now further appearing to the Register of this Court, that the said Ella Aline Bishop,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register of this Court that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Ella Aline Bishop,

This 16th day of August, 19 20

W. Richerson
Register.

5-th

No. 234. Page

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Otto E Zundell

vs.

Ella Elaine Bishop,

DECREE PRO CONFESSO ON PUBLICATION.

Issued Aug 16th, 19 20

T. M. Richerson
Register.

Recorded in Record

Vol. Page

Register.

RECORDED

OTTO E. ZUNDEL, COMPLAINANT. VS. CHARLES M.MITCHELL, EVANS CLARENCE MITCHELL,CORINNE L.MITCHELL,MILDRED OLIVIA MITCHELL,CATHERINE VIRGINIA MITCHELL, ALL BEING MINORS UNDER FOURTEEN YEARS OF AGE; MILTON C.HENDERSON AND FLORENCE L.HENDERSON,MINORS OVER FOURTEEN YEARS OF AGE, AND ELLA ALINE BISHOP, AN ADULT MARRIED WOMAN, RESPONDENTS.	NO._____ IN THE CIRCUIT COURT OF BALDWIN COUNTY,ALABAMA. IN EQUITY.

DECREE.

This cause coming on to be heard in this court, and being submitted for final decree, on the pleadings and proof as noted by the Register, and it being the opinion of the Court that the complainant is entitled to the relief prayed for in the bill of complaint:

It is therefore ordered, adjudged and decreed that the property described in Paragraph TWO of the bill of complaint, containing twenty-six acres, and being located in the North part of the Southwest quarter of the Northwest quarter of Section Twenty, Township Seven South, Range Two East, in Baldwin County, Alabama, and being bounded as particularly set forth in said Paragraph TWO of the bill of complaint in this cause, be sold in a body, at private sale, for a division of the net proceeds among the several owners thereof. It is further ordered, adjudged and decreed that such sale be made by the Register of this Court, the conveyance to be executed by him, with proper references to this cause and this decree, the said Register, after deducting the costs and expenses of this proceeding from the fund received by him from the purchaser, to make division of the net proceeds among the several owners, the amounts belonging to such of said owners as are minors to be paid to the parent or guardian of such minors.

It is further ordered that the Register shall make report to this Court of his actions under the terms of this decree.

Dated, this 26th day of March, 1921.

John D. Leigh
JUDGE

OTTO E. ZUNDEL, COMPLAINANT. VERSUS. CHARLES M. MITCHELL, EVANS CLARENCE MITCHELL, CORINNE L. MITCHELL, MILDRED OLIVIA MITCHELL, CATHERINE VIRGINIA MITCHELL, ALL BEING MINORS UNDER FOURTEEN YEARS OF AGE: MILTON C.HENDERSON AND FLORENCE L.HENDERSON,MINORS OVER FOURTEEN YEARS OF AGE, AND ELLA ALINE BISHOP,AN ADULT MARRIED WOMAN, RESPONDENTS.	NO. _____ IN THE CIRCUIT COURT OF BALDWIN COUNTY,ALABAMA. IN EQUITY.

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

THE BILL OF COMPLAINT OF OTTO E. ZUNDEL, EXHIBITED AGAINST CHARLES M. MITCHELL, EVANS CLARENCE MITCHELL, CORINNE L. MITCHELL, MILDRED OLIVIA MITCHELL, CATHERINE VIRGINIA MITCHELL, ALL BEING MINORS UNDER FOURTEEN YEARS OF AGE; MILTON C. HENDERSON AND FLORENCE L. HENDERSON, MINORS OVER FOURTEEN YEARS OF AGE, AND ELLA ALINE BISHOP, AN ADULT MARRIED WOMAN, RESPECTFULLY REPRESENTS AND SHOWS UNTO YOUR HONOR THE FOLLOWING:

