

"EXHIBIT A"

ANDREW MATEJA and BERNICE)	Warranty Deed
)	Dated June 8th, 1940
MATEJA, husband and wife,)	Filed July 8th, 1941
)	Recorded in Deed Book 75 NS, page 322
-to-)	Joint and Separate Acknowledgment
)	Before Notary Public, Baldwin County,
TED E. CHILDRESS)	Alabama, Seal.
)	Consideration: \$5.00 and other

CONVEYS:

The Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty (20), Township Six (6) South of Range Four (4) East, Baldwin County, Alabama, containing one hundred and sixty acres (160), more or less.

The Grantee hereby accepts this Deed subject to the Federal Land Bank mortgage which is of record in Vol. 65 of the Mortgage Records of Baldwin County, Alabama, page 266, and on which there is a balance due at this time of One Thousand One Hundred and Five (\$1105.00) Dollars which the Grantee assumes and agrees to pay.

was owned by Andrew Mateja who conveyed by Warranty Deed to Ted E. Childress as evidenced by Exhibit "A" hereto attached. Your Complainant further shows unto your Honor that Andrew Mateja purchased this property from W. F. Czerwinski and Florence Czerwinski by Quit-Claim Deed dated June 11, 1941, which said deed is recorded in the Probate Records of Baldwin County, Alabama, in Deed Record 51 NS, page 100, an abstract sheet of said deed is hereto attached and made a part of this Complaint and marked Exhibit "B". Previous to this time, W. F. Czerwinski and Florence Czerwinski purchased this property by Quit-Claim Deed from James Nichols and Josephine Nichols, dated June 6th, 1930, which said deed is recorded in Deed Record 48 NS, page 556-7 of the Probate Records of Baldwin County, Alabama, an abstract sheet of which deed is hereto attached and marked Exhibit "C". Mrs. J. R. Nichols obtained title to this property by Tax Deed issued by Honorable G. W. Humphries, Judge of Probate of Baldwin County, Alabama, which said deed is dated June 2nd, 1930, and is recorded in Deed Record 48 NS, page 559, of the Probate Records of Baldwin County, Alabama, a copy of which deed is hereto attached and marked Exhibit "D". Your Complainant shows further that Chas. Triska and Gracian Novotny, the Respondents in this Cause of Action, owned this property jointly; that they purchased the same from Southern Plantation Development Company by Warranty Deed, dated April 26th, 1906, which said deed is recorded in Deed Book 10 NS, pages 327-328 of the Probate Records of Baldwin County, Alabama, a copy of which deed is hereto attached and marked Exhibit "E" and made a part of this Complaint. Your Complainant shows further that this land being purchased jointly by Gracian Novotny and Chas. Triska, that the same was assessed by Chas. Triska and that Chas. Triska was the owner of this property along with Gracian Novotny, and that he assessed the property for them jointly, and that Gracian Novotny never assessed the property or paid the taxes thereon at any time.

Your Complainant further shows that under the terms of the deeds herein set forth that Chas. Triska and Gracian Novotny are reputed to claim some right, title or interest in or encumbrance upon the said land of your Complainant. And your Complainant respectfully calls upon the said Gracian Novotny and Chas. Triska, Respondents, to set forth and specify their right

title, claim, interest or encumbrance upon the said land above described and how and by what instrument the same was derived and created.

FIVE

Complainant further shows unto Your Honor that the above named individuals, Gracian Novotny and Chas. Triska, have not assessed or paid taxes upon the aforesaid land during the past ten years, and during the past ten years taxes were paid and assessed on this property by Andrew Mateja and that the land, at this time, is assessed by your Complainant, Ted E. Childress. Your Complainant shows further that during the past ten years no one has been in the actual possession of this land aforesaid under any claim or title for or in the name of the Respondents to this Bill of Complaint, and your Complainant has been in the actual and peaceful possession of the same and those under whom he claims for the past ten years.

