

L. W. BRANNAN,

Complainant,

VS.

CORDELIA HERRMANN THOMAS,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 793.

TESTIMONY OF WITNESSES FOR COMPLAINANT,
taken before Ora S. Nelson, Commissioner,
on June 28, 1944.

DIRECT EXAMINATION OF MR. L. W. BRANNAN, BY J. B. BLACKBURN,
ATTORNEY FOR COMPLAINANT:

Q. You are Mr. L. W. Brannan?

A. Yes sir.

Q. Mr. Brannan, you are over twenty-one years of age and
a resident of Baldwin County?

A. That's right.

Q. Mrs....the Defendant, Mrs. Cordelia Herrmann Thomas,
is over twenty-one years of age and a ^{non-}resident of the State of Alabama?

A. Yes.

Q. Mr. Brannan, the property described in this proceeding,
namely, the West Half of Northwest Quarter, the Northwest Quarter
of the Southwest Quarter of Section 16, Township 8 South Range 5
East, in Baldwin County, Alabama, who was in possession of that
property when this suit was filed on January 12, 1942?

A. I was.

Q. Were you in possession under claim of ownership?

A. Yes sir.

Q. Now Mr. Brannan, how long prior to January 12, 1942 had
you been in the possession of that property?

A. Well, according to this here, 1937, four or five years.

Q. You bought first the Northwest of Northwest Quarter
and the Southwest Quarter of Northwest Quarter of Section 16,
Eight South Five, did you not?

A. That's right.

Q. You acquired that from the State Land Commissioner by
deed dated April 20, 1937 and recorded in Deed Book 62 N. S. at

page 34, is that right?

A. That's right.

Q. Since you purchased that eighty acres of land, I will ask you whether you went into possession?

A. Sure.

Q. Did you or did you not remain in possession of that eighty acres continuously from the time you got the deed up until this time?

A. Until this suit was filed, that's right.

Q. And remained in possession down to the present time?

A. That's right.

Q. The other forty, the Northwest of Southwest Quarter of Section 16, Township 8 South Range 5 East, I will ask you whether or not you acquired title by deed from the State Land Commissioner of Alabama dated May 26, 1938 and recorded in Deed Book 65 N. S. at pages 262-3?

A. That's correct.

Q. Now did you go into possession of that property immediately?

A. Yes sir.

Q. When, Mr. Brannan?

A. Well, immediately after these deeds you see.

Q. Since you have owned the entire tract, that is the West Half of Northwest Quarter and Northwest Quarter of Southwest Quarter of Section 16, Township 8 South Range 5 East, have you regularly assessed and paid taxes on it?

A. I have.

Q. Mr. Brannan, when you purchased the eighty acres which is described as the West Half of Northwest Quarter what kind of land was that?

A. Well, I would just term that as ordinary land and I wouldn't say that it was of a farming nature.

Q. Were there any improvements on it?

A. No, no improvements.

Q. A growth of pine timber?

A. Yes.

Q. What purposes can land like that be used for?

A. Well, for growing timber, naturally this land was used for turpentine purposes.

Q. Then it can be used only for growing timber and-

A. Yes, for what I would term any revenue that is worthwhile.

Q. You have turpented it continuously during the period of time beginning with the dates of your deeds and going on down to the time suit was filed?

A. I have with the exception of one year. That was when it was left out under the Government Control. That is, we didn't have to work it. I am pretty sure that has been since I have had these deeds.

Q. In other words, you leased it to the United States under what was known as the Conservation Program but during that year you were required to protect it were you not?

A. Sure, we protected it.

Q. Kept trespassers off it?

A. That's right.

Q. During all the time that has elapsed since you acquired title to the property has your possession been bothered or disturbed?

A. Not in any way.

Q. At the time this suit was filed in January, 1942, no suit was pending to test Mrs. Thomas' title to this property?

A. None whatever.

Q. She claims, or is reputed to claim some interest in the property?

A. Yes.

WE WANT TO INTRODUCE IN EVIDENCE, TAX DEED FROM THE STATE OF ALABAMA BY THE STATE LAND COMMISSIONER, TO L. W. BRANNAN, DATED APRIL 20, 1937, AND RECORDED IN DEED BOOK 62 N. S. at page 34, Baldwin County Records, and ask that it be marked as Complainant's Exhibit "1".

MR. SMITH - We want to object to the introduction of the above deed on the following grounds:

First: Because the said deed is not prima facie evidence that any valid assessment of the property described therein was ever made as stated in said deed.

Second: Because the said deed is not evidence as required by law that any order of sale of said property was entered by any Court.

Third: Because the said deed is not evidence as required by law that any sale of said property for taxes as set out in said deed was ever held as stated therein.

Fourth: Because the said deed is not evidence as required by law that the taxpayer mentioned therein was delinquent in taxes due as therein stated.

Fifth: Because it is not shown by said deed or otherwise by evidence that said property was offered for sale in parcels.

Sixth: Because it appears by said deed that notice of all of the proceedings mentioned therein was not given or perfected as required by law.

Seventh: Because the said deed does not sufficiently state the character, kind and length of notice, required by law, given of said proceedings mentioned therein.

Eighth: Because the said deed is invalid on its face.

Ninth: Because under the recitals contained in said deed the State Land Commissioner of Alabama had no right or authority to execute said deed for and in behalf of the State of Alabama to the grantee named therein.

Tenth: Because the recitals in the said deed give the State Land Commissioner of Alabama or any other official thereof no right nor authority to convey said land to said purchaser.

WE ALSO OFFER IN EVIDENCE TAX DEED FROM THE STATE OF ALABAMA BY THE STATE LAND COMMISSIONER TO L. W. BRANNAN, DATED MAY 26, 1938, AND RECORDED IN DEED BOOK 65 N. S. at pages 262-3, Baldwin County Records, and ask that it be identified as Complainant's Exhibit "2".

MR. SMITH, Attorney for Respondent:

We want to object to the introduction of the above deed on the following grounds:

First: Because the said deed is not prima facie evidence that any valid assessment of the property described therein was ever made as stated in said deed.

Second: Because the said deed is not evidence as required by law that any order of sale of said property was entered by any Court.

Third: Because the said deed is not evidence as required by law that any sale of said property for taxes as set out in said deed was ever held as stated therein.

Fourth: Because the said deed is not evidence as required by law that the taxpayer mentioned therein was delinquent in taxes due as therein stated.

Fifth: Because it is not shown by said deed or otherwise by evidence that said property was offered for sale in parcels.

Sixth: Because it appears by said deed that notice of all

of the proceedings mentioned therein was not given or perfected as required by law.

Seventh: Because the said deed does not sufficiently state the character, kind and length of notice, required by law, given of said proceedings mentioned therein.

Eighth: Because the said deed is invalid on its face.

Ninth: Because under the recitals contained in said deed the State Land Commissioner of Alabama had no right or authority to execute said deed for and in behalf of the State of Alabama to the grantee named therein.

Tenth: Because the recitals in the said deed give the State Land Commissioner of Alabama or any other official thereof no right nor authority to convey said land to said purchaser.

MR. BLACKBURN: WE OFFER ALSO IN EVIDENCE QUIT CLAIM DEED FROM THE STATE OF ALABAMA TO L. W. BRANNAN AND L. W. BRANNAN, JR., DATED JUNE 20, 1940, AND RECORDED IN DEED BOOK 71 at pages 531-2, Baldwin County Records and ask that it be identified as Complainant's Exhibit "3".

MR. SMITH: The Respondent objects to the introduction of this deed on the ground that at the time of its date, June 20, 1940, the State of Alabama did not have any interest in the land therein described and also on the further ground that no title is shown in the State of Alabama on the date of June 20, 1940 and the deed is therefore invalid on the further ground that on June 20, 1940 the Governor of Alabama had no right or authority to convey lands therein described to the grantees in the deed.

MR. BLACKBURN: WE INTRODUCE IN EVIDENCE QUIT CLAIM DEED FROM L. W. BRANNAN, JR AND WIFE TO L. W. BRANNAN, DATED November 24, 1941 AND RECORDED IN DEED BOOK 76 N. S. at page 274 and ask that it be identified as the Complainant's Exhibit "4". *L. W. Brannan*

CROSS EXAMINATION OF WITNESS, MR. L. W. BRANNAN, by Mr. H. E. Smith, Attorney for Respondent:

Q. Could you state what date suit was filed on?

A. January 12, 1942.

Q. You testified about the character of this land, is this on land or some on the water?

A. One forty, the last description we have here, part is in the Bay and some of it is land but the major part of that is in the bay.

Q. What Bay?

A. Hammock Creek.

Q. What larger bay does that come out of?

A. Wolf's Bay.

Q. It's a branch of Wolf's Bay?

A. Yes.

Q. North of Orange Beach?

A. Yes.

Q. What years did you pay taxes on this property?

A. Ever since I acquired it.

Q. Commencing with what year?

A. Well, I imagine from the date of these deeds. This is April, 1937 and May, 1938.

Q. Do you have your tax receipts?

A. Well, I have them but not with me. They are at home.

Q. Did this price of \$18.00 on this smaller deed dated May 26, 1938 include 1938 taxes?

A. I couldn't answer that. I doubt whether that would be true or not.

Q. You didn't assess it for that year did you?

A. No, I guess I didn't. It was too late for assessment wasn't it? Sometimes those things are included and sometimes they are not.

Q. You couldn't say whether or not you listed this land for taxation in 1938?

A. No, I wouldn't say so.

Q. Could you state positively that you listed it in 1939?

A. I am sure that's correct.

Q. But you don't have any independent recollection of that?

A. We assess our property every year and I am sure that the assessment would show that it was assessed.

Q. This deed dated April 20, 1937 for a consideration of \$86.00, you don't remember whether you assessed it for 1937 taxes or not?

A. The same thing would apply to that which would apply to this here. (Holding deed).

Q. You couldn't state positively whether you assessed it in 1938 or not?

A. No.

Q. At the time you bought this land from the State you knew Mrs. Thomas, the Respondent, had a mortgage on it at the time

of the sale?

A. Yes.

Q. Let's see, what is the date of the sale you bought this under? July 31, 1933, is that correct?

A. I presume it is.

Q. Did you put up any trespass signs on that?

A. Yes. There was some on it and have been as long as I could keep them there.

Q. And you put them up when you first purchased the lands?

A. Well, yes, we had them all over our land.

Q. How often did you go on this land?

A. Once a week or oftener.

Q. During the turpentine season?

A. Our representative is there every day or so during that time.

Q. Ordinarily, what is the turpentine season?

A. March to December. That is, so far as production is concerned.

Q. From December until March what do you do then?

A. That's the preparation period you know in that season.

Q. Do you know how much total taxes you have paid on this land?

A. No sir, I do not. Those taxes are paid as a whole you know and not separated.

Q. What was the purpose of getting this second Quit Claim Deed from the State of Alabama in 1940?

A. It seems, if I remember correctly, it was that the State took certain lands in Baldwin County for forestry purposes, I believe, that's the way they term that, and this particular piece of land along with others I own personally and jointly. Later we got this back from the State. I never did see any reason why the State should take something I had and not say anything about it.

Q. It had already sold it to you prior to that?

A. Yes, under these tax sales.

Q. Still, they asserted some further claim to it was the reason you got the deed?

A. I don't know just why they did that, whether they had the authority or just followed those lines.

Q. You state in your Bill of Complaint here that you had been in the quiet and peaceable possession of it since the date of your deed?

A. Yes.

Q. But the state was still asserting some claim to it which interrupted your possession.

A. Yes, for a period, however, that was cured by the State.

Q. In 1940 the date of your other state deed?

A. Yes.

L. W. Brannan

RE-DIRECT EXAMINATION OF MR. L. W. BRANNAN, By Mr. J. B. Blackburn, Attorney for the Complainant:

Q. Mr. Brannan, Mr. Smith asked you about the State of Alabama. Did the State ever disturb or attempt to disturb your possession of this property?

A. No.

Q. He also asked you about the turpentine season when you were in actual production?

A. That's right.

Q. What does an operator do during the time between December and March?

A. He makes preparation for the next season, hangs cups, raking and elevating cups.

Q. In those operations, they are such that any person passing could tell somebody was working there?

A. Oh, sure.

Q. Mr. Smith also asked you about this mortgage to Mrs. Thomas. As a matter of fact you also determined that Mrs. Thomas had a deed to the property?

A. Yes.

Q. You further determined that she was assessing and paying taxes on the property?

A. That's right.

Q. Mr. Smith asked you about assessing and paying taxes on this property. Regardless of what taxes were paid in the consideration referred to in these tax deeds you assess your property for taxation and paid taxes for the first year taxes were due after you acquired title did you not?