ONE:- That Orator is over the age of twenty-one years, and is a bona fide resident citizen of Baldwin County, Alabama; and that the respondents, Charles M. Mitchell, Evans Clarence Mitchell, Corinne L. Mitchell, Mildred Olivia Mitchell and Catherine Virginia Mitchell, are minors under fourteen years of age, and reside in Mobile County, Alabama; that the said Milton C. Henderson and Florence L. Henderson are minors over the age of fourteen years, and reside in the City and County of Mobile, Alabama; that Ella Aline Bishop is a married woman, over the age of twenty-one years, and that she is living somewhere in the western part of the United States, with her husband, Louis Bishop, who escaped from the penitentiary of Alabama and fled to the West; and that Orator has made

diligent inquiry and search among the friends and relatives of the said Ella Aline Bishop, and has been unable to ascertain in what state she now resides, except that she is a non-resident of the State of Alabama.

TWO:- Orator further alleges and shows unto your Honor that he is at this time the owner of an undivided one-half interest in and to the following described real estate, situated in Baldwin County, Alabama, to-wit: The North part of the Southwest quarter of the Northwest quarter of Section Twenty (20), Township Seven South, of Range Two East, containing twenty-six (26) acres. Said land being bounded on the North by land of Mrs. E. Bryant; on the South by land of Jessie Darling, on the West by Caldwell Tract, and on the East by Wilson Tract, and being the same land conveyed by deed from Jesse Darling to John Bishop on the 25th. day of February, 1881; and being the same land conveyed by John M. Bishop and Caroline A. Bishop, his wife, to ~~the above named~~ James M. Henderson, deceased, on the 15th. day of January,1901, as shown by deed recorded in Deed Record 3, N.S., pages 539 and 540, in the Probate Office of Baldwin County, Alabama; and that the other undivided one-half interest is owned by the respondents, as tenants in common; that is to say, an undivided one-eighth part thereof is owned by those of the said respondents who are minors under fourteen years of age, viz: Charles M. Mitchell, Evans Clarence Mitchell, Corinne L. Mitchell, Mildred Olivia Mitchell, and Catherine Virginia Mitchell; and another undivided one-eighth part thereof is owned by the said Milton C. Henderson, a minor over the age of fourteen years; another undivided one-eighth part thereof is owned by Florence L. Henderson, a minor over the age of fourteen years; and the last undivided one-eighth part thereof is owned by the said Ella Aline Bishop, a married woman over the age of twenty-one years.

THREE:- Orator further alleges and shows unto your Honor that some of the said land is of good quality and some of it is very inferior; that some of it is fairly level and suited

for cultivation, whereas, a considerable portion of it is not nearly so valuable for the purpose of cultivation, and that it would be impossible to divide the said land between the several owners thereof in such manner as to have the several parcels of approximately equal value and that the only way in which the several owners of the said land could obtain anything approaching reasonable returns therefrom would be by having all of said lands sold in a body and a division of the net proceeds among the owners.

WHEREFORE, as Orator alleges and shows, it would be for the best interest of all of the owners, for said property to be sold at public outcry, under a decree of this Court.

PRAYER FOR PROCESS.

The premises considered, Orator prays for the issuance of proper process to be served upon the said minors in such manner as may be ordered by your Honor, and upon said respondent, Ella Aline Bishop, as is usual in the case of service upon non-residents, bringing all of them in as parties respondent in this cause.

PRAYER FOR RELIEF.

And, after due consideration of all of the allegations of the foregoing bill of complaint, and of the evidence to be adduced in support thereof, may your Honor ascertain that Orator is entitled to relief, and may your Honor make an order or decree, ordering the sale of the aforesaid property for division, in such manner and upon such terms as may seem to your Honor to be meet and proper. And may your Honor grant unto Orator such other and further, or different and general, relief, as he may be found entitled to receive. And Orator will ever pray, etc.

Neal McAlpine & Grove,
AS SOLICITORS FOR COMPLAINANT.