SIX

Your Complainant further shows unto Your Honor that he knows of no one, other than himself, who has been in actual possession of said land and that no one is known to your Complainant to claim this land or any part thereof or any interest therein except the Complainant and the Respondents in this proceeding, and your Complainant calls upon the Respondents herein set forth to specify their title, claim, interest or encumbrance upon the said land and how and by what instrument the same is derived and created. That Complainant has made a diligent inquiry and investigation as to the whereabouts of the Respondents and has inquired of neighbors in the vicinity of this land and in this community and their address cannot be determined. That your Complainant has made a complete abstract of title to the said real estate on the Records of Baldwin County, Alabama, as to the ownership of this land and as to all persons who are interested in said land or may be interested in the same or have any claim therein and has found that only the Respondents herein have any claim to the land now under consideration and that the address of the Respondents is unknown.

SEVEN

Complainant further shows unto Your Honor that he received title

as set forth by the Exhibits hereto attached and that because of the claim of the Respondents as herein recited, the Respondents' claims constitute a cloud upon the title to the above described lands and it is necessary that this action be taken in order to clear the title of the above described property from this shadow on the title and other encumbrances which may be against the title to the above described land.

PRAYER FOR PROCESS

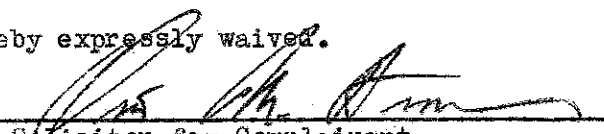
To the end, therefore, that equity may be had in the premises, Complainant prays that Your Honor will cause the usual Writ of Process to issue to the above named Respondents in the usual form and, according to the practice of this Honorable Court, require them to plead, answer or demur to the same within the time required by law and the practice of this Honorable Court and make them party to this Bill of Complaint, requiring them to plead, answer or demur to the same within the time required by law.

PRAYER FOR RELIEF

And Complainant further prays that upon the hearing of this cause, Your Honor will be pleased to establish complete right of title to and will decree that Complainant is the owner in fee simple of said lands above described and that no other person has any title to or interest in or lien or encumbrance upon said land, or any part thereof, and in the said Decree Your Honor will cause a certified copy of the Decree to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein, and that the said Decree will direct in whose name it shall be indexed in the Direct Index and in whose name it shall be indexed in the indirect Index in the records therein in the Probate Office of Baldwin County, Alabama, and Complainant prays further that such other, further or different and general relief be given him as in equity may seem just and meet and Complainant will ever pray.


Solicitor for Complainant.

FOOT NOTE: All persons claiming any title to, interest in, or lien or encumbrance upon the property described in the foregoing Bill of Complaint or any part thereof will be required to answer from Paragraph One to Seven inclusive, but answer under oath is hereby expressly waived.


Solicitor for Complainant.

The **BALDWIN** *Times* BEST NEWSPAPER

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

LEGAL NOTICE

TED E. CHILDRESS, Complainant
vs.
GRACIAN NOVOTNY and CHAS. TRISKA, Respondents
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

It having been made to appear in the above cause from the Affidavit of Orvis M. Brown, Attorney for Ted E. Childress, that the Respondents in said cause, namely those listed below, are unknown and their addresses are unknown to your Complainant:

Notice is hereby given to Gracian Novotny and Chas. Triska, Respondents, and/or their heirs or assigns, and to any and all persons, firms or corporations who claim any title to, interest in, lien or encumbrances on the land hereinafter described; that on the 3rd day of January, 1942, the said Ted E. Childress filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against all and any persons, firms or corporations claiming any interest in, lien or encumbrances upon the land described as Southeast Quarter of the Northwest Quarter of Section 20, Township 6 South, Range 4 East, Baldwin County, Alabama; said parties are hereby notified to appear and plead, answer or demur within thirty days from the 15 day of April, 1942, or a Decree Pro Confesso will be rendered against them.

That the title to the said lands stands in the name of the Complainant according to the records in the Office of the Judge of Probate of Baldwin County, Alabama.

That the said Bill of Complaint was filed and is filed for the purpose of establishing the title of said Complainant to said lands, and for the purpose of quieting title thereto and clearing up all doubts concerning the same. The Complainant acquired title to the said land by deed from Andrew Mateja, and that Andrew Mateja received title to this property indirectly through Tax Title Deed executed by the State Tax Commissioner to Mrs. J. R. Nichols, a copy of which all deeds from the State Tax Title deed down to the Complainant and are filed in the Office of the Clerk of the Circuit Court of Baldwin County, Alabama. Complainant further alleges that he is the owner and that he is in the quiet and actual peaceful possession of said land, claiming to own the same absolutely and in fee simple and Complainant and those under whom he is claiming have been paying taxes on the same land and held the same under color of title for more than ten years next preceding the filing of said Bill of Complaint and that no other person, firm or corporation has paid taxes on said land during the said eight years.

