

S.L. PRICE

vs.

BIRGER THORELL, FRANK B.

SCHROEDER, and MARY J. SCHROEDER

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,

Service by Publication, Decree Pro Confesso on Publication, Testimony of
H. J. Wilters and H. G. Wallin

and in behalf of Defendant upon

R.S. Durb

Register.

TO THE HONORABLE F. W. HAIN,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY SITTING:

Comes S. L. Price and humbly complaining against Birger Thorell, Frank B. Schroeder and Mary J. Schroeder, respectfully shows unto your Honor:

FIRST: That your Complainant is over the age of twenty one years and a resident of Baldwin County, Alabama; that Birger Thorell is over the age of twenty one years and a non-resident of the State of Alabama; that when last heard from he was a resident of Sweden, his particular post office address and place of residence being unknown to Complainant; that Frank B. Schroeder is a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular residence and post office address being unknown to this Complainant; that Mary J. Schroeder is over the age of twenty one years and a non-resident of the State of Alabama, that her last known address was Chicago, Illinois, her particular place of residence and post office address being unknown to this Complainant.

SECOND: That Complainant is the owner of and is in the peaceable possession of the following described land situated in the County of Baldwin and State of Alabama, to-wit:


Commencing at a post at the center of the east line of Section Twenty one, Township Five South Range Four East, thence run North following said Section line 2.00 chains, thence West 20 chains, thence South 2.00 chains, thence East 20 chains to the place of beginning, all in the Southeast Quarter of the Northeast Quarter of Section Twenty one Township Five South Range Four east, Also the Northeast Quarter of the Southeast Quarter of Section Twenty one, Township Five South, Range Four East, containing forty five acres, more or less; Also the Southeast Quarter of the Southeast Quarter in Section Twenty Eight, Township Five South of Range Four East, all in Baldwin County, Alabama.

THIRD: That the Defendants claim or are reputed to claim some right, title, interest in, claim or encumbrance upon the said property or some part thereof, that there is no suit pending to enforce or test the validity of such title, claim or encumbrance and Complainant calls upon the said Defendants and each of them to set forth and specify his or her title, claim, interest in or encumbrance upon the said land or any part thereof and how and by what instrument the same is created or derived.

WHEREFORE, this Complainant prays that the said Birger Thorell, Frank B. Schroeder and Mary J. Schroeder be made parties Defendant to this Bill and by proper process be required 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.

Complainant further prays that upon the final hearing of this cause

made by this bill of complaint this Honorable Court will make and enter a decree quieting and establishing title to this property in this Complainant and decreeing that the said Defendants and neither of them have any right, title, interest in, claim or encumbrance upon the said land or any part of the same. Complainant prays for such other, further or different relief as in equity and good conscience he shall be entitled to receive.



Attorney for Complainant

Attorney for Complainant

NOTE: Defendants are required to answer each and every allegation contained in the foregoing paragraphs numbered one to three both inclusive but not under oath, oath being hereby expressly waived.



Attorney for Complainant

Attorney for Complainant

TO THE HONORABLE F. W. HARE,

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SECOND: That Complainant is the owner of and is in the peaceable possession of the following described land situated in the County of Baldwin and State of Alabama, to-wit:

Commencing at a post at the center of the east line of Section Twenty one, Township Five South Range Four East, thence run North following said Section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the Southeast Quarter of the Northeast Quarter of Section Twenty one Township Five South Range Four east, Also the Northeast Quarter of the Southeast Quarter of Section Twenty one, Township Five South, Range Four East, containing Forty five acres, more or less; Also the Southeast Quarter of the Southeast Quarter in Section Twenty Eight, Township Five South of Range Four East, all in Baldwin County, Alabama.

THIRD: That the Defendants claim or are reputed to claim some right, title, interest in, claim or encumbrance upon the said property or some part thereof, that there is no suit pending to enforce or test the validity of such title, claim or encumbrance and Complainant calls upon the said Defendants and each of them to set forth and specify his or her title, claim, interest in or encumbrance upon the said land or any part thereof and how and by what instrument the same is created or derived.

WHEREFORE, this Complainant prays that the said Birger Thorell, Frank B. Schroeder and Mary J. Schroeder be made parties Defendant to this Bill and by proper process be required 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.

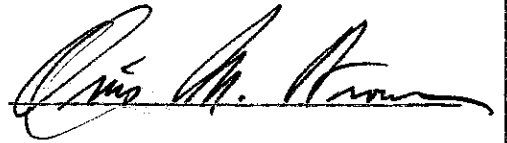
Complainant further prays that upon the final hearing of this cause

AFFIDAVIT

STATE OF ALABAMA)
BALDWIN COUNTY)

Personally appeared before me Virginia E. Crenshaw, a Notary Public in and for said State and County, Orvis M. Brown, Attorney for S. L. Price, who upon oath deposes and says:

That he is the Attorney for the Complainant in the foregoing Bill of Complaint in the above styled cause, and therefore does make this his oath that the facts stated in the foregoing bill of complaint upon his knowledge are true; that he is informed as to the facts stated upon information and belief as stated therein and verily believes, and so states, that the same are true.



Sworn to and subscribed to before me a Notary Public whose seal is hereto affixed this 9th day of November 1939.

Virginia E. Crenshaw
NOTARY PUBLIC, BALDWIN
COUNTY, ALABAMA.

SEAL.

S. L. PRICE

vs.

BIRGER THORELL, FRANK B. SCHROEDER, AND

MARY J. SCHROEDER

THE STATE OF ALABAMA,

BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

Spring Term, 1940

I, R. S. Duck Register of the Circuit Court of

Baldwin County, of the State of Alabama, hereby certify that on the affidavit

of Orvis M. Brown, Attorney for S. L. Price,

on the day of 19, an order of publication was made to

Birger Thorell, Frank B. Schroeder and Mary J. Schroeder

who are non-residents

who reside at

and was published in the

a newspaper published in once a week, for four

consecutive weeks, commencing on the day of 19, requiring

the said Respondents

to answer or demur to the Bill of Complaint in the cause on the 7th day of December

1939, or in thirty days therefrom a decree Pro Confesso may be taken against them

And that a copy of said order was forwarded by mail, on the day of

19, addressed to

at

and that one other copy of said order was posted at the Courthouse door of said County for four consecutive weeks,

commencing on the 18 day of May 1940

R. S. Duck

Register.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. _____ Spring _____, Term, 1920.

_____ S. L. Price _____, Complainant.

Vs.

_____ Birger Thorell, Frank B. Schroeder and _____ Defendant.s
Mary Schroeder

Motion is hereby made for a Decree Pro Confesso against ~~Birger Thorell, Frank B. Schroeder~~

_____ and ~~Mary J. Schroeder,~~ _____ Defendant..s

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 Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This ~~18~~ 18th day of May 1920.

_____  _____

Solicitor.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. _____ Spring Term, 1920

S. L. PRICE

Complainant

vs. BIRGER THORELL, FRANK B. SCHROEDER and MARY J. SCHROEDER

Defendant

In this cause it appears to the Register R. S. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the

16 day of November, 1939, in the Baldwin Times

a newspaper published in Bay Minette Alabama, that a copy of said order was posted

at the Court House door in Baldwin County, on the 16 day of

Nov. 1939, and

And it now further appearing to the Register R. S. Duck, that the said

Birger Thorell, Frank B. Schroeder and Mary J. Schroeder

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

R. S. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Birger Thorell, Frank B. Schroeder and Mary J. Schroeder.

This 18 day of May 1940

R. S. Duck

Register.