FOOT NOTE: Each of the respondents is required to answer each of the allegations of the foregoing bill, from paragraphs One to Three, both inclusive, but not under oath, answer under oath being hereby expressly waived.

Neal McAlpine & Grove,

STATE OF ALABAMA, }
MOBILE COUNTY. }

Before me, L. C. Harris, a Notary Public in and for Mobile County, Alabama, personally appeared John W.McAlpine, one of the solicitors in the equity suit of Otto E. Zundel versus Charles M. Mitchell, et al, in the Circuit Court of Baldwin County, Alabama, who, being first duly sworn, deposes and says that Ella Aline Bishop, one of the respondents in said cause, is a married woman over the age of twenty-one years; that she is a non-resident of the State of Alabama; that, when last heard from, she had left for some western State for the purpose of joining her husband, Louis Bishop, who had recently escaped from the penitentiary of Alabama; that diligent search and inquiry among the relatives and friends of the said Ella Aline Bishop has been made for the purpose of ascertaining her present place of residence and postoffice address, and that no information can be obtained with reference to the same, further than the fact that she is residing in one of the western States with her said husband; that she is a non-resident of the State of Alabama, that her whereabouts are unknown, and that it is impossible, after the most diligent search and inquiry, among her relatives and friends, to ascertain her present place of residence, other than stated in the said bill of complaint and in this affidavit.

John W. McAlpine.

Sworn to and subscribed before me, this 19th. day of May, 1920.

L. C. Harris
Notary Public, Mobile County, Alabama.

8587 SUMMONS—Original. Baldwin Times Print.

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 Charles M Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

of Mobile, County, 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

Otto E Zundel,

against said Charles M Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

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 3rd day of Sept 1920.

T W Richerson

Register.

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

alias 2nd Original (98)

Serve on.....

Circuit Court of Baldwin County
In Equity

No.....

SUMMONS

Otto E Zundel

Chas Mitchell Insor Bond

vs.

Charles M Mitchell, et al.

v

552 SE Encumbrance

Webb, Mc Alpin and Grove.
Solicitor for Complainant

Rocorded in Vol..... Page.....
Sept

RECORDED

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this.....

day of.....192...

.....
Sheriff

Executed this 24 day of
Sept 192 0

by leaving a copy of the within summons with Charles M Mitchell, Evans Clarence Mitchell, Lorraine L Mitchell and ~~Mitchell Olivia Mitchell, Catherine Virginia Mitchell, Mildred Mitchell~~ Defendant, by Charles M Mitchell as father of said Defendant.

Malcomb J
Sheriff

By W. Burch
Deputy Sheriff

On Nov 30th 1926 I served a copy of this Summons on Charles M Mitchell Father Catherine Virginia Mitchell, and Mildred Olivia Mitchell minors under fourteen years of age.

Malcomb J, Sheriff
By W. Burch

8587 SUMMONS—Original. Baldwin Times Print.

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 Milton C Henderson, and Florence L.Henderson, Minors over fourteen years of age,

of Mobile, County, 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

Otto E Zundel,

against said Milton C Henderson and Florence L Henderson, Minors over fourteen years of age.

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 3rd day of Sept., 192 0.

T. W. Richerson
Register.

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

alias Original 3rd 95

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Otto E Zundel,

vs.

Fame

Milton C Henderson and Florence L Henderson.

Solicitor for Complainant

Rocorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this _____

day of _____ 192__

_____
Sheriff

Executed this 25 day of Sept 1920

by leaving a copy of the within summons with Florence L Henderson and Milton C Henderson defendants in my County

Defendant

Walter H
Sheriff

By J. H. Faust
Deputy Sheriff

Executed October 4th 1920 by serving Copy Milton C Henderson Minors over 14 yrs of age.

W. R. Stewart
Sheriff

RECORDED

NOTICE TO NON-RESIDENT. Times Print.