WITNESS my hand this 5th day of January, 1942.

R. S. DUCK, Register of
Circuit Court of Baldwin
County, Alabama.

ORVIS M. BROWN, Solicitor
for Complainant.

3-4t

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

Ted E. Childress, vs Gracian Novotny
and Chas. Triska -

COST STATEMENT

479 WORDS @ 4 1/2 cents \$ 21 ⁵⁶

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 Feb. 19, 1942 Vol. 53 No. 3

Date of 2nd publication " 26, 1942 Vol. 53 No. 4

Date of 3rd publication March 5, 1942 Vol. 53 No. 5

Date of 4th publication " 12, 1942 Vol. 53 No. 6

Subscribed and sworn before the undersigned this 26 day of March 1942

Sublet P... ..
Notary Public, Baldwin County.

J. H. Faulkner
Publisher.

TED E. CHILDRESS, COMPLAINANT,

VS.

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY. No. 790

NOTE OF TESTIMONY

This cause is submitted on behalf of the Complainant upon the original Bill of Complaint; copy of notice published in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama; proof of publication of notice in the Baldwin Times; notice filed in Lis Pendens record in the office of the Probate Judge of Baldwin County, Alabama; motion for decree pro confesso on service by registered mail, against Gracian Novotny and Chas. Triska, and the unknown heirs and devisees of Gracian Novotny and Chas. Triska, if either of them should be dead, and any other person, firm or corporation claiming any right, title to, interest in, lien or encumbrance upon the following described lands, in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Northwest quarter of Section 20, Township 6 South, Range 4 East, containing 40 acres, more or less;

decree pro confesso on publication against Gracian Novotny and Chas. Triska, and the unknown heirs and devisees of them, if either of them should be dead, and any other person, firm, or corporation claiming any right, title to, interest in, lien or encumbrance upon the said land in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Northwest quarter of Section 20, Township 6 South, Range 4 East, containing 40 acres, more or less;

request for taking testimony of witnesses: Ted E. Childress and Hubert M. Hall; the appointment of Frances Brantley as special commissioner; notice of time set for taking testimony of witnesses on behalf of the Complainant: Ted E. Childress and Hubert M. Hall, before Frances Brantley as special commissioner; commission issued by Register to Frances Brantley as special commissioner; testimony of Ted E. Childress and Hubert M. Hall; request for decree in vacation; and the following instruments introduced in evidence:

Deed from Andrew Mateja and Bernice Mateja, husband and wife, to Ted E. Childress, dated June 8, 1940, and recorded in Deed Book 75 NS, page 322;

Deed from W. F. Czerwinski and Florence Czerwinski, his wife, to Andrew Mateja, dated June 11, 1931, and of record in Deed Book 51 NS, page 100;

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

CIRCUIT COURT, IN EQUITY

No. 790. June., Term, 1942

Ted E Childress.

Complainant

Vs.

Gracian Novotny. and Chas, Triska.

Defendant

Motion is hereby made for a Decree Pro Confesso against Gracian Novotny. and

Chas, Triska,

Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said 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 8th day of June. 1942.

746 Code

Beebe v Hall

Solicitor.

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. 790.

June. TERM, 194.

2

Ted E Childress.

Complainant.

VS.

~~Gracian Novotny, and Chas. Trisea.~~
Respondent.

TO R. S. DUCK, REGISTER:

In the above stated cause a Decree Pro Confesso of Publication
having been taken against _____ the Respondent-s,
and evidence having been taken, and the cause being ready for submission for final decree, and
no defense having been interposed, the complainant, by Beebe & Hall,
Solicitor^s 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

Solicitor for Complainant.

