

August Deckinger,
Complainant,

vs.

John E. Milstead, Marion E.
Milstead, John E. Milstead Jr.
George Milstead, Dudley Milstead,
Arvella Milstead, Wilhelmina Nicks,
Paul F. Rolfe, John V. Coe and Richard
K. Coe, Defendants.

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

To the Hon. A. E. Gamble, Judge of the Circuit Court of Baldwin
County, Alabama:

Your Orator, August Deckinger files this his Bill of Complaint
against the above named defendants, John E. Milstead, Marion E. Mil-
stead, John E. Milstead Jr., George Milstead, Dudley Milstead, Arvella
Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe
if they be living, or if any of them be dead, then against the heirs
at law, next of kin, personal representatives, devisees or assignees, or
his or their successors in interest, whose names, ages and residences
are unknown to Orator although he has made diligent effort to ascer-
tain the same.

FIRST.

Your Orator shows unto your Honor that he is a resident of Falls
City in the State of Nebraska, that he is over the age of twenty-one years
and that each of the above named defen-
dants, if living is a non-resident of the State of Alabama; and is over the age of twenty-one years,
that he
has made diligent inquiry to ascertain the Post Office address of each
of the said defendants, but that the Post Office address of each of
said defendants cannot be ascertained after reasonable effort on his
part.

Second.

Orator shows unto your Honor that he is in the peaceable posses-
sion of the following described lands in Baldwin County, Alabama, claim-
ing to own the same in his own right, viz:

the South-East quarter of the North-East quarter of Section seven
(7) and the North-West quarter of the South-West quarter of Section
Eight (8) in Township Seven (7) South, Range Five (5) East.

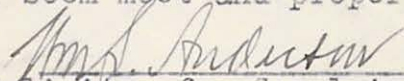
Third.

Orator further shows unto your Honor, that said defendants, if living

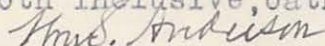
or if any of them be dead, then their heirs at law, next of kin, personal representatives, devisees or assignees, or their successors in interest, claim or are reputed to claim some right or interest in, or incumbrance upon or title to said lands set out and described in the Second paragraph of this Bill; and Orator now calls upon each of them to set out and specify his title, claim, interest or encumbrance in, to and upon said land, and how and by what instruments the same is derived or created; And Orator shows unto your Honor that no suit is pending to enforce or test the validity of the title, claim or encumbrance asserted or reputed to be asserted by said defendants or any of them.

To the end therefore that equity may be done in the premises, Orator prays that each of the above named parties be made defendants to this his Bill of Complaint, that due process of publication may be made against John E. Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe, if living, or if any of them be dead, then against the heirs at law, next of kin, personal representatives, devisees or assignees or successors in interest of such of them as may be dead, according to the rules and practice of this Honorable Court.

Your Orator further prays that upon the hearing of this cause your Honor will inquire into and ascertain the true nature of the claim, interest or encumbrance asserted or reputed to be asserted by each of said defendants, and that your Honor will decree that none of said defendants has any estate, right, title, claim or interest in, or encumbrance upon said land, or any part thereof, and that the title of Orator may be fully established and declared to be absolute and free from any claim of said defendants; and that Complainant may have such other and further relief as may seem meet and proper.


Solicitor for Complainant.

Foot note: Each of the defendants is required to answer, but not under oath, all of the allegations contained in the foregoing Bill of Complaint from paragraph First to Third, both inclusive, oath to such answers is hereby expressly waived.


Solicitor for Complainant

State of Alabama)

Baldwin County.)

Before me T. W. Richerson, Clerk of the Circuit Court of Baldwin County, Alabama, and Register of said Court, personally appeared Wm. S. Anderson, the attorney and Solicitor for the Complainant in the above stated cause, who after being by me first duly sworn deposes and says, that this affidavit is made by him instead of the Complainant for the reason that Complainant is absent from the State of Alabama, and because the investigation to learn the places of the residences and Post Office addresses of the defendants to the Bill and the ages of said defendants was made by this affiant; that after diligent search and inquiry by this affiant, the names and ages of the defendants are as correctly stated in the Bill as he could ascertain after such diligent search and inquiry, he therefore says that to the best of his knowledge, information and belief, each of said defendant is over the age of twenty-one years and is a non-resident of the State of Alabama, the other allegations of the Bill he says of his own knowledge are true.

Subscribed and sworn to before me)
this 25th day of March 1919.)

T. W. Richerson

Register.

Wm. S. Anderson

Filed 3/25/919
D. W. Richardson
Register

Deposited \$16.00

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 161 Spring Term, 1919.

August Deckinger,

Complainants

vs.