Ottoe E Zundel,

No. 234

vs.

Ella Aline Bishop et al

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT, IN EQUITY.

This the 22nd day of May 19 20

In this cause it being made to appear to the Clerk of this Court by the affidavit of John W Mc Alpin Attorney for Complainant, that the Defendant Ella Aline Bishop,

is a non-resident of the State of Alabama and resides in one of the Western States her pesent place of residence being unknown to affiant,

and further, that, in the belief of said Affiant..... the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring her the said Ella Aline Bishop,

to answer or demur to the Bill of Complaint in this cause by the 29th day of June 1920, or after thirty days therefrom a decree Pro Confesso may be taken against her

D V Rieuwes

Register.

8587 SUMMONS—Original. Baldwin Times Print.

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 Charles M Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

of Mobile, County, 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

Otto E Zundel,

against said Charles M Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

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 3rd day of Sept 192 0

T W Richerson
Register.

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

Copy

Serve on.....

Circuit Court of Baldwin County
In Equity

No.....

SUMMONS

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vs.

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.....

Charles H. Mitchell,

.....

et al.

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.....

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.....

.....

Solicitor for Complainant

Recorded in Vol..... Page.....

Charles H. Mitchell vs
~~552 SE Emmanuel St~~
vs Garage Creighton St Louis

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

over garage
Creighton
St Louis

8587 SUMMONS—Original. Baldwin Times Print.

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 Charles H Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

of Mobile, County, 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

Otto E Bundel,

against said Charles H Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

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 3rd day of Sept 192 0

T W Richerson
Register.

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

Alias Copy

Serve on .....

Circuit Court of Baldwin County
In Equity

No. .....

SUMMONS

Otto F. Bandel

vs.

Charles A. Mitchell,
et al.

Connie L. Mitchell
~~550 St Emanuel St~~
over garage Conception & St Louis

Webb & Webb and Grove.
Solicitor for Complainant

Rocorded 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

over garage
Conception and
St Louis

8587 SUMMONS—Original. Baldwin Times Print.

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 Charles H Mitchell, Vane Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

of Mobile, County, 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

Otto E Mandel,

against said Charles H Mitchell, Vane Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

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 3rd day of Sept 192.....

T W Richerson

Register.

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

Alias Copy

Serve on.....

Circuit Court of Baldwin County
In Equity

No.....

SUMMONS

Otto E Zundel

vs.

Charles M Mitchell,
et al.

Catherine Virginia Mitchell
552 St Emanuel St

Webb, Mc Alpin and Grove.
Solicitor for Complainant

Rocorded in Vol..... Page.....

serve at Charles M Mitchell
410 S. Franklin ~~552 St Emanuel~~

552 St Emanuel
Not found

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

Griffith Leo

8587 SUMMONS—Original. Baldwin Times Print.

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 Charles H Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

of Mobile, County, 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

Otto E Sundel,

against said Charles H Mitchell, Evans Clarence Mitchell, Corinne L Mitchell, Mildred Olivia Mitchell, Catherine Virginia Mitchell, (Minors under fourteen years of age)

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 3rd day of Sept 192 0

T W Richerson
Register.

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

Alias Copy

Serve on: _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Otto K Zundel

S. E. St Louis and
condition —
mortgage —

vs.

Charles W Mitchell,
et al.

Mrs Lodie Olivia
Virginia Mitchell
~~552 SE Emanuel St~~
410 S. Franklin

Webb, Webb & Allen Bay Minette.
Solicitor for Complainant

Recorded in Vol. _____ Page _____
Serve on Charles W Mitchell

552 SX Emanuel
Moved not found

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

Griffith Leo

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

January 18th., 1921.

Mr. T. W. Richerson,
Register of the Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

There will be sent to you, at once, by the Commissioner, the depositions of Otto E. Zundel and Mrs. Virginia P. Henderson, in support of the allegations of the bill of complaint in the case of Zundel vs. Mitchell, et al. We would like to have an order of publication, and a submission of the cause for final decree, upon the pleadings and proof, as noted by the Register at the earliest possible moment.