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO VIRGINIA E. CRENSHAW

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 H. J. Wilters and H. G. Wallin

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

S. L. Price

Complainant

and Birger Thorell, Frank B. Schroeder and Mary J. Schroeder

Defendant,

on oath to be by you administered, upon them to take and certify the deposition^s of the witness^{es} and return the same to our Court, with all convenient speed, under your hand.

Witness 18th day of May, 1940

R. S. Duck

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$

10

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA
IN EQUITY

S. L. PRICE,
Complainant

-vs-

BIRGER THORELL, FRANK B.
SCHROEDER and MARY J.
SCHROEDER,
Respondents

I, Virginia E. Crenshaw, as Register and Commissioner have called and caused to come before me H. J. Wilters and H. G. Wallin, witnesses named in the requirement for Oral Examination on the 20th day of May, 1940, at the office of Orvis M. Brown, in Robertsdale, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth the said witnesses doth depose and say as follows:

Testimony of H. J. Wilters and H. G. Wallin
which is hereto attached and made a part hereof, and
herein inserted

I, Virginia E. Crenshaw, as Register and Commissioner hereby certify that the foregoing depositions on Oral Examination were taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and Orvis M. Brown, at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; 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 Oral Examinations in an envelope to the Register of said Court.

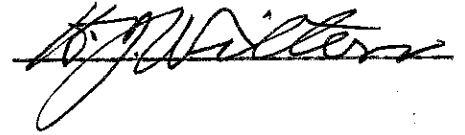
Given under my hand, and seal this the 20th day of May, 1940.

Virginia E. Crenshaw R.S.

My name is H. J. Wiljers . I am over the age of twenty years and a resident of Robertsedale, Baldwin County, Alabama. I am personally acquainted with S. L. Price who is the Complainant in this cause of action and I knew Birger Thorell during the time that he was here at Robertsedale, Alabama and know of my own personal knowledge that he is not here now and has not been in five or six years to my knowledge. I know back in the Fall of 1939 I made an effort personally to get in touch with Birger Thorell and was unable to locate him but was advised at that time that he was in Sweden. I know of my own personal knowledge that Birger Thorell is over the age of twenty one years. Birger Thorell received the property described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 250 chains, thence west 20 chains thence South 2.50 chains, thence East 20 chains to the place of beginning. All in Southeast Quarter of Northeast Quarter of section Twenty-one, Township Five South of Range Four East. Also Northeast quarter of Southeast quarter of section Twenty one, Township Five South of Range Four East" by Warranty Deed from Eligia L. Dyess and Rosa Dyess which deed is dated May 11th, 1923 and which deed appears of record in the Probate Records of Baldwin County, Alabama in 34NS page 25-26. Birger Thorell sold this land to one Thomas L. Wallace which deed appears of record in Deed Book 37 N.S. page 334 and which deed is dated September 24th, 1925. Thomas L. Wallace and Nora B. Wallace, his wife, executed to Birger Thorell a real estate mortgage bearing date of September 26, 1925 which is recorded in Book 34 of mortgages page 220-221 covering this same property as above described and that Birger Thorell left this real estate mortgage with the Robertsedale State Bank of Robertsedale, Alabama for collection and that the Robertsedale State Bank received full payment of this mortgage and delivered the original mortgage and the notes secured by the said mortgage to Thomas L. Wallace and Nora B. Wallace, but Birger Thorell never did cancel this mortgage or record and the same still appears of record uncanceled. I had the original mortgage and the note in my possession and at this time it is in the possession of S. L. Price, the Complainant in this cause of action. And S. L. Price brought this cause of action to clear this cloud from his title it being impossible to reach Birger Thorell his being in Sweden, and due to the war in Europe he could not be reached for a release of this mortgage. Thomas L. Wallace and Nora B. Wallace, husband and wife, conveyed this property above described to S. L. Price and Laida Catherine Price by General Warranty Deed dated September 14th, 1927 which deed is of record in the Probate Records of Baldwin County, Alabama in 44NS page 34-35 and that this S. L. Price is the same party who is Complainant in this cause of action, and that S. L. Price has been in possession of this property since September 14, 1927 and has paid the taxes on the same since that time continuously and an abstract sheet of the deeds above referred to are attached to my testimony and are referred to as Exhibits A, B, C and D. There is no suit pending to enforce or test the validity of the title of the Complainant to this land and the Complainant S.L. Price is in the actual, peaceable possession of this property at this time.

I also was acquainted with Frank B. Schroeder who was the owner of the property described as "Southeast Quarter of the Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama, containing forty acres, more or less" and I know of my own personal knowledge that he is over the age of twenty one years and I also was acquainted with his wife Mary J. Schroeder and know of my own personal knowledge that she is over the age of twenty one years and that they were both non-residents of the State of Alabama and when last heard of were residents of Chicago, Illinois, their particular post office address being unknown. Frank B. and Mary J. Schroeder purchased the property described as "Southeast Quarter of the Southeast Quarter, Section 28, Township 5 South of Range 4 East" from the Southern Plantation Development Company by Warranty Deed dated September 6th, 1913 which deed is of record in the Probate Records of Baldwin County, Alabama in 21NS page 207-208. That during the year of 1928, namely, on May 28th, this property was sold to the State of Alabama for the non-payment of the 1927 taxes, in the name of Frank Schroeder, that on July 12, 1930 the State Auditor, S. L. Blan, of the State of Alabama, executed a Tax Deed to J. P. Cooper which deed appears of record in Deed Book 50 N.S. page 12 of the Probate Records of Baldwin County, Alabama conveying the property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East;" that on the 21st day of August 19 39 J. P. Cooper and wife Maude Lee Cooper conveyed this property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East" to S. L. Price which deed appears of record in Deed Book 70 N.S. page 552 of the Probate Records of Baldwin County, Alabama, that since the date of the purchase of this property by J. P. Cooper, namely July 12, 1930 he has remained in the actual, peaceable possession of this property until

the date of the sale to S. L. Price and since that time S. L. Price has remained in the actual peaceable possession of this property. There is no suit pending to test the rights of S. L. Price to this property and that J. P. Cooper paid the taxes on this property during the time that he owned the same and since that time S. L. Price has assessed and paid the taxes thereon.

A handwritten signature in cursive script, appearing to read "J. P. Cooper", is written in dark ink on the right side of the page.

