

695

ANTON CMOLIK & : IN THE CIRCUIT COURT OF BALDWIN
 ANN CMOLIK, : COUNTY, ALABAMA
 Plaintiff, :
 VS. :
 STEVE STEJSKAL, :
 Defendant. :

And the said defendant, Steve Stejskal, by and through his attorney, Richard J. Demeree, comes and says that the plaintiff ought not to have or maintain his aforementioned action against them because they say,

First, that he is a male person over the age of twenty-one, residing in Baldwin County, State of Alabama, and that he did make and sign a certain promissory note in writing and deliver the same to the plaintiff of which the plaintiff is the present owner and holder according to the tenor and effect of said note, and in every respect has claimed by the plaintiff, and though so indebted did not and have not paid said note to the plaintiff or any other person.

Second, that the said note of the plaintiff was given by the defendant in good faith and with the bona fide intention of paying same at the time of making and delivering same, and defendant avers that said note is evidence of a debt of a kind and nature dischargeable in bankruptcy within the intent and meaning of the act of bankruptcy of the United States relating to the debt dischargeable thereby.

Third, that the defendant before and on the 15th day of June, 1941, and from thence continuously until the 15th day of January, 1942, has been and is now a resident of the county of Baldwin, State of Alabama within the jurisdiction of the District Court of the United States for the Southern District of Alabama and as such became entitled to become and be a bankrupt within the intent and meaning of the act of bankruptcy of the United States and amendments and statutes relating to

bankruptcy.

Fourth, that this defendant while so residing as next above alleged on the 15th day of January, 1942, being insolvent made and filed his bankruptcy petition in bankruptcy in the said District of the United States for the Southern District of Alabama under and by virtue of the acts of bankruptcy of the United States and amendments and statutes relating to bankruptcy and in and upon our schedule of liabilities schedule A-3 of said voluntary petition in bankruptcy did list and fully describe the very same and identical debt sued upon by the plaintiff in this action evidenced by said promissory note together with the name and address of the plaintiffs in the form and manner prescribed by the act of bankruptcy of the United States, and amendments and statutes, rules and regulations thereto relating and in such case provide a claim or debt for that petition to be adjudged a bankrupt as to, as and will fully appear by certified copy of schedule of said voluntary petition in bankruptcy hereto attached and hereto made a part of this decree.

Fifth, that after filing said voluntary petition in bankruptcy and that on to-wit the 26th day of January, 1942, this defendant was duly and regularly adjudicated a bankrupt by the said District Court of the United States for the Southern District of Alabama, as to plaintiff's deed, the very same identical deed sued on in Plaintiff's declaration and notice thereof was published as required by the bankruptcy law and that said plaintiff as the creditor of the defendant was duly, regularly and actually notified in writing by the District Court of the United States for the Southern District of Alabama, of such adjudication, and to file his claim upon said debt, and of the first meeting of creditors of defendant, and did have actual notice and opportunity to file his claim and participate in the dividend of the assets of defendant surrendered to the bankruptcy court, in accordance with the Act of

Bankruptcy and statutes, rules and regulations relating to bankruptcy.

Sixth, at the time and in the manner required by the Act of Bankruptcy and statutes, rules and regulations relating to bankruptcy, defendant applied to the said District Court of the United States for the Southern District of Alabama, for discharge in bankruptcy, and the said plaintiffs were actually notified of said application for discharge and also to object to such discharge. And, thereafter, in due course of the proceedings in bankruptcy, defendant was duly discharged in said bankruptcy, and of and from the very same identical debt to the plaintiffs, as listed in said Schedule A-3, and as set forth and alleged in plaintiff's declaration. A true and certified copy of the said discharge in bankruptcy being hereto attached and hereby made a part of this plea as exhibit B thereof.

Seventh, And the Defendant further says that the cause of action in plaintiff's declaration sued upon, accrued to the plaintiffs before the defendant so became a bankrupt, as aforesaid, and was discharged in bankruptcy. And this defendant has never since offered to pay, nor paid, any part of said debt, nor either orally, or in writing, promised to pay, in whole or in part, nor either expressly nor impliedly admitted or acknowledged the same as a debt for which he is liable, nor in anywise ratified same, or otherwise revived the same from the bar of said discharge in bankruptcy.