Thanking you for your prompt attention, we are

Very truly yours,

Webb, McAlpine & Grove,

By Mia-

M.H

NO. ____________

BAY MINETTE, ALA. November 3rd, 1921

Baldwin County Bank

61-258

PAY TO THE ORDER OF Virginia P Henderson $ 62.50

Sixty two and 50/100xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

For FlorenceL Henderson(a minor)
in cause of Otto E Zundel-vs-
Chas.M Mitchell et al Circuit
Court Baldwin Co,Ala,in Equity.)

T. W. Richerson

N.P.
61-33

RECORDED

Virginia P. Henderson

By

John W. McAlpine,

Atty Attorney.

PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
The FARMERS AND MECHANICS BANK OF MOBILE
MOBILE, ALA.
T. P. LANGAN, JR., Ass't Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 7 1921
FIRST NATIONAL BANK,
61-26 MOBILE, ALA. 61-26
J. W. WOOD CASHIER.

NO. _____ BAY MINETTE, ALA. November 3rd, 1921.

Baldwin County Bank 61-258

PAY TO THE ORDER OF Virginia P Henderson, $ 62.50

Sixty two and 50/100xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

For Milton C Henderson(a minor) in cause of Otto E Zundel-vs- Chas.M Mitchell,et al,Circuit Court Baldwin Co,Ala,in Equity)

T. W. Richardson

M. P. 61-88

RECORDED

Virginia P. Henderson
By
John W. McGehee,
Her Attorney

PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
The FARMERS AND MECHANICS BANK OF MOBILE
MOBILE, ALA.
T. P. LANGAN, JR., Ass't Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 7 1921
FIRST NATIONAL BANK,
61-26 MOBILE, ALA. 61-26
J. W. WOOLF, CASHIER.

NO. _____ BAY MINETTE, ALA. November 3rd, 1921

Baldwin County Bank 61-258

PAY TO THE ORDER OF Chas.M Mitchell,Sr., $ 12.50

Twelve and 50/100 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

For Catherine Virginia Mitchell,(minor)
in cause of Otto E Zundel-vs-)
Chas.M.Mitchell ,et al,Circuit)
Court Baldwin Co,Ala,in Equity.)

T. W. Richerson

N. P. 67.33

RECORDED

Chas. M. Mitchell, Sr.,
By
John M. McAlpine,
His Attorney.

PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
The FARMERS AND MECHANICS BANK OF MOBILE
MOBILE, ALA.
T. P. LANGAN, JR., Ass't Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER.
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 7 1921
FIRST NATIONAL BANK,
61-26 MOBILE, ALA. 61-26
J. W. WOOLF, CASHIER.

No. _____ BAY MINETTE, ALA. November 3rd, 1921

Baldwin County Bank

61-258

PAY TO THE ORDER OF Chas.M Mitchell,Sr., $ 12.50

Twelve and 50/100 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

For Mildred Oliver Mitchell,
(a minor)in cause of Otto L Zundel
-vs-Chas.M Mitchell,et al,Circuit
Court Baldwin Co,Ala,in Equity.

F. W. Rickarson

N. P. 33

RECORDED

Chas. M. Mitchell, Jr.
By
John W. McAlpine,
His Attorney

PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
The FARMERS AND MECHANICS BANK OF MOBILE
MOBILE, ALA.
T. P. LANGAN, JR., Ass't Cashier

TRUST

PAY TO THE ORDER OF
ANY BANK OR BANKER
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 7 1921
FIRST NATIONAL BANK.
61-26 MOBILE, ALA. 61-26
D. W. WOOLF, CASHIER.