My name is H.G.Wallin . I am over the age of twenty years and a resident of Robertsdale, Baldwin County, Alabama. I am personally acquainted with S. L. Price who is the Complainant in this cause of action and I knew Birger Thorell during the time that he was here at Robertsdale, Alabama and know of my own personal knowledge that he is not here now and has not been in five or six years to my knowledge. I know back in the Fall of 1939 I made an effort personally to get in touch with Birger Thorell and was unable to locate him but was advised at that time that he was in Sweden. I know of my own personal knowledge that Birger Thorell is over the age of twenty one years. Birger Thorell received the property described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 250 chains, thence west 20 chains thence South 2.50 chains, thence East 20 chains to the place of beginning. All in Southeast Quarter of Northeast Quarter of section Twenty-one, Township Five South of Range Four East. Also Northeast quarter of Southeast quarter of section Twenty one, Township Five South of Range Four East" by Warranty Deed from Eligia L. Dyess and Rosa Dyess which deed is dated May 11th, 1923 and which deed appears of record in the Probate Records of Baldwin County, Alabama in 34NS page 25-26. Birger Thorell sold this land to one Thomas L. Wallace which deed appears of record in Deed Book 37 N.S. page 34 and which deed is dated September 24th, 1925. Thomas L. Wallace and Nora B. Wallace, his wife, executed to Birger Thorell a real estate mortgage bearing date of September 26, 1925 which is recorded in Book 34 of mortgages page 220-221 covering this same property as above described and that Birger Thorell left this real estate mortgage with the Robertsdale State Bank of Robertsdale, Alabama for collection and that the Robertsdale State Bank received full payment of this mortgage and delivered the original mortgage and the notes secured by the said mortgage to Thomas L. Wallace and Nora B. Wallace, but Birger Thorell never did cancel this mortgage or record and the same still appears of record uncanceled. I had the original mortgage and the note in my possession and at this time it is in the possession of S. L. Price, the Complainant in this cause of action. And S. L. Price brought this cause of action to clear this cloud from his title it being impossible to reach Birger Thorell his being in Sweden, and due to the war in Europe he could not be reached for a release of this mortgage. Thomas L. Wallace and Nora B. Wallace, husband and wife, conveyed this property above described to S. L. Price and Lavida Catherine Price by General Warranty Deed dated September 14th, 1927 which deed is of record in the Probate Records of Baldwin County, Alabama in 44NS page 34-35 and that this S. L. Price is the same party who is Complainant in this cause of action, and that S. L. Price has been in possession of this property since September 14, 1927 and has paid the taxes on the same since that time continuously and an abstract sheet of the deeds above referred to are attached to my testimony and are referred to as Exhibits A, B, C and D. There is no suit pending to enforce or test the validity of the title of the Complainant to this land and the Complainant S.L. Price is in the actual, peaceable possession of this property at this time.

I also was acquainted with Frank B. Schroeder who was the owner of the property described as "Southeast Quarter of the Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama, containing forty acres, more or less" and I know of my own personal knowledge that he is over the age of twenty one years and I also was acquainted with his wife Mary J. Schroeder and know of my own personal knowledge that she is over the age of twenty one years and that they were both non-residents of the State of Alabama and when last heard of were residents of Chicago, Illinois, their particular post office address being unknown. Frank B. and Mary J. Schroeder purchased the property described as "Southeast Quarter of the Southeast Quarter, Section 28, Township 5 South of Range 4 East" from the Southern Plantation Development Company by Warranty Deed dated September 6th, 1913 which deed is of record in the Probate Records of Baldwin County, Alabama in 21NS page 207-208. That during the year of 1928, namely, on May 28th, this property was sold to the State of Alabama for the non-payment of the 1927 taxes, in the name of Frank Schroeder, that on July 12, 1930 the State Auditor, S. L. Blain, of the State of Alabama, executed a Tax Deed to J. P. Cooper which deed appears of record in Deed Book 50 N.S. page 12 of the Probate Records of Baldwin County, Alabama conveying the property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East;" that on the 21st day of August 19³⁹ J. P. Cooper and wife Maude Lee Cooper conveyed this property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East" to S. L. Price which deed appears of record in Deed Book 70 N.S. page 552 of the Probate Records of Baldwin County, Alabama, that since the date of the purchase of this property by J. P. Cooper, namely July 12, 1930 he has remained in the actual, peaceable possession of this property until

the date of the sale to S. L. Price and since that time S. L. Price has remained in the actual peaceable possession of this property. There is no suit pending to test the rights of S. L. Price to this property and that J. P. Cooper paid the taxes on this property during the time that he owned the same and since that time S. L. Price has assessed and paid the taxes thereon.

A. J. Wallin

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

S. L. PRICE

VS.

BIRGER THORELL, FRANK B. SCHROEDER

and MARY J. SCHROEDER

NOTE OF TESTIMONY

Filed in Open Court this 23

day of May 1940 193

R. S. Dorch

REGISTER

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

S. L. PRICE

Complainant

VS.

BIRGER THORELL, et al.

Defendant

Commission To Take Deposition

COMMISSIONER:

Virginia R. Orenshaw

Witnesses:

H. J. Wilbers

H. G. Wallin

No.

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The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

S. L. PRICE

vs.

BIRGER THORELL, et al.

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued *May 18* 19*40*

R. S. Duch

Register.

Recorded in Record

Vol. Page

Register.

No. Page

State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

S. L. PRICE

Complainant

Vs.

BIRGER THORELL, FRANK B. SCHROEDER,

and MARY S. SCHROEDER

Defendant

Motion for Decree Pro Confesso
On Publication.

Filed *May 18, 1940*, 193

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Register.

Recorded in Record,

Vol. Page

Register.

No.

THE STATE OF ALABAMA,

BALDWIN County.

CIRCUIT COURT, IN EQUITY.

S. L. PRICE

vs.

BIRGER THORPELL, et al.

CERTIFICATE OF PUBLICATION.

Filed in office this

day of 19

Register.

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

ELIGIA L. DYESS and ROSA DYESS,	Kind of Conveyance <u>WARRANTY DEED</u>
Husband and wife	Any Reservation to Grantor _____
GRANTOR.	Date of Conveyance <u>May 11th, 1923</u>
TO	Date of Acknowledgment <u>same date</u>
BIRGER THORELL	Before Whom <u>R.G. Pearson, N.P. Baldwin Co., Ala.</u>
GRANTEE	Grantor Married or Single <u>Married</u>
_____	Separate Acknowledgment of Wife <u>Yes</u>
_____	Before Whom <u>same official</u>
_____	Date of Filing for Record <u>July 10th, 1923</u>
_____	Recorded in <u>Deed</u> Book No. <u>34NS</u> Page <u>25-26</u>
_____	Dower or Homestead Conveyed Properly _____
_____	Is it Properly Indexed? _____
_____	Are Names of All Signers in Body of Conveyance? _____
_____	Consideration <u>\$1.00 & other</u> Is it paid? <u>Yes</u>
_____	WITNESS } _____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in Southeast quarter of Northeast quarter of section Twenty-one, Township Five South of Range Four East. ALSO Northeast quarter of Southeast quarter of section Twenty-one, Township Five South of range Four East"

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

BIRGER THORELL, a single man		Kind of Conveyance <u>DEED WITH WARRANTY</u>
		Any Reservation to Grantor _____
		Date of Conveyance <u>September 24th, 1925</u>
		Date of Acknowledgment <u>same date</u>
		Before Whom <u>R.G. Pearson, N.P. Baldwin Co., Ala.</u>
		Grantor Married or Single <u>Single</u>
		Separate Acknowledgment of Wife <u>-</u>
	GRANTOR.	Before Whom _____
	TO	Date of Filing for Record <u>October 20, 1925</u>
	THOMAS L. WALLACE	Recorded in <u>Deed</u> Book No. <u>57NS</u> Page <u>354</u>
		Dower or Homestead Conveyed Properly _____
		Is it Properly Indexed? _____
		Are Names of All Signers in Body of Conveyance? _____
		Consideration <u>\$10.00 & other</u> Is it paid? <u>Yes</u>
		WITNESS } _____
	GRANTEE	_____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Commencing at a post at the center of the East line of Section Twenty one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South of Range Four East, Also the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty one Township Five South of Range Four East, containing Forty five acres more or less"