Wherefore the defendant says that the date and cause of action sued upon in and by plaintiff's declaration has been discharged by the bankruptcy of defendant, and the same is barred. And he prays judgment if the plaintiff ought further to maintain ~~his~~ aforesaid action against him.


Attorney for the Defendant


Defendant

STATE OF ALABAMA
COUNTY OF BALDWIN

In person before the undersigned, an officer duly authorized to administer oaths and take acknowledgements of deeds, under and by virtue of the laws of Alabama, appeared Steven Stejskal, who after being first duly sworn, on oath says that he is the defendant in the within and foregoing plea in bankruptcy and that he has read the same and the same is true.

Steven Stejskal
Defendant

Subscribed and sworn to before me this

24 day of June, 1942.

Richard W. Demree
Notary Public, Baldwin County, Alabama

Attached is exhibit A, certified copy of the Schedule.

Attached is exhibit B, copy of the discharge.

RECORDED
INDEXED
MAY 15 1942
BALDWIN COUNTY, ALABAMA

admitted to the office of the Sheriff of the County of ...
... of the County of ...

695-

Exempted

Filed Aug 14 1942
Robert
Bank

Executed by serving a copy of the within
writ on Hubert M. Hall, Attorney for the plaintiff.
This 15 day of August 1942

W.R. Stuart, Sheriff

BY *B. F. Kucner*, Deputy Sheriff

Received in Sheriff's Office
this 15 day of *Aug*, 1942
W. R. STUART, Sheriff

695

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION

IN THE MATTER OF :

STEVEN STEJSKAL, : NUMBER 5886

.BANKRUPT : IN BANKRUPTCY

TO THE CREDITORS OF STEVEN STEJSKAL, OF SILVERHILL, IN
THE COUNTY OF BALDWIN AND DISTRICT AFORESAID, (OPERATOR OF STEVE'S
SHOE REPAIR SHOP AT FAIRHOPE IN SAID COUNTY):

Notice is hereby given that said Steven Stejskal has been
duly adjudged a bankrupt on a petition filed by him on the 15th.
day of January, 1942, and that the first meeting of his creditors
will be held in Room 339 Federal Building, in the City of Mobile,
Alabama, on the 4th. day of February, 1942, at four o'clock P. M.,
at which place and time the said creditors may attend, prove their
claims, appoint a trustee, appoint a committee of creditors, exam-
ine the bankrupt, and transact such other business as properly may
come before said meeting.

Mobile, Alabama, January 16, 1942

William Cowley
Referee in Bankruptcy

Clerk Circuit Court Baldwin County, Alabama,
(Judgment in favor Anton Cmolik and Ann Cmolik)

Filed Dec 15, 1941

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, That you summon STEVEN STEJSKAL and EMMA STEJSKAL, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by ANTON CMOLIK and ANNA CMOLIK against said STEVEN STEJSKAL and EMMA STEJSKAL, and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this 28th day of January, 1941.

R. S. Duck
Register.

ANTON CMOLIK and ANNA
CMOLIK,
Complainants,

VS.

STEVEN STEJSKAL and
EMMA STEJSKAL,
Respondents.

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

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

Comes your Complainants, ANTON CMOLIK and ANNA CMOLIK, and humbly complaining against the Respondents, STEVEN STEJSKAL and EMMA STEJSKAL, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That your Complainants and Respondents are residents of Baldwin County, Alabama, and over twenty-one years of age.

SECOND:

That the Respondents are indebted to the Complainants in the sum of Nine Hundred (\$900.00) Dollars, as evidenced by a Trust Deed and note dated Silverhill, Alabama, August 1, 1933, and payable on demand, with interest at 6% per annua from date, which sum, with the interest thereon, is still due and unpaid; that Complainants have made demand on the Respondents for the payment of money, but have been refused; that the Complainants admit the payment of Three Hundred and Eighty (\$380.00)

Dollars on said indebtedness; that a copy of said Trust Deed and Note are hereto attached, marked Exhibit "A" and asked to be taken as a part hereof as though herein fully set out; that the Complainants claim all the benefits granted in and by said note.

THIRD:

That said Trust Deed does not contain the proper powers of sale; that said Trust Deed and Note were filed for record in the office of the Probate Judge of Baldwin County, Alabama, on November 5th, 1935, and are of record therein in Mortgage Book 65, at pages 174-5.

