

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

**CIRCUIT COURT, IN EQUITY**

No. \_\_\_\_\_, Term, 19\_\_\_\_

CHARLES J. EBERT,

Complainant

Vs.

CERTAIN LANDS, FRED C. HEINE, ET AL

Defendant ~~s~~

Motion is hereby made for a Decree Pro Confesso against Fred C. Heine, unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees or grantees of Emma M. Heine Defendant ~~s~~

in the annexed stated cause. on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 30 day of Nov 19 42.

746 Code

Charles J. Ebert Solicitor.

849

*The* **BALDWIN**  
*Times*

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

**AFFIDAVIT OF PUBLICATION**

STATE OF ALABAMA,  
BALDWIN COUNTY

J. H. Faulkner, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Chas J. Ebert, Va  
Fred C. Heine

**COST STATEMENT**

710 WORDS @ 4 1/2 cents ..... \$ 31 95

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

J. H. Faulkner  
Publisher.

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

- Date of 1st publication Aug 13, 1942 Vol. 53 No. 28
- Date of 2nd publication " 20, 1942 Vol. 53 No. 29
- Date of 3rd publication " 27, 1942 Vol. 53 No. 30
- Date of 4th publication Sept 3, 1942 Vol. 53 No. 31

Subscribed and sworn before the undersigned this 30 day of Nov 1942

John Rouse  
Notary Public, Baldwin County.

J. H. Faulkner  
Publisher.

THE STATE OF ALABAMA,  
Baldwin County

CIRCUIT COURT

TO ERIN STUART:

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

E. F. SANDERS AND

CHARLES J. EBERT

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

CHARLES J. EBERT is

Complainant

and

CERTAIN LANDS, FRED C. HEINE, ET AL, are

Defendants

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

Witness 30<sup>th</sup> day of November, 1907

*R. Deuch*

REGISTER

Commissioner's Fee \$

Witness' Fees, \$

CHARLES J. EBERT,

Complainant,

VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ )  
OF SECTION 24, TOWNSHIP 7 SOUTH,  
RANGE 3 EAST, SITUATED IN BALD-  
WIN COUNTY, ALABAMA: FRED C.  
HEINE, UNKNOWN HEIRS, DEVISEES  
OR GRANTEEES OF FRED C. HEINE, EMMA  
M. HEINE: UNKNOWN HEIRS, DEVISEES,  
OR GRANTEEES OF EMMA M. HEINE:  
JOHN STELK, AS TRUSTEE, AND ANY  
AND ALL PERSONS, FIRMS, OR CORPOR-  
ATIONS CLAIMING ANY INTEREST IN  
THE ABOVE DESCRIBED LANDS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Motion is hereby made for a Decree Pro Confesso against John Stelk, as Trustee, a defendant in the above styled cause on the ground that copies of the Summons, Bill of Complaint, and Notice filed in this cause were sent to said defendant by registered mail postage prepaid marked "For delivery only to the person to whom addressed", and return receipt was demanded addressed to the Register of this Court; that such receipt was duly received and filed in this cause by the Register of said Court on September 21, 1942, and more than thirty days having elapsed since said return receipt was received and filed in said cause and said John Stelk, as Trustee, having failed to answer, plead or demur to the Bill of Complaint in this cause to the date hereof.

DATED this 30 day of Nov, 1942.

Myself & Partner  
Solicitors for Complainant.

No. 849 **RECORDED**  
Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

**CIRCUIT COURT, IN EQUITY**

CHARLES J. EBERT,

Complainant \_\_\_\_\_

Vs.

CERTAIN LANDS, FRED C.

HEINE, ET AL.  
Defendant \_\_\_\_\_

Motion for Decree Pro Confesso  
on Publication

Filed 30 1945  
W. A. Sweet  
Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

June 30 1942  
D. J. [unclear]

RECORDED *S419*

MOTION FOR DECREE PRO CONFESSO

CHARLES J. EBERTT,

Complainant,

vs.

CERTAIN LANDS, FRED C. HEINE,  
ET AL,

Respondents.

*Will hear 30 1942*  
*Per G. J. [unclear]*

RECORDED  
NO. 844

**THE STATE OF ALABAMA**

Baldwin County

CIRCUIT COURT

CHARLES J. EBERT,

Complainant

VS.

CERTAIN LANDS, FRED

C. HEINE, ET AL,  
Defendant s

**Commission To Take Deposition**

COMMISSIONER:

ERIN STUART

Witnesses:



PS-75 (Rev. 1-1-59)

## RETURN RECEIPT

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

.....  
*(Sign here or name of addressee)*

Post Office Department  
OFFICIAL BUSINESS

NEVER USE FOR PRIVATE USE TO DEVELOPMENT OF POSTAGE, ETC.



Return to .....  
(NAME OF SENDER)

Street and Number,  
or Post Office Box, .....

REGISTERED ARTICLE

No. ....  
Post Office .....

INSURED PARCEL

No. ....  
State .....

CHAS. J. EBERT,

Complainant,

VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of  
SECTION 24, TOWNSHIP 7 SOUTH,  
RANGE 3 EAST, SITUATED IN BALD-  
WIN COUNTY, ALABAMA; FRED C.  
HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEE OF FRED HEINE, EMMA  
M. HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEE OF EMMA M. HEINE;  
JOHN STELK; AS TRUSTEE, AND ANY  
AND ALL PERSONS, FIRMS, OR COR-  
PORATIONS CLAIMING ANY INTEREST  
IN THE ABOVE DESCRIBED LANDS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes your Complainant, Chas. J. Ebert, and brings  
this his Bill of Complaint against the following described real  
estate situated in Baldwin County, Alabama, to-wit:-

Southeast Quarter of Southeast Quarter  
(SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 24, Township 7  
South, Range 3 East,

and against Fred C. Heine, unknown heirs, devisees or grantees of  
Fred C. Heine, Emma M. Heine, unknown heirs, devisees or grantees  
of Emma M. Heine, John Stelk, As Trustee, and any and all persons,  
firms, corporations claiming any interest in the above described  
lands, and shows unto your Honor and unto this honorable Court  
as follows:-

FIRST:

That your Complainant is over the age of twenty-one  
years and is a resident of Baldwin County, Alabama, his Post  
Office address being Foley, Alabama; that John Stelk is over the  
age of twenty-one years and is a non-resident of the State of  
Alabama, his last known place of residence and Post Office address  
being 82 West Washington St., Chicago, Illinois; that Fred C. Heine  