

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

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon August Noltensmeier

[Empty lines for case details]

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Mrs. Mathilda Schreck

[Empty lines for case details]

against said August Noltensmeier

[Empty lines for case details]

and further to do and perform what said Judge shall order and direct in that behalf. And this the

121

THE STATE OF ALABAMA,  
BALDWIN COUNTY

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 193\_\_

SHERIFF

Executed this \_\_\_\_\_ day of \_\_\_\_\_

*M. A. ...* 1934

by leaving a copy of the within Summons with

*August H. ...*

Defendant

*M. W. ...*  
Sheriff

By \_\_\_\_\_  
Deputy Sheriff

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ORIGINAL

**RECORDED**

*Book*

SERVE ON August Moltensmeier

**Circuit Court of Baldwin County  
IN EQUITY**

No. 121

**SUMMONS**

Mrs. Mathilda Schreck

**vs.**

August Moltensmeier

**Solicitor for Complainant**

200. 120000000  
Book

MRS. MATHILDA SERECK,  
Complainant,

VS.

AUGUST NOLFFENSMETTER,  
Respondent.

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

DEMORRERS.

Filed this 7<sup>th</sup> day of April,  
1935.

*Robert S. Duesch*  
Clerk

MRS. MATHILDA SHRECK,  
Complainant,  
VS.  
AUGUST NOLTENSMEIER,  
Respondent.

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

Comes the Respondent and demurs to the Complainant's original complaint, and to each count thereof separately and severally, and for grounds thereof says:

ONE:

That there is no equity in the bill.

TWO:

That there is a non joinder of parties complainant.

THREE:

That there is a non joinder of parties respondent.

*Bebe + Lane*  
Attorneys for Respondent.

FORECLOSURE NOTICE

Exhibit "A"

Default having been made and continuing in the payment of the indebtedness secured by that certain mortgage executed by Ernest Schreck and Mathilda Schreck, his wife, to August Noltensmeier, dated September 11th, 1922, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 27, page 277, the undersigned, owner of the said mortgage and the indebtedness secured thereby, will on the 18th day of March, 1935, sell at public sale, for cash, at twelve o'clock noon, in front of the Courthouse door of Baldwin County, Alabama, the following described property situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter of the South-  
west Quarter of Section 19, Township  
7 South of Range 5 East.

Said sale to be conducted and the proceeds applied in accordance with the powers set out in said mortgage.

August Noltensmeier,  
Mortgagee.

Beebe & Hall, Attorneys.

121

**CONFIDENTIAL**  
Handwritten signature

Mr. Matthew A. Shank

15

August 11th 1998

Handwritten signature  
August 15-35

Robert M. Cooper  
HENRY D. MOORE  
ATTORNEY AT LAW

BANQUET

Your Petitioner, further prays, that upon the final hearing of this cause that Your Honor will cause an injunction to be issued restraining the said August Noltensmeier, his agents, assigns, or attorneys from trespassing on or interfering with the one-half interest owned by Your Petitioner and also from confiscating or appropriating <sup>or selling or offering for sale</sup> the interest or any part thereof of the said property belonging to Your Petitioner.

That if Your Petitioner is mistaken in the relief prayed, that Your Honor will grant unto her such other, different and general relief that she may in justice and equity be entitled.

  
Henry D. Moorer, Attorney for  
Complainant.

FOOTNOTE:

The Respondent August Noltensmeier, of Elberta, Alabama, is required to answer each and every allegation contained in the foregoing bill of complaint in paragraphs numbered from One to Five inclusive, but not under oath, answer under oath being hereby expressly waived.

  
Henry D. Moorer, Attorney for  
Complainant.



STATE OF ALABAMA,  
BALDWIN COUNTY.

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

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

Your Petitioner, Mrs Mathilda Schreck, respectfully represents  
and shows unto Your Honor as follows:

FIRST:

That she is a bona fide resident citizen of Baldwin County,  
Alabama, and is over the age of twenty-one years, residing at  
Elberta, Alabama, in said County and State.

That August Noltensmeier is over the age of twenty-one years,  
residing at Elberta, Alabama.

SECOND:

That Your Petitioner is owner of an undivided one-half  
interest in the following described property to-wit:

Southeast Quarter of the Southwest Quarter  
of Section Nineteen, Township Seven South,  
Range Five East, in Baldwin County, Alabama.

That Ernest Schreck, her husband, is joint owner with Your  
Petitioner, owning the other one-half undivided interest.

THIRD:

That on Sept. 11, 1922, the said Ernest Schreck gave to the  
defendant in this cause a mortgage which said mortgage is recorded  
in Book 27, Page 277, in the Office of the Judge of Probate,  
Baldwin County, Alabama, which said mortgage embraced the land  
described herein.