WHEREFORE, the premises considered, Complainants pray that your Honor will, by proper process, make the said STEVEN STEJSKAL and EMMA STEJSKAL party respondents to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainants further pray that upon a final hearing of this cause, this Honorable Court enter an order, judgment and decree fixing the amount which the Respondents are indebted to your Complainants upon the said Trust Deed and Note herein described, including all interest, cost, expenses of this proceeding, and a reasonable attorney's fee; that a further order and decree be made and entered establishing the mortgage or lien in favor of your Complainants and against the said property, to-wit:

The Southwest quarter of the Southwest quarter; the South half of the Southeast quarter of the Southwest quarter; the Northeast quarter of the Southeast quarter of the Southwest quarter, Section 14, Township 6 South, Range 3 East, in Baldwin County, Alabama,

and that said property be, by this Honorable Court, ordered sold for the satisfaction of said Trust Deed and Note or indebtedness due by the Respondents, STEVEN STEJSKAL and EMMA STEJSKAL, to your Complainants; that your Honor and this Honorable Court will give and grant unto your Complainants such other, further, different or general relief as they may be entitled to receive in the premises;

That your Honor and this Honorable Court, in the event your Complainants have not prayed for the proper relief under the facts herein stated, will give and grant unto them such relief as they may be entitled to under the said facts.

BEEBE & HALL,

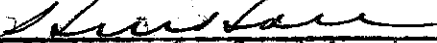
By: 
Solicitors for Complainants.

EXHIBIT "A"

TRUST DEED AND NOTE

THIS INDENTURE WITNESSETH, That the undersigned as grantors, of Silverhill, County of Baldwin and State of Alabama for and in consideration of the sum of One Dollar and other good and valuable considerations in hand paid, convey and warrant to Anton Cmolik, and Anna Cmolik of Robertsedale, County of Baldwin and State of Alabama the following described Real Estate, with all improvements thereon, situated in the County of Baldwin, in the State of Alabama, to-wit: Southwest quarter of Southwest quarter, South half of Southeast quarter of Southwest quarter, Northeast quarter of Southeast quarter of Southwest quarter, Section Fourteen, Township Six S, Range Three East in Baldwin County, Ala., hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Alabama.

GRANTORS AGREE to pay all taxes and assessments upon said property when due, to keep the buildings thereon insured to their full insurable value, to pay all prior incumbrances and the interest thereon and to keep the property tenantable and in good repair and free of liens. In the event of failure of Grantors to comply with any of the above covenants, then grantee is authorized to attend to the same and pay the bills therefor, which shall with 7% interest thereon, become due immediately, without demand. On default in any payments hereunder, grantee may declare the whole indebtedness due and proceed accordingly.

AS FURTHER SECURITY grantors hereby assign, transfer and set over to grantee all the rents, issues and profits of said premises, from and after this date, and authorize him to sue for, collect and receipt for the same, to serve all necessary notices and demands, to bring forcible detainer proceedings to recover possession thereof, to rerent the said premises as he may deem proper and to apply the money so arising to the payment of this indebtedness, or to any advancements made as aforesaid, and it shall not be the duty of grantee to inquire into the validity of any such taxes, assessments, liens, incumbrances, interest or advancements.

In trust, nevertheless, for the purpose of securing performance of the following obligation, to-wit:

\$900.00

Silverhill, Ala August 1st,
1933.

On Demand after date for value received I we promise to pay to the order of Anton Cmolik and Anna Cmolik the sum of Nine Hundred (\$900.00) Dollars at the office of the legal holder of this instrument with interest at 6 per cent. per annum after date hereof until paid.

And to secure the payment of said amount I we hereby authorize, irrevocably any attorney of any court of record in any County or State in the United States to appear for us in such court, in term time or vacation, at any time hereafter and confess a judgment without process in favor of the holder of this instrument for such amount as may appear to be unpaid thereon, together with costs, and Twenty-Five Dollars Attorney's fees, and to waive and release all errors which may intervene in any such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that my our said attorney may do by virtue hereof.

IN THE EVENT of the death, inability, removal or absence from said Baldwin County of the Trustee, or of his refusal or failure to act, then Anna Cmolik, of said County, is hereby appointed to be the first successor in this trust; and if for any like cause first successor fail or refuse to act, the person who shall then be the acting Recorder of Deeds of said County is hereby appointed to be second successor in this trust. And when all the aforesaid covenants and agreements are performed the trustee, or his successor in trust, shall release the premises to the party entitled thereto on receiving his reasonable charges.