NO. _____ BAY MINETTE, ALA. November 3rd, 1921

Baldwin County Bank 61-258

PAY TO THE ORDER OF Charles M Mitchell, Sr., $ 12.50

Twelve and 50/100 xx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

N.P. 61-33

For Corinne L Mitchell in
cause of Otto E Zundel vs
Chas. M Mitchell et al
Circuit Court Baldwin Co, Ala,
in Equity.

T. H. Richerson

RECORDED

Chas. M. Mitchell, Dr.

By John W. McAlpine,

His Attorney.

PAY TO THE ORDER OF

ANY BANK OR BANKER

All Prior Endorsements Guaranteed

The FARMERS AND MECHANICS BANK OF MOBILE

MOBILE, ALA.

T. P. LANGAN, JR., Ass't Cashier

PAY TO THE ORDER OF

ANY BANK OR BANKER

ALL PRIOR ENDORSEMENTS GUARANTEED

NOV 7 1924

FIRST NATIONAL BANK,

61-26 MOBILE, ALA. 61-26

J. W. WOOLF, CASHIER

No. _____ BAY MINETTE, ALA. November 3rd, 1921

Baldwin County Bank 61-258

PAY TO THE ORDER OF Charles M Mitchell, Sr., $ 12.50

Twelve and 50/100 xxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

N. P. 61-33

For Evans Clarence Mitchell,
(a minor) in cause of Otto E
Zundel vs Chas. M Mitchell, et al.)
Circuit Court Baldwin Co, Ala,
in Equity.

T. W. Richerson

RECORDED

Chas. M. Mitchell,

By

John W. Wilkins

His Attorney

PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
The FARMERS AND MECHANICS BANK OF MOBILE
MOBILE, ALA.
T. P. LANGAN, JR., Ass't Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 7 1921
FIRST NATIONAL BANK
61-26 MOBILE, ALA. 61-26
R. W. WOOLF, CASHIER.

NO. _____ BAY MINETTE, ALA. Nov 3rd, 1921

Baldwin County Bank 61-258

PAY TO THE ORDER OF Charles M Mitchell, Sr., $ 12.50

Twelve and 50/100 xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx DOLLARS

N. P. 61-33

For Chas M Mitchell(a minor)
cause of Otto E Zundel-vs--
Chas Chas M Mitchell ,et al)
Circuit Court, Baldwin Co, Ala,
in Equity.

F. W. Redmon

RECORDED

Chas. M. Mitchell, Jr.

By John W. McElhenie,
His Attorney.

FIRST

PAY TO THE ORDER OF
ANY BANK OR BANKER
All Prior Endorsements Guaranteed
The FARMERS AND MECHANICS BANK OF MOBILE
MOBILE, ALA.
T. P. LANGAN, JR., Ass't Cashier

PAY TO THE ORDER OF
ANY BANK OR BANKER.
ALL PRIOR ENDORSEMENTS GUARANTEED
NOV 7 1927
FIRST NATIONAL BANK,
61-26 MOBILE, ALA. 61-26
J. W. WOOLF, - CASHIER.

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

November 18th., 1920.

Hon. T. W. Richerson,
Register of the Circuit Court,
Bay Minette, Alabama.

DearSir:-

We thank you for your letter of the 17th. instant. We note that you took decrees pro confesso for us against Florence and Milton Henderson. You do not state whether decrees pro confesso have been taken against all others upon whom service has been perfected, although we requested you to tell us the names of all against whom service has been perfected and decrees had been taken or might be taken. Please give us this information, by return mail. You state that service has not been had upon Charles Mitchell and four other Mitchell minors, under fourteen years of age. Please let us know why service was not made upon them in the manner prescribed by the statute. Mr. Zundel is exceedingly anxious to have this matter closed without delay.

Yours very truly,

Webb, McAlpine & Grove,

By McA.

M/H.

Largest Weekly Circulation in South Alabama

Bay Minette, Ala., July 1st, 1920

M

Otto E. Zundel, Complainant
vs
Ella Aline Bishop

NOTICE TO NON-RESIDENT
Webb, McAlpine & Grove
Attys

THE BALDWIN TIMES

ABNER J. SMITH, PROPR.