A. Sure.

Q. You continued those payments from the time up to the present time?

A. That's right.

~~Rudolph Willis~~
R. W. Brannen

DIRECT EXAMINATION OF MR. RUDOLPH WILLIS, WITNESS FOR THE COMPLAINANT, BY MR. J. B. BLACKBURN, ATTORNEY FOR COMPLAINANT:

Q. Mr. Willis, where do you live?

A. I live about a mile and a half west of Mifflin post office.

Q. How far is that from the land involved in this proceeding?

A. About four miles.

Q. Are you, or were you formerly employed by Mr. L. W. Brannen?

A. Yes, I was.

Q. During the time you were employed by him just what were your duties?

A. To ride the woods looking after his interest in the woods and timbered lands he owned.

Q. Did you have occasion to visit at various times the property involved in this suit?

A. Three or four days a week. He had some negroes working the turpentine.

Q. Do you know when Mr. Brannen commenced working for turpentine purposes the West Half of Northwest Quarter of Section 16, Township 8 South Range 5 East which he acquired by deed dated April 20, 1937?

A. He stated turpentine operations a good while before that but he owned it ever since. He started turpentine operations before that.

Q. That was not under claim of ownership?

A. No. 1937 was when he -

Q. Commencing shortly after April 20, 1937 and up to January 12, 1942, who was in possession of that property?

A. Mr. Brannan was in possession.

Q. What did he do to evidence that possession.

A. He worked the turpentine on it and told me to look after it and see that no trespassers got on it.

Q. Did you do that?

A. Yes.

Q. During all of this time you had negroes in there conducting turpentine operations, keeping trespassers off of it?

A. That's right.

Q. I will ask you if Mr. Brannan went into possession of the Northwest Quarter of Southwest Quarter of Section 16, Township 8 South Range 5 East after he purchased it by tax deed dated May 26, 1938?

A. Yes, he went into possession of it.

Q. During all of the period of time between that time and the time this suit was filed who was in possession?

A. Mr. Brannan was.

Q. With reference to all of the land involved in this suit Mr. Willis, was Mr. Brannan's possession ever disputed?

A. Not that I knew of.

Q. You were there how often?

A. I was there often. I have been over it two to three times a week since he bought it.

Q. What is that land suitable for and what has it been suitable for from the time Mr. Brannan acquired it down to this time?

A. Well, I would say that it was good for raising timber. Some of it is low land.

Q. What about turpentine purposes?

A. It's all right for turpentine purposes.

Q. If a person using land like that what would it be best suitable for?

A. Turpentine or pulpwood.

Q. Were there any improvements whatever on it?

A. No sir, nothing but timber. *Rudolph Willis*

CROSS EXAMINATION OF MR. RUDOLPH WILLIS, WITNESS FOR COMPLAINANT,
BY MR. H. E. SMITH, ATTORNEY FOR RESPONDENT:

Q. How much timber is there on that Mr. Willis?

A. I couldn't tell you just off hand.

Q. How many crops of turpentine?

A. As well as I remember there was a drift of boxes on the first two forties, the West Half of Northwest Quarter of Sixteen, as well as I remember 1600 boxes. The other not so much, a good deal of it in the water, in the creek there.

Q. How many boxes would you estimate on that other forty?

A. Not over three or four hundred.

Q. Approximately 2000 on the whole thing?

A. On the whole then but now on it now. A cyclone went through there and broke it down.

Q. Do you know anything about the State of Alabama taking this land over for forestry purposes?

A. No, I don't know anything about that.

Q. What years did you work for Mr. Brannan?

A. I worked for Mr. Brannan from 1932 on up to 1939 and since I have been working for the forestry department I have looked after his land as he has it listed for fire protection.

Q. Did you state awhile ago that this land had been turpentine during the whole of 1937?

A. Yes.

Q. That's the entire 120 acres?

A. No, eighty acres.

Q. All except that piece?

A. Yes, the forty acres hadn't.

Q. During the years 1937, 1938, 1939, 1940 and 1941 how many times per year on an average were you on that land?

A. The years I was riding the woods before I went to work for the State I was on it, had to go on it three or four times a week. After I started working for the state about twice a week.

He had it listed up for protection from fire and I had fire lines over there and had to go over and protect it. *Rudolph Willis*

RE-DIRECT EXAMINATION OF MR. WILLIS BY MR. BLACKBURN:

Q. Mr. Willis, you mentioned working for the State. When did you commence working for the state?

A. In 1939.

Q. During any of the period of time between the time you went to work for the state in 1938 and the time this suit was filed in January, 1942, was this land listed with the State for fire protection?

A. Yes.

Q. Did you have occasion to visit it then?

A. I went over it twice a week, sometimes more. I also put fire lines to protect it.

Q. For the information of the Court when a land owner lists his land for protection does he pay the State a stipulated rental?

A. Yes, six cents per acre and the Government pays six cents

Q. Six cents per year?

A. Yes.

Q. What years did you say Mr. Brannan paid the State for this protection?

A. I suppose he paid it in 1939. After 1939 I know he was paying on it.

Q. You couldn't state positively about 1939?

A. No, I couldn't.. That was when I went to work for the State. I know when I went to work for the state he did have it protected. Had fire protection on it.

MR. SMITH: No question. *Rudolph Willis*

DIRECT EXAMINATION OF MR. L. W. BRANNAN, JR., BY MR. J. B. BLACKBURN, ATTORNEY FOR COMPLAINANT:

Q. Mr. Brannan, how long have you known the tract of land involved in this proceeding?

A. Since about 1932.

Q. When your father acquired title to the West Half of Northwest Quarter of Section 16, Township 8 South Range 5 East, from the State of Alabama in 1937, what did he do with the property?

A. He immediately began turpentineing it in his own right.

Q. Now for the information of the Court, explain just what you do when you turpentine that property?

A. You enter upon the land and hang turpentine cups on the trees and begin streaking it to cause the gum to flow.

Q. Actual streaking operations continue over what period of the year?

A. About April 1st to around October 15th.

Q. After October 15th, what does an operator do?

A. Remove the scrape which takes to the last part of that year.

Q. What do you mean by removing scrape.

A. During summer months part of the gum which flows on the trees gathers on the faces of the trees and hardens there. This is called scrape.

Q.. After the scrape is removed what does an operator do?

A. Rakes the trees to protect it during the winter from fire.

Q. What time does this take?

A. From seomtime in January and February.

Q. Along in February what do you do?

A. Raise those boxes to the position to be occupied by them the succeeding year.

Q. All of those operations are such that any person passing could see what was going on?

A. Turpentine operations is a continuous performance.

Q. How often is it necessary for your employees to be on the property?

A. On this particular property anywhere from two to three times a week every week.

Q. This forty acres in this proceeding described as the

Northwest Quarter of Southwest Quarter of Section 16, Township 8 South Range 5 East, did your father also go into possession of that after he acquired title in May, 1938?

A. He did.

Q. I will ask you if you worked that for turpentine purposes also?

A. He did.

Q. Did he commence working for turpentine purposes after he acquired it from the State?

A. I would say he went into possession. I haven't been in position to know whether he turpented -

Q. Has he protected it from fire?

A. He has.

Q. Kept trespassers off it?

A. He has.

Q. Has he regularly assessed and paid taxes on all the property?

A. He has.

Q. During all of the period of time from the time Mr. Brannan acquired title to the property up to the time this suit was commenced and up to this time has his possession been disturbed?

A. It has not.

Q. During all of that period of time that he has been in possession of the property was that under claim of ownership?

A. It has.

Q. Hostile to the world?

A. It has.

Q. Visible to the world?

A. It has.

Q. Open to the world?

A. It has.

Q. Continuous possession over that period of time?

A. It has been continuous.

Q. At the time this suit was filed was there any suit pending in which this property was involved?

A. There wasn't.

Rudolph Wallis
L. W. Brannan Jr.

THE STATE OF ALABAMA
Baldwin County

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

L. W. BRANNAN

COMPLAINANT

VS.

CORDELIA HERRMANN THOMAS

RESPONDENT

I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me L. W. Brannan, L. W. Brannan, Jr
and Rudolph Willis

witness^{es} named in the Requirement for Oral Examination, on the 28th day of June
19 44, at the office of J. B. Blackburn

in Bay Minette, Alabama, and having first sworn said witness^{es} to speak the truth,
the whole truth, and nothing but the truth, the said witnesses

doth depose and say as follows:

ORAL EXAMINATION

I, Ora S. Nelson, 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 ~~e S and read over to xxxxxx and xxxxxx signed the same in the presence of myself x~~ J. B. Blackburn and H. E. Smith

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ~~e S~~ or had proof made before me of the identity of said witness ~~e 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 28th day of June, 19 44.

Ora S. Nelson (L. S.)
Commissioner.

No. 793 Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

L. W. BRANNAN

Complainant

Vs.

CORDELIA HERRMANN THOMAS

Respondent

ORAL DEPOSITION

Filed 7-14, 19 44

Alvin J. Slueck Register

RECORDED IN _____

Record _____

Vol. _____ Page _____

Register _____

CROSS EXAMINATION OF WITNESS, MR. L. W. BRANNAN, JR., BY MR. H. E. SMITH, ATTORNEY FOR RESPONDENT:

Q. This Quit Claim Deed you obtained from the State of Alabama in June, 1940, why was it necessary to obtain that Quit Claim Deed?

A. The state has a habit of arbitrarily deeding land to the forestry department, some of which land it has previously sold under tax title. For what purposes I don't know.

Q. Was this land included in a conveyance to the forestry department or do you know?

A. I have no recollection of that.

Q. Does this land adjoin other lands of Mr. Brannen?

A. He has since acquired a forty north of this.

Q. During the time or period from 1937 to date did he own land which this one forty was adjoining?

A. I don't know of any other land adjoining.

Q. In other words, this is separate from his other land?

A. Yes, it's been worked separately, hung separately.

Q. Has the land ever been surveyed off?

A. At one time.

Q. It has the corners established?

A. Yes, his land is all in sections.

Q. Now that south forty we're speaking of, how much of that is out in that bay?

A. I have no way of telling except that I would say that around forty percent or maybe half of it. It has never been surveyed.

Q. That particular forty, the one mentioned in this deed dated May 26, 1938, conveying the Northwest Quarter of Southwest Quarter of Section 16, Township 8 South Range 5 East, is it not that ~~the~~ forty in the bay?

A. Yes, sir.

Q. Do you remember when the first time that particular forty was turpented?

A. The only thing I could say about that was he immediately

went into possession and put up signs all over it and since then he has listed it all with the State and had fire lines plowed around it.

Q. Do you know what year was the first that he actually turned in an assessment on these three forties?

A. No. I imagine you could find out from the Court House. It's a practice with us to assess all our tax title as soon as we receive them and go into possession of them.

Q. The first time you would have assessed this would have been in October, 1938?

A. I imagine so. That's the first time you could possibly assess it. These tax deeds always include taxes for the year up until the next time it's due. The fact that those lands were not sold for taxes is evidence of the fact that they were paid.

Q. You don't remember the amount of the assessments or the amounts?

A. That tax title is always assessed for a nominal sum.

Q. Did you go on this land how many times per year on an average you would say?

A. This land was worked by Brannan Turpentine Company and it was my habit for years to go over his operations several times during the year and since 1939 our company, which is the Elberta Turpentine Company, has worked this timber under lease from him.

Q. Mr. Willis stated that this eighty acres of land was turpented during all of the season in 1937 is that correct?

A. That's correct.

L. W. Brannan Jr

RE-DIRECT EXAMINATION OF WITNESS, MR. L. W. BRANNAN, JR., BY MR. J. B. BLACKBURN, ATTORNEY FOR COMPLAINANT.

Q. Mr. Brannan, he has asked you about the taxes on this property. You have bought various tax title tracts from the State?

A. Yes, sir.

Q. And you are familiar with the State's method of handling these things?

A. That's right.

Q. This deed dated April 1937, I will ask you whether it is the practice of the State to include taxes for the year 1937 in the amount that you are required to pay the state for the property?

A. That's their practice.

Q. Then the first time you could have assessed that land would have been for 1938?

A. Yes.

Q. A deed dated May 1938 would include 1938 taxes would it not?

A. Yes.

Q. It would not be subject to taxes until the tax year of 1939?

A. Until 1939.

Q. You say the Elberta Turpentine Company worked this property under lease from your father?

A. That's right.

Q. You are a member of the firm of Elberta Turpentine Company?

A. That's right. He and I compose the Elberta Turpentine Company.

LW Bran - J

ORIGINAL

No. 2522

Complainant's Exhibit

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 31st day of July, A. D. 19 33, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Henry C. Bartling No. 3, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 1st day of September, 19 33, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Eighty-Six and No/100 (\$86.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by L. W. Brannan to purchase said lands, and said sum of Eighty-Six and No/100 (\$86.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said L. W. Brannan, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

NW 1/4 of NW 1/4. SW 1/4 of NW 1/4 Sec 16, T 8s, R 5e.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto L. W. Brannan

and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 20th day of April, 19 37. Approved [Signature] Governor STATE LAND COMMISSIONER OF ALABAMA, By [Signature] State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Mrs. Clay Willingham, a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 20th day of April, 19 37.

[Signature] Notary Public.

Complainant's Exhibit "1"

[Signature] Commissioner.