Witness our hands and seals this first day of August, A. D. 1933.

Signed and Sealed in the Presence of
Paul H. Kriesak
Thomas Vonashek

STEVEN STEJSKAL (SEAL)
EM. STEJSKAL (SEAL)

STATE OF ALABAMA,)
BALDWIN COUNTY.) SS.

I, Thomas Vonashek, a Notary Public, in and for, and residing in said County, in the State aforesaid, do hereby certify that Steven Stejskal and Em. Stejskal, his wife, personally known to me to be the same person whose names are subscribed to the foregoing Instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said Instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this first day of August, A. D. 1933.

(Seal)

Thomas Vonashek

My commission expires March 9, 1936.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Elliott G. Rickarby, a Notary Public, in and for said State and County, hereby certify that THOMAS VONASHEK, a witness to the foregoing conveyance, known to me, appeared before me on this day, and being sworn, stated that Steven Stejskal and Em. Stejskal, grantors, voluntarily executed the same in his presence and in the presence of the other subscribing witness on the day the same bears date; that he attested the same in the presence of the grantors and of the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand and seal, this the 4th day of November, 1935.

Elliott G. Rickarby,
Notary Public, Baldwin County,
Alabama.

Filed for record November 5th, 1935;
Recorded in Mortgage Book 65, pages 174-5.

695
RECORDED
Shaw on the
Herald
Walden

BILL OF COMPLAINT

ANTON GROLIK and ANNA
GROLIK,

Complainants,

VS.

STEVEN STEJSKAL and
ANNA STEJSKAL,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

*Filed January 28, 1941
R. S. Dink, Register*

Received in Sheriff's Office
this 28 day of January, 1941
W. R. STUART, Sheriff

*Presented this the
29th day of Jan 1941
by bearing a copy
of the within Bill
of Complaint on
Steven Stejskal and
Anna Stejskal
W. R. Stuart
Sheriff*

*W. R. Stuart
S.S.*

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Emma Stejskal, a resident of Baldwin County, Alabama, do hereby claim as an exempt homestead, exempt to me under the Constitution and laws of the State of Alabama, from levy and sale under execution or other process issued for the collection of debts and particularly against an execution levied by Anton Gmolik and Ann Gmolik on said property under date of November 27, 1941, and particularly against a judgment rendered against me on the 27th day of November 1941, said notice of sale by R. S. Duck, as Register in Chancery, being evidenced for the 9th day of February, 1942, in favor of the aforesaid Anton Gmolik and Ann Gmolik on a purported judgment purportedly secured in the Circuit Court of Baldwin County, Alabama, against my one-half interest in the following described real property, to-wit:

House and farm buildings and the southwest quarter of the southwest quarter; the south half of the southeast quarter of the southwest quarter; the northeast quarter of the southeast quarter of the southwest quarter of Section 14, Township 6, South of Range 5 East, in Baldwin County, Alabama;

together with all the land improvements, tenements, hereditaments and appurtenances thereunto belonging.

And affiant further says that said lands are in acre and area less than 160 acres and in value less than \$2000.00, and affiant further says that she owns a one-half interest in said land and occupies the same with her husband as their joint homestead, and that the value and extent of her interest therein is less than \$2000.00 and approximately 70 acres.

The affiant further says that the alleged debt upon which the aforesaid purported judgment was rendered was contracted since the 25rd day of April 1873 and since the 1st day of January 1900 and since the 1st day of May 1908.

Emma Stejskal

STATE OF ALABAMA
COUNTY OF Baldwin

Before me, Richard J. Demoree, a notary public in and for said county and state, this day personally appeared Emma Stejskal who is known to me and whose name is signed to the foregoing declaration and who, being by me first duly sworn, on oath deposes and says that she has read the foregoing declaration and knows the contents thereof and that all the facts and statements set forth and contained in said declaration are true and correct.

Richard J. Demoree

[Faint signature]

[Faint signature]

Emma Stejskal
[Faint signature]

Subscribed and sworn to before me
this 7th day of January, 1942.

Richard Demoree
Notary Public, Baldwin County, Ala.

The State of Alabama } Circuit Court of Baldwin County, Alabama,
Baldwin County (In Equity)

ANTON CMOLIK and ANN CMOLIK COMPLAINANT S

VS.

