

Bank Austria Complainant
vs

Success Case - Equity
Sider >

News as Law of Morgan
Austria, Dec. 1891

This case is submitted
on behalf of Complainant on the
Bill of Complaint, affidavit of non
residence, order of publication,
proof of publication, duce pro con-
fesso.

J. W. [Signature]
Regents -

BAY MINETTE ALA. _____ 192 _____

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—In Account With—

THE BALDWIN TIMES

FINE JOB PRINTING, BEST ADVERTISING MEDIUM

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		2	12
			—————
		\$	23.76

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 FRANK AUSTIN,
 Complainant.)
 -vs-)
 HEIRS AT LAW OF MUS-)
 GROVE AUSTIN, Deceased,)
 MILLIE AUSTIN FIELDS,)
 Deceased, MARY AUSTIN)
 JORDAN, Deceased and)
 JENNIE AUSTIN ADAMS,)
 Deceased. Defendants.)
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IN THE CIRCUIT COURT-EQUITY SIDE.
 STATE OF ALABAMA.
 BALDWIN COUNTY.
 No. _____

TO THE HONORABLE, THE CIRCUIT COURT OF BALDWIN COUNTY,
 STATE OF ALABAMA, AND THE HONORABLE JOHN D. LEIGH,
 JUDGE THEREOF, SITTING IN EQUITY:-

Frank Austin, a resident of Baldwin County, Alabama, and over the age of twenty-one years, brings this his bill of complaint against the heirs at law of Musgrove Austin, Deceased, the heirs at law of Millie Austin Fields, Deceased, ^{at law} the heirs of Mary Austin Jordan, Deceased, and the heirs at law of Jennie Austin Adams, deceased, and thereupon your Orator complains and says:-

1. That Musgrove Austin, Millie Austin Fields, Mary Austin Jordan and Jennie Austin Adams are dead; that each of them died intestate; that the names of their heirs at law are unknown to Orator and cannot be ascertained on diligent inquiry; that each of said heirs at law, Orator believes, are over the age of twenty-one years and Orator believes that each of them reside without the State of Alabama and that he sues them herein as unknown defendants.

2. That your Orator claims to own in his own right and has been continuously for more than twenty years and still is, in the peaceable possession of the following described lands, always claiming to own them, namely:-

The Northeast quarter of the Southeast quarter and the East half of the Northwest quarter of the Southeast quarter of Section Twenty-eight in Township Four South of Range Two East (NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 28 Tp. 4 S. R. 2 E.) Baldwin County, Alabama.

3. That each of the defendants claims or is reputed to claim some right, title or interest in, or encumbrance upon, the said lands, and your Orator hereby calls upon each of the defendants to set forth and specify his or her title or claim, interest or encumbrance upon the said lands or any part thereof, and how and by what instrument the same is derived and created.

4. That no suit is pending to test the validity of such title, claim or encumbrance, asserted by the defendants or either ^{OF THEM}

or by anyone else, there being no pending litigation involving in any way the title to said lands;

THEREFORE, THE PREMISES CONSIDERED, Your Orator respectfully prays the Court as follows:-

PRAYER FOR PROCESS.

That the heirs at law of Musgrove Austin, Deceased, the heirs at law of Millie Austin Fields, Deceased, the heirs at law of Mary Austin Jordan, Deceased and the heirs at law of Jennie Austin Adams, Deceased, be made parties defendant to this bill of complaint and that they all be brought into Court by Publication, or such other process as may be appropriate in the premises.

PRAYER FOR RELIEF.

That upon a final hearing of this cause that it be rendered, adjudged and decreed that the defendants, and none of them, have any right, title or interest in or hold any lien or encumbrance upon, the lands hereinabove described, or any part thereof, and that as against the said defendants, and each of them, your orator has a good and perfect title to all of said lands, and that his said title to said lands be forever quieted as against the said defendants and each of them.

Your Orator prays for such other, further and different relief, if he be mistaken in the above, as he may be equitably entitled to receive, the premises considered, and, as in duty bound, he will ever pray, etc.,

STONE & STONE
Solicitors for Complainant.