That this mortgage was given for the sole purpose of securing  
the indebtedness of Ernest Schreck; that Your Petitioner did not

receive any portion of the funds or property advanced by the defendant herein, and that at no time was this obligation, or any part thereof, the obligation of Your Petitioner.

FOURTH:

That the said August Noltensmeier, the defendant, herein is attempting to foreclose the mortgage herein referred to, and has advertised the sale of the entire property, although, one-half of the said property belongs to Your Petitioner, and belonged to her at and before the execution of this mortgage, and the said August Noltensmeier is attempting to hold the interest of Your Petitioner as security for her husband. A copy of the said notice of sale is attached hereto and marked Exhibit "A"

FIFTH:

Your Petitioner alleges that the property described in here can be equitably divided between Your Petitioner and the other joint owner.

PRAYER FOR PROCESS:

To the end that equity may be had in the premises, Your Petitioner prays that the said August Noltensmeier be made party respondent to this bill of complaint by the usual process of this Honorable Court, and that he be required to plead, answer, or demur to the same within the time as required by law, or that the same be forever confessed.

PRAYER FOR RELIEF:

The premises considered, Your Petitioner, prays that upon the final hearing of this cause, that Your Honor will order and decree that the property described herein be divided equally between Your Petitioner and the other joint owner, and issue all orders, commissions and decrees necessary to perfect same.

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# CHANCERY EXECUTION

## BILL OF COSTS

No. 151

Matilda *[illegible]*  
vs.  
*[illegible]*

PLAINTIFF

DEFENDANT

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$	
Filing each bill and other papers	\$ 10		30	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each subpoena	50		40	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof	40		10	Each notice sent by mail to creditor	15	
Entering each return thereof	15		15	Filing receipting for and docketing each claim, etc.	25	
For each order of publication	1 00			For all entries on subpoena docket, etc.	50	
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50	
For each copy thereof	50			Making final record, per 100 words	15	
Entering each return thereof	15			Certified copy of decree	1 00	
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof	15			<b>TOTAL FEES OF REGISTER..</b>		
Docketing each case	1 00	10	0	<b>FEES OF SHERIFF</b>		
Entering each appearance	25			Serving and returning subpoena on deft.	\$1 50	
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publica	1 00			Levying attachment	3 00	
Each order appointing guardian	1 00			Entering and returning same	25	
Any other order by Register	50			Selling property attached	75	
Issuing Commission to take testimony	50			Impaneling Jury	2 50	
Receiving and filing	10			Executing Writ of possession	1 50	
Endorsing each package	10			Collecting execution for costs	65	
Entering order submitting cause	50			Serving and returning sci. fa., each	65	
Entering any other order of court	25			Serving and returning notice	65	
Noting all testimony	50			Serving and returning writ of injunction	1 50	
Abstract of cause, etc.	1 00			Serving and returning writ of exeat	1 50	
Entering each decree	75			Taking and approving bonds, each	75	
For every 100 words over 500	15			Collecting money on execution	2 50	
Taking account, etc.	3 00			Making Deed	1 00	
Taking testimony, etc.	15			Serving attachment, contempt of court	1 50	
Each report, 500 words or less	2 50			<b>TOTAL FEES OF SHERIFF..</b>		
For every 100 words over 500	15			<b>RECAPITULATION</b>		
Amount claimed less than \$500, etc.	2 00			Register's Fees		
Issuing each subpoena	25			Sheriff's Fees		
Witness certificate, each	25			Commissioner's Fees		
Issuing execution, each	75			Solicitor's Fees		
Entering each return	15			Witness Fees		
Taking and approving bond, each	1 00			Guardian Ad Litem		
Making copy of bill, etc.	15			Printer's Fees		
Each notice not otherwise provided for	50			Trial Tax	3 00	
Each certificate or affidavit, with seal	50			Recording Decree in Probate Court		
Each certificate or affidavit, no seal	25			<b>TOTAL</b>		15 50
Hearing and passing on application, etc.	3 00					
Each settlement with Receiver, etc.	3 00					
Examining each voucher of Receiver, etc.	10					
Examining each answer, etc.	3 00					
Recording resignation, etc.	75					
Entering each certificate to Supreme Court	50					
Taking questions and answers, etc.	25					
For all other ser relating to such proceedings	1 00					
For services in proceeding to relieve minors, etc., same fee as in similar cases.						
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent						
Sub Total Carried Forward						

The State of Alabama, Baldwin County

No. 121 Circuit Court, In Equity Term, 1931

To any Sheriff of the State of Alabama—GREETING:  
 You are hereby commanded, That of the goods and chattels, lands and tenements of Matilda [illegible] Defendant  
 you cause to be made the sum of [illegible] Dollars,  
 which [illegible] Plaintiff  
 recovered of [illegible] on the 3 day of July 1931  
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of [illegible] Dollars,  
 costs of suit, and have the same to render to the said [illegible]  
 and make return of this Writ and the execution thereof, according to law.