STEVEN STEJSKAL and EMMA STEJSKAL RESPONDENTS

I, Frances Brantley

as Register and Commissioner

have called and caused to come before me Anton Cmolik

witness named in the Requirement for Oral Examination, on the 25th day of November

19 41, at the office of Beebe & Hall

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said

Anton Cmolik doth depose and say as follows:

My name is Anton Cmolik. I am a bona fide resident of Baldwin County, Alabama and over twenty-one years of age. Anna Cmolik is also a resident of Baldwin County, Alabama, and over twenty-one years of age.

Steven Stejskal and Emma Stejskal are both over twenty-one years of age and residents of Baldwin County, Alabama. Steven Stejskal and Emma Stejskal on August 1st, 1933, borrowed from me and my wife Anna Cmolik the sum of Nine Hundred (\$900.00) Dollars, and to secure the payment of said amount executed a note and trust deed for Nine Hundred (\$900.00) Dollars dated August 1st, 1933, and payable on demand after date with interest at six per cent per annum; that he and his wife have made demands on the said Steven Stejskal and Emma Stejskal for the payment of said money but have been refused. There has been paid on said note and trust deed Three Hundred Eighty (\$380.00) Dollars, leaving a balance due of Five Hundred Twenty (\$520.00) Dollars which amount together with the interest thereon at six per cent per annum from the date of the execution of said note is still due and unpaid. That in order to further secure the payment of said amounty the said Steven Stejskal and Emma Stejskal executed a trust deed to the Complainant conveying the Southwest quarter of the Southwest quarter; the South half of the Southeast quarter of the Southwest quarter and the Northeast quarter of the Southeast quarter of the Southwest quarter of section fourteen, Township six South of Range three East; that said trust deed is hereto attached and asked to be taken as a part of this testimony and for purposes of identification is marked "Exhibit A"; that said trust deed does not contain the proper powers of sale; that said trust deed and note were filed in the office of the Probate Judge of Baldwin County, Alabama, November 5th, 1935, and is of record therein in Mortgage Book 65, pages 174-5; that neither of the Respondents is in the Military or Naval services of the United States.

Anton Cmolik

THE STATE OF ALABAMA,
Baldwin County

}

CIRCUIT COURT

TO Frances Brantley

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 ANTON CMOLIK

as witnesses in behalf of ANTON CMOLIK and ANN CMOLIK in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

ANTON CMOLIK and ANN CMOLIK Complainant, S

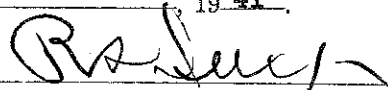
and

STEVEN STEJSKAL and EMMA STEJSKAL Defendant, S

on oath to be by you administered, upon

to take and certify the deposition of the witness and return the same to our Court, with all Convenient speed, under your hand.

Witness 26th day of November 19 41.



REGISTER

Commissioner's Fee \$ 10.00

Witness' Fees, \$ _____

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION

IN THE MATTER OF :
STEVEN STEJSKAL, : NUMBER 5886
BANKRUPT : IN BANKRUPTCY

AT MOBILE, IN SAID DISTRICT, ON THE 23rd. Day of May,
1942:

It appearing that STEVEN STEJSKAL, of Silverhill, in
the County of Baldwin, State of Alabama, was duly adjudged
a bankrupt on a petition filed by him on the 15th. day of
January, 1942; and

It further appearing that, after due notice by mail,
no objection to the discharge of said bankrupt was filed
within the time fixed by the court:

It is Ordered that said Steven Stejskal be, and he
hereby is, discharged from all debts and claims which are,
by the Act of Congress relating to bankruptcy, made provable
against his estate, except such debts as are, by said Act,
excepted from the operation of a discharge in bankruptcy.

William Cowley
Referee in Bankruptcy

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE SOUTHERN DISTRICT OF ALABAMA,
SOUTHERN DIVISION

I, William Cowley, Referee in Bankruptcy for the Southern
Division of said District, to whom the above entitled proceeding
was duly referred and before whom it is still pending, do hereby
certify that the foregoing is a true and correct copy of the order
granting discharge of said bankrupt as the same is on file and of
record in said proceeding.

Given under my hand in the City of Mobile, Alabama, this the
4th. day of June, 1942


Referee in Bankruptcy

in Baldwin County, Alabama, and to make, execute, and deliver to the purchaser, a deed, conveying all the right, title and interest of the said STEVEN STEJSKAL and EMMA STEJSKAL in and to the said property, and make return to this Court within thirty days from the sale.