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

<p>THOMAS L. WALLACE and NORA B. WALLACE GRANTOR.</p> <p style="text-align: center;">TO</p> <p>BIRGER THOBELL GRANTEE</p>	<p>Kind of Conveyance <u>REAL ESTATE MORTGAGE</u> Any Reservation to Grantor _____ Date of Conveyance <u>September 26, 1925</u> Date of Acknowledgment <u>same date</u> Before Whom <u>R.G. Pearson, N.P. Baldwin Co., Ala.</u> Grantor Married or Single <u>Married</u> Separate Acknowledgment of Wife <u>Yes</u> Before Whom <u>same official</u> Date of Filing for Record <u>October 20, 1925</u> Recorded in <u>Mortgage</u> Book No. <u>34</u> Page <u>220-221</u> Dower or Homestead Conveyed Properly _____ Is it Properly Indexed? _____ Are Names of All Signers in Body of Conveyance? _____ Consideration <u>\$1700.00</u> Is it paid? _____</p> <p>WITNESS } _____</p>
--	---

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

" all That Real property described as commencing at a post at the center of the East line of Section Twenty one Township Five South Range Four East, thence run North following said Section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South Range Four East, Also the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty one Township Five South Range Four East, containing Forty five (45) acres, more or less in Baldwin County, State of Alabama"

Also certain personal property and chattels.

Consideration of \$1700.00 as evidenced by 11 notes of \$150.00 and 1 note of \$50.00 payable on July 1st each year commencing 1926, with 4 per cent per annum.

Contains provisions for foreclosure in case of default in any of the terms hereof.

NOT CANCELLED OF RECORD

ORVIS M. BROWN
ATTORNEY AT LAW
BALDWIN BUILDING
ROBERTSDALE, ALA.

The Federal Land Bank of New Orleans TRANSFERS OF TITLE

THOMAS L. WALLACE and NORA B.
 WALLACE, husband and wife
 GRANTOR.
 TO
 S. L. PRICE and LAVIDA CATHERINE
 PRICE, husband and wife.
 GRANTEE

Kind of Conveyance GENERAL WARRANTY DEED
 Any Reservation to Grantor _____
 Date of Conveyance September 14, 1927
 Date of Acknowledgment same date
 Before Whom Thomas Vora shek, N.F. Baldwin Co., Ala.
 Grantor Married or Single Married
 Separate Acknowledgment of Wife Yes
 Before Whom same official
 Date of Filing for Record September 29th, 1927
 Recorded in Deed Book No. 44NS Page 34-5
 Dower or Homestead Conveyed Properly _____
 Is it Properly Indexed? _____
 Are Names of All Signers in Body of Conveyance? _____
 Consideration \$10.00 & other Is it paid? Yes
 WITNESS } _____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Commencing at a post at the center of the East line of Section Twenty One Township Five South of Range Four East, thence run North following said section line 2.50 chains thence west 20 chains. thence South 2.50 chains thence East 20 chains to the place of beginning, all in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South of Range Four East. Also the Northeast quarter of the South east quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty One, Township Five South of Range Four East, containing FortyFive acres more or less . . ."

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

SOUTHERN PLANTATION DEVELOPMENT
COMPANY, By C. N. Souther, President
P. G. Baker, Secretary
GRANTOR.

TO

FRANK B. & MARY J. SCHROEDER, his
wife.

GRANTEE

Kind of Conveyance WARRANTY DEED
Any Reservation to Grantor _____
Date of Conveyance September 6th, 1913
Date of Acknowledgment same date
Before Whom C.L. Keith, N.P. Cook Co., Ill.
Grantor Married or Single Corporation
Separate Acknowledgment of Wife _____
Before Whom _____
Date of Filing for Record September 15th, 1913
Recorded in Deed Book No. 21NS Page 207-8
Dower or Homestead Conveyed Properly _____
Is it Properly Indexed? _____
Are Names of All Signers in Body of Conveyance? _____
Consideration \$ 1.00 Is it paid? _____

WITNESS } E. M. Anderson
 } R. D. Wagoner

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Farm Sixteen (16) being the South East One Quarter of the South East One Quarter (SE $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section Twenty Eight (28) Township Five (5) South, Range Four (4) East, containing Forty (40) acres, more or less . . ."

The said Southern Plantation Development Company reserves the right to open at any time such highways as may be necessary to give free access to the public to and from each Forty (40) acres tract, same to be opened on either Section or half Section lines"

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

S. L. BLAN, State Auditor

GRANTOR.

TO

J. P. COOPER

GRANTEE

Kind of Conveyance TAX DEED

Any Reservation to Grantor _____

Date of Conveyance July 12, 1930

Date of Acknowledgment same date

Before Whom Langdon C. Parker, N.P. Montgomery Co., Ala.

Grantor Married or Single _____

Separate Acknowledgment of Wife _____

Before Whom _____

Date of Filing for Record July 18, 1930

Recorded in Deed Book No. 50NS Page 12

Dower or Homestead Conveyed Properly _____

Is it Properly Indexed? _____

Are Names of All Signers in Body of Conveyance? _____

Consideration \$ 36.00 Is it paid? _____

WITNESS } _____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

" That Whereas, on 16 day of April, A.D. 1928, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Frank Schroeder, the owner of said lands, and for the payment of the fees, costs and expenses of and under said decree And Whereas, thereafter, to-wit, on the 28 day of May, 1928 said lands were regularly offered for sale by the Tax Collector And Whereas said lands having been entered upon the books of this Department, and the Auditor and Treasurer of this State, with the approval of the Governor, have fixed the price of said land, and ascertained that the sum of Thirty-Six & no/100 (\$36.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands And Whereas, application has been made to the Auditor of the State by J. P. Cooper to purchase said lands, and said sum of Thirty-Six & no/100 (\$36.00) Dollars therefor has been paid into the State Treasurer Now Therefore, I S. E. Blan, as Auditor of the State of Alabama have this day granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey unto the said J. P. Cooper, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama, in and to said lands, described as follows:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 28, Township 5s, Range 4E

lying and being situate in said County and State, to have and to hold the same, the said right and title of state in the lands aforesaid unto J. P. Cooper"

ORVIS M. BROWN
 ATTORNEY AT LAW
 BALDWIN BUILDING
 ROBERTSDALE, ALA.

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

NOTICE TO NON-RESIDENT

The State of Alabama, Baldwin County, Circuit Court, in Equity. This the 13th day of November, 1939. S. L. PRICE, Complainant, No. 587, vs. BIRGER THORELL, FRANK B. SCHROEDER and MARY J. SCHROEDER, Respondents.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Orvis M. Brown, that the Defendants, Birger Thorell, Frank S. Schroeder and Mary J. Schroeder are non-residents of the State of Alabama; that a more particular place of residence and post office address is unknown to this affiant; and further, that, in the belief of said Affiant the Defendants are 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 the said Birger Thorell, Frank B. Schroeder and Mary J. Schroeder to answer or demur to the Bill of Complaint in this cause by the 7th day of December, 1939, or after thirty days therefrom a decree Pro Confesso may be taken against them.