BAY MINETTE, ALA.,

Aug 7 1942

R. S. Duck, Clerk

Bv

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
none	Jed E. Childers vs Gracia Novotny et al			75	
	Pd 8/7/42 G W Robertson				

none

Jed E. Childers vs Gracia Novotny et al

75

Pd
8/7/42
G W Robertson

Deed from James Nichols and Josephine Nichols, his wife, to W. F. Czerwinski, dated June 6, 1930, and of record in Deed Book 48 NS, pages 556-7;

Deed from G. W. Humphries, Judge of Probate, to Mrs. J. R. Nichols, dated June 2, 1930, and of record in Deed Book 48 NS, page 559; and

Deed from Southern Plantation Development Company, a corporation, to Gracian Novotny and Chas. Triska, dated April 26, 1906, and record in Deed Book 10 NS, pages 327-8;

All of record in the office of the Probate Judge of Baldwin County, Alabama.


Register.

NO 790

TED E. CHILDRESS

Complainant—

VS.

GRACIAN NOVOTNY & CHAS. TRISKA

Respondent—

Request For Decree In Vacation

Filed

aug 1st

1942

Reduck

Register.

RECORDED

No. 799

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Ted E Childress.

Complainant _____

Vs.

Gracian Novotny. and Chas. Trisca.

Defendant _____

**Motion for Decree Pro Confesso
on Publication**

Filed June 8th 19 42.

R. R. Ruck

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

TED E. CHILDRESS, COMPLAINANT,

VS.

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

NOTE OF TESTIMONY

Filed Aug 1, 1942

Register

**THE STATE OF ALABAMA
Baldwin County**

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

TED E. CHILDRESS

COMPLAINANT

VS.

GRACIAN NOVOTNY and CHAS. TRISKA

RESPONDENT

I, Frances Brantley

as ~~Registered~~ Commissioner

have called and caused to come before me

Ted E. Childress

Ted E. Childress and Hubert M. Hall

witnesses named in the Requirement for Oral Examination, on the 30 day of July

1942, 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

Ted E. Childress doth depose and say as follows:

My name is Ted E. Childress. I live at Evergreen, in Conecuh County, Alabama. I am the owner and in possession of the following described land in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Northwest quarter of Section 20, Township 6 South, Range 4 East, containing 40 acres, more or less.

I purchased the said land from Andrew Mateja and Bernice Mateja, his wife, on June 8, 1940, deed being of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 75 NS, page 322. Andrew Mateja purchased the said land from W. F. Czerwinski and Florence Czerwinski, his wife by deed dated June 11, 1931, and of record in Deed Book 51 NS, page 100. W. F. Czerwinski purchased the said land from James Nichols and Josephine Nichols, his wife, by deed dated June 6, 1930, and of record in Deed Book 48 Ns, pages 556-7. Mrs. J. R. Nichols, who was the same person as Josephine Nichols purchased the said lands on June 2, 1930, as shown by deed of record in Deed Book 48NS, page 559.

Gracian Novotny and Chas Triska at one time owned the said land, however, they have not made any claim to or exercised any rights of possession to said lands for more than twelve years. I, and those through whom I claim, as are set out above, have been in the actual possession of said land since May 28, 1928; that there possession has been open, peaceable, hostile, adverse and continuous; that during the said time no one has made any claim to, or attempted to exercise any rights of possession over the said land other than those through whom I claim.

There is no suit pending to test the title to, interest in, or rights of possession to said lands.

The title to the said land now stands on the records of the Probate Court of Baldwin County, Alabama, in the name of Ted E. Childress. No one since 1928 has assessed the said land other than the affiant and those through whom he claims, who have annually assessed and paid the taxes thereon. The affiant employed Mr. Orvis M. Brown as solicitor to perfect title to the property. A diligent search and inquiry was made to ascertain the addresses of the Respondents, Gracian Novotny and Chas Triska at Robertsdale where the land is located, and also at Bay Minette, the County Site of Baldwin County, Alabama, and no information has been obtained. From all information obtained the said Respondents are not now and were not at the time of the filing of the suit in this cause, in the Military or Naval services of the United States of America.

Ted E. Childress

ORAL EXAMINATION

I, Frances Brantley, as Register and Commissioner hereby certify that the foregoing deposition—s on Oral Examination was taken down in writing by me in the words of the witness ~~as~~ and read over to ~~them~~ and ~~they~~ signed the same in the presence of myself and Hubert M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~s~~ or had proof made before me of the identity of said witness~~s~~; 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 30 day of July, 19 42.

Frances Brantley (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

ETED E. CHILDRERS Complainant

Vs.