It is further ordered, adjudged, and decreed by the Court that the proceeds of said sale, after deducting the cost of this proceeding and all costs of sale, be applied to the indebtedness secured by said Mortgage and paid over to the said Complainants.

It is further ordered, adjudged and decreed by the Court that if the property ordered sold for the satisfaction of the indebtedness herein, bring more than the sum necessary to pay the cost of this proceeding, and all costs of sale, and the amount due the Complainants, then the said R. S. Duck, as Register, is hereby ordered to then deliver and pay over the said surplus to the Respondents herein.

It is further ordered that the Respondents pay the costs herein to be taxes for which execution may issue, and if execution be returned "NO PROPERTY FOUND", then that execution may issue against the Complainants.

Done at Bay Minette, Alabama, this 27th day of November 1941.

J. W. Ware
Judge.

STATE OF ALABAMA.

BALDWIN COUNTY.

I, Elliott G. Riekenly, a Notary Public in and for said State and County, hereby certify that THOMAS VONASHEK, a witness to the foregoing conveyance, known to me, appeared before me on this day, and being sworn, stated that Steven Stejskal and Em. Stejskal, grantors, voluntarily executed the same in his presence and in the presence of the other subscribing witness on the day the same bears date; that he attested the same in the presence of the grantors and of the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand and seal, this the 4th day of November, 1935.

Elliott G. Riekenly
Notary Public, Baldwin County
Alabama.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, the undersigned authority in and for said County and said state, personally appeared Anton Cmolik, and having been by me first duly sworn, deposes and says:

That Steven Stejskal and Emma Stejskal are both bona fide residents of Baldwin County, Alabama and neither of them are now or were at the time of filing suit in the case of Anton Cmolik, et al, Vs. Steven Stejskal, et al, in the Military or Naval services of the United States.

Anton Cmolik

Sworn to and subscribed by me on this the 30 day of June, 1941.

H. L. Lave
Notary Public, Baldwin County, Alabama.

ORAL EXAMINATION

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

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

Given under my hand and seal, this 26th day of November 1941.

Frances Brantley (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ANTHONY CMOJIK and ANN CMOJIK
COMPLAINANT'S

VS.

STEVEN STEJSKAL and EMMA STEJSKAL
RESPONDENT'S

ORAL DEPOSITION

Filed Nov 26, 1941

Frances Brantley
Register

RECORDED IN

Record _____

Vol. _____ Page _____

Register _____

ANTON CMOLIK and ANN CMOLIK

Complainants

VS.

STEVEN STEJSKAL and EMMA STEJSKAL

Respondents.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, _____

Decree Pro Confesso on Personal Service, and Testimony of Anton Cmolik

and in behalf of Defendant upon _____

Register

Register.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. _____ TERM, 194__

ANTON CMOLIK and ANN CMOLIK

Complainants.

VS.

STEVEN STEJSKAL and EMMA STEJSKAL

Respondents.

TO R. S. DUCK, REGISTER:

In the above stated cause a Decree Pro Confesso on Personal Service

having been filed against _____ the Respondents,

and evidence having been taken, and the cause being ready for submission for final decree, and

no defense having been interposed, the complainants, by Beebe & Hall,

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.

Beebe & Hall

Solicitors for Complainants.

The State of Alabama, }
BALDWIN COUNTY.

No. _____ CIRCUIT COURT IN EQUITY.

ANTON CMOLIK and ANN CMOLIK Complainant.S

vs.

STEVEN STEJSKAL and EMMA STEJSKAL Defendant.S

Motion is hereby made for a Decree Pro Confesso against _____

STEVEN STEJSKAL and EMMA STEJSKAL Defendant.S

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant.S...; and that said summons was duly served according to law, and that said Defendant.S... have... failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 26th day of November 1941

Reeche & Haeel

Solicitor.