R. S. DUCK, Register.
ORVIS M. BROWN, Solicitor for Complainant. 42-4t

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. 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

S. L. Price, vs - Birger Thorell, et al

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

Date of first publication	<i>November 16, 1939</i>	Vol. <i>50</i>	No. <i>42</i>
Date of second publication	<i>" 23, 1939</i>	Vol. <i>50</i>	No. <i>43</i>
Date of third publication	<i>" 30, 1939</i>	Vol. <i>50</i>	No. <i>44</i>
Date of fourth publication	<i>December 7, 1939</i>	Vol. <i>50</i>	No. <i>45</i>

Subscribed and sworn before the undersigned this 8 day of

Dec 1939

Ernest Hampton
W. O. Bradshaw

J. H. Faulkner
Publisher

D E C R E E

S. L. PRICE,)	
Complainant,)	IN THE CIRCUIT COURT OF BALDWIN
-vs-)	COUNTY, ALABAMA.
BIRGER THORELL, FRANK B.)	IN EQUITY.
SCHROEDER, and MARY J.)	
SCHROEDER,)	
Respondents.)	

This cause is submitted on the original Bill of Complaint, Notice of Publication, Motion for Decree Pro Confesso, and Decree Pro Confesso against the Respondents named in the said Bill and the testimony of H. J. Wilters and H. G. Wallin; the pleadings and evidence in this case show that the land described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of Northeast Quarter of Section Twenty-one, Township Five South of Range Four East. Also Northeast quarter of Southeast quarter of Section Twenty one, Township Five South of Range Four East", which said lands have been assessed by and the taxes paid by S. L. Price since 1927; and that S. L. Price and Laida Catherine Price, husband and wife, received title to this property described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence west 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of Northeast Quarter of Section Twenty one, Township Five South of Range Four East. Also Northeast quarter of Southeast quarter of Section Twenty one, Township Five South of Range Four East" by General Warranty Deed dated September 14, 1927 which deed is recorded in Deed Book 44NS page 34-35 in the Probate Records of Baldwin County, Alabama. Thomas L. Wallace received title to this property from Birger Thorell, a single man, by Deed With Warranty dated September 24, 1925 which deed is recorded in Deed Book 37NS page 334 of the Probate Records of Baldwin County, Alabama. Birger Thorell, received title to this property by Warranty Deed dated May 11, 1923 from Eligia L. Dyess and Rosa Dyess which deed is recorded in Deed Book 34NS page 25-26 of the Probate Records of Baldwin County, Alabama. At the time Birger Thorell sold this property to Thomas L. Wallace, Thomas L. Wallace and Nora B. Wallace executed a Real

Estate Mortgage to Birger Thorell which mortgage was dated September 26th, 1925, filed for record in Book 34 Mortgages pages 220-221 of the Probate Records of Baldwin County, Alabama covering the property described as "all that Real property described as commencing at a post at the center of the East line of Section Twenty one Township Five South Range Four East, thence run North following said Section line 2.50 chains, thence west 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South Range Four East. Also the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty one Township Five South Range Four East, containing Forty five (45) acres, more or less in Baldwin County, State of Alabama". The evidence shows that Birger Thorell left this mortgage for collection with the Robertsdale State Bank of Robertsdale State Bank of Robertsdale, Alabama, that the mortgage was paid in full by Thomas L. Wallace and Nora B. Wallace and the original mortgage together with the balance of the notes were delivered to Thomas L. Wallace and Nora B. Wallace and Thomas L. Wallace and Nora B. Wallace when they conveyed this property to S. L. Price and Lavidia Catherine Price on September 14, 1927 delivered to S. L. Price and wife the old original mortgage and the notes and S. L. Price has the old original mortgage and notes in his possession at this time and Birger Thorell did not cancel this mortgage on the records of the Probate Court of Baldwin County, Alabama and evidence shows that he is now in Sweden and due to the war in Europe cannot be reached to obtain cancellation of this mortgage, and that S. L. Price and wife have been in actual possession of this property since September 14, 1927 claiming to own the same for more than thirteen years next prior to the filing of this Bill of Complaint in this suit; that the said Complainant having paid taxes for more than thirteen years and that no other person, firm or corporation has paid any taxes on the same during that period of time; that there is no suit pending to test Complainant's title to, interest in or right of possession of the said land, that the said property stands in the name of S. L. Price and Lavidia Catherine Price to the property described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of Northeast Quarter of Section Twenty one, Township Five South of Range Four East. Also

Northeast quarter of Southeast quarter of Section Twenty-one, Township Five South of Range Four East".

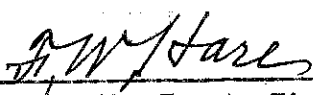
That the pleadings and evidence in this case show that the land described as "Southeast Quarter of the Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama" which said lands have been assessed by and taxes paid on the same by J. P. Cooper since 1930, that J. P. Cooper received title to this property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama, from S. L. Blan, State Auditor of the State of Alabama, by tax deed dated July 12, 1930 which said deed appears of record in Deed Book 50 N.S. page 12 of the Probate Records of Baldwin County, Alabama and further that Frank B. and Mary J. Schroeder received title to this property by Warranty Deed dated September 6, 1913 from Southern Plantation Development Company which said deed is recorded in Vol. 21NS page 207 of the Probate Records of Baldwin County, Alabama, that this property sold in the name of Frank Schroeder to the State of Alabama on May 28, 1928 for the non payment of the 1927 taxes and that it remained in the State of Alabama until it was conveyed by S. L. Blan, State Auditor, to J. P. Cooper on July 12, 1930 and that J. P. Cooper has remained in the actual, peaceable possession of this property since that time and has assessed and paid taxes on this property since that date until the 21st day of August, 1939, on which date he conveyed this property by Statutory Warranty Deed to S. L. Price, and that S. L. Price has been in the actual, peaceable possession of this property from the 21st day of August, 1939, to this date and this deed from J. P. Cooper to S. L. Price is recorded in Volume 70 of Deed Records page 552 of the Probate Records of Baldwin County, Alabama. That the said Complainant, S. L. Price and J. P. Cooper under whom he claims have assessed and paid taxes on this property for more than ten years next preceding this date and that no other person, firm or corporation have paid any taxes on the same during that period of time; that there is no suit pending to test Complainant's title to, interest in or right of possession of the said land; that the said property stands in the name of S. L. Price to the property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama."

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the said Complainant, S. L. Price is the absolute owner of the following described property "Commencing at a post at the center of the East line of Section

Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of the Northeast Quarter of Section Twenty-one, Township Five South of Range Four East. Also Northeast Quarter of Southeast Quarter of Section Twenty one, Township Five South of Range Four East. And also the Southeast Quarter of Southeast Quarter of Section 28 Township 5 South of Range 4 East, Baldwin County, Alabama", all of which land is located in Baldwin County, Alabama, in fee in his own right, that no other person, firm or corporation has any interest, right and title, lien or encumbrance on said land. Liens or encumbrances on said land held by anyone other than the Complainant are hereby and herein declared null and void, and are decreed to be a cloud upon the title of Complainant and removed as such. It is further Ordered, Adjudged and Decreed that the Register of the Circuit Court of Baldwin County, Alabama, in Chancery, shall cancel of record that certain mortgage executed by Thomas L. Wallace and Nora B. Wallace to Birger Thorell and dated September 26, 1925, filed for record October 20, 1925 and recorded in 34 Mortgages pages 220-221 of the Probate Records of Baldwin County, Alabama, it being declared a lien and a cloud upon the title of S. L. Price and as such is hereby declared null and void and ordered cancelled by the Register in Chancery of Baldwin County, Alabama. That a certified copy of this decree is to be filed in the Probate Office of Baldwin County, Alabama and recorded therein, and that is to be indexed on the records in the Office of the said Judge of Probate in the name of Birger Thorell as to the property described in the first paragraph hereof and in the reverse indexes in the name of S. L. Price; and as to the property described in the second paragraph of this Decree to be indexed in the Records of the office of the said Judge of Probate in the name of Frank B. Schroeder and Mary J. Schroeder and in the reverse indexes in the name of S. L. Price; and title stands in his name on the record.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant pay the costs in this proceeding.