FOOT NOTE:- The defendants, and each of them, is required to answer each paragraph of the foregoing bill of complaint from "1" to "4" both inclusive, but not under oath, answer under oath being hereby expressly waived.

STONE & STONE
Solicitors for Complainant.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, B. L. Raudace, a Notary Public in and for said state and county, personally appeared Frank Austin, who is known to me and who, being duly sworn by me according to law, deposes and says under oath that he is the complainant in the bill of Complaint to which this affidavit is annexed, being the Bill of Complaint in the cause of Frank Austin, Complainant, -vs- The Heirs at law of Musgrove Austin, Deceased, the heirs at law of Millie Austin Fields, Deceased, the heirs at law of Mary Austin Jordan, Deceased, and the heirs at law of Jemie Austin Adams, Deceased; that the names of the heirs at law of Musgrove Austin, Deceased, Millie Austin Fields, Deceased, Mary Austin Jordan, Deceased and Jemie Austin Adams, Deceased, are unknown to him and cannot be ascertained on diligent inquiry; that he has made diligent inquiry to ascertain the same; that their residences, after making diligent inquiry to ascertain the same, are, as he believes, ~~not~~ not in the State of Alabama; that he believes each of them to be over the age of twenty-one years and that he has made them unknown parties defendants to the foregoing bill of complaint in the above named cause, because they are necessary parties and he has been unable to ascertain their names and residences.

Frank X Austin
mark

Sworn to and subscribed before me this August 8th, 1923.

B. L. Raudace
Notary Public, Baldwin County.
State of Alabama.



NOTICE TO NON-RESIDENTS.

Frank Austin, Complainant, - - - - -

No. 400. vs
Heirs at law of Musgrove

Austin, Deceased, Millie Austin Fields,
Deceased, Mary Austin, Jordan, Deceased, and
Jennie Austin, Adams, Deceased, Defendants.

In this cause it being made to appear to the Register of this Court by the affidavit of the Complainant Frank Austin, that the Defendants, Heirs at Law of Musgrove Austin, Deceased, Millie Austin Fields, Deceased, Mary Austin Jordan, Deceased, and Jennie Austin Adams, Deceased are unknown to him and cannot be ascertained on dilligent inquiry; that he has made dilligent inquiry to ascertain the same; and that their residences, as he believes are not in the State of Alabama; that he believes them to be over the age of 21 years; and that he has made them unknown parties defendants to his bill of Complaint, in the above stated cause because they are necessary parties, and he has been unable to ascertain their names and residences.

And it appearing from the said Bill of Complaint that the Complainant claims to own, and is in the peaceble possession of the following described lands, namely:

The Northeast quarter of the Southeast quarter and the East half of the Northwest quarter of the Southwest quarter of Section Twenty-eight in Township Four South of Range Two East (NE 1/4 of SE 1/4 and E 1/2 of NW 1/4 of SE 1/4 of Sec. 28, Tp 4, S. R. 2, E.) Baldwin County, Alabama.

That each of the defendants claims, or is reputed to claim, some right, title or interest in, or encumbrance; that the Complainant calls upon each defendant to set forth and specify his title, claim, interest or encumbrance upon the said lands, or any part thereof, and how and by what instrument the same is derived and created, and prays that his title to the said lands be quieted as against the defendants and each of them; that it be decreed that Complainant has a good and perfect title to all of said lands as against the defendants, and each of them, and it be further decreed that none of the defendants have any right title or interest in, or hold any lien or encumbrance upon, the said lands.

It is, therefore ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama, once a week for four consecutive weeks requiring the defendants the said Heirs at Law of Musgrove Austin, Deceased, Millie Austin, ~~Deceased~~ Fields, Deceased, Mary Austin Jordan, Deceased, and Jennie Austin Adams, Deceased, to answer or demur to the Bill of Complaint in this cause by the 15th, day of September 1923, or after thirty days therefrom a decree pro confesso may be taken against them.

Done and ordered at Bay Minette Alabama, this 10th day of August, 1923.

Stone & Stone
Atty's for Complainant.