Interest from 1931 to date of collection.

Witness my hand, this [illegible] day of [illegible] 1931 [illegible] Register

121

# CHANCERY EXECUTION

## BILL OF COSTS

No. 121

*Mathilda ...*  
*vs.*  
*George ...*

PLAINTIFF

DEFENDANT

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$	¢
Filing each bill and other papers	\$ 10		30	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each subpoena	50		20	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof	40		10	Each notice sent by mail to creditor	15	
Entering each return thereof	15			Filing receipting for and docketing each claim, etc.	25	
For each order of publication	1 00			For all entries on subpoena docket, etc.	50	
Issuing Writ of injunction	1 50			For all entries on commission docket, etc.	50	
For each copy thereof	50			Making final record. per 100 words	15	
Entering each return thereof	15			Certified copy of decree	1 00	
Issuing Writ of Attachment	1 00			Report of divorce to State Health Office (Acts 1915)	50	
Entering each return thereof	15			<b>TOTAL FEES OF REGISTER</b>		
Docketing each case	1 00	1	0	<b>FEES OF SHERIFF</b>		
Entering each appearance	25			Serving and returning subpoena on deft.	\$1 50	
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena for witness	65	
For all entries on commission docket, etc.	1 00			Entering attachment	3 00	
Each order appointing guardian	1 00			Entering and returning same	25	
Any other order by Register	50			Selling property attached	75	
Issuing Commission to take testimony	50			Impaneling Jury	2 50	
Receiving and filing	10			Executing Writ of possession	1 50	
Endorsing each package	10			Collecting execution for costs	65	
Entering order submitting cause	50			Serving and returning sci. fa., each	65	
Entering any other order of court	25			Serving and returning notice	65	
Noting all testimony	50			Serving and returning writ of injunction	1 50	
Abstract of cause, etc.	1 00			Serving and returning writ of exeat	1 50	
Entering each decree	75			Taking and approving bonds, each	75	
For every 100 words over 500	15			Collecting money on execution	2 50	
Taking account, etc.	3 00			Making Deed	1 00	
Taking testimony, etc.	15			Serving and returning application, etc.	1 50	
Each report, 500 words or less	2 50			Serving attachment, contempt of court	1 50	
For every 100 words over 500	15			<b>TOTAL FEES OF SHERIFF</b>		
Amount claimed less than \$500, etc.	2 00			<b>RECAPITULATION</b>		
Issuing each subpoena	25			Register's Fees		
Witness certificate, each	25			Sheriff's Fees		
Entering each return	15			Commissioner's Fees		
Taking and approving bond, each	1 00			Solicitor's Fees		
Making copy of bill, etc.	15			Witness Fees		
Each notice not otherwise provided for	50			Guardian Ad Litem		
Each certificate or affidavit, with seal	50			Printer's Fees		
Each certificate or affidavit, no seal	25			Trial Tax	3 00	
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court		
Each settlement with Receiver, etc.	3 00			<b>TOTAL</b>		
Examining each voucher of Receiver, etc.	10					
Examining each answer, etc.	3 00					
Recording resignation, etc.	75					
Entering each certificate to Supreme Court	50					
Taking questions and answers, etc.	25					
For all other ser relating to such proceedings	1 00					
For services in proceeding to relieve minors, etc., same fee as in similar cases.						
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent						
Sub Total Carried Forward						

The State of Alabama, Baldwin County

No. 121 Circuit Court, In Equity Term, 1931

To any Sheriff of the State of Alabama—GREETING: You are hereby commanded, That of the goods and chattels, lands and tenements of Mathilda ... Defendant

you cause to be made the sum of 12.52 Dollars, which George ... Plaintiff recovered of Mathilda ... on the 3 day of July 1931 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of 0 Dollars,

costs of suit, and have the same to render to the said George ... and make return of this Writ and the execution thereof, according to law.

Interest from 1931 to date of collection. Witness my hand, this 3 day of July 1931 George ... Register



STATE OF ALABAMA,  
BALDWIN COUNTY.

|  
|

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

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

Your Petitioner, Mrs Mathilda Schreck, respectfully represents  
and shows unto Your Honor as follows:

FIRST:

That she is a bona fide resident citizen of Baldwin County,  
Alabama, and is over the age of twenty-one years, residing at  
Elberta, Alabama, in said County and State.

That August Noltensmeier is over the age of twenty-one years,  
residing at Elberta, Alabama.

SECOND:

That Your Petitioner is owner of an undivided one-half  
interest in the following described property to-wit:

Southeast Quarter of the Southwest Quarter  
of Section Nineteen, Township Seven South,  
Range Five East, in Baldwin County, Alabama.

That Ernest Schreck, her husband, is joint owner with Your  
Petitioner, owning the other one-half undivided interest.