No. 3757

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 31st day of July, A. D. 1933, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Henry C. Bartling No. 3, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 1st day of September, 1933, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Eighteen and No/100 (\$18.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by L. W. Brannan to purchase said lands, and said sum of Eighteen and No/100 (\$18.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said L. W. Brannan, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

NW 1/4 of SW 1/4, Sec. 16, T8S, R5E.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto L. W. Brannan

and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 26 day of May, 1938

Approved

[Signature of Governor]

Governor

STATE LAND COMMISSIONER OF ALABAMA,

By [Signature of State Land Commissioner] State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Mrs. Clay Willingham, a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 26th day of May, 1938

[Signature of Notary Public]

Notary Public.

Complainant's Exhibit "2"

[Signature of Commissioner]

Commissioner.

STATE OF ALABAMA)
MONTGOMERY COUNTY)

QUITCLAIM DEED

THIS INDENTURE Made and entered into on this the 20th day of June 1940, by and between the State of Alabama, party of the first part, and L. W. Brannan and L. W. Brannan, Jr., parties of the second part, WITNESSETH:

That, for and in consideration of the sum of One Dollar (\$1.00) to it paid, the receipt whereof is hereby acknowledged, and for other good and valuable consideration, the party of the first part does hereby GRANT, BARGAIN, QUITCLAIM and CONVEY, and by these presents has GRANTED, BARGAINED, QUITCLAIMED AND CONVEYED unto the parties of the second part, their heirs and assigns, all its right, title and interest in and to the following lands lying and being in the County of Baldwin, State of Alabama, and particularly described as follows: $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 6; and $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $SW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 16, all in Township 8 S., Range 5 E., St. Stephens Meridian.


TO HAVE AND TO HOLD the above described and granted premises to the said L. W. Brannan and L. W. Brannan, Jr., their heirs and assigns, forever.

NOW, THEREFORE, There is hereby granted by the State of Alabama unto the said L. W. Brannan and L. W. Brannan, Jr., their heirs and assigns, forever, the property above described, but without warranty of title.

IN TESTIMONY WHEREOF, I, Frank M. Dixon, Governor of Alabama have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed at the Capitol, in the City of Montgomery, on the day and date first hereinabove mentioned.


Governor of Alabama.

ATTEST:


Secretary of State.

THE STATE OF ALABAMA)
MONTGOMERY COUNTY)

I, Kate Simmons, a Notary Public in and for said County in said State, hereby certify that Frank M. Dixon, whose name as Governor of Alabama is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as Governor of Alabama, executed the same voluntarily on the day the same bears date.

Given under my hand this the 20th day of June, 1940.


Notary Public.

Complainant's Exhibit "3"


Commissioner.

part of her husband.

IN WITNESS WHEREOF: I have hereunto set my hand and official seal this
24th day of November, 1941.

Chas J. Ebert Notary Public

STATE OF ALABAMA

PROBATE COURT

BALDWIN COUNTY

Filed November 25, 1941 at 10:05 A.M. Recorded in Deed Book No. 76 N.S.

at page 274; and I certify that \$--cts50 Deed Tax has been paid as required
by law.

G.W. Robertson, Judge of Probate.

STATE OF ALABAMA

BALDWIN COUNTY

I, W.R. Stuart, Judge of the Probate Court and Custodian of the records
and files thereof, in and for said State and County, hereby certify
that the above and foregoing is a true, correct and complete copy of
an Instrument of writing from L.W. Brannan Jr., and wife to L.W. Brannon,
as the same appears of record in Deed Book N.S. 76 page 274, now on file
in the office of the Judge of Probate Court of Baldwin County, Alabama.
Witness my hand and seal of said Court, this the 11th day of July, 1947.



W.R. Stuart, Judge of Probate.

COMPLAINANT'S EXHIBIT 4.

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

L. W. BRANNAN

Complainant

VS.

CORDELIA HERRMANN THOMAS

Respondent

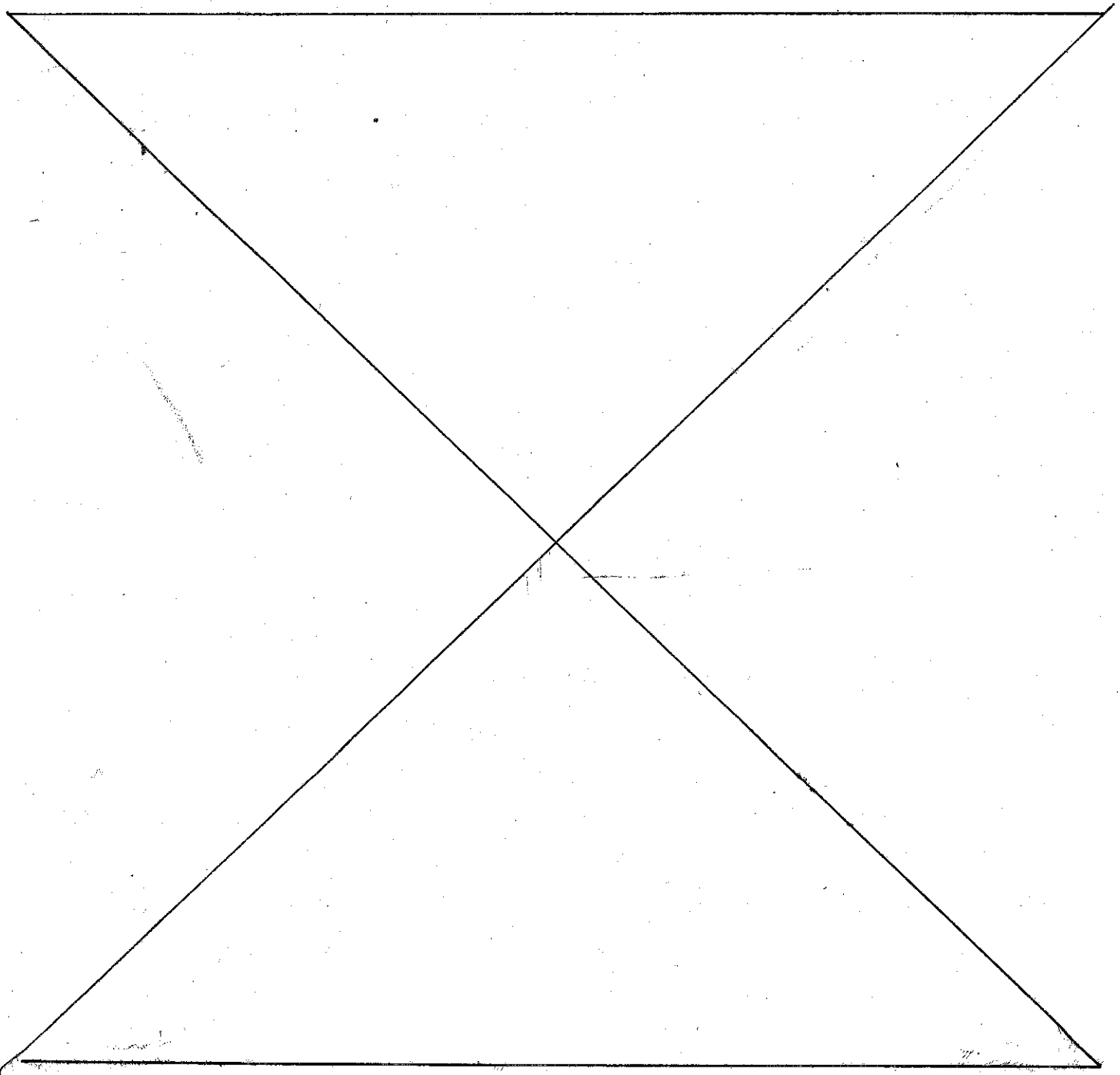
I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me E. S. Tunstall

witness named in the Requirement for Oral Examination, on the 26 day of September
1945, at the office of J. B. Blackburn
in Bay Minette, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said E. S. Tunstall

doth depose and say as follows:



TESTIMONY OF E. S. TUNSTALL

DIRECT EXAMINATION of witness by J. B. Blackburn, Solicitor for Complainant:

Q. What is your name?

A. E. S. Tunstall - Edmond S. Tunstall.

Q. What is your official position at this time?

A. Tax Assessor of Baldwin County.

Q. How long have you been such officer?

A. Since 1935.

Q. And prior to 1935, what did you do?

A. I was Deputy Assessor under G. W. Robertson.

Q. How long did you remain in that employment, how long did it continue, just what period of time?

A. From 1927 to 1935, until I was appointed Assessor.

Q. You worked in the Assessor's office continuously during the calendar years of 1932 and 1933?

A. Yes.

Q. Mr. Tunstall, are you familiar with the assessments of Henry C. Bartling in Beat 13 for the tax year of 1932?

A. Yes, sir.

Q. During the tax year of 1932 how many assessments did Henry C. Bartling have in Beat 13?

A. Three.

Q. How are those assessments designated?

A. Designated as one, two and three.

Q. You mean by that that if a taxpayer makes more than one assessment in the same beat you designate them for convenience, one, two and three?

A. Yes sir.

Q. Now, I hand you a certified copy of the 1932 tax return of Henry C. Bartling #3, Beat Number 13, Assessment Number 16. I will ask you to examine that instrument.

NOW WE OFFER IN EVIDENCE certified copy of the above described tax assessment and ask that it be identified as Complainant's Exhibit "5"

Q. Mr. Tunstall, I call your attention to the word "partial" written at the top of this assessment and to the notation on the side written in long hand: NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 1, 8 - 5 and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 1 - 8 - 5, assessed valuation \$400.00. What does that refer to?

A. That refers to the land that was paid on and marked partial payment.

Q. Then do I understand you to say that where taxes are paid on a part of the lands described in an assessment you mark the assessment partial and note on the assessment that on which the taxes were paid?

A. Yes, the collector marks it partial and I set out the description.

Q. The description is set out by the assessor?

A. Yes.

Q. And it refers to the part of the lands included in that assessment on which the taxes were paid?

A. That's right.

Q. Now, I hand you a certified copy of the tax receipt No. 7023 for the tax year of 1932 issued to Henry C. Bartling and ask you to examine that instrument.

WE OFFER IN EVIDENCE this certified copy of the above described tax receipt and ask that it be identified as Complainant's Exhibit "6".

MR. SMITH

WE OBJECT to that on the ground that it is irrelevant, incompetent and immaterial and on further ground that it shows on its face that it is not a part of the witness' records.

MR. BLACKBURN:

Q. Mr. Tunstall, I call your attention to the notation on that tax receipt reading as follows: "E $\frac{1}{2}$ of NE $\frac{1}{4}$ Sec. 1, 8 S. 5 E. and the word "partial" written at the top of the assessment. Now, what do those two things signify?

happened after the assessment was made and filed, do you?

A. Other than when I checked the sales docket and found it was sold.

Q. That's not part of the records in your office is it?

A. I don't know whether I am required to do it or not but I do it.

Q. Where is the book kept?

A. In the probate office.

Q. You couldn't say positively from your own knowledge or your own records whether the taxes were paid in 1932 or not, could you?

A. Not without, only from my land book where I mark it up in the state.

Q. That's in the probate judge's office is it not?

A. Yes.

Q.

RE-DIRECT EXAMINATION OF WITNESS By J. B. Blackburn, Solicitor for Complainant:

Q. Mr. Tunstall, Mr. Smith has asked you about taxes being paid for the tax year of 1932. You have examined a copy of the original assessment to Henry C. Bartling, have you not?

A. That's right.

Q. You have examined other records in your office?

A. I have.

Q. You have examined the certified copy of the tax receipt introduced in evidence?

A. I have.

Q. Don't both of those instruments show conclusively that the only taxes on any property described in the assessment of Henry C. Bartling #3, Beat 13, Assessment Number 16, was the lands in Section 1, 8 - 5, amounting to eighty acres on which the assessed valuation was \$400.00?

A. That's right.

Q. Were the taxes paid on the other property described in that assessment for that year?

A. No, it was sold.

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned, W. R. Stuart, as Judge of Probate of Baldwin County, Alabama, do hereby certify that the attached and foregoing instrument is a true, correct and exact copy of the assessment of Henry C. Bartling #3 for the tax year of 1932, Beat Number 13, Assessment Number 16, as the same appears of record in my office.

Dated this 27th day of September, 1945.



Probate Judge of Baldwin County, Alabama.

STATE OF ALABAMA

BALDWIN COUNTY

I, the undersigned, E. S. Tunstall, as Tax Assessor of Baldwin County, Alabama, do hereby certify that the attached and foregoing instrument is a true, correct and exact copy of the assessment of Henry C. Bartling #3 for the tax year of 1932, Beat Number 13, Assessment Number 16, as the same appears of record in my office.

Dated this 27th day of September, 1945.



Tax Assessor of Baldwin County, Alabama.

LAND AND PERSONAL PROPERTY

NUMBER

Schedule #3

List of Property Returned by HENRY C. BARTLING

Beat No. 13

P. O. Address Room 411, 155 N. Clark St., Chicago, Ill.

Occupation

Parted, Parted

Schedule #3

ASSESSMENT LIST FOR 1932 TAXES
of
HENRY C. BARTLING, suite 411, 155 N. Clark St., Chicago, Ill.