D. W. Peterson
-----Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. 400. Vacation Term, 19 23

Frank Austin,

Complainant.....

vs. Heirs at Law of Musgrove Austin deceased, ^{Heirs at Law of} Millie Austin Fields
deceased, ^{Heirs at Law of} Mary Austin Jordan, deceased, and ^{Heirs at Law of} Jennie Austin
Adams, deceased, Defendant. S

In this cause it appears to the Register *T.W. Richerson* that the order of publication here-

tofore made in this cause, was published for four consecutive weeks, commencing on the 17th~~th~~- day of

August, 19 23, 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 17th~~th~~ day of

Aug -Sept-- 19 23, and

And it now further appearing to the Register T.W. Richerson that the said

that the names of the heirs at law of Musgrove Austin, deceased, ^{Heirs at Law of} Millie Austin
Fields, deceased, ^{Heirs at Law of} Mary Austin Fields, deceased, ^{Heirs at Law of} Mary Austin Jordan, deceased
and ^{Heirs at Law of} Jennie Austin Adams deceased, Defendants,

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..... that the

Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said.....

Heirs at Law of Musgrove Austin, ^{deceased Heirs at Law of} Millie Austin Fields, deceased, ^{Heirs at Law of}
Mary Austin Jordan, deceased, and ^{Heirs at Law of} Jennie Austin ~~Adams~~ Adams, deceased,
Defendants,

This 22nd day of October, 1923., 19

T.W. Richerson

Register.

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No. 400. Page -----

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Frank Austin

vs.

Heirs at Law of Musgrove

Austin, deceased,

DECREE PRO CONFESSO ON
PUBLICATION.

Issued October 22nd, 19 23

J. W. Williams
Register.

Recorded in ----- Record

Vol. ----- Page -----

Register.

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FRANK AUSTIN,
Complainant.

-vs-

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

Heirs at Law of Mushrove Austin,
Deceased; Millie Austin Fields,
Deceased; Mary Austin Jordan, Deceased
and Jennie Austin Adams, Deceased.
Defendants.

This cause is submitted in term time for final decree upon the Bill of Complaint, Affidavit as to defendants, Order of Publication, Proof of publication, Decree Pro Confesso as noted by the Register; and the court being of the opinion that the complainant is entitled to for which she prays in his bill of complaint,

IT IS ORDERED, ADJUDGED AND DECREED by the Court that none of the defendants, namely, the Heirs at Law of Musgrove Austin, Deceased, the heirs at law of Millie Austin Fields, deceased; the heirs at law of Mary Austin Jordan, deceased and the heirs at law of Jennie Austin Adams, deceased, have any right, title or interest in or hold any lien or encumbrance upon the following described lands, namely;

The northeast quarter of the southeast quarter and the east half of the northwest quarter of the southeast quarter of section twenty eight in township four south of range two east (NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 28, Tp. 4S. R. 2E.) Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the title of the complainant in and to the said land is good and perfect as against the defendants and each of them; that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama; that at the expiration of one year, this decree, unless sooner vacated, shall become absolute as against the defendants brought in by publication, who have not appeared and that the complainant do pay the costs of this cause for which let execution issue.

This December 8th, 1923.

John D. Leigh
Judge.

FRANK AUSTIN,
Complainant.

-VS-

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

Heirs at Law of Mushrove Austin,
Deceased; Millie Austin Fields,
Deceased; Mary Austin Jordan, Deceased
and Jennie Austin Adams, Deceased.
Defendants.

This cause is submitted in term time for final decree upon the Bill of Complaint, Affidavit as to defendants, Order of Publication, Proof of publication, Decree Pro Confesso as noted by the Register; and the court being of the opinion that the complainant is entitled to for which she prays in his bill of complaint.

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the title of the complainant in and to the said land is good and perfect as against the defendants and each of them; that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama; that at the expiration of one year, this decree, unless sooner vacated, shall become absolute as against the defendants brought in by publication, who have not appeared and that the complainant do pay the costs of this cause for which let execution issue.

This December ____, 1923.

Judge.