DATED this 24th day of May, 1940.



Judge of the Twenty First Judicial
Circuit of Alabama.

No. _____

Page _____

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

S. L. PRICE

Vs.

BIRGER THORELL, FRANK B. SCHROEDER

and MARY J. SCHROEDER

**REQUEST FOR DECREE IN
VACATION**

Filed May 23, 1940, 193

R. S. Dorch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

S. L. PRICE

vs.

BIRGER THORELL, FRANK B. SCHROEDER

and MARY J. SCHROEDER

NOTE OF TESTIMONY

Filed in Open Court this 29

day of May 19th 1934

R. S. Dorch

REGISTER

No. Page

**State of Alabama,
Baldwin County.**

CIRCUIT COURT, IN EQUITY.

S. L. PRICE

Complainant

Vs.

BIRGER THORELL, FRANK B. SCHROEDER,

and MARY S. SCHROEDER

Defendant

**Motion for Decree Pro Confesso
On Publication.**

Filed *May 18, 1940*, 193

R.S. Duch

Register.

Recorded in Record,

Vol. Page

Register.

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

S. L. PRICE

Complainant

VS.

BIRGER FROELICH, et al.

Defendant

Commission To Take Deposition

COMMISSIONER:

Virginia F. Crenshaw

Witnesses:

H. J. Walters

H. G. Wallin

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

S. L. PRICE

Complainant

VS.

BIRGER THORPELL, et al.

Defendant

Commission To Take Deposition

COMMISSIONER:

Virginia R. Crenshaw

Witnesses:

H. J. Walters

H. G. Wallin

No. Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

S. L. PRICE

vs.

BIRGER THORRELL, et al.

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued *Aug 18* 19*40*

R. S. Duell

Register.

Recorded in Record

Vol. Page

Register.

Moore Printing Company, Bay Minette, Ala.

No.

THE STATE OF ALABAMA,

BALDWIN County.

CIRCUIT COURT, IN EQUITY.

S. L. PRICE

vs.

BIRGER THORPEL, et al.

CERTIFICATE OF PUBLICATION.

Filed in office this

day of 19.....

Register.

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

NOTICE TO NON-RESIDENT

The State of Alabama, Baldwin County, Circuit Court, in Equity.
 This the 13th day of November, 1939.
 S. L. PRICE, Complainant, No. 587,
 Vs. BERGER THORELL, FRANK B. SCHROEDER and MARY J. SCHROEDER, Respondents.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Orvis M. Brown, that the Defendants, Birger Thorell, Frank S. Schroeder and Mary J. Schroeder are non-residents of the State of Alabama, that a more particular place of residence and post-office address is unknown to this affiant; and further, that in the belief of said Affiant the Defendants are 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 the said Birger Thorell, Frank B. Schroeder and Mary J. Schroeder to answer or demur to the Bill of Complaint in this cause by the 7th day of December, 1939, or after thirty days therefrom a decree Pro Confesso may be taken against them.

R. S. DUCK, Register.
 ORVIS M. BROWN, Solicitor for Complainant. 42-4t

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. 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

S. L. Price, vs. - Birger Thorell, et al.

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

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Date of second publication	<i>" 23, 1939</i>	Vol. <i>50</i>	No. <i>43</i>
Date of third publication	<i>" 30, 1939</i>	Vol. <i>50</i>	No. <i>44</i>
Date of fourth publication	<i>December 7, 1939</i>	Vol. <i>50</i>	No. <i>45</i>

Subscribed and sworn before the undersigned this 8 day of

Dec 1939

Emse I. Sumptone

W. O. Beddoke

J. H. Faulkner
 Publisher

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

ELIGIA L. DYESS and ROSA DYESS,	Kind of Conveyance <u>WARRANTY DEED</u>
Husband and wife	Any Reservation to Grantor _____
	Date of Conveyance <u>May 11th, 1923</u>
	Date of Acknowledgment <u>same date</u>
	Before Whom <u>R.G. Pearson, N.P. Baldwin Co., Ala.</u>
	Grantor Married or Single <u>Married</u>
	Separate Acknowledgment of Wife <u>Yes</u>
	Before Whom <u>same official</u>
GRANTOR.	Date of Filing for Record <u>July 10th, 1923</u>
TO	Recorded in <u>Deed</u> Book No. <u>34NS</u> Page <u>25-26</u>
BIRGER THORELL	Dower or Homestead Conveyed Properly _____
	Is it Properly Indexed? _____
	Are Names of All Signers in Body of Conveyance? _____
	Consideration <u>\$1.00 & other</u> Is it paid? <u>Yes</u>
	WITNESS } _____
GRANTEE	_____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in Southeast quarter of Northeast quarter of section Twenty-one, Township Five South of Range Four East. ALSO Northeast quarter of Southeast quarter of section Twenty-one, Township Five South of range Four East"

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

<p><u>BIRGER THORELL, a single man</u></p> <hr/> <p style="text-align: center;">GRANTOR.</p> <p style="text-align: center;">TO</p> <p><u>THOMAS L. WALLACE</u></p> <hr/> <p style="text-align: center;">GRANTEE</p>	<p>Kind of Conveyance <u>DEED WITH WARRANTY</u></p> <p>Any Reservation to Grantor _____</p> <p>Date of Conveyance <u>September 24th, 1925</u></p> <p>Date of Acknowledgment <u>same date</u></p> <p>Before Whom <u>R.G. Pearson, N.P. Baldwin Co., Ala.</u></p> <p>Grantor Married or Single <u>Single</u></p> <p>Separate Acknowledgment of Wife <u>-</u></p> <p>Before Whom _____</p> <p>Date of Filing for Record <u>October 20, 1925</u></p> <p>Recorded in <u>Deed</u> Book No. <u>37NS</u> Page <u>354</u></p> <p>Dower or Homestead Conveyed Properly _____</p> <p>Is it Properly Indexed? _____</p> <p>Are Names of All Signers in Body of Conveyance? _____</p> <p>Consideration <u>\$10.00 & other</u> Is it paid? <u>Yes</u></p> <p>WITNESS } _____</p>
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DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Commencing at a post at the center of the East line of Section Twenty one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South of Range Four East, Also the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty one Township Five South of Range Four East, containing Forty five acres more or less"

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

THOMAS L. WALLACE and NOBA B.
 WALLACE
 GRANTOR.
 TO
 BIRGER THOMELL
 GRANTEE

Kind of Conveyance REAL ESTATE MORTGAGE
 Any Reservation to Grantor _____
 Date of Conveyance September 26, 1925
 Date of Acknowledgment same date
 Before Whom R.G.Pearson, N.P.Baldwin Co., Ala.
 Grantor Married or Single Married
 Separate Acknowledgment of Wife Yes
 Before Whom same official
 Date of Filing for Record October 20, 1925
 Recorded in Mortgage Book No. 34 Page 220-221
 Dower or Homestead Conveyed Properly _____
 Is it Properly Indexed? _____
 Are Names of All Signers in Body of Conveyance? _____
 Consideration \$1700.00 Is it paid? _____
 WITNESS } _____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

" all That Real property described as commencing at a post at the center of the East line of Section Twenty one Township Five South Range Four East, thence run North following said Section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South Range Four East, Also the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty one Township Five South Range Four East, containing Forty five (45) acres, more or less in Baldwin County, State of Alabama"

Also certain personal property and chattels.