This Indenture Witnesseth, That the undersigned as grantors, of Silverhill, County of Baldwin and State of Alabama for and in consideration of the sum of One Dollar and other good and valuable considerations, in hand paid, convey and warrant to

Anton Cmolik, and Anna Cmolik of Robertsdale County of Baldwin and State of Alabama the following described Real Estate with all improvements thereon, situated in the County of Baldwin

in the State of Alabama, to wit:

South West quarter of South West quarter
South half of South East quarter of South West quarter, North East
quarter of South East quarter of South West quarter Section Fourteen
Township Six, S. Range Three East in Baldwin County, Ala.

herely releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Alabama

Grantors Agree to pay all taxes and assessments upon said property when due, to keep the buildings thereon insured to their full insurable value, to pay all prior incumbrances and the interest thereon and to keep the property tenantable and in good repair and free of liens. In the event of failure of Grantors to comply with any of the above covenants, then grantee is authorized to attend to the same and pay the bills therefor, which shall with 7% interest thereon, become due immediately, without demand. On default in any payments hereunder, grantee may declare the whole indebtedness due and proceed accordingly.

As Further Security grantors hereby assign, transfer and set over to grantee all the rents, issues and profits of said premises, from and after this date, and authorize him to sue for, collect and receipt for the same, to serve all necessary notices and demands, to bring forcible detainer proceedings to recover possession thereof, to rent the said premises as he may deem proper and to apply the money so arising to the payment of this indebtedness, or to any advancements made as aforesaid, and it shall not be the duty of grantee to inquire into the validity of any such taxes, assessments, liens, incumbrances, interest or advancements.

In trust, nevertheless, for the purpose of securing performance of the following obligation, to wit:

\$900.00 Per Silverhill, Ala August 1st 1933.

On Demand after date for value received I we promise to pay to the order of Anton Cmolik, and

Anna Cmolik the sum of Nine Hundred (\$900.00) Dollars

at the office of the legal holder of this instrument with interest at 6 per cent. per annum after date hereof until paid.

And to secure the payment of said amount I we hereby authorize, irrevocably any attorney of any court of record in any County or State in the United States to appear for us in such court, in term time or vacation, at any time hereafter and confess a judgment without process in favor of the holder of this instrument for such amount as may appear to be unpaid thereon, together with costs, and Twenty-Five Dollars Attorney's fees, and to waive and release all errors which may intervene in any such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that my our said attorney may do by virtue hereof.

IN THE EVENT of the death, inability, removal or absence from said Baldwin County of the Trustee, or of his refusal or failure to act, then Anna Cmolik of said County, is hereby appointed to be the first successor in this trust; and if for any like cause first successor fail or refuse to act, the person who shall then be the acting Recorder of Deeds of said County is hereby appointed to be second successor in this trust. And when all the aforesaid covenants and agreements are performed the trustee, or his successor in trust, shall release the premises to the party entitled thereto on receiving his reasonable charges.

Witness our hands and seals this first day of August A. D. 1933

Signed and Sealed in the Presence of

Paul H Krierak

Thomas Vornohelt

Steven Stejskal (Seal)

Em. Stejskal (Seal)

The BALDWIN Times

ALABAMA'S BEST COUNTY'S- BEST NEWSPAPER
BAY MINETTE, ALABAMA

ANTON CMOLIK and ANN CMOLIK
Complainants,
VS
STEVEN STEJSKAL and EMMA STEJ-
SKAL, Respondents.
IN THE CIRCUIT COURT OF BALD-
WIN COUNTY, ALABAMA, IN EQUITY.
NO. 695.

NOTICE OF SALE
UNDER and by virtue of a decree rendered by the Circuit Court of Baldwin County, Alabama, in the case of Anton Cmolik and Ann Cmolik, Complainants, vs. Steven Stejskal and Emma Stejskal, Respondents, Equity 695, on the 27th day of November, 1941, the undersigned, R. S. DUCK, as Register of the Circuit Court of Baldwin County, Alabama, sitting in Equity, and pursuant to the authority in me vested by said Decree, will sell at public outcry to the highest, best, and last bidder for cash, at the County Courthouse, in Bay Minette, Baldwin County, Alabama, at 12:30 Noon, on the 9th day of February, 1942, the following described real property in Baldwin County, Alabama, to-wit:
The Southwest quarter of the Southwest quarter; the South half of the Southeast quarter of the Southwest quarter; the Northeast quarter of the Southeast quarter of the Southwest quarter of Section 14, Township 6, South of Range 3 East, in Baldwin County, Alabama.
This sale is subject to the confirmation by, and further orders of the Court.
R. S. DUCK, Register.
BEBBE & HALL,
Attorneys. 47-4t

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

Anton Cmolik and Ann Cmolik, vs Stejskal

COST STATEMENT

210 WORDS @ 4 1/2 cents \$ 9 45

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

J. H. Faulkner
Publisher.

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

- Date of 1st publication December 18, 1941 Vol. 52 No. 44
- Date of 2nd publication " 25, 1941 Vol. 52 No. 47
- Date of 3rd publication January 1, 1942 Vol. 52 No. 48
- Date of 4th publication " 8, 1942 Vol. 52 No. 48

Subscribed and sworn before the undersigned this 14 day of January 1941.