GRACIAN NOVOTNY & CHAS. TRISKA Respondent

ORAL DEPOSITION

Filed Aug 1, 19 42

Frances Brantley Register

RECORDED IN

_____ Record _____

Vol. _____ Page _____

_____ Register _____

HUBERT M. HALL, A WITNESS FOR THE COMPLAINANT, BEING FIRST DULY SWORN, DEPOSES AND SAYS:

My name is Hubert M. Hall. I am one of the solicitors of record for the Complainant in the above styled cause. I have, as such solicitor, made inquiry to determine the present addresses of the Respondents, however, it is unknown. I have, in my effort to find out the addresses of the Respondents, talked with parties at Summerdale and Robertsdale, in the County in which the land is located, and also have checked the records in the Court house of Baldwin County, Alabama, at Bay Minette. I have, also, as solicitor for the Complainant, checked the records relative to the owners of said land, and find that the Complainant, Ted E. Childress, holds through mesne conveyances from Mrs. J. R. Nichols, who acquired title to the lands in 1930. From all information available, the said Ted E. Childress, and those through whom he claims, directly and indirectly, have been in the actual possession of the land involved since May, 1928. The title of the Complainant is evidenced by conveyance of record in the office of the Probate Judge of Baldwin County, Alabama.

I have checked the records and find that no suit is pending to test the title to, interest in or rights of possession to said lands. The title to the said lands now stands on the records in the Probate Court of Baldwin County, Alabama, the County in which the said land is located, in the name of Ted E. Childress.

"EXHIBIT E"

Southern Plantation Development) Warranty Deed;
Company, by Fred W. Browne,) Dated April 26th, 1906;
President, Attest: E. S. Condit,) Acknowledged same date;
Secretary, Corporate Seal,) before N. P., Cook County,
) Illinois (S)
to) Consideration: \$500.00
) Filed May 7th, 1906;
Gracian Novotny and Chas. Triska.) Recorded 10 NS, pages 327-328

Conveys:

The following described lands situated in Baldwin County, Alabama, to-wit:

Farm No. 6, being the Southeast quarter of the Northwest quarter of Section 20, Township 6 South of Range 4 East, containing 40 acres, more or less.

DEED RECITES: 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 40 acre tract, same to be opened on either section or half section lines.

790

TED E. CHILDRESS, COMPLAINANT,
VS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

IN EQUITY. No. 790

This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the Court that the Complainant is the owner of, and in the possession of the said lands, and each and every parcel thereof, and that the title of the Complainant has been duly and fully proven by legal and competent evidence, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondents, GRACIAN NOVOTNY and CHAS. TRISKA, and the unknown heirs and devisees of GRACIAN NOVOTNY and CHAS. TRISKA, and each of them, and any and all other persons, firms or corporations claiming any title, to, interest in, lien or encumbrance upon said land or any part or parcel thereof, have no estate, right, claim, interest in, or encumbrance upon the following described land, or any part or parcel thereof, in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Northwest quarter of Section 20, Township 6 South, Range 4 East, containing 40 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the full, fee simple title to said lands, to-wit:

The Southeast quarter of the Northwest quarter of Section 20, Township 6 South, Range 4 East, in Baldwin County, Alabama,

is vested absolutely in the Complainant, TED E. CHILDRESS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, in the direct index in the names of GRACIAN NOVOTNY and CHAS. TRISKA, and in the indirect index in the name of TED E. CHILDRESS.

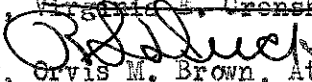
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register shall, within thirty days from the rendition of this decree, file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record, and that the cost thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause for which execution may issue.

Done at Monroeville, in Monroee County, Alabama, on the 6th day of August, 1942.

[Signature]
Judge of 21st Judicial Circuit of Alabama.

AFFIDAVIT

Personally appeared before me, ~~Virginia E. Crenshaw~~, a Notary Public in and for said State and County,  Orvis M. Brown, Attorney for Ted E. Childress, Complainant in the Bill of Complaint entitled Ted E. Childress vs. Gracian Novotny and Chas. Triska, who first being duly sworn, states and affirms upon his oath that diligent inquiry has been made as to the whereabouts of Gracian Novotny and Chas. Triska, and that their whereabouts cannot be determined and their addresses are unknown.