Consideration of \$1700.00 as evidenced by 11 notes of \$150.00 and 1 note of \$50.00 payable on July 1st each year commencing 1926, with 4 per cent per annum.

Contains provisions for foreclosure in case of default in any of the terms hereof.

NOT CANCELLED OF RECORD

ORVIS M. BROWN
 ATTORNEY AT LAW
 BALDWIN BUILDING
 ROBERTSDALE, ALA.

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

<p>THOMAS L. WALLACE and NORA B. WALLACE, husband and wife GRANTOR.</p> <p style="text-align: center;">TO</p> <p>S. L. PRICE and LAVIDA CATHERINE PRICE, husband and wife. GRANTEE</p>	<p>Kind of Conveyance <u>GENERAL WARRANTY DEED</u> Any Reservation to Grantor _____ Date of Conveyance <u>September 14, 1927</u> Date of Acknowledgment <u>same date</u> Before Whom <u>Thomas Vonashek, N.P. Baldwin Co., Ala.</u> Grantor Married or Single <u>Married</u> Separate Acknowledgment of Wife <u>Yes</u> Before Whom <u>same official</u> Date of Filing for Record <u>September 29th, 1927</u> Recorded in <u>Deed</u> Book No. <u>44NS</u> Page <u>34-5</u> Dower or Homestead Conveyed Properly _____ Is it Properly Indexed? _____ Are Names of All Signers in Body of Conveyance? _____ Consideration \$ <u>10.00 & other</u> Is it paid? <u>Yes</u></p> <p>WITNESS } _____</p>
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DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Commencing at a post at the center of the East line of Section Twenty One Township Five South of Range Four East, thence run North following said section line 2.50 chains thence west 20 chains. thence South 2.50 chains thence East 20 chains to the place of beginning, all in the Southeast quarter of the Northeast quarter (SE $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section Twenty one Township Five South of Range Four East. Also the Northeast quarter of the South east quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty One, Township Five South of Range Four East, containing FortyFive acres more or less . . ."

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<p><u>SOUTHERN PLANTATION DEVELOPMENT</u> <u>COMPANY, By C. N. Souther, President</u> <u>P. G. Baker, Secretary</u> <p style="text-align: right;">GRANTOR.</p> <p style="text-align: center;">TO</p> <p><u>FRANK B. & MARY J. SCHROEDER, his</u> <u>wife.</u> <p style="text-align: right;">GRANTEE</p> </p></p>	<p>Kind of Conveyance <u>WARRANTY DEED</u></p> <p>Any Reservation to Grantor _____</p> <p>Date of Conveyance <u>September 6th, 1913</u></p> <p>Date of Acknowledgment <u>same date</u></p> <p>Before Whom <u>C.L. Keith, N.P. Cook Co., Ill.</u></p> <p>Grantor Married or Single <u>Corporation</u></p> <p>Separate Acknowledgment of Wife _____</p> <p>Before Whom _____</p> <p>Date of Filing for Record <u>September 15th, 1913</u></p> <p>Recorded in <u>Deed</u> Book No. <u>21NS</u> Page <u>207-8</u></p> <p>Dower or Homestead Conveyed Properly _____</p> <p>Is it Properly Indexed? _____</p> <p>Are Names of All Signers in Body of Conveyance? _____</p> <p>Consideration \$ <u>1.00</u> Is it paid? _____</p> <p>WITNESS } <u>E. M. Anderson</u> } <u>R. D. Wagoner</u></p>
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DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

"Farm Sixteen (16) being the South East One Quarter of the South East One Quarter (SE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section Twenty Eight (28) Township Five (5) South, Range Four (4) East, containing Forty (40) acres, more or less . . ."

The said Southern Plantation Development Company reserves the right to open at any time such highways as may be necessary to give free access to the public to and from each Forty (40) acres tract, same to be opened on either Section or half Section lines"

The Federal Land Bank of New Orleans

TRANSFERS OF TITLE

S. L. BLAN, State Auditor

GRANTOR.

TO

J. P. COOPER

GRANTEE

Kind of Conveyance TAX DEED

Any Reservation to Grantor _____

Date of Conveyance July 12, 1930

Date of Acknowledgment same date

Before Whom Langdon C. Parker, N.P. Montgomery Co., Ala.

Grantor Married or Single _____

Separate Acknowledgment of Wife _____

Before Whom _____

Date of Filing for Record July 18, 1930

Recorded in Deed Book No. 50NS Page 12

Dower or Homestead Conveyed Properly _____

Is it Properly Indexed? _____

Are Names of All Signers in Body of Conveyance? _____

Consideration \$ 36.00 Is it paid? _____

WITNESS } _____

DESCRIPTION OF PROPERTY CONVEYED

Give Description as in Deed and also Show any and all kinds of Reservations

" That Whereas, on 16 day of April, A.D. 1928, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Frank Schroeder, the owner of said lands, and for the payment of the fees, costs and expenses of and under said decree And Whereas, thereafter, to-wit, on the 28 day of May, 1928 said lands were regularly offered for sale by the Tax Collector And Whereas said lands having been entered upon the books of this Department, and the Auditor and Treasurer of this State, with the approval of the Governor, have fixed the price of said land, and ascertained that the sum of Thirty-Six & no/100 (\$36.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands And Whereas, application has been made to the Auditor of the State by J. P. Cooper to purchase said lands, and said sum of Thirty-Six & no/100 (\$36.00) Dollars therefor has been paid into the State Treasurer Now Therefore, I S. L. Blan, as Auditor of the State of Alabama have this day granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey unto the said J. P. Cooper, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama, in and to said lands, described as follows:

SE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 28, Township 5s, Range 4E

lying and being situate in said County and State, to have and to hold the same, the said right and title of state in the lands aforesaid unto J. P. Cooper . . .

."

ORVIS M. BROWN
 ATTORNEY AT LAW
 BALDWIN BUILDING
 ROBERTSDALE, ALA.

D E C R E E

S. L. PRICE,)
Complainant,) IN THE CIRCUIT COURT OF BALDWIN
-vs-) COUNTY, ALABAMA.
BIRGER THORELL, FRANK B.) IN EQUITY.
SCHROEDER, and MARY J.)
SCHROEDER,)
Respondents.)