John E. Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe,

Defendants

John E. Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead,

Motion is hereby made for a Decree Pro Confesso against Dudley Milstead, Arvella Milstead,

Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe, Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendants are non-residents of the State of Alabama, and have failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 31 day of May 1919

Handwritten signature of the Solicitor

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No. 161 Page

THE STATE OF ALABAMA,

..... County.

CIRCUIT COURT, IN EQUITY.

August Deckinger

.....
Complainants.

vs.

John E. Milstead et al.

.....
Defendants.

MOTION FOR DECREE PRO
CONFESSO ON PUBLICATION.

Filed 5/30 1919

D. W. Robinson

Register.

Recorded in Record,

Vol. Page

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Register.

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NO 1100

RECORDED
INDEXED
MAY 11 1919
BALDWIN COUNTY ALABAMA

FINAL DECREE.

The State of Alabama :
Baldwin County. : No.161. Circuit Court, In Equity,
Spring Term, 1919.

August Deckinger, Complainant. :
vs :
John E Milstead et al, Defendants.:

This cause coming on to be heard was submitted for Decree on the pleadings and decrees pro confesso, as noted, and upon consideration thereof the Court is of the opinion that the Complainant is entitled to relief as prayed for.

It is therefore ordered, adjudged and decreed that the defendants, John E Milstead, Marion E Milstead, John E Milstead, Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F Rolfe, John V Coe and Richard K Coe, if they be living, and if they be dead, then their heirs at law, next of kin, personal representatives, devisees, and assignees or their successors in interest, have no estate or interest in or encumbrance upon the following described lands or any part thereof, viz:

the South-East quarter of the North-East quarter of Section Seven (7) and the North- West quarter of the South- West quarter of Section Eight (8) all in Township Seven (7) South, Range Five (5) East in Baldwin County, State of Alabama.

It is further ordered that the Register of this Court, within thirty days from this date, file a certified copy of this Decree in the office of the Probate Judge of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

This Decree is subject to the provisions of sections 3170 and 3171 of the Code of Alabama, of 1907, and Complainant is directed to send a certified copy hereof to each of the defendants, who has not been personally served with process, if their residences can be ascertained.

It is further ordered that Complainant pay the costs of this cause for which let execution issue.

In Vacation, this 4th, day of June, 1919.

A.E. Gamble

Judge.

The State of Alabama
Baldwin County.

Circuit Court in Equity.

I. T.W. Richerson, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true, and correct copy of the decree rendered by said Court on the 4th, day of June, 1919, in the cause of August Deckinger, Complainant, vs John E Milstead et al Defendants, as appears of record in said Court.

Witness my hand and the seal of said Court, this the 5th, day of June, 1919.

I. T. W. Richerson Register.



COPY OF

FINAL DECREE.

AUGUST DECKINGER
VS

JOHN E MILSTEAD ET AL.

Case No. 10000-10-101
August 10, 1910
Final Decree



John E. Milstead
The Judge

of said Court, this 10th day of June, 1910.
Alabama vs. John E. Milstead et al.
The State of Alabama vs. John E. Milstead et al.
In the County of Baldwin
The State of Alabama vs. John E. Milstead et al.
The Judge

J. J. Jacobs

In Session, this 10th day of June, 1910.

It is ordered that the said complaint be filed for the court

of said county and be returned.

It is further ordered that the said complaint be filed for the court

of said county and be returned.

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of said county and be returned.

THE BALDWIN TIMES

ABNER J. SMITH, PROPRIETOR

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-RESIDENTS

August Deckinger, Complainant

vs

John E. Milsted, et als, Defendants

No. 161, Register's Office

Was published in said Newspaper for 4 consecutive weeks
issues:

Publication	March 27th, 1919	Vol. 30	No. 6
"	April 3rd, 1919	Vol. 30	No. 7
"	April 10th, 1919	Vol. 30	No. 8
"	April 17th, 1919	Vol. 30	No. 9

on to before the undersigned

of April 1919.

Abner J. Smith
Publisher.

Notice to Non-Residents.

August Deckinger, Complainant, vs. John E. Milstead, Marion E. Milstead, John E. Milstead, Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe, and Richard K. Coe, Defendants. In the Circuit Court of Baldwin County, Alabama. In Equity. No. 161. Register's Office, March 25th, 1919.

In this cause it appearing from the sworn allegations of the bill of complaint, that the defendants, John E. Milstead, Marion E. Milstead, John E. Milstead, Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe, if alive are over the age of twenty-one years, and their residences are believed to be without the State of Alabama, and if dead, the names, ages and residences of their heirs at law, next of kin, personal representatives, devisees or assignees and the successors in interest of any of them, are unknown, after diligent inquiry made to ascertain them; and it further appearing that the above named or described persons claim or are reputed to claim some right, title or interest in, or incumbrance upon the following described lands in Baldwin County, Alabama, namely:

The Southeast quarter of northeast quarter of section (7) and the Northwest quarter of the Southwest quarter of section eight (8) in Township seven (7) south, range five (5) east.