FINE JOB PRINTING. BEST ADVERTISING MEDIUM

PROMPT SERVICE. LOWEST PRICES. LOCAL AND LONG DISTANCE TELEPHONE

All Bills Must Be Paid Within 30 Days

To publishing Non-Resident Notice in issues of
June 3rd, 10th, 17th and 24th, 1920:
196 words @ 4½¢ per word..... $8.82

OFFICIAL ORGAN FOR PUBLICATION OF ALL COUNTY ADVERTISING

CIRCULATION GUARANTEED TO BE THE LARGEST IN BALDWIN COUNTY

THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

DEVOTED TO THE INTEREST OF BALDWIN COUNTY AND HER PEOPLE

SUBSCRIPTION: $1.00 PER YEAR IN ADVANCE

ADVERTISING RATES ON APPLICATION

TELEPHONE NO. 7, LOCAL AND LONG DISTANCE

BAY MINETTE, ALA.,

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

ABNER J. SMITH, 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

Notice to Non-Resident.

Otto E. Zundel, Complainant, vs. Ella Aline Bishop, et al., Respondents.
No. 234.

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

Date of first publication	June 3rd, 1920	Vol. 31	No. 16
" " second "	June 10th, 1920	Vol. 31	No. 17
" " third "	June 17th, 1920	Vol. 31	No. 18
" " fourth "	June 24th, 190	Vol. 31	No. 19

Subscribed and sworn to before the undersigned

this 13th day of July 1920.

T. W. Richerson
Clerk Circuit Court.
Baldwin Co. Ala.

Abner J. Smith
Publisher.

Notice to Non-Resident.

Otto E. Zundel, Complainant, vs. Ella Aline Bishop, et al., Respondents.
No. 234.
The State of Alabama, Baldwin County. Circuit Court, in Equity. This the 22nd day of May 1920.

In this cause it being made to appear to the Register of this Court by the affidavit of John W. McAlpine, Solicitor for Complainant, that the Defendant, Ella Aline Bishop, is a non-resident of the State of Alabama and resides in one of the Western States, her present place of residence being unknown to affiant, although diligent enquiry has been been made to ascertain the same, and further, that, in the belief of said Affiant, the Defendant is over the age of 21 years it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for for consecutive weeks, requiring her the said Ella Aline Bishop, to answer or demur to the Bill of Complaint in this cause by the 5th day of July, 1920, or after thirty days therefrom a decree Pro Confesso may be taken against her.

T. W. Richerson,
Register.

Webb, McAlpine and Grove,
Solicitors for Complainant.
16-4t

The North part of the Southwest ¼ of the Northwest ¼ of Section 20, Township 7 South, Range 2 East, containing 26 acres. Said land being bounded on the North by land of Mrs. E. Bryant; on the South by land of Jessie Darling, on the West by Caldwell Tract, and on the East by Wilson Tract, and being the same land conveyed by deed from Jesse Darling to John Bishop on the 25th. day of February, 1881; and being the same land conveyed by John M. Bishop and Caroline A. Bishop, his wife, to the above named James M. Henderson, deceased, on the 15th. day of January, 1901, as shown by deed recorded in Deed Record 3, N.S., pages 539 and 540, in the Probate Office of Baldwin County, Alabama; the said real estate does not constitute any part of a homestead.

NOTICE TO NON-RESIDENT. Times Print.

Otto E Sundal

No. 254

vs.

Ella Aline Bishop et al

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT, IN EQUITY.

This the 22nd day of May 19 20

In this cause it being made to appear to the Clerk of this Court by the affidavit of John W. Mc Alpin Attorney for Complainant, that the Defendant Ella Aline Bishop,

is a non-resident of the State of Alabama and resides in one of the Western States her pesent place of residence being unknown to affiant,

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring her the said Ella Aline Bishop,

to answer or demur to the Bill of Complaint in this cause by the 29th day of June 19 20, or after thirty days therefrom a decree Pro Confesso may be taken against her.