THIRD:

That on Sept. 11, 1922, the said Ernest Schreck gave to the  
defendant in this cause a mortgage which said mortgage is recorded  
in Book 27. Page 277. in the Office of the Judge of Probate

receive any portion of the funds or property advanced by the defendant herein, and that at no time was this obligation, or any part thereof, the obligation of Your Petitioner.

FOURTH:

That the said August Noltensmeier, the defendant, herein is attempting to foreclose the mortgage herein referred to, and has advertised the sale of the entire property, although, one-half of the said property belongs to Your Petitioner, and belonged to her at and before the execution of this mortgage, and the said August Noltensmeier is attempting to hold the interest of Your Petitioner as security for her husband. A copy of the said notice of sale is attached hereto and marked Exhibit "A"

FIFTH:

Your Petitioner alleges that the property described in here can be equitably divided between Your Petitioner and the other joint owner.

PRAYER FOR PROCESS:

To the end that equity may be had in the premises, Your Petitioner prays that the said August Noltensmeier be made party respondent to this bill of complaint by the usual process of this Honorable Court, and that he be required to plead, answer, or demur to the same within the time as required by law, or that the same be forever confessed.

PRAYER FOR RELIEF:

Your Petitioner, further prays, that upon the final hearing of this cause that Your Honor will cause an injunction to be issued restraining the said August Noltensmeier, his agents, assigns, or attorneys from trespassing on or interfering with the one-half interest owned by Your Petitioner and also from confiscating or appropriating <sup>or selling or offering for sale</sup> the interest or any part thereof of the said property belonging to Your Petitioner.

That if Your Petitioner is mistaken in the relief prayed, that Your Honor will grant unto her such other, different and general relief that she may in justice and equity be entitled.

  
Henry D. Moorer, Attorney for  
Complainant.

FOOTNOTE:

The Respondent August Noltensmeier, of Elberta, Alabama, is required to answer each and every allegation contained in the foregoing bill of complaint in paragraphs numbered from One to Five inclusive, but not under oath, answer under oath being hereby expressly waived.

  
Henry D. Moorer, Attorney for  
Complainant.



FORECLOSURE NOTICE

Exhibit "A"

Default having been made and continuing in the payment of the indebtedness secured by that certain mortgage executed by Ernest Schreck and Mathilda Schreck, his wife, to August Noltensmeier, dated September 11th, 1922, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 27, page 277, the undersigned, owner of the said mortgage and the indebtedness secured thereby, will on the 18th day of March, 1935, sell at public sale, for cash, at twelve o'clock noon, in front of the Courthouse door of Baldwin County, Alabama, the following described property situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter of the Southwest Quarter of Section 19, Township 7 South of Range 5 East.

Said sale to be conducted and the proceeds applied in accordance with the powers set out in said mortgage.

August Noltensmeier,  
Mortgagee.

Beebe & Hall, Attorneys.

121

**CONFIDENTIAL**  
*Handwritten signature*

*Mrs. Mattie Lee Schuck*

15

*August M. Henneman*

*Miss Mack 15-35*

*Robert M. Moore*  
HENRY D. MOORE  
ATTORNEY AT LAW

BAY MINNETTE, ILL.

MRS. MATHILDA SHRECK,  
Complainant,  
VS.  
AUGUST NOLTENSMEIER,  
Respondent.

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

Comes the Respondent and demurs to the Complainant's original complaint, and to each count thereof separately and severally, and for grounds thereof says:

ONE:

That there is no equity in the bill.

TWO:

That there is a non joinder of parties complainant.

THREE:

That there is a non joinder of parties respondent.

*Becke & Lane*  
Attorneys for Respondent.

no. 12007148  
Book

MRS. MATHILDA SHRECK,

Complainant,

VS.

AUGUST NOLTEMSMEIER,

Respondent.

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

DEMURRERS.

Filed this 14 day of April,  
1935.

*Robert S. Dees*  
Attorney  
*Cherney*

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

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon August Noltensmeier

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Mrs. Mathilda Schreck

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

against said August Noltensmeier

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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, Robert S. Duck,  
~~Mr. A. Stone~~, Register of said Circuit Court, this 15th day of March 1935

Robert S. Duck Register

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

ORIGINAL

**RECORDED**  
*Book*

121

SERVE ON August Notensmeter  
Circuit Court of Baldwin County  
IN EQUITY

**THE STATE OF ALABAMA,**  
**BALDWIN COUNTY**

No. 121  
SUMMONS

Received in office this \_\_\_\_\_  
day of \_\_\_\_\_ 193\_\_

Mrs. Mathilda Schreck

SHERIFF

Executed this 16 day of March 1935

by leaving a copy of the within Summons with

August Notensmeter

Defendant

vs.

August Notensmeter

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_