It is ordered that the above named persons, if alive, and if they be dead, then their heirs at law, next of kin, personal representatives, devisees or assignees, or the successors in interest of any of them, plead, answer or demur to the allegations of the bill of complaint filed against them in this cause on or before the 27th day of April, 1919, or, upon the expiration of thirty days from said date the same will be taken as confessed against them.

It is further ordered that this order be published once a week for four consecutive weeks in The Baldwin Times, a newspaper published in the town of Bay Minette, in Baldwin County, Alabama.

Done and ordered at Bay Minette, Baldwin County, State of Alabama, this 25th day of March, 1919.

T. W. Richerson,
Register of the Circuit Court of Baldwin County, Ala. 378
W. S. Anderson,
Solicitor for Complainant.

6-4t
T. W. Richerson
Clark Circuit Court.

Filed 4/25-1919.
T. W. Richmond
Register

FINAL DECREE.

The State of Alabama) No.161
Baldwin County.)

CIRCUIT COURT, IN EQUITY
Spring Term 1919.

August Deckinger,

Complainant

vs.

John E. Milstead et al.

Defendants.

This cause coming on to be heard was submitted for Decree on the pleadings and decrees pro confesso, as noted, and upon consideration thereof the Court is of the opinion that the Complainant is entitled to relief as prayed for.

It is therefore ordered, adjudged and decreed that the defendants, John E. Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe, if they be living, and if they be dead, then their heirs at law, next of kin, personal representatives, devisees and assignees or their successors in interest, have no estate or interest in or encumbrance upon the following described lands or any part thereof, viz:

the South-East quarter of the North-East quarter of Section Seven (7) and the North-West quarter of the South-West quarter of Section Eight (8) all in Township Seven (7) South, Range Five (5) East in Baldwin County, State of Alabama.

It is further ordered that the Register of this Court, within thirty days from this date, file a certified copy of this Decree in the office of the Probate Judge of Baldwin County, Alabama, for record therein, and that the costs thereof be taxed in the costs of this cause.

This Decree is subject to the provisions of sections 3170 and 3171 of the Code of Alabama of 1907, and Complainant is directed to send a certified copy hereof to each of the defendants, who has not been personally served with process, if their residences can be ascertained.

It is further ordered that Complainant pay the costs of this cause for which let execution issue.

In Vacation, this ^{4th} day of June 1919.

W. E. Gaubly
Judge.

No 161.

August Deckinger

vs.

John E. Milstead et al.

FINAL DECREE.

Handwritten notes:
+ 1/2 2/3 1/4
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Handwritten notes:
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August Deckinger
vs.
John E. Milstead et al.
FINAL DECREE.

Filed 6/5/1919
T. W. Williams
Register.

Decree recorded
on minutes

In Assession, this ~~11~~ day of June 1919.

T. W. Williams
Judge.

~~for which lot execution issued.~~

It is further ordered that complainant pay the costs of this cause
sooner served with process, if their residences can be ascertained.
certified copy hereof to each of the defendants, who has not been per-
of the Code of Alabama of 1901, and complainant is directed to send a
This Decree is subject to the provisions of sections 2170 and 2171

herein, and that the costs thereof be taxed in the costs of this cause.
the office of the Probate Judge of Baldwin County, Alabama, for record
thirty days from this date, file a certified copy of this Decree in
It is further ordered that the Register of this Court, within
win County, State of Alabama.
Eight (8) all in Township Seven (7) South, Range Five (5) West in Bal-
win County, State of Alabama.
the South-East quarter of the North-East quarter of Section Seven
part thereof, viz:
or interest in or encumbrance upon the following described lands or any
devices and assignments or their successors in interest, have no estate,
be dead, then their heirs at law, next of kin, personal representatives,
Holtz, John V. Coe and Richard K. Coe, if they be living, and if they
Milstead, Dudley Milstead, Willis Milstead, Williamine Hicks, Paul J.
John E. Milstead, Marjorie E. Milstead, John E. Milstead Jr., George

to relief as prayed for.
It is therefore ordered, adjudged and decreed that the defendants,
thereof the Court is of the opinion that the complainant is entitled
pleadings and decrees pro confesso, as noted, and upon consideration
This cause coming on to be heard was submitted for Decree on the
John E. Milstead et al.
Defendants.

John E. Milstead et al.
Defendants.

August Deckinger,
Complainant
The State of Alabama)
Baldwin County.) No. 161
CIRCUIT COURT, IN SESSION
Spring Term 1919.