J. W. Richerson

Register.

Mr.T.W.Richerson,

Clerk of Circuit Court.,

Bay Minette, Alabama.,

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

January 3rd.,1921.

Register, Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

We are enclosing you Sheriff's return now properly made, and we wish decrees pro confesso against all defendants.

Yours very truly,

Webb,McAlpine & Grove,

By McG-

M/H.
(Enc.)

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

September 2nd., 1920.

Hon. T. W. Richardson,
Register of Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

We have yours of the 30th. of August, stating that decree pro confesso was taken against Ella Aline Bishop, but that no service has been made on the other defendants; that you mailed the summonses to Mobile for service here. We presume you mailed the summonses to the Sheriff of Mobile County, and we have written him on this subject, asking him to take proper action. If you have not mailed summonses to him, please give the same your attention, at the earliest possible moment. If you will look at the bill, we think you will find that several of the respondents reside in Baldwin County, and you will of course have summonses for them handled by the Sheriff of Baldwin. Please let us hear from you again, at once.

Yours very truly,

Webb, McAlpine & Grove,

By M. G.

M/H.

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

March 29th.,1921.

Mr. T. W. Richerson,
Clerk, Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

We have your letter, requesting that we prepare a notice for publication in the matter of the sale of property of Zundel and others, but we are under the impression that it will not be necessary to make publication, for, if the decree was signed by Judge Leigh exactly as drafted by this writer, a private sale is provided for, the conveyance to be executed by you to the purchaser. If the decree was changed in any way, please let us have a copy of it, at once. If it was not changed, it will only be necessary for you to execute a conveyance to Mr. Otto E. Zundel, or to any one he may name. We are enclosing you a copy of the description. However, you have doubtless recorded the bill of complaint, and the land is exactly described in the bill. Awaiting your immediate reply, we are

Very truly yours,

Webb, McAlpine & Grove,

By McA-

M/H.
(Enc.)

Mrs Virginia
P Henderson
410 S Franklin
Mobile Ala

25) 62.50 (2.50

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LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.

February 19th.,1921.

Mr. T. W. Richerson,
Register, Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

Please have this cause submitted on pleadings and proof, as noted by the Register of this Court.

Yours truly,

Webb,McAlpine & Grove,

By

M/H

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

JAMES H. WEBB.
JOHN W. McALPINE.
EDWARD J. GROVE.
JOHN W. McALPINE, JR.

October 31st.,1921.

Hon. T. W. Richerson,
Register, Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

IN RE MITCHELL,ET AL,ATS. OTTO E. ZUNDEL.

Replying to yours of the 26th. instant, Mrs. Virginia Henderson has just called to see us and has furnished us with the following information:

The amounts stated in your letter of the 26th. instant, to be due to Charles M.Mitchell,Evans Clarance Mitchell, Corinne L. Mitchell, Mildred Oliver Mitchell and Catherine Virginia Mitchell,- $12.50 each,- may be paid to the father of said minors,- Mr. Charles M.Mitchell, Sr., whose address is 203 North Conception Street, Mobile, Alabama; the amounts due Milton C. Henderson and Florence L. Henderson,- $62.50 each,- is to be paid to their mother, Mrs. Virginia P. Henderson, whose address is 257 Eslava Street, Mobile, Alabama. The address of Ella Aline Bishop is unknown.

Yours very truly,

Webb,McAlpine & Grove,

by

H

LAW OFFICES OF
WEBB, McALPINE & GROVE
VAN ANTWERP BUILDING
MOBILE, ALABAMA

MOBILE
SEP 2
7 30 PM
1926
ALA.

Hon. T. W. Richardson,

Register of Circuit Court,

Bay Minette, Alabama.