This cause is submitted on the original Bill of Complaint, Notice of Publication, Motion for Decree Pro Confesso, and Decree Pro Confesso against the Respondents named in the said Bill and the testimony of H. J. Wilters and H. G. Wallin; the pleadings and evidence in this case show that the land described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of Northeast Quarter of Section Twenty-one, Township Five South of Range Four East. Also Northeast quarter of Southeast quarter of Section Twenty one, Township Five South of Range Four East", which said lands have been assessed by and the taxes paid by S. L. Price since 1927; and that S. L. Price and Laida Catherine Price, husband and wife, received title to this property described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence west 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of Northeast Quarter of Section Twenty one, Township Five South of Range Four East. Also Northeast quarter of Southeast quarter of Section Twenty one, Township Five South of Range Four East" by General Warranty Deed dated September 14, 1927 which deed is recorded in Deed Book 44NS page 34-35 in the Probate Records of Baldwin County, Alabama. Thomas L. Wallace received title to this property from Birger Thorell, a single man, by Deed With Warranty dated September 24, 1925 which deed is recorded in Deed Book 37NS page 334 of the Probate Records of Baldwin County, Alabama. Birger Thorell, received title to this property by Warranty Deed dated May 11, 1923 from Eligia L. Dyess and Rosa Dyess which deed is recorded in Deed Book 34NS page 25-26 of the Probate Records of Baldwin County, Alabama. At the time Birger Thorell sold this property to Thomas L. Wallace, Thomas L. Wallace and Nora B. Wallace executed a Real

Estate Mortgage to Birger Thorell which mortgage was dated September 26th, 1925, filed for record in Book 54 Mortgages pages 220-221 of the Probate Records of Baldwin County, Alabama covering the property described as "all that Real property described as commencing at a post at the center of the East line of Section Twenty one Township Five South Range Four East, thence run North following said Section line 2.50 chains, thence west 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning, all in the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4}$ of $NE\frac{1}{4}$) of Section Twenty one Township Five South Range Four East. Also the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$) of Section Twenty one Township Five South Range Four East, containing Forty five (45) acres, more or less in Baldwin County, State of Alabama". The evidence shows that Birger Thorell left this mortgage for collection with the Robertsdale State Bank of Robertsdale State Bank of Robertsdale, Alabama, that the mortgage was paid in full by Thomas L. Wallace and Nora B. Wallace and the original mortgage together with the balance of the notes were delivered to Thomas L. Wallace and Nora B. Wallace and Thomas L. Wallace and Nora B. Wallace when they conveyed this property to S. L. Price and Laida Catherine Price on September 14, 1927 delivered to S. L. Price and wife the old original mortgage and the notes and S. L. Price has the old original mortgage and notes in his possession at this time and Birger Thorell did not cancel this mortgage on the records of the Probate Court of Baldwin County, Alabama and evidence shows that he is now in Sweden and due to the war in Europe cannot be reached to obtain cancellation of this mortgage, and that S. L. Price and wife have been in actual possession of this property since September 14, 1927 claiming to own the same for more than thirteen years next prior to the filing of this Bill of Complaint in this suit; that the said Complainant having paid taxes for more than thirteen years and that no other person, firm or corporation has paid any taxes on the same during that period of time; that there is no suit pending to test Complainant's title to, interest in or right of possession of the said land, that the said property stands in the name of S. L. Price and Laida Catherine Price to the property described as "Commencing at a post at the center of the East line of Section Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of Northeast Quarter of Section Twenty one, Township Five South of Range Four East. Also

Northeast quarter of Southeast quarter of Section Twenty-one, Township Five South of Range Four East".

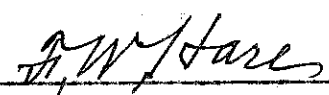
That the pleadings and evidence in this case show that the land described as "Southeast Quarter of the Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama" which said lands have been assessed by and taxes paid on the same by J. P. Cooper since 1930, that J. P. Cooper received title to this property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama, from S. L. Blan, State Auditor of the State of Alabama, by tax deed dated July 12, 1930 which said deed appears of record in Deed Book 50 N.S. page 12 of the Probate Records of Baldwin County, Alabama and further that Frank B. and Mary J. Schroeder received title to this property by Warranty Deed dated September 6, 1915 from Southern Plantation Development Company which said deed is recorded in Vol. 21NS page 207 of the Probate Records of Baldwin County, Alabama, that this property sold in the name of Frank Schroeder to the State of Alabama on May 28, 1928 for the non payment of the 1927 taxes and that it remained in the State of Alabama until it was conveyed by S. L. Blan, State Auditor, to J. P. Cooper on July 12, 1930 and that J. P. Cooper has remained in the actual, peaceable possession of this property since that time and has assessed and paid taxes on this property since that date until the 21st day of August, 1939, on which date he conveyed this property by Statutory Warranty Deed to S. L. Price, and that S. L. Price has been in the actual, peaceable possession of this property from the 21st day of August, 1939, to this date and this deed from J. P. Cooper to S. L. Price is recorded in Volume 70 of Deed Records page 552 of the Probate Records of Baldwin County, Alabama. That the said Complainant, S. L. Price and J. P. Cooper under whom he claims have assessed and paid taxes on this property for more than ten years next preceding this date and that no other person, firm or corporation have paid any taxes on the same during that period of time; that there is no suit pending to test Complainant's title to, interest in or right of possession of the said land; that the said property stands in the name of S. L. Price to the property described as "Southeast Quarter of Southeast Quarter, Section 28, Township 5 South of Range 4 East, Baldwin County, Alabama."

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the said Complainant, S. L. Price is the absolute owner of the following described property "Commencing at a post at the center of the East line of Section

Twenty-one, Township Five South of Range Four East, thence run North following said section line 2.50 chains, thence West 20 chains, thence South 2.50 chains, thence East 20 chains to the place of beginning. All in the Southeast Quarter of the Northeast Quarter of Section Twenty-one, Township Five South of Range Four East. Also Northeast Quarter of Southeast Quarter of Section Twenty one, Township Five South of Range Four East. And also the Southeast Quarter of Southeast Quarter of Section 28 Township 5 South of Range 4 East, Baldwin County, Alabama", all of which land is located in Baldwin County, Alabama, in fee in his own right, that no other person, firm or corporation has any interest, right and title, lien or encumbrance on said land. Liens or encumbrances on said land held by anyone other than the Complainant are hereby and herein declared null and void, and are decreed to be a cloud upon the title of Complainant and removed as such. It is further Ordered, Adjudged and Decreed that the Register of the Circuit Court of Baldwin County, Alabama, in Chancery, shall cancel of record that certain mortgage executed by Thomas L. Wallace and Nora B. Wallace to Birger Thorell and dated September 26, 1925, filed for record October 20, 1925 and recorded in 34 Mortgages pages 220-221 of the Probate Records of Baldwin County, Alabama, it being declared a lien and a cloud upon the title of S. L. Price and as such is hereby declared null and void and ordered cancelled by the Register in Chancery of Baldwin County, Alabama. That a certified copy of this decree is to be filed in the Probate Office of Baldwin County, Alabama and recorded therein, and that is to be indexed on the records in the Office of the said Judge of Probate in the name of Birger Thorell as to the property described in the first paragraph hereof and in the reverse indexes in the name of S. L. Price; and as to the property described in the second paragraph of this Decree to be indexed in the Records of the office of the said Judge of Probate in the name of Frank B. Schroeder and Mary J. Schroeder and in the reverse indexes in the name of S. L. Price; and title stands in his name on the record.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant pay the costs in this proceeding.

DATED this 24th day of May, 1940.



Judge of the Twenty First Judicial
Circuit of Alabama.

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

12/8

1937

Gen. R. S. Duck

City

Advertising:

S. L. Price, Vs. Burger Shoul, etc.

198 words @ 4 1/2¢

\$8.91

Job Printing:

Rec 11/11/37

911 N.S. page 497

Carroll June 15/48
Rabbits
Burger

RECORDED

Bill of Complaint

Bill to Quiet Title

Filed October 27, 1939
R. S. Duch, Register

ORVIS M. BROWN
ATTORNEY AT LAW
ROBERTSDALE, ALA.