Affiant further states that inquiry has been made in the community, where the land is located, among the old settlers and none of these people know of the whereabouts of these parties.



Attorney for Complainant.

Sworn to and subscribed to before me this 5th day of January,

1942.



Notary Public, Baldwin County, Alabama
My Commission Expires: _____

TED E. CHILDRESS.

THE STATE OF ALABAMA,

BALDWIN. COUNTY.

vs.

GRACIAN NOVOTNY. AND CHAS, TRISCA.

CIRCUIT COURT, IN EQUITY.

Term, 19

I, R SDuck, Register of the Circuit Court of Baldwin.

County, of the State of Alabama, hereby certify that on the affidavit of Orvis M Brown,

on the 5th day of January, 1942, an order of publication was made to

~~XXXXXXXXXXXXXXXXXXXX~~ Gracian Novotny and Chas, Triska.

who are non-residents

who reside at

and was published in the Baldwin Times,

a newspaper published in Bay Minette, Ala. once a week, for four

consecutive weeks; commencing on the 19th day February 1942, requiring

the said Gracian Novotny. and Chas. Triska.

to answer or demur to the Bill of Complaint in the cause on the 14th day of March.

1942, or in thirty days therefrom a decree Pro Confesso may be taken against

Gracian Novotny. and Chas. Trisca.

And that a copy of said order was forwarded by mail, on the 5th 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 5th day of January, 1942.

RS Duck

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 790. June, Term, 1942

Ted E Childress, Complainant

Vs.

Gracian Novotny, and Chas, Triska, 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 19th day of 19th Feb, 19 42, 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 5th day of January 1942. and

And it now further appearing to the Register R S Duck, that the said Gracian Novotny, and Chas, Triska.

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

This 8th day of June, 19 42.

R S Duck Register.

TED E. CHILDRESS, COMPLAINANT,

VS.

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY. No. 790.

TO HONORABLE R. S. DUCK, CLERK OF CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY;

The Complainant wishes to take orally the testimony on behalf of
the Complainant, of the following named witnesses: Ted E. Childress and
Hubert M. Hall.

It is hereby requested that you give public and legal notice and
that Frances Brantley be duly appointed as special commissioner to take the
testimony of said witnesses, and that due and legal notice of said request
and appointment be given as required by law.

BEEBE & HALL

By:

Beebe
Solicitors for Complainant.

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 Ted E. Childress and Hubert M. Hall

as witnesses in behalf of Ted E. Childress in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

TED E. CHILDRESS Complainant

and

GRACIAN NOVOTNY and CHAS. TRISKA Defendant,

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

Witness 28th day of July 1942

[Handwritten Signature]

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

RECORDED

TED E. CHILDRESS, COMPLAINANT,

VS.

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

FINAL DECREE

*Filed Aug 7th 1945
R. J. [unclear]
Res.*

RECORDED
1930

THE STATE OF ALABAMA,

Belair County

CIRCUIT COURT, IN EQUITY

Ted F. Childress

Gracian Novotny, et. al.

vs.

CERTIFICATE OF PUBLICATION.

Filed in office this 26th

day of March 1942

R. A. Russell
Register

RECORDED

RECORDED

No. ~~790~~ 790.

Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Ted E. Childress.

Vs.

Gracian Novotny, and

Chas, Triska,

Decree Pro Confesso of Publication

Issued June 8th 19 42

R. S. Deuch

Register.

Recorded in _____ Record

Vol. _____ Page _____

R. S. Deuch

Register.

EXHIBIT

TED E. CHILDRESS, COMPLAINANT,

VS.

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

Notice of time of taking
testimony of Ted E. Childress
and Hubert M. Hall

Filed July 22, 1942
R. S. DeLoach
Register

TED E. CHILDRESS, COMPLAINANT,

VS.

GRACIAN NOVOTNY and CHAS. TRISKA,
RESPONDENTS.

RECORDED

Request for appointment of
special commissioner to take
oral testimony of Ted E. Childress
and Hubert M. Hall

Filed July 22, 1942

R. S. [unclear]

Register

NOTARY PUBLIC
JANUARY 1964

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JED E. CHIDRESS

Complainant

VS.

GRACIAN NOVOTNY & CHAS. TRISKA
Defendant

Commission To Take Deposition

COMMISSIONER:

Witnesses: