

The Brooklyn Savings Bank  
a banking corporation,

Plaintiff

vs

Don E. Yerby and  
Barbara B. Yerby

Defendants

)  
( IN THE CIRCUIT COURT  
)  
( OF BALDWIN COUNTY,  
)  
( ALABAMA.

)  
( CASE # 6742  
)  
(  
)  
(

JUDGEMENT IN EJECTMENT

This cause being presented to the Court this date and it being made known to the Court from an examination of the records herein that the defendant, Barbara B. Yerby was personally served with a copy of said summons and complaint on November 30, 1965, and said defendant having failed to enter her appearance or file an answer thereto within 30 days from such service and the Court having considered the evidence offered by the plaintiff and taking the allegations of the complaints as being admitted, it therefore,

ORDERED, ADJUDGED, and DECREED, that the defendant, Don E. Yerby, be and is hereby dismissed and discharged herein; that the defendant Barbara B. Yerby, be and is hereby declared in default herein and that the plaintiff have and recover of said defendant, Barbara B. Yerby, the property described in the complaint and that said defendant, Barbara B. Yerby, be and is hereby ordered to surrender possession of the same within ten (10) days from the date hereof, and upon failure to do so, the circuit clerk be and is hereby ordered to execute a Writ of Possession directed to the sheriff of said county requiring him to forthwith execute the same.

Done and ordered this 8th day of February, 1966.

J. Blair A. Marshall  
Circuit Judge

FILED

FEB 8 1966

FILED IN CLERK'S OFFICE

MORTGAGE FORECLOSURE DEED

STATE OF ALABAMA  
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS Don E. Yerby and Barbara B. Yerby did on the 27th day of March, 1962, execute a mortgage to Engel Mortgage Company, Inc., which mortgage is recorded in Mortgage Book 392, Page 243, in the Office of the Judge of Probate of Baldwin County, Alabama; and assigned to The Brooklyn Savings Bank on June 27, 1962, by instrument recorded in Volume 394, at Page 376, in said Probate Office; and

WHEREAS, default was made in the payment of said indebtedness secured by said mortgage, and the said The Brooklyn Savings Bank, as Transferee, did declare all of the indebtedness secured by said mortgage due and payable and did give due and proper notice of the foreclosure of said mortgage in accordance with the terms thereof by publication in The Baldwin Times, a newspaper of general circulation in Baldwin County, Alabama, in its issues of June 10, 1965, June 17, 1965 and June 24, 1965; and

WHEREAS, on July 10, 1965, the day on which the foreclosure sale was due to be held, according to said notice, between the legal hours of sale, said foreclosure sale was duly and properly conducted, and the said The Brooklyn Savings Bank, as Transferee,

did offer for sale and did sell at public outcry, in front of the Court House door of Baldwin County, Alabama, the property hereinafter described; and

WHEREAS, the highest and best bid obtained for the property described in the aforementioned mortgage was the bid of the said The Brooklyn Savings Bank, as Transferee,

in the amount of Eight Thousand Two Hundred Twenty-two and 96/100 - - - (\$8,222.96) - - - - - Dollars, which sum the said The Brooklyn Savings Bank, as Transferee,

offered to credit to the indebtedness secured by said mortgage and said property was thereupon sold to the said The Brooklyn Savings Bank, as Transferee; and

WHEREAS, W. A. Jenkins, Jr. conducted said sale on behalf of The Brooklyn Savings Bank, as Transferee; and

WHEREAS, said mortgage expressly authorized the person conducting said sale to execute to the purchaser at said sale, a deed to the property so purchased;

NOW THEREFORE, in consideration of the premises and of a credit in the amount of Eight Thousand Two Hundred Twenty-two and 96/100 - - - - - Dollars, on the indebtedness secured by said mortgage, the said The Brooklyn Savings Bank, as Transferee,

by W. A. Jenkins, Jr., its duly authorized agent and auctioneer conducting

BW 359  
P. 180

said sale does hereby grant, bargain, sell and convey unto the said

The Brooklyn Savings Bank, as Transferee,  
the following described property situated in Baldwin County,  
Alabama, to-wit: That certain lot of land bounded by a line described as  
follows, to-wit: Beginning at the Northeast corner of the South Half of  
the Northwest Quarter of the Northwest Quarter of Section 30, Township 3  
South, Range 3 East, Baldwin County, Alabama, run Westwardly along the North  
line of said South Half of the Northwest Quarter of the Northwest Quarter  
of Section 30 a distance of 420 feet; thence Southwardly and parallel the  
East line of said South Half of the Northwest Quarter of the Northwest  
Quarter a distance of 210 feet; thence Eastwardly and parallel the North  
line of said South Half of the Northwest Quarter of the Northwest Quarter,  
a distance of 420 feet to the East line of the South Half of the Northwest  
Quarter of the Northwest Quarter; thence Northwardly along said East line  
a distance of 210 feet to the point of beginning; excepting however, an  
80 foot right of way for the Stapleton-Whitehouse Road, which runs across  
the Eastwardly end of the property.

TO HAVE AND TO HOLD the above described property unto the said

The Brooklyn Savings Bank, as Transferee,  
forever, subject, however, to the Statutory right of redemption on the  
part of those entitled to redeem as provided by the laws of the State of  
Alabama;

IN WITNESS WHEREOF, the said The Brooklyn Savings Bank, as  
Transferee,  
by W. A. Jenkins, Jr., as Auctioneer conducting said sale, caused these  
presents to be executed on this the 10th day of July, 1965.

STATE OF ALABAMA,  
BALDWIN COUNTY  
I certify that this instrument was filed on

JUL 13 1965 2:36 PM

and that no tax was collected. Recorded in Deed  
Book 159 Page 180  
By Elmyr Deline Judge of Probate

THE BROOKLYN SAVINGS BANK,  
as Transferee

By W. A. Jenkins, Jr.  
Agent and Auctioneer

BOOK 359 PAGE 181

STATE OF ALABAMA  
COUNTY OF JEFFERSON

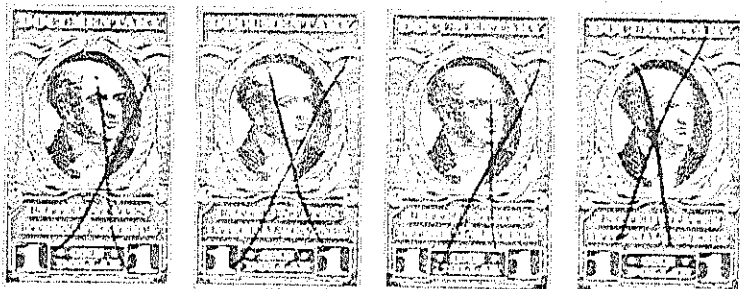
I, THE UNDERSIGNED, a Notary Public in and for said County, in said  
State, hereby certify that W. A. Jenkins, Jr. whose name as Auctioneer  
and Agent for The Brooklyn Savings Bank, as Transferee,

is signed to the foregoing conveyance, and who is known to me, acknow-  
ledged before me on this day, that, being informed of the contents of  
the conveyance, he, in his capacity as such Auctioneer and Agent, and  
with full authority, executed the same voluntarily on the day the same  
bears date.

Given under my hand and official seal this the 10th day of July  
1965.

Betty L. Calvert  
Notary Public

My Commission Expires July 8, 1967



October 27, 1965

Hon. W.A. Jenkins, Jr.  
623-26 Frank Nelson Building  
Birmingham, Alabama

Dear Sir:

Re: Brooklyn Savings Bank,  
vs: Don E. Verby and Barbara  
E. Verby

This will acknowledge receipt of the Summons and Complaint in the  
above styled cause, same has been filed and given number 6742.

You failed to enclose the deposit for cost for out of State firms  
and I request that you mail to this office a deposit which should be  
not less than \$30.00.

Yours very truly,

---

Circuit Clerk

AJD/eb

COPY

W. A. JENKINS, JR.  
ATTORNEY AT LAW  
623-26 FRANK NELSON BUILDING  
BIRMINGHAM, ALABAMA 35203  
TELEPHONE 252-1107

October 25, 1965

*no. 6742*

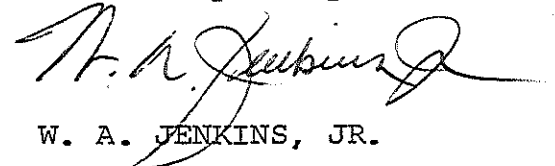
Clerk of Circuit Court  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Brooklyn Savings Bank, Plaintiff  
Vs: Don E. Yerby and  
Barbara B. Yerby, Defendants.

Dear Sir:

I am enclosing the original and two copies of a Complaint In Ejectment to be filed in the Circuit Court of Baldwin County and to be served upon the defendants at your earliest opportunity. I would greatly appreciate your advising me when service has been perfected and also the case number that is assigned to this particular matter. Your assistance in this matter is greatly appreciated.

Yours very truly,

  
W. A. JENKINS, JR.

WAJ, JR:ew

Enclosures

STATE OF ALABAMA        )  
                              ( To Any Lawful Officer of said State-Greeting:  
BALDWIN COUNTY         )

Summon Don E. Yerby and Barbara B. Yerby to appear before  
the Circuit Court of Baldwin County, Alabama, to answer the complaint  
of the Brooklyn Savings Bank, a New York Banking Corporation, and  
there make return of this writ.

Witness my hand this 27 day of October, 1965.

Beir J. Leach  
CIRCUIT CLERK

The Brooklyn Savings Bank, a New York Banking Corporation,	*	
	*	IN THE CIRCUIT COURT
	*	
Plaintiff,	*	OF BALDWIN COUNTY,
	*	
Vs:	*	ALABAMA.
	*	
Don E. Yerby and Barbara B. Yerby,	*	CASE # <u>6742</u>
	*	
Defendants.	*	


COMPLAINT IN EJECTMENT

The plaintiff sues to recover possession of the following  
described real estate, together with all improvements thereon.

That certain lot of land bounded by a line  
described as follows, to-wit: Beginning at  
the Northeast corner of the South Half of the  
Northwest Quarter of the Northwest Quarter of  
Section 30, Township 3, South, Range 3 East,  
Baldwin County, Alabama, run Westwardly along  
the North line of said South Half of the North-  
west Quarter of the Northwest Quarter of Section  
30 a distance of 420 feet; thence Southwardly  
and parallel the East line of said South Half of  
the Northwest Quarter of the Northwest Quarter  
a distance of 210 feet; thence Eastwardly and  
parallel the North line of said South Half of  
the Northwest Quarter of the Northwest Quarter,  
a distance of 420 feet to the East line of the  
South Half of the Northwest Quarter of the  
Northwest Quarter; Thence Northwardly along said  
East line a distance of 210 feet to the point of  
beginning; excepting however, an 80 foot right  
of way for the Stapleton-Whitehouse Road, which  
runs across the Eastwardly end of the property.

(Located L/S Stapleton-Whitehouse Road 2 miles  
west of Highway 31 Stapleton, Alabama.)

To which the plaintiff is entitled to the immediate possession by virtue of the purchase of said land at a sale of same on a foreclosure of a mortgage on said property and a deed to said real estate being delivered to plaintiff from said foreclosure sale and recorded in Volume 359 at Page 180-181 in the Office of the Judge of Probate of Baldwin County, Alabama, and for which the defendants, after the termination of their possessory interest and after the Plaintiff's demand in writing thereof, unlawfully detains, and for which the Plaintiff claims \$500.00 as damages for the said detention thereof.

  
W. A. JENKINS, JR., ATTORNEY  
FOR PLAINTIFF

PLAINTIFF'S ADDRESS:

Corner of Fulton and  
Montague Streets,  
Brooklyn, New York

DEFENDANT'S ADDRESS:

P. O. Box 201 Stapleton,  
Alabama. (located L/S  
Stapleton-Whitehouse Road  
2 miles West of Highway 31)

FILED

OCT 27 1965

ALICE L. DICK, CLERK  
REGISTER

STATE OF ALABAMA     )  
                          (     To Any Lawful Officer of said State-Greeting:  
BALDWIN COUNTY         )

Summon Don E. Yerby and Barbara B. Yerby to appear before  
the Circuit Court of Baldwin County, Alabama, to answer the complaint  
of the Brooklyn Savings Bank, a New York Banking Corporation, and  
there make return of this writ.

Witness my hand this \_\_\_\_day of October, 1965.

\_\_\_\_\_  
CIRCUIT CLERK

The Brooklyn Savings Bank, a New York Banking Corporation,	*	
	*	IN THE CIRCUIT COURT
	*	
Plaintiff,	*	OF BALDWIN COUNTY,
	*	
Vs:	*	ALABAMA.
	*	
Don E. Yerby and Barbara B. Yerby,	*	CASE # _____
	*	
Defendants.	*	

COMPLAINT IN EJECTMENT


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described real estate, together with all improvements thereon.

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described as follows, to-wit: Beginning at  
the Northeast corner of the South Half of the  
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a distance of 210 feet; thence Eastwardly and  
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beginning; excepting however, an 80 foot right  
of way for the Stapleton-Whitehouse Road, which  
runs across the Eastwardly end of the property.

(Located L/S Stapleton-Whitehouse Road 2 miles  
west of Highway 31 Stapleton, Alabama.)



To which the plaintiff is entitled to the immediate possession by virtue of the purchase of said land at a sale of same on a foreclosure of a mortgage on said property and a deed to said real estate being delivered to plaintiff from said foreclosure sale and recorded in Volume 359 at Page 180-181 in the Office of the Judge of Probate of Baldwin County, Alabama, and for which the defendants, after the termination of their possessory interest and after the Plaintiff's demand in writing thereof, unlawfully detains, and for which the Plaintiff claims \$500.00 as damages for the said detention thereof.

  
W. A. JENKINS, JR., ATTORNEY  
FOR PLAINTIFF

PLAINTIFF'S ADDRESS:

Corner of Fulton and  
Montague Streets,  
Brooklyn, New York

DEFENDANT'S ADDRESS:

P. O. Box 201 Stapleton,  
Alabama. (located I/S  
Stapleton-Whitehouse Road  
2 miles West of Highway 31)

W. A. JENKINS, JR.  
ATTORNEY AT LAW  
623-26 FRANK NELSON BUILDING  
BIRMINGHAM, ALABAMA 35203  
TELEPHONE 252-1107  
December 8, 1965

Mrs. Alice J. Duck, Clerk  
Circuit Court of  
Baldwin County  
Bay Minette, Alabama

Re: Brooklyn Savings Bank  
Vs: Don E. Yerby and  
Barbara B. Yerby  
Case # 6742

Dear Mrs. Duck:

This will acknowledge receipt of your note advising that personal service had been obtained on November 30th, 1965, on the defendant, Barbara B. Yerby and that Summons & Complaint was returned "Not Found" as to the defendant, Don E. Yerby.

I have been advised that Don Yerby is now back home and would be subject to service at the present time. For that reason, I am enclosing another copy of the Complaint which I would appreciate your requesting the sheriff to attempt service on this defendant one more time and advise at your earliest opportunity as to whether or not such service has been perfected. Your assistance in this matter will be greatly appreciated.

Yours very truly,

  
W. A. JENKINS, JR.

WAJ, JR:ew  
Enclosure

STATE OF ALABAMA     )  
                              (     To Any Lawful Officer of said State-Greeting:  
BALDWIN COUNTY         )

Summon Don E. Yerby and Barbara B. Yerby to appear before  
the Circuit Court of Baldwin County, Alabama, to answer the complaint  
of the Brooklyn Savings Bank, a New York Banking Corporation, and  
there make return of this writ.

Witness my hand this 27 day of October, 1965.

      Alice J. Duck        
CIRCUIT CLERK

The Brooklyn Savings Bank,	*	
a New York Banking Corporation,	*	IN THE CIRCUIT COURT
	*	
Plaintiff,	*	OF BALDWIN COUNTY,
	*	
Vs:	*	ALABAMA.
	*	
Don E. Yerby and	*	CASE # <u>6747</u>
Barbara B. Yerby,	*	
	*	
Defendants.	*	

COMPLAINT IN EJECTMENT

The plaintiff sues to recover possession of the following  
described real estate, together with all improvements thereon.

That certain lot of land bounded by a line  
described as follows, to-wit: Beginning at  
the Northeast corner of the South Half of the  
Northwest Quarter of the Northwest Quarter of  
Section 30, Township 3, South, Range 3 East,  
Baldwin County, Alabama, run Westwardly along  
the North line of said South Half of the North-  
west Quarter of the Northwest Quarter of Section  
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and parallel the East line of said South Half of  
the Northwest Quarter of the Northwest Quarter  
a distance of 210 feet; thence Eastwardly and  
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the Northwest Quarter of the Northwest Quarter,  
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South Half of the Northwest Quarter of the  
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East line a distance of 210 feet to the point of  
beginning; excepting however, an 80 foot right  
of way for the Stapleton-Whitehouse Road, which  
runs across the Eastwardly end of the property.

(Located L/S Stapleton-Whitehouse Road 2 miles  
west of Highway 31 Stapleton, Alabama.)

To which the plaintiff is entitled to the immediate possession by virtue of the purchase of said land at a sale of same on a foreclosure of a mortgage on said property and a deed to said real estate being delivered to plaintiff from said foreclosure sale and recorded in Volume 359 at Page 180-181 in the Office of the Judge of Probate of Baldwin County, Alabama, and for which the defendants, after the termination of their possessory interest and after the Plaintiff's demand in writing thereof, unlawfully detains, and for which the Plaintiff claims \$500.00 as damages for the said detention thereof.

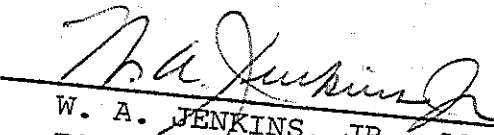
PLAINTIFF'S ADDRESS:

Corner of Fulton and  
Montague Streets,  
Brooklyn, New York

DEFENDANT'S ADDRESS:

P. O. Box 201 Stapleton,  
Alabama. (located L/S  
Stapleton-Whitehouse Road  
2 miles West of Highway 31)

EX-11-30-65- on Barbara B. Gerby  
N.F. on Hon E. Gerby

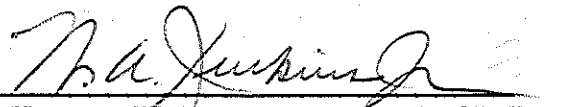
  
W. A. JENKINS, JR., ATTORNEY  
FOR PLAINTIFF

FILED

OCT 27 1965

ALICE L. BIRD, CLERK  
RECEIVED

To which the plaintiff is entitled to the immediate possession by virtue of the purchase of said land at a sale of same on a foreclosure of a mortgage on said property and a deed to said real estate being delivered to plaintiff from said foreclosure sale and recorded in Volume 359 at Page 180-181 in the Office of the Judge of Probate of Baldwin County, Alabama, and for which the defendants, after the termination of their possessory interest and after the Plaintiff's demand in writing thereof, unlawfully detains, and for which the Plaintiff claims \$500.00 as damages for the said detention thereof.

  
W. A. JENKINS, JR., ATTORNEY  
FOR PLAINTIFF

PLAINTIFF'S ADDRESS:

Corner of Fulton and  
Montague Streets,  
Brooklyn, New York

DEFENDANT'S ADDRESS:

P. O. Box 201 Stapleton,  
Alabama. (located L/S  
Stapleton-Whitehouse Road  
2 miles West of Highway 31)

FILED

OCT 27 1965

ALICE J. DICK, CLERK  
CLERK OF DISTRICT COURT

EX-11-30-65 - on Barbara B. Gerby  
N.F. on Elan E. Gerby

no 6742

The Brooklyn Savings Bank  
a New York Banking Corp.

05

Don E. Yerby & Barbara Yerby

Sheriff claims 24 miles at

Ten Cents per mile Total \$ 2.40

TAYLOR WILKINS, Sheriff

BY Talbert  
DEPUTY SHERIFF

Received 27 day of Oct. 1965

and on 30 day of Nov 1965

I served a copy of the within Doc

on Don E. Yerby & Barbara Yerby

By service on \_\_\_\_\_

Received 10 day of Dec 1965

and on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

I served a copy of the within Doc

on Don E. Yerby

By service on \_\_\_\_\_

By service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By

OCT 27 1965

ALICE L. HICK

Returned 27 day of Dec 1965

Not found in my county after diligent search and inquiry. Don E. Yerby

Taylor Wilkins, Sheriff

By W A Talbert

Deputy Sheriff

In Birmingham

W.A. Jenkins Jr. - sub for compt  
623 Grand Nelson BL.  
B'ham Ala