FINAL DECREE.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

} CIRCUIT COURT, IN EQUITY.
} No. 161 Spring Term, 1919.

..... August Deckinger, Complainant.....
vs. John E. Milstead et al., Defendant. 8

In this cause it appears to the Register..... that the order of publication here-
before made in this cause, was published for four consecutive weeks, commencing on the..... 27th day of
..... March , 19 19, in the..... THE BALDWIN TIMES
..... County,
a newspaper published in Bay Minette, Baldwin Alabama, that a copy of said order was posted at the Court
House door in..... Baldwin County, on the..... 27th day of
..... March 1919, and

And it now further appearing to the Register, T. W. Richerson,....., that the said
John E. Milstead, Marion E. Milstead, John E. Milstead Jr. George Milstead,
Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe,
John V. Coe and Richard K. Coe

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-
fore, on motion of Complainant....., ordered and decreed by the Register T. W. Richerson..... that the
Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said John E.
Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead,
Dudley Milstead, Arvella Milstead, Wilhelma Nicks, Paul F. Rolfe, John V.
Coe and Richard K. Coe

This 2nd. day of June 1919.

T. W. Richerson
.....
Register.

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No. 161 Page

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

August Deckinger

vs.

John E. Milstead et al

DECREE PRO CONFESSO ON
PUBLICATION.

Issued June 2nd 1919,

T. W. Williams
Register.

Recorded in Record

Vol. Page

Register.

August Deckinger

vs.

John E. Milstead 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, on the Bill of Complaint and Decrees pro confesso against John E. Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe

and in behalf of Defendant upon

J. W. Beckman

Register

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No. 161.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

August Deckinger

vs.

John E. Milstead et al

NOTE OF TESTIMONY.

Filed in Open Court this 3rd

day of June 1919.

D. W. Keenan

Register

NOTICE TO NON-RESIDENTS

August Deckinger, Complainant,

vs.

John E. Milstead, Marion E. Milstead,
John E. Milstead Jr., George Milstead,
Dudley Milstead, Arvella Milstead,
Wilhelmina Nicks, Paul F. Rolfe,
John V. Coe and Richard K. Coe,
Defendants,

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

Register's Office, March 25th 1919.

In this cause it appearing from the sworn allegations of the bill of complaint, that the defendants, John E. Milstead, Marion E. Milstead, John E. Milstead Jr., George Milstead, Dudley Milstead, Arvella Milstead, Wilhelmina Nicks, Paul F. Rolfe, John V. Coe and Richard K. Coe, if alive are over the age of twenty-one years, and their residences are believed to be without the State of Alabama, and if dead, the names, ages and residences of their heirs at law, next of kin, personal representatives, devisees or assignees and the successors in interest of any of them, are unknown, after diligent inquiry made to ascertain them; And it further appearing that the above named or described persons claim or are reputed to claim some right, title or interest in, or incumbrance upon the following described lands in Baldwin County, Alabama, namely:

the South-East quarter of North-East quarter of Section Seven (7) and the North-West quarter of the South-West quarter of Section Eight (8) in Township Seven (7) South, Range Five (5) East.

It is ordered that the above named persons, if alive, and if they be dead, then their heirs at law, next of kin, personal representatives devisees or assignees, or the successors in interest of any of them, plead, answer or demur to the allegations of the bill of complaint filed against them in this cause on or before the 27th day of April 1919, or, upon the expiration of thirty days from said date the same will be taken as confessed against them.

It is further ordered that this order be published once a week for four consecutive weeks in The Baldwin Times, a newspaper published in the Town of Bay Minette, in Baldwin County, Alabama.

Done and ordered at Bay Minette, Baldwin County, State of Alabama this 25th day of March 1919.



Register of the Circuit Court of Baldwin County, AL

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Filed 3/25/1919
D. McCusson
Register

THE STATE OF ALABAMA,
BALDWIN COUNTY.

}

CIRCUIT COURT, IN EQUITY.

No. 161 Spring Term, 1919..

August Deekinger

Complainant.....

vs.

John E. Milstead et al.,

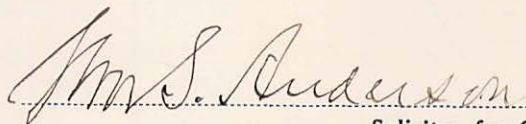
Defendant.....

To T. W. Richerson, Register:

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the

Complainant, by Wm. S. Anderson, his

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.



Solicitor for Complainant.

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No. 161 Page

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

August Deekinger

vs.

John E. Milstead et al.

REQUEST FOR DECREE IN
VACATION.

Filed June 2nd. 1919

J. W. Richardson

Register

Recorded in Record

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