Gonse Stumpkin
Notary Public, Baldwin County.

J. H. Faulkner
Publisher.

ANTON CMOLIK and ANN CMOLIK
 Complainant^s
 Vs.
STEVEN STEJSKAL and EMMA STEJSKAL
 Respondent. ^s

In the Circuit Court.
 In Equity No. _____.

DECREE PRO CONFESSO ON PERSONAL SERVICE.

In this cause, it appears to the Register, that service was had on the Respondent^s _____
STEVEN STEJSKAL and EMMA STEJSKAL

by the Sheriff of Baldwin County, on the 27th day of October,
 1941.

And it further appears to the Register, that the said _____

~~STEVEN STEJSKAL and EMMA STEJSKAL~~, the Respondent^s, having to the date hereof,
 failed to plead, demur to or answer the Bill of Complaint filed in this cause, it is now, therefore,
 on motion of Beebe & Hall Solicitors
 for 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 _____

STEVEN STEJSKAL and EMMA STEJSKAL

This 26th day of November, 1941.

R. J. ...
 Register.

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

ANTON CMOLIK and ANN CMOLIK

Complainants,

vs.

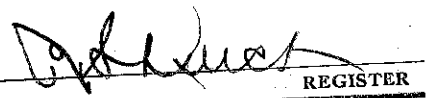
STEVEN STEJSKAL and EMMA STEJSKAL

Respondents.

NOTE OF TESTIMONY

Filed in Open Court this 26

day of June 1984


REGISTER

62-236
52-470-291-295
56-587
53-478-451 ✓ 43-864 ✓
54-587 ✓
53-393-28X

Trust Deed & Note

State of Alabama
Baldwin COUNTY, } SS.

Steve Stejskal and Emma
Stejskal,
TO
Anton Cmolik,

I, Phonema Vonnachek

a Notary Public, in and for, and residing in said County, in the State aforesaid, do hereby certify that Phonema Vonnachek and Ann Vonnachek personally known to me to be the same person < whose name Ann subscribed to the foregoing Instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said Instrument as their free and voluntary act for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial Seal this

day of August A. D. 1933

Phonema Vonnachek

Notary Public

My Commission Expires March 9, 1938
My Commission expires _____ 19____

No.

Page

STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

ANTON CMOLIK and ANN CMOLIK

Complainants

Vs.

STEVEN STEJSKAL and EMMA STEJSKAL

Respondents.

MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE

Filed *Mar 26* 19*41*

Register

Register.

Recorded in Record,

Vol. Page

Register.

ANTON GOMLIK and ANN GOMLIK

Complainants

VS

STEVEN STEJSKAL and EMMA STEJSKAL

Respondents

Request For Decree In Vacation

Filed

Mar 26

1941

Register

[Handwritten signature]

Filed 1-14-42

R. S. Deak

Clerk

No. _____

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

ANTON CMOLIK and ANN CMOLIK
Complainant§,

Vs.

STEVEN STEJSKAL and EMMA STEJSKAL
Respondent§.

**DECREE PRO CONFESSO ON
PERSONAL SERVICE.**

Issued this 26 day of Nov,

1947.

R. S. Duval
Register.

BEER & HALL, LAWYERS
Bay Minette, Alabama.

FINAL DECREE

STEVEN STEPSKAL and EMMA STEPSKAL
RESPONDENTS,

VS.

ANTON COMOLIK and ANN COMOLIK
COMPLAINANTS,

ORAL EXAMINATION

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

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

Given under my hand and seal, this 26th day of November 1941.

Frances Brantley (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

ANTON CMOLIK and ANN CMOLIK
COMPLAINANTS

VS.

STEVEN STEJSKAL and EMMA STEJSKAL
RESPONDENTS

ORAL DEPOSITION

Filed Mar 24, 1941

[Signature]
Register

RECORDED IN

_____ Record

Vol. _____ Page _____

_____, Register