	SE $\frac{1}{2}$ of NW $\frac{1}{4}$ section 36	7-5	40
E $\frac{1}{2}$	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	23 7-6	20
	NE $\frac{1}{2}$ of NE $\frac{1}{4}$	1 8-5	40
	SE $\frac{1}{2}$ of NE $\frac{1}{4}$	1 8-5	40
S $\frac{1}{2}$	NW $\frac{1}{4}$	6 8-5	80
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	16 8-5	40
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	16 8-5	40
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	16 8-5	40
FR.	NE $\frac{1}{2}$ of NE $\frac{1}{4}$	32 8-5	.50
	tot 1	33 8-5	160.90

*500
020*

Also the following described tract of land: Beginning at a point on the margin of perdido bay, said point being 1837 ft. south and 691 ft. east of the northwest corner of section 10, township 8 south, Range 6 east, thence running west 900 ft., thence south 1702 ft. to the margin of perdido bay, thence northeastwardly along the meanderings of perdido bay, thence northeastwardly along the meanderings of perdido bay to place of beginning, being part of practical section 9 and 10 in aforesaid Township and range, containing -- 19.45

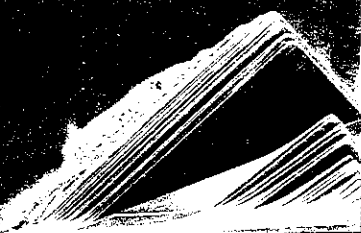
1000

520.85

19.45

501.40

50



Dollars	Cts.
Tax	
Tax	
Tax	
Tax	
Tax	
Tax	
Tax	

120	Acres sec. 16 8-5 @ \$10.00	\$1200.00	
161.40	" " 32 & 33 8-5 @ 20.00	3228.00	
19.45	" " 9 & 10 8-6 @ 30.00	583.50	
220	" out-over land @ 5.00	1100.00	
540.85 Acres		\$6111.50	\$3666.90
<p>241 acres @ 35⁰⁰ per acre 8435.00 470 acres @ 5⁰⁰ per acre 2350.00 ✓ 19⁰⁰ acres @ 60⁰⁰ per acre 1140.00 ✓ <u>4111.00</u></p>			11100
<p>Separate or special interests in real estate such as mineral rights, the right to mine minerals, turpentine rights, timber rights, the right to cut timber, etc., should be separately described and listed as other real estate interests are listed.</p> <p>Number of acres improved _____</p> <p>Number of acres unimproved _____</p>			

CITY PROPERTY—DESCRIPTION		
Lot No.	Block No.	Addition or City of

APPROVED:
 STATE TAX COMMISSION
 W. H. HAWKINS, Tax Agent

Assessor's Fee \$ 20 10% Penalty _____

HAVE YOU LISTED ALL IMPROVEMENTS LOCATED ON THE ABOVE DESCRIBED PROPERTY? Answer yes or no.

Real Estate bought from whom? _____ Price paid \$ _____

Real Estate sold to whom? _____ Price paid \$ _____

Oath to be Administered to Taxpayer.—"I do solemnly swear that the foregoing list of property returned by me, Henry G. Bartling (If not his own property, here state the capacity in which he returns such property for assessment.) is a full and complete return of all the property owned by me (Here state "me" if the property returned is his own property, and if not his own property, state the name of the person, corporation or estate for whom the property is returned.) or in which _____ had any interest whatever, the situs of which for taxation, or exemption from taxation, is in this county, on the first day of October of the present tax year, and that the statement of the amount of fire insurance carried thereon is correct, to my personal knowledge, and of the improvements on lands listed in the foregoing schedule, so help me God."

Subscribed and sworn to before me this the 16th day of December, 1931.

 (Officer will sign here.)
 Notary Public.

 (Give name and style of office here.)
 Tax Assessor.

Thereby certify that before taking the foregoing assessment list, I administered the oath required to be administered under Section 804, Revenue Act 1923, to taxpayer or agent making this return and that I interrogated the said party as the law directs in regard to the same.

REAL ESTATE
11100

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

L. W. BRANNAN

Complainant

VS.

CORDELIA HERRMANN THOMAS

Respondent

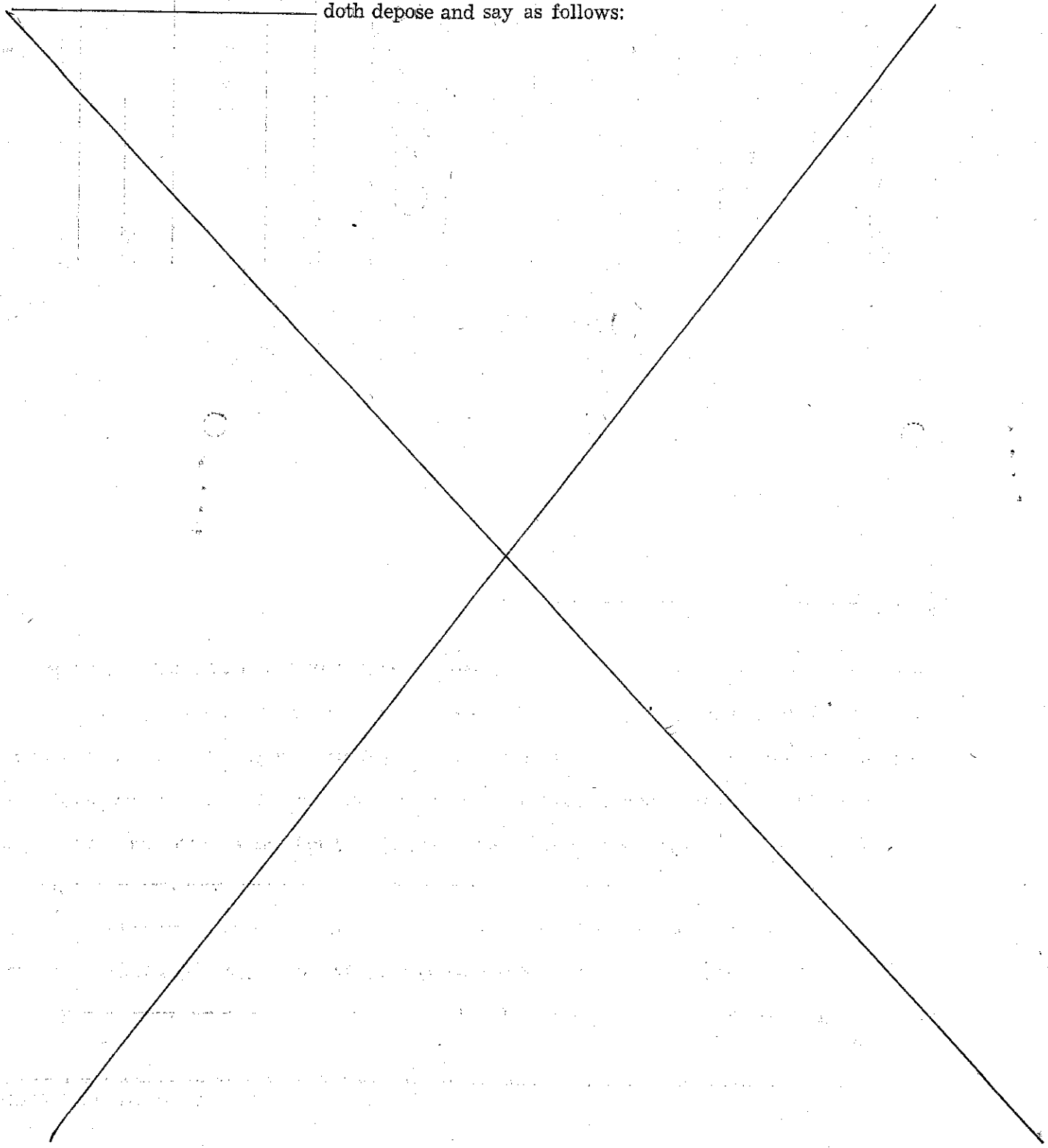
I, Ora S. Nelson

as ~~Register and~~ Commissioner

have called and caused to come before me E. S. Tunstall

witness named in the Requirement for Oral Examination, on the 26 day of ~~September~~
194 5, at the office of J. B. Blackburn
in Bay Minette, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said E. S. Tunstall

doth depose and say as follows:



STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Cordelia Herrmann Thomas to appear within thirty days from the service of this writ in the Circuit Court, Equity Side, to be held for said county at the place of holding same, and then and there demur, plead to or answer the Bill of Complaint of L. W. Brannan.

Witness my hand this 12 day of January, 1942.



Register of the Circuit Court of
Baldwin County County, Alabama,
in Equity.

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

Your Orator, L. W. Brannan, presents this Bill of Complaint against Cordelia Herrmann Thomas, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident of Foley, in Baldwin County, Alabama. The Respondent, Cordelia Herrmann Thomas, is over twenty-one years of age and a non-resident of the State of Alabama, whose residence and post office address is 314 South Summit Avenue, Villa Park, Illinois.

2. Your Orator owns and is in the actual, quiet and peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit: West Half of Northwest Quarter; Northwest Quarter of Southwest Quarter of Section Sixteen (16) Township Eight (8) South Range Five (5) East.

3. The Respondent claims or is reputed to claim some right, title or interest in or encumbrance upon the said lands; no suit is pending to enforce or test the validity of such title, interest in, lien or encumbrance upon the said lands, and your Orator brings this Bill of Complaint against the said Respondent to settle the title to the said lands and to clear up all doubts and disputes concerning the same. Your Orator here and now calls upon the said Respondent to set forth and specify her right, title or interest in, lien or encumbrance upon the said lands or any part thereof and how and by what instrument the same is derived and created.

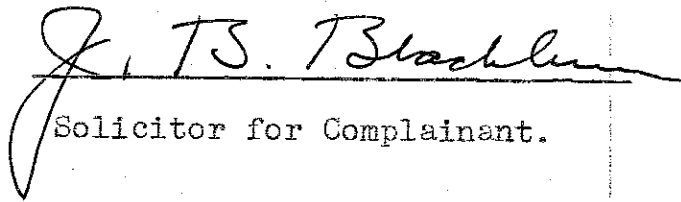
PRAYER FOR PROCESS

Your Orator prays that the said Cordelia Herrmann Thomas be made a party respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to her.

PRAYER FOR RELIEF

Your Orator further prays that upon a final hearing of this cause your Honor will make and enter a decree against the said Respondent quieting title to the said land and adjudging and decreeing that your Orator is the owner thereof in his own right; that

title thereto is in him, forever quieting your Orator's title against the said Cordelia Herrmann Thomas, adjudging and decreeing that she is without right, title or interest in the said lands and that she has and holds no encumbrance upon the same. Your Orator further prays for such other, further and general relief as he may be equitably entitled to the premises considered.


Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is solicitor for the Complainant in the foregoing suit; that he has read over the Bill of Complaint filed in the said cause and that the allegations therein are true.

J. B. Blackburn

Sworn to and subscribed before me on this the 12th day of January, 1942.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

L. W. BRANNAN,
Complainant,
VS.
CORDELIA HERRMANN THOMAS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 793.

CROSS INTERROGATORIES TO BE PROPOUNDED TO THE
RESPONDENT, CORDELIA HERRMANN THOMAS.

1. How many times have you seen the lands involved in this suit, namely the West Half of Northwest Quarter and Northwest Quarter of Southwest Quarter of Section 16, Township 8 South Range 5 East, in Baldwin County, Alabama, since September 1, 1933?
2. If your answer to the foregoing interrogatory discloses that you have seen the said lands involved in this suit since September 1, 1933, give the date or dates on which you saw the said property.
3. Are you the grantee named in the deed from Lucile Serena Bartling, a spinster, to Cordelia Herrmann Thomas dated October 17, 1934, and recorded in Deed Book 56 N. S. at pages 443-4, Baldwin County, Alabama Records?
4. If your answer to the foregoing interrogatory is yes, do you have the said deed? If so, attach the original deed to your answer to these cross interrogatories.
5. Did you not become the owner of all of the lands involved in this suit when the deed described in the two foregoing interrogatories was delivered to you?
6. Is it not a fact that the said deed from Lucile Serena Bartling to you which is referred to and described in the foregoing interrogatories was given to and accepted by you in full settlement of the debt secured by the mortgage from Henry C. Bartling and wife to you dated July 1, 1931 and recorded in Book 50 of Mortgages at pages 498-9, Baldwin County Records?
7. If the said deed from Lucile Serena Bartling to you which is described in the foregoing interrogatories was not given in full payment of the above described mortgage from Henry C.

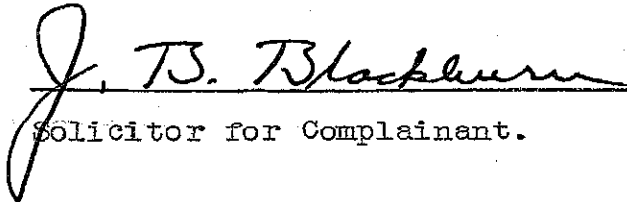
Bartling and wife to you, why have you waited from July 1, 1933, when the entire indebtedness secured by this mortgage became due, to this date without foreclosing the said mortgage?

8. What was the full amount of the principal and interest due on the above described mortgage from Henry C. Bartling and wife to you at the time the said deed from Lucile Serena Bartling to you was delivered and what was the date of the delivery of the said deed?

9. Did you at anytime assess the said property involved in this suit as owner for taxation in Baldwin County, Alabama? If so, give the date or dates on which you assessed it.

10. Is it not a fact that on the 26th day of January, 1938, you appeared before George P. Latchford, a Notary Public for Cook County, Illinois, signed an assessment and thereby assessed the property for taxation in Baldwin County, Alabama for the tax year of 1938, which original assessment is dated January 26, 1938 and is Assessment Number 612, for Beat 13, Baldwin County, Alabama, for the tax year of 1938?

11. Did you make or have an examination made of the records in Baldwin County, Alabama at the time the said deed from Lucile Serena Bartling to you was delivered to determine if there were any tax sales or unpaid taxes against the property described in and conveyed by the said deed and if you had such examination made or made such examination did it not disclose that the property had been sold on September 1, 1933 for delinquent taxes assessed to Henry C. Bartling #3?


Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says:

That he is over twenty-one years of age and a resident of Baldwin County, Alabama; that he is Solicitor for the Complainant in the above entitled cause; that the foregoing Interrogatories, if well and truly answered, will be material evidence for the Complainant in the said cause.

J. B. Blackburn

Sworn to and subscribed before me
on this the 4th day of September, 1944.

Orin J. Nelson

Notary Public, State of Alabama at Large.

L. W. BRANNAN,)
 Complainant)
 -vs-)
 CORDELIA HERRMANN THOMAS,)
 Respondent)

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

By virtue of the commission hereunto annexed, issued from the Office of the Register of the Chancery Court of Baldwin County, Alabama, I, the commissioner therein named, have called and caused to come before me the said Cordelia Herrmann Thomas, the witness named in said commission, on this the 12th day of September, 1944 at my office at 155 North Clark Street, Chicago, Illinois and having duly cautioned and sworn the said witness to speak the truth, the whole truth and nothing but the truth, the said Cordelia Herrmann Thomas, the witness, deposes and says as follows:

1. To the first interrogatory she says: My name is Cordelia Herrmann Thomas. I am 43 years of age. My place of residence is 314 South Summit Avenue, Villa Park, Illinois. I am the respondent in this cause.

2. To interrogatory numbered 2(a) she says: I do deny that the complainant, L. W. Brannan is the owner of and in quiet and peaceable possession of the lands described in the original bill of complaint in this cause, namely: $W\frac{1}{2}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 16, Township 8 South, Range 5 East.

To interrogatory numbered 2(b) she says: I do deny that L. W. Brannan, the complainant, is in the quiet and peaceable possession of said lands.

To interrogatory numbered 2(c) she says: Because on the date of September 1, 1933 I was the owner and holder in my own right of a mortgage executed to me by Henry C. Bartling and wife on the date of July 1, 1931 to secure an indebtedness from him to me in the sum of \$2550.00 with the interest thereon conveying the lands described in Interrogatory 2(a) above, which mortgage was duly recorded in the office of the Probate Judge of Baldwin County, Alabama, on the date of August 5, 1931 in Mortgage Book 50, Pages 498-9. The said mortgage was on the dates of April 20, 1937 and May 26, 1938, being the dates on which L. W. Brannan purchased from the State Land Commissioner of Alabama the said property, unpaid and uncanceled and he has never to this day served me with any notice of his purchase of said lands so that my right to redeem the said lands has not been cut off. Besides this, I am the owner and holder, as disclosed by deeds to be introduced in evidence, of the record title to said lands.

3. To interrogatory numbered 3(a) she says: To my knowledge there is not any other suit pending in any court to enforce or test the validity of my title to, interest in, lien or encumbrance upon the lands described in my answer to Interrogatory 2(a) above.

To interrogatory numbered 3(b) she says: I do assert a right, title or interest in or lien or encumbrance upon the lands described in Interrogatory 2(a).

To interrogatory numbered 3(c) she says: I have already answered this question in my answer to interrogatory 2(c) above.

To interrogatory numbered 3(d) she says: The mortgage described in my answer to interrogatory numbered 2(c) above was given and delivered to me by Henry C. Bartling and wife, it was evidenced by five notes, a principal note in the sum of \$2550.00, and four interest notes each in the sum of \$76.50 each, the principal note becoming due two years after date, and the interest notes being payable semi-annually after date, and the date of the mortgage and notes was July 1, 1931. The debt and interest secured by said mortgage has never been paid.

4. To interrogatory numbered 4(a) she says: Yes and the said mortgage is duly recorded in the Office of the Probate Judge of Baldwin County, Alabama, having been filed for record on the date of August 5, 1931 in Mortgage Book 50, Pages 498-9.

To interrogatory numbered 4(b) she says: No. I attach hereto the five notes mentioned in my answer to Interrogatory numbered 3(d) above and request the commissioner herein to mark the same as respondent's exhibits Nos. I to V, inclusive.

To interrogatory numbered 4(c) she says: The debt secured by said mortgage was unpaid on the date of September 1, 1933. I was the owner and holder of the said mortgage and the debt secured thereby on the date of September 1, 1933.

To interrogatory numbered 4(d) she says: I was the owner and holder of said mortgage and the debt secured thereby on the date of April 20, 1937 and the said mortgage and the debt secured thereby was unpaid and past due on said last date.

To interrogatory numbered 4(e) she says: I was not given, did not receive and was not served with any notice of any kind by anyone, including L. W. Brannan, respecting and concerning the sale or intended sale of the lands or any portion of the same described in said mortgage, and L. W. Brannan as the purchaser of said lands did not serve me with any notice of his purchase of the lands described in his tax deed of April 20, 1937, from the State Land Commissioner of Alabama to him, which deed has been introduced as evidence in this cause, and since he purchased the same under said deed he has never to this date served me with any kind of notice except as given me in this cause.

To interrogatory numbered 4(f) she says: I was the owner and holder of the said mortgage on the date of May 26, 1938 and the said mortgage and the debt secured thereby was unpaid and past due on said last date.

To interrogatory numbered 4(g) she says: I was not given or served with any notice by or from L. W. Brannan or anyone else or any official of the State of Alabama, respected and concerning the sale or intended sale of the lands or any portion thereof by the State of Alabama through its State Land Commissioner to L. W. Brannan or any other person. L. W. Brannan as the purchaser did not give me any notice of his purchase of the same.

To interrogatory numbered 4(h) she says: The said mortgage and the debt secured thereby was unpaid at all times between July 1, 1931 and May 26, 1938 and the said mortgage and the debt secured thereby is still unpaid with interest thereon at the time

of this my answer to these interrogatories.

5. To interrogatory numbered 5 (a) she says: I did not ever know any person by the name of Henry C. Bartling No. 3 and such person was not the owner of the lands described in the mortgage mentioned in my answer to Interrogatory 4(a) above. Henry C. Bartling was the owner of such lands subject to my mortgage.

6. To interrogatory numbered 6(a) she says: I did assess the taxes on the lands described in the mortgage mentioned in Interrogatory 4(a) for the years 1935, 1936, 1937 and 1938. The Tax Assessor of Baldwin County, Alabama for some reason wrote me a letter and refused to accept any further assessments by me on it for the reason that when L. W. Brannan bought it there would be a double assessment on it.

To interrogatory numbered 6(b) she says: I already have answered this in my answer to Interrogatory 6(a) above.

7. To interrogatory numbered 7(a) she says: No, I have not to this date sold or conveyed by any kind of instrument or conveyance the said real estate described in Inventory 4(a) above or any part of said real estate or any interest therein to any person or persons.

To interrogatory numbered 7(b) she says: Yes, for by deed dated October 17th, 1934, Lucile Serena Bartling, a spinster, conveyed the said land to me. This deed has been or will be introduced in evidence and is hereby referred to for fuller description of same, it being a quit-claim deed. Henry C. Bartling and wife had previously given her a deed to this property subject to my mortgage, which deed will also be introduced in evidence and is referred to for a fuller description. Mr. Bartling, that is, Henry C. Bartling, died on July 19, 1934 and when I took this deed from Lucile Serena Bartling, I did not surrender my notes or the mortgage, and did not cancel it, because I did not know anything about the value of the land or the title to it, at that time, except that I did know when I took the mortgage on the lands, the title was good. So my claim against the land, so far as the debt and mortgage is concerned has never been paid or satisfied in any part, but is still owing to me.

8. To interrogatory numbered 8(a) she says: I am ready, able and willing to pay the amount necessary to redeem the land described in Interrogatory No. 4(a) if the Court will permit me to do so.

To interrogatory numbered 8(b) she says: I do offer to make such redemption and otherwise do equity in the premises if the court should permit such redemption.

To cross-interrogatory numbered 1, she says: Never since September 1st, 1933.

To cross-interrogatory numbered 2, she says: Since the answer to cross-interrogatory 1 was no, this interrogatory does not need to be answered.

To cross-interrogatory numbered 3, she says: Yes.

To cross-interrogatory numbered 4, she says: Yes. The same is attached and marked Exhibit VI by the commissioner.

To cross-interrogatory numbered 5, she says: It now seems that I did not from the litigation in this case. If the tax sale in this case was valid, it does not appear that this deed would be of any legal effect. If the said tax sale was invalid, then it appears to me my mortgage or deed, one or both, would be good and I would be the absolute owner. As I see it, that is a question for the court to determine.

To cross-interrogatory numbered 6, she says: No, there was no such agreement. Mr. Henry C. Bartling had died on July 19, 1934 and before his death had given Lucile Serena Bartling a deed to the lands involved herein subject to my mortgage as is set out in the deed. She mailed me this deed saying that was all she could do under the circumstances, and I just went ahead and recorded it without any special agreement realizing that any claim I might have against the estate of Mr. Henry C. Bartling was of no value, but there was no agreement about releasing or cancelling the debt secured by the mortgage which and the debt secured thereby was in full force and effect on the date of September 1, 1933 and at all times since that time to now.

To cross-interrogatory numbered 7, she says: for the reason that foreclosure of the mortgage would not alter, or would not have altered, my rights in this regard.

To cross-interrogatory numbered 8, she says: Lucile Serena Bartling sent me this deed on or about the 15th of October, 1934. No payment had been made on either the principal or the interest, which was all due me. So calculating the interest to that date and adding the principal the total would be approximately \$3047.25.

To cross-interrogatory numbered 9, she says: Yes. The dates on which I assessed said lands are approximately as follows: January 21st, 1935, January 17th, 1936, January 29th, 1937 and sometime in the latter part of February, 1938.

To cross-interrogatory numbered 10, she says: Yes.

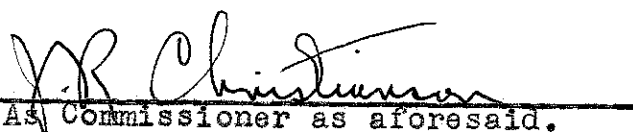
To cross-interrogatory numbered 11, she says: No, but I wrote the tax officials about the taxes on it and I tried many times to secure a division of the property for tax purposes and I assessed it for the years above mentioned. Some one of them informed me of the tax sale you ask about, but I could never get any satisfaction from them about redeeming it although I have at all times been ready, able and willing to do so. The next thing I knew Mr. Brannan had bought it and brought this suit against me.

Cordelia Herrmann Thomas
Cordelia Herrmann Thomas, Respondent

COMMISSIONER'S CERTIFICATE

I, J. R. CHRISTIANSON, the commissioner named in the commission hereto attached, do hereby certify that the foregoing testimony and answers taken down and written by me in the words of the witness, Cordelia Herrmann Thomas, the respondent testifying in her own behalf, were read over to her; that she assented, swore to and subscribed the same in my presence at the time and place hereinbefore mentioned; that I have personal knowledge of the personal identity of the said witness; that I am not of counsel or kin to either of the parties to this cause, nor in any manner interested in the result thereof; and I enclose the said testimony, together with the said commission and interrogatories, direct and cross, to the Register of the Circuit Court, in Equity, of Baldwin County, Alabama, whence the same emanated, as my full execution of said commission.

GIVEN under my hand and seal this 12th day of September, A.D., 1944.


As Commissioner as aforesaid. (SEAL)

L. W. BRANNAN,

Complainant,

VS.

CORDELIA HERRMANN THOMAS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 793.

FINAL DECREE

This cause coming on to be heard on this date is submitted for Final Decree on the original Bill of Complaint, Answer, Stipulation dated September 26, 1945, Stipulation dated July 14, 1947 and the testimony as noted by the Register, upon consideration of all of which the Court is of the opinion that the Complainant is entitled to the relief prayed for by him in his said Bill of Complaint; WHEREUPON, it is, therefore, Ordered, Adjudged and Decreed by the Court as follows:

1. The Complainant, L. W. Brannan, is, as against the Respondent, Cordelia Herrmann Thomas, the true and lawful owner in his own right of the following described real property situated in Baldwin County, Alabama, to-wit:

West Half of the Northwest Quarter; Northwest Quarter of the Southwest Quarter of Section 16, Township 8 South, Range 5 East.

2. Title to the said land is in the said L. W. Brannan and his title thereto is forever quieted against the Respondent, Cordelia Herrmann Thomas, and the said Respondent, Cordelia Herrmann Thomas, is without any right, title or interest in and to the said lands, or any part thereof, and has and holds no encumbrance on the said property, or any part thereof, or any interest therein.

3. The Register of this Court shall, within thirty days from the rendition of this decree, file a certified copy hereof for record in the office of the Judge of Probate of Baldwin County, Alabama and tax the expense thereof as a part of the costs of this proceeding.

4. The costs of this proceeding are hereby taxed against the Respondent, for which execution may issue.

ORDERED, ADJUDGED AND DECREED this 30th day of
July, 1947.

J. W. Hare
Judge.

L. W. BRANNAN,

Complainant,

VS.

CORDELIA HERRMANN THOMAS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 793.

STIPULATION

IT IS STIPULATED AND AGREED by and between the parties to this cause, acting by and through their respective solicitors of record as follows:

1. The parties to this suit claim title to the property which is involved in this proceeding, namely: West Half of Northwest Quarter and Northwest Quarter of Southwest Quarter of Section Sixteen (16) Township Eight (8) South Range Five (5) East, in Baldwin County, Alabama, under a common source which is Henry C. Bartling.

2. Henry C. Bartling acquired an unincumbered fee simple title to the said property from the Southern States Lumber Company, a Corporation, by deed dated November 2, 1925 and recorded in Deed Book 37 N. S. at page 524, Baldwin County Records, a copy of which is hereto attached, marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein.

3. The property was mortgaged by Henry C. Bartling and wife to Cordelia Herrmann Thomas by mortgage dated July 1, 1931 and recorded in Book 50 of Mortgages at pages 498-9, Baldwin County Records, a copy of which is hereto attached, marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein, which said mortgage has not been cancelled on the face of the record in the manner provided by Title 47 Section 178 of the 1940 Code of Alabama.

4. The property was conveyed by Henry C. Bartling and wife to Lucile Serena Bartling, by deed dated May 22, 1933 and recorded in Deed Book Number 55 N. S. at page 6, a copy of which is hereto attached, marked Exhibit "C" and by reference made a part hereof as though fully incorporated herein.

5. The property was conveyed by Lucile Serena Bartling, a spinster, to Cordelia Herrmann Thomas by deed dated October 17, 1934 and recorded in Deed Book 56 N. S. at pages 443-4, a copy of which is hereto attached marked Exhibit "D" and by reference made a part hereof as though fully incorporated herein.

6. The property involved in this suit was assessed for taxation for the year of 1932 to Henry C. Bartling #3 in the office of the Tax Assessor of Baldwin County, Alabama, Beat 13, Assessment Number 16. The said property sold on September 1, 1933 to the State of Alabama for the said taxes, together with the fees and costs incurred in the said sale.

7. The property involved in this suit was again sold for delinquent 1933 taxes on September 1, 1934 and the State Land Commissioner, under this sale, conveyed the State's title so acquired in and by the said sale to the State Commissioner of Forestry by deed dated January 18, 1938. The State of Alabama conveyed the lands described in this suit to L. W. Brannan and L. W. Brannan, Jr., by deed dated June 20, 1940 and recorded in Deed Book Number 71 N. S. at pages 531-2, Baldwin County Records, a copy of which is hereto attached, marked Exhibit "E" and by reference made a part hereof as though fully incorporated herein.

8. L. W. Brannan, Jr., together with his wife, conveyed all of their right, title and interest to the property involved in this suit to the Complainant, L. W. Brannan by deed dated November 24, 1941, and recorded in Deed Book 76 N. S. at page 274, a copy of which is hereto attached, marked Exhibit "F" and by reference made a part hereof as though fully incorporated herein, the original of which has been lost.

9. This Stipulation may be introduced in evidence by either party to this cause.

10. This Stipulation has been made and entered into to save the trouble and expense of proving the various conveyances and matters referred to herein. Either party to this suit may

introduce in evidence any other relevant testimony which they consider proper.

Dated this 26th day of September, 1945.

L. W. BRANNAN, Complainant,

By

J. B. Blackburn

As his Solicitor of Record.

CORDELIA HERRMANN THOMAS, Respondent,

By

A. E. Smith

As her Solicitor of Record.

EXHIBIT "A"

KNOW ALL MEN BY THESE PRESENTS, that the Southern States Lumber Company, a Corporation, of the State of Florida, for and in consideration of the sum of One (\$1.00) 0/100 dollars and other valuable considerations to it in hand paid by Henry C. Bartling does hereby bargain, sell, convey and grant unto the said Henry C. Bartling, his heirs and assigns, forever, the following described property, to-wit:

Northwest Quarter of Northwest Quarter (N.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$)
Southwest Quarter of Northwest Quarter (S.W. $\frac{1}{4}$ of N.W. $\frac{1}{4}$)
Northwest Quarter of Southwest Quarter (N.W. $\frac{1}{4}$ of S.W. $\frac{1}{4}$)
of Section Sixteen (16) Township Eight (8) South Range
Five (5) East, Baldwin County, Alabama, and containing
one hundred twenty (120.36) thirty-six one hundredths
acres, more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining free from all exemptions and right of homestead.

And it covenants that it is well seized of the said property and has a good right to sell and convey the same; that it is free from encumbrances and that it, its successors and assigns, the said grantees, his heirs, executors, administrators and assigns, in the quiet and peaceable possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever warrant and defend.

In Witness Whereof, the said Southern States Lumber Company has caused its president to sign its name and to procure its seal to be affixed hereto this 2nd day of November A. D. 1925.

Southern States Lumber Company

By P. K. Yonge, President

Corporate Seal.

Attest: F. F. Bingham, Secretary

(\$1.00 U. S. I. R. stamp attached)

Signed, sealed and delivered in the
presence of Ed. M. Fox
Arthur Johnson

State of Florida)
County of Escambia)

I, J. C. Long, a Notary Public in and for said County in said State, hereby certify that P. K. Yonge, whose name as President of the Southern States Lumber Company, a Corporation of the State of Florida, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of the said corporation.

Given under my hand and official seal this 2nd day of
November A. D. 1925.

J. C. Long, Notary Public

(Seal)

My Comm. expires 2-7-28.

Filed November 25, 1925.

Recorded in Book 37 N. S. page 524.

EXHIBIT "B"

Page 1

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That whereas the undersigned Henry C. Bartling and Rose Bartling, husband and wife of the city of Chicago, County of Cook and State of Illinois, are justly indebted to Cordelia Herrmann Thomas of the city of Chicago, County of Cook and State of Illinois, in the sum of Twenty-five Hundred Fifty and No/100 (\$2550.00) Dollars due by one principal promissory note made by the Grantors Henry C. Bartling and Rose Bartling, husband and wife, dated July 1, 1931 payable to bearer and due on or before two years after its date bearing interest at the rate of six per cent (6%) per annum payable semi-annually. Said interest is further evidenced by four interest or coupon notes in the sum of Seventy-six and 50/100 (\$76.50) dollars each of even date herewith. All of the said notes are payable at the office of Henry C. Bartling, Chicago, Illinois; and

WHEREAS the said Mortgagee is desirous of securing the prompt payment of the said note when the same falls due: NOW THEREFORE in consideration of the said indebtedness and to secure the prompt payment of the same at maturity, the said Henry C. Bartling and Rose Bartling, husband and wife, have BARGAINED, SOLD and they do hereby GRANT, BARGAIN, SELL, CONVEY unto the said Mortgagee the following described real estate situated and being in the county of Baldwin, State of Alabama, to-wit:

Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$)
Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$)
Northwest Quarter of Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$)
all in Section Sixteen (16), Township Eight (8) South Range Five (5) East of St. Stephens Meridian, Baldwin County, State of Alabama, also known as Lots Four (4) Five (5) and Twelve (12) of the said Section Sixteen (16), warranted free of all encumbrances and against any adverse claims.

TO HAVE AND TO HOLD the above granted premises unto the said Mortgagee, her heirs and assigns, forever, and for the purpose of further securing the payment of the said principal note and interest notes they do hereby agree to pay all taxes or assessments when imposed legally upon said premises and should they make default in the payment of the same the said Mortgagee, at her option may pay off the same and all amounts so expended by said Mortgagee shall become a debt to and additional to the indebtedness hereby specially secured and shall be covered by this mortgage and bear interest from date of payment by said Mortgagee and be due and payable at maturity of said mortgage.

Upon conditions however, that if said Henry C. Bartling and Rose Bartling, husband and wife, pay said note and reimburse said Mortgagee for any amount she may have expended as taxes and interest thereon, then this conveyance is to be null and void; but should default be made in the payment of any sum expended by said Mortgagee or should said notes or any part thereof of the interest thereon remain unpaid at maturity, or should the interest of the said Mortgagee or his assigns in said property become endangered by reason of the enforcement of any prior lien or incumbrance thereon so as to endanger the debt secured hereby, then in either one of said events the whole of the said indebtedness shall become due and payable and this mortgage be subject to foreclosure as now provided by law in cases of past due mortgages and the said Mortgagee, his agents or assigns shall be authorized to take possession of the said premises hereby conveyed and after giving ten days notice by publication once a week for three successive weeks of the time, place and terms of sale by publication in some newspaper published in Baldwin County, Alabama, to sell in front of the Court House door of said county at public outcry to the highest bidder for cash and apply the proceeds of said sale first to the expenses of advertising, selling and conveying, including a reasonable attorney's fee;

second to the payment of any amounts that may have been expended or that may then be necessary to expend in paying taxes or other incumbrances with interest thereon; third, to the payment of the said notes in full whether the same shall or shall not have been fully matured at the date of said sale but no interest shall be collected beyond the date of such sale; and fourth, the balance, if any, to be turned over to the grantors, Henry C. Bartling and Rose Bartling, husband and wife and it is further agreed that the said mortgagee, agents or assigns may bid at said sale and purchase said property if the highest bidder therefor and they further agree to pay a reasonable attorney's fee to the said Mortgagee or his assigns for the foreclosure of this mortgage in chancery should the same be foreclosed and said fee to be part of the debt hereby secured.

IN WITNESS WHEREOF we hereunto set our hands and seals this first day of July, A. D. 1931.

Henry C. Bartling (Seal)
Rose Bartling (Seal)

State of Illinois)
County of Cook)

I, Ernest L. Sheers, a Notary Public in and for said state and county do hereby certify that Henry C. Bartling and Rose Bartling, husband and wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this 14th day of July A. D. 1931.

Ernest L. Sheers
Notary Public

My Commission expires September 25, 1932.

(Seal)

State of Illinois)
County of Cook)

I, Ernest L. Sheers, a Notary Public in and for said State and County do hereby certify that on the 14th day of July, A. D. 1931, came before me the within named Rose Bartling, known to me to be the wife of the within named Henry C. Bartling, who, being examined separate and apart from her husband in reference to her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of the husband.

In Witness Whereof, I hereunto set my hand and affix my notarial seal this 14th day of July, A. D. 1931.

Ernest L. Sheers, Notary Public
My Commission expires September 25, 1931.

(Seal)

Filed August 5, 1931
Recorded 50 Mortgages pages 498-9.

EXHIBIT "C"
Page 1

QUIT CLAIM DEED

STATE OF ALABAMA |
BALDWIN COUNTY |

THIS INDENTURE made and entered into on this the 22nd day of May A. D. 1933 by and between Henry C. Bartling and Rose Bartling, his wife, of the city of Chicago, County of Cook and State of Illinois, of the first part and Lucile Serena Bartling of the second part, WITNESSETH:

That for and in consideration of One Dollar (\$1.00) and other good and valuable considerations to the parties of the first part this day cash in hand paid by party of the second part receipt whereof is hereby acknowledged, party of the first part has and by these presents does hereby remise, release, quit claim and convey unto party of the second part the following described real property in Baldwin County, Alabama:

The Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$)
The Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$)
The Northwest Quarter of Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$)
all in Section Sixteen (16) Township Eight (8) South
Range Five (5) East of St. Stephens Meridian containing
120 acres, more or less save and except such part thereof
as may be reserved for roads.
Subject to Trust Deed and mortgage note for Twenty-five
Hundred Fifty Dollars (\$2550.00) bearing 6% interest and
dated July 1st, 1931.

TO HAVE AND TO HOLD unto the said party of the second part, her heirs and assigns forever.

IN WITNESS WHEREOF the party of the first part have hereunto placed their hands and seals this 22nd day of May A. D. 1933.

Henry C. Bartling (Seal)
Rose Bartling (Seal)

50¢ U. S. I. R. stamp attached
Cancelled H.C.B. 5-22-33

State of Illinois)
County of Cook)

I, Ernest L. Sheers, a Notary Public in and for said county and state, do hereby certify that Henry C. Bartling and Rose Bartling, husband and wife, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and notarial seal this 23rd day of May A. D. 1933.

Ernest L. Sheers
Notary Public
My Commission expires Sept. 1936.

(Seal)

State of Illinois)
County of Cook)

I, Ernest L. Sheers, a Notary Public in and for said state and county, do hereby certify that on the 23rd day of May A.D. 1933 came before me the within named Rose Bartling, known to me to be the wife of the within named Henry C. Bartling, who being examined separate and apart from her husband in reference to her signature to

EXHIBIT "C"
Page 2

the within conveyance acknowledged that she signed the same of her own free will and accord and without fear, constraint or threats on the part of her husband.

In Witness Whereof I hereunto set my hand and affix my notorial seal this 23rd day of May A. D. 1933.

Ernest L. Sheers
Notary Public
My Commission expires Sept. 1936.

(Seal)

Filed June 3, 1933
Recorded 55 N. S. page 6.

EXHIBIT "D"

QUIT CLAIM DEED

STATE OF ILLINOIS

COUNTY OF COOK

THIS INDENTURE made and entered into this seventeenth day of October, A. D. 1934 by and between Lucile Serena Bartling, a spinster, of the city of Chicago, County of Cook and State of Illinois, party of the first part, and Cordelia Herrmann Thomas, of the city of Chicago, County of Cook and State of Illinois, party of the second part, WITNESSETH:

That the party of the first part in consideration of the sum of One Dollar (\$1.00) cash in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has REMISED, RELEASED AND QUIT CLAIMED and by these presents does hereby REMISE, RELEASE AND FOREVER QUIT CLAIM unto the said party of the second part, her heirs, administrators, successors and assigns, all that real property in Baldwin County, Alabama, described as follows, to-wit:

North West Quarter of North West Quarter (N.W. 1/4 of N.W. 1/4);
South West Quarter of North West Quarter (S. W. 1/4 of N. W. 1/4)
North West Quarter of South West Quarter (N.W. 1/4 of S.W. 1/4)
all in Section Sixteen (16), Township Eight (8) South Range Five (5) East of St. Stephens Meridian, Baldwin County, State of Alabama, also known as Lots Four (4) Five (5) and Twelve (12) of the said Section Sixteen (16), Township Eight (8) South Range Five (5) East, containing one hundred twenty (120) acres, more or less, save and except such part thereof as may be reserved for roads.

TO HAVE AND TO HOLD unto the said quit claimed premises unto the said Cordelia Herrmann Thomas, her heirs and assigns forever.

IN WITNESS WHEREOF the party of the first part has hereto placed her hand and seal this seventeenth day of October, A. D. 1934.

Lucile Serena Bartling (Seal)

U.S.I.R. stamp \$3.00 attached

State of Illinois)
County of Cook)

I, Della P. Moloney, a Notary Public in and for said county and state do hereby certify that Lucile Serena Bartling, a spinster, whose name is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and notorial seal this 19th day of October, A. D. 1934.

(Seal)

Della P. Maloney, Notary Public

My Commission expires June 16, 1937.

Filed February 6, 1935

Recorded in Book 56 N. S. at pages 443-4

EXHIBIT "E"

QUIT CLAIM DEED

STATE OF ALABAMA

MONTGOMERY COUNTY

THIS INDENTURE Made and entered into on this the 20th day of June, 1940, by and between the State of Alabama, party of the first part, and L. W. Brannan and L. W. Brannan, Jr., parties of the second part, WITNESSETH:

That, for and in consideration of the sum of One Dollar (\$1.00) to it paid, the receipt whereof is hereby acknowledged, and for other good and valuable consideration, the party of the first part does hereby GRANT, BARGAIN, QUITCLAIM and CONVEY, and by these presents has GRANTED, BARGAINED, QUITCLAIMED AND CONVEYED unto the parties of the second part, their heirs and assigns, all its right, title and interest in and to the following lands lying and being in the County of Baldwin, State of Alabama, and particularly described as follows:

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 6; and NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16, all in Township 8 S., Range 5 E., St. Stephens Meridian.

TO HAVE AND TO HOLD the above described and granted premises to the said L. W. Brannan and L. W. Brannan, Jr., their heirs and assigns, forever.

NOW, THEREFORE, There is hereby granted by the State of Alabama unto the said L. W. Brannan and L. W. Brannan, Jr., their heirs and assigns, forever, the property above described, but without warranty of title.

IN TESTIMONY WHEREOF, I, Frank M. Dixon, Governor of Alabama have hereunto set my hand and caused the Great Seal of the State of Alabama to be affixed at the Capitol, in the City of Montgomery, on the day and date first hereinabove mentioned.

(Signed) Frank M. Dixon
Governor of Alabama

State Seal.

ATTEST:

John Brandon
Secretary of State.

THE STATE OF ALABAMA)
MONTGOMERY COUNTY)

I, Kate Simmons, a Notary Public in and for said County in said State, hereby certify that Frank M. Dixon, whose name as Governor of Alabama is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as Governor of Alabama, executed the same voluntarily on the day the same bears date.

Given under my hand this the 20th day of June, 1940.

Kate Simmons
Notary Public.

EXHIBIT "F"

QUIT CLAIM DEED

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS: That we, L. W. Brannan, Jr. and Katherine Brannan, husband and wife, for and in consideration of other valuable considerations and the sum of One Dollar (\$1.00) to us in hand paid by L. W. Brannan, the receipt whereof being hereby acknowledged, do hereby REMISE, RELEASE, QUIT CLAIM AND CONVEY unto the said L. W. Brannan, his heirs and assigns, all the following described real estate in Baldwin County, Alabama, to-wit:

The South half ($S\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Six (6); also the Northwest Quarter ($NW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Sixteen (16), all in Township Eight (8) South, Range Five (5) East.

together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, TO HAVE AND TO

known to me to be the wife of the within named L. W. Brannan Jr., who, being examined separate and apart from her husband, touching her signature to the within conveyance, acknowledged that she executed the same of her own free will and accord, and without fear, constraint or threats on the part of her husband.

IN WITNESS WHEREOF: I have hereunto set my hand and official seal this 24th day of November, 1941.

CHAS J. EBERT NOTARY PUBLIC

STATE OF ALABAMA

PROBATE COURT

BALDWIN COUNTY

Filed November 25, 1941 at 10:05 A. M. recorded in Deed Book No.

76 N. S. at page 274; and I certify that \$--cts50 Deed Tax has been paid as required by law.

G. W. Robertson, Judge of Probate.

L. W. BRANNAN,
Complainant,
VS.
CORDELIA HERRMANN THOMAS,
Respondent.

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

STIPULATION

IT IS STIPULATED AND AGREED by and between the parties to this cause acting by and through their respective solicitors as follows:

1. That the testimony of E. S. Tunstall, a witness for the Complainant, be taken before Ora S. Nelson, acting as Commissioner on the 26th day of September, 1945, and that the issuance of a commission to her is waived.

2. That the testimony of the said witness shall be taken down in shorthand, transcribed and the signature of the witness to the said testimony shall not be necessary.

3. Only legal evidence shall be considered by the Court and it shall not be necessary for either party to this cause to make objections to evidence or motions to exclude.

Dated this 26th day of September, 1945.

L. W. BRANNAN, Complainant,

By J. B. Blackburn
As his Solicitor of Record.

CORDELIA HERRMANN THOMAS, Respondent,

By H. E. Smith
As her Solicitor of Record.

L. W. BRANNAN,
Complainant,
VS.
CORDELIA HERRMANN THOMAS,
Respondent.

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

NOTE OF TESTIMONY.

This cause is submitted for Final Decree on behalf of the Complainant upon the following:

1. Original verified Bill of Complaint.
2. Application for oral examination of witnesses and order appointing Commissioner.
3. Commission to Ora S. Nelson to take testimony of Complainant's witnesses, L. W. Brannan, L. W. Brannan, Jr. and Rudolph Willis.
4. Oral Depositions of L. W. Brannan, Rudolph Willis and L. W. Brannan, Jr., taken before Ora S. Nelson, as Commissioner, together with Complainant's Exhibits 1 to 4 thereto attached.
5. Stipulation of parties relative to title to property involved in suit.
6. Stipulation of parties relative to taking testimony of Complainant's witness, E. S. Tunstall.
7. Oral Deposition of Complainant's witness, E. S. Tunstall, taken before Ora S. Nelson, acting as Commissioner, together with Exhibits numbered 1 and 2 thereto attached.

8. Stipulation Dated July 14, 1947.
DATED this 14th day of July, 1947.

Alice J. Welch

Register.

J. B. Blackburn

Solicitor for Complainant.

L. W. BRANNAN,

Complainant,

VS.

CORDELIA HERRMANN THOMAS,

Respondent.

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

APPLICATION FOR ORAL EXAMINATION OF WITNESSES

TO THE HONORABLE R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY:

Now comes the Complainant in the above styled cause and shows unto the Register that he requires an oral examination of the witnesses hereinafter named and therefore moves the Register for an order granting the oral examination of the said witnesses, the said examination to be held before a Commissioner to be appointed by the Register.

Complainant moves for an oral examination of the following witnesses: L. W. Brannan, L. W. Brannan, Jr., John Good, Rudolph Willis and Gus Sikes.

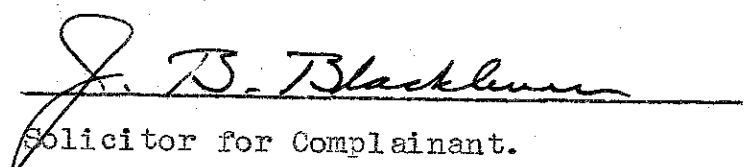
Complainant further moves that the examination of the said witnesses be before the Commissioner appointed by the Register in Bay Minette, Alabama at 9:00 o'clock A. M. on June 28, 1944. Ora S. Nelson is suggested as a suitable person to act as such Commissioner.


Solicitor for Complainant.

TO H. E. SMITH, ESQUIRE SOLICITOR OF RECORD FOR THE RESPONDENT,
CORDELIA HERRMANN THOMAS:

You are hereby notified that the above and foregoing Application was filed with the Register of the Circuit Court of Baldwin County, Alabama on June 7, 1944 and that a Commissioner will be appointed and the testimony of the said witnesses taken orally on the said date as provided in Equity Rule Number 55.

Dated this 7th day of June, 1944.


Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

ORDER

The foregoing Application coming on to be heard on this date and it appearing that notice to the adverse parties has been given for three days, the said Application is hereby granted.

Ora S. Nelson shall be and she is hereby appointed as Commissioner to take the testimony of the said witnesses and further that the oral examination of the said witnesses shall be had before Ora S. Nelson as such Commissioner in Bay Minette, Alabama at 9:00 o'clock A. M. on June 28, 1944.

ORDERED, ADJUDGED AND DECREED by the Register on this the 7th day of June, 1944.

R. S. Duck

Register.

L. W. Brannan,
Complainant,
vs
Cordelia Herman Thomas,
Respondent.

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

TO HON. J. B. BLACKBURN, SOLICITOR OF RECORD FOR L. W. BRANNAN, THE COMPLAINANT:

You are hereby notified that interrogatories have this day been filed in the office of the Register for the above named Court to Cordelia Herman Thomas, the respondent, a witness in her own behalf in the above entitled cause. A copy of the said interrogatories are hereto attached, and you can file cross-interrogatories, if you think proper, within ten days after service of this notice, at the expiration of which time a commission will issue to J. R. Christianson, the proposed commissioner, to take the deposition of said witness.

The said witness resides at 314 South Summit Avenue, Villa Park, Illinois, and the said commissioner resides in the City of Chicago, State of Illinois, his address being 155 North Clark Street in said City of Chicago.

WITNESS my hand this 16th day of August, 1944.


Register in Chancery.

L. W. Brannan,
Complainant,

vs

Cordelia Hermann Thomas,
Respondent.

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

INTERROGATORIES to be propounded to Cordelia Hermann Thomas, the respondent, witness in her own behalf, all in accordance with the Laws of Alabama and the rules of practice of this Court, as follows:

1. State your name, age, place of residence and whether or not you are the respondent in this cause.

2. (a) Do you or not deny that L. W. Brannan, the complainant, is the owner and is in quiet and peaceable possession of the lands described in the original bill of complaint in this cause, namely: $W\frac{1}{2}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 16, in Township 8 South of Range 5 East?

(b) Do you or not deny that the complainant is in the quiet and peaceable possession of said lands?

(c) If your answers to Interrogatory 2(a) and Interrogatory 2(b) is yes, state the grounds for your denial.

3. (a) Is there any suit, other than this cause, pending in any court to enforce or test the validity of your title to, interest in, lien or encumbrance upon the lands described in Interrogatory 2(a) above?

(b) Do you or not assert any right, title or interest in or lien or encumbrance upon said lands?

(c) If you answer yes, state what title or interest in or lien or encumbrance upon said lands you do claim.

(d) If you state that you claim some lien or encumbrance upon said lands, state what security was given you, who gave it to you, how it was evidenced, what amount was secured, and the date thereof. State whether or not such debt has ever been paid.

4. (a) Did or did not Henry C. Bartling and wife make, execute and deliver to you a note and mortgage for the sum of \$2550.00 together with four interest notes each in the sum of \$76.50 conveying as security for payment $NW\frac{1}{4}$ of $NW\frac{1}{4}$, $SW\frac{1}{4}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ in Section 16, Township 8 South, Range 5 East, in Baldwin County, Alabama? State whether or not the said mortgage is recorded in the office of the Probate Judge of Baldwin County, Alabama, and, if so, the date of its filing for record and the book and page where it is recorded.

(b) Has the debt secured by said mortgage ever been paid? If you answer no, attach to your answers to these interrogatories the principal and interest notes secured by the said mortgage.

(c) Was the debt secured by said mortgage paid or unpaid on the date of September 1, 1933? If your answer is

no, state whether or not you were the owner and holder of the said mortgage and the debt secured thereby on the date of September 1st, 1933.

(d) State whether or not you were the owner and holder of the said mortgage and the debt secured thereby on the date of April 20, 1937, and also state whether or not said mortgage was paid or unpaid on said date and whether or not the debt secured by said mortgage was paid or unpaid on said last date.

(e) If you state that said mortgage and the debt secured thereby was unpaid on the date of April 20, 1937, state whether or not you were given or if you received any notice from anyone or any official of the State of Alabama respecting and concerning the sale or intended sale of the lands described in said mortgage or any portion thereof by the State of Alabama through its State Land Commissioner to L. W. Brannan or to any other person.

(f) State whether or not you were the owner and holder of the said mortgage and the debt secured thereby on the date of May 26, 1938, and also state whether or not the said mortgage and the debt secured thereby was paid or unpaid on May 26, 1938.

(g) If you state that said mortgage and the debt secured thereby was unpaid on the date of May 26, 1938, state whether or not you were given or if you received any notice from anyone or any official of the State of Alabama respecting and concerning the sale or intended sale of the lands described in said mortgage or any portion thereof by the State of Alabama through its State Land Commissioner to L. W. Brannan or to any other person.

(h) State whether or not the said mortgage and the debt secured thereby was unpaid at all times between July 1, 1931 and May 26, 1938. State whether or not the said mortgage and the debt secured thereby is still unpaid, with the interest thereon, at the time of your answer to this interrogatory.

5. (a) State whether or not you ever knew any person by the name of Henry C. Bartling No. 3. State whether or not Henry C. Bartling No. 3 was ever the owner of the lands described in the mortgage mentioned in Interrogatory No. 4(a).

6. (a) Did you or not ever assess and pay taxes in Baldwin County, Alabama, on the lands described in the mortgage mentioned in Interrogatory No. 4(a)? If your answer is yes, state for what years you did assess and pay taxes on said lands. If you answer that you did not assess and pay taxes on said lands in Baldwin County, Alabama, for all years from the tax year 1931 to last tax year of 1943, state why you did not continue to pay such taxes and assess said lands.

(b) If you state that you are not now assessing and paying taxes on said lands in Baldwin County, Alabama, state why you are not doing so.

7. (a) State whether or not you have to this date ever sold or conveyed by any kind of instrument or conveyance the said real estate described in Interrogatory No. 4(a) or any part of said real estate or any interest therein to any person or persons.

L. W. Brannan,
Complainant,

vs

Cordelia Herman Thomas,
Respondent.

No. 793.

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

ANSWER OF RESPONDENT.

Comes the respondent, Cordelia Herman Thomas, and for the answer to the bill of complaint filed against her in this cause by L. W. Brannan, says and alleges as follows:

1. Respondent admits the allegations of the first paragraph of said bill of complaint.

2. The respondent denies the allegations of the second paragraph of said bill of complaint, alleges that the complainant is not the owner of the lands described therein nor is he in the actual, quiet and peaceable possession of said lands.

3. Respondent admits that no suit, other than this cause, is pending to enforce or test the validity of respondent's title, interest in, lien or encumbrance upon the said lands. Respondent asserts and claims the following rights, titles or interest in or encumbrance upon the said lands as follows: A. Solicitors for complainant and respondent agree that on the date of July 1, 1931, Henry C. Bartling owned said lands by duly recorded conveyance. B. On the date of July 1, 1931, Henry C. Bartling, joined by his wife, Rose Bartling, conveyed by properly executed and recorded mortgage the said property to respondent to secure the payment of \$2550.00 in cash paid by the respondent to the said Henry C. Bartling. The said mortgage was filed for record on August 5, 1931, and duly recorded in Mortgage Book 50, pages 498 and 499. The debt secured by the said mortgage was, - on the date of September 1, 1933, - and now is, unpaid. C. On the date of June 3, 1933, as shown by recorded instrument, Henry C. Bartling and Rose Bartling, his wife, conveyed by quitclaim deed to Lucile Serena Bartling. The said deed is recorded in Deed Book 55 N. S., page 6. D. On the date of October 17, 1934, Lucile Serena Bartling, a spinster, executed and delivered to respondent a quitclaim deed to said lands. The said deed is recorded in Deed Book 56 N. S., pages 443-4, having been filed for record February 6, 1935. All of the said deeds were filed for record and are recorded in the office of the Probate Judge of Baldwin County, Alabama.

4. Respondent is informed and believes, and upon such information and belief states, that the assertion of claim by complainant to said lands is based upon tax deeds as follows: A. Tax deed dated April 20, 1937, by State Land Commissioner of Alabama to L. W. Brannan affecting the NW $\frac{1}{4}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec. 16, T8s, R5e, filed for record April 24, 1937, and recorded in Deed Book 62 N. S., page 34. B. Tax Deed dated May 26, 1938, by State Land Commissioner of Alabama to L. W. Brannan affecting the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T8s, R5e, filed for record July 12, 1938, and recorded in Deed Book 65 N.S. 262. Each of said deeds recites that on the 31st day of July, 1933, the Probate Court of Baldwin County, Alabama, rendered a decree for the sale of said lands for the payment of State and County taxes then due from Henry C. Bartling No. 3, and thereafter on the 1st day of September, 1933, in pursuance of said decree the said lands were regularly offered for sale by the tax collector of Baldwin County, Alabama, and

were bid in for the State. Respondent alleges that, to the best of her knowledge and belief, there was, at all times mentioned here, no such person as Henry C. Bartling No. 3, and further that she was not given and did not receive, nor has she received, any notice from anyone of said tax sale nor any notice from anyone respecting and concerning the sale or intended sale of said lands by the State Land Commissioner of Alabama to the said L. W. Brannan, save and except service of the bill of complaint filed herein, which said service has been less than one year ago. Respondent therefore submits herself to the jurisdiction of this court, Moves the court to ascertain the amount of taxes, fees, costs, penalties and interest due on said land. Respondent offers to do equity in the premises.

H. E. Smith

Solicitor for the Respondent.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Hon J R Christianson.

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 Cordelia Hermann Thomas.

as witnesses in behalf of _____ in a cause pending in our Circuit Court of Baldwin County, of said State, wherein L W Brannan

Complainant
and Cordelia Hermann Thomas.

Defendant,

on oath to be by you administered, upon her.

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

Witness 6th day of Sept. 1924.

R. Beck

REGISTER

Commissioner's Fee \$ 5.00

Witness' Fees, \$

793

L. W. Brennan,
Complainant,

VS

Cordelia Hermann Thomas,
Respondent.

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

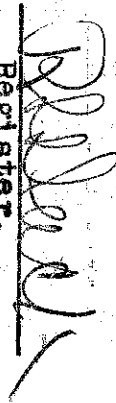
INTERROGATORIES TO BE
PROPOUNDED TO RESPONDENT.

Received Aug 26th 1944
by serving copy of within Summons and
Complaint on

J. B. Blackman

W. P. Shaw
Sandy Hill

Filed August 26, 1944.


Register.

JAN 12 1942

Bay Minette, Ala.,

194

R S Shuck

IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>LR</i>	<i>L W Brunson - Cordelia N Howard</i>				<i>50</i>
<p><i>Paid</i> JAN 12 1942 <i>[Signature]</i></p>					

W. R. STUART

PROBATE JUDGE

No. **7339**

Bay Minette, Ala.,

7-31, 19*47*

Received of

Mr. Quack

No.	Deed Tax		Mortgage Tax		Recording Fees		Total	
	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>L. J. Brown & Co.</i>					<i>1.15</i>		<i>1.15</i>
<i>Robert H. Thomas</i>								
TOTAL \$								

FOR RECORD

Judge of Probate:

L. W. Brannan,

Complainant

vs.

Cordelia Herman Thomas,

Respondent

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~~
respondent upon, 1: Answer of respondent; 2. Interrogatories to be
propounded to respondent; 3. Commission to J. R. Christianson; 4.
Deposition of respondent and respondent's exhibits I to VI, inclusive;
5. Stipulation filed 7-14-47 re copies of instruments; and 6. Stip-
ulation re assessment filed 7-14-47.

and in behalf of Defendant upon

Alfred Neuba

Register.

H. E. Smith

Solicitor for Respondent.

No. _____

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

vs.

NOTE OF TESTIMONY

Filed in Open Court this 14

day of July 1947

Alice J. Luck
Register.

Interest coupon.

\$76.50

Chicago, Illinois, July 1st, 1931.

Due to the order of - - - - - Bearer - - - - -
 - - - - - seventy-six and 50/100 (\$76.50) - - - - - Dollars,
 on the first day of July, A.D. 1933, without grace, at the office of Henry C. Bartling,
 Chicago, Illinois, with interest at the rate of six per cent per annum, after maturity,
 being for an installment of interest due on the day upon a principal promissory note
 of even date herewith, payable to the order of Bearer two years after its date, for
 the sum of \$2550.00, secured by mortgage deed upon real estate in Baldwin County, Ala-
 bama.

*Receipt
 Subd III
 J.R. C. Co.
 Com.*

Henry C. Bartling
 Rose Bartling

Note #4.

Interest coupon.

\$76.50

Chicago, Illinois, July 1st, 1931.

Due to the order of - - - - - Bearer - - - - -
 - - - - - seventy-six and 50/100 (\$76.50) - - - - - Dollars
 on the first day of January, A.D. 1933, without grace, at the office of Henry C.
 Bartling, Chicago, Illinois, with interest at the rate of six per cent per annum,
 after maturity, being for an installment of interest due on the day upon a principal
 promissory note of even date herewith, payable to the order of Bearer two years after
 its date, for the sum of \$2550.00, secured by mortgage deed upon real estate in
 Baldwin County, Alabama.

*Receipt
 Subd III
 J.R. C. Co.
 Com.*

Henry C. Bartling
 R. R. T.

PRINCIPAL NOTE

\$2550.00

Chicago, Illinois, July 1st, 1931.

On or before two years after date, without grace, for value received, we promise to pay Bearer the principal sum of Twenty-five Hundred Fifty and no/100 (\$2550.00) dollars, with interest thereon at the rate of six per cent. per annum, payable semi-annually, and with interest thereon at the rate of six per cent. per annum after maturity, as fixed and liquidated damages for non-payment at maturity. Both principal and interest are payable at the office of Henry C. Bartling, Chicago, Illinois.

The several installments of interest aforesaid, for said period of time first above mentioned, are further evidenced by four interest notes or coupons, of even date herewith.

It is the express condition of this mortgage, that, in case of default in the payment of the interest or any part thereof, to accrue thereon when due, as evidenced by said coupons, the principal sum of this note shall at the option of the legal holder thereof at once become absolutely due.

The payment of this note is secured by Mortgage Deed to CORDELIA HERRMANN THOMAS, of even date herewith, on real estate in Baldwin County, Alabama.

*Replied
checked
for
OK*

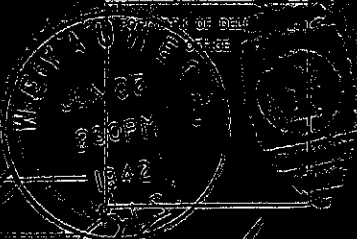
Henry C. Bartling (SEAL)

Rose Bartling (SEAL)

Principal Note #1.

Post Office Department
OFFICIAL BUSINESS

PERMIT FOR PRIVATE USE TO MAKE PAYMENT OF POSTAGE



Return to *U.S. Bank*

Pay to Order of *Credit Bank*

REGISTERED ARTICLE

No. *831* Post Office *Westport*

INSURED PARCEL

State *Westport*

Form 387

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

1
(Signature or name of addressee)

2
(Signature of addressee's agent, should any; addressee's name on line ONE above)

Date of delivery, 194...

NO
RETURN
NECESSARY
IF MAILED
IN THE
UNITED STATES

RECEIPT FOR REGISTERED ARTICLE No.

451

Postage paid class postage paid. 9-6, 1944
Declared value, no value surcharge paid, \$

From R S Diller (Sender)
Bay View Ave (Post office and State)

Addressed to Mr J R Clayton (Addressee)
137 N. Clark St Chicago Ill (Post office and State)

(Street and number) ... in the space below, indicating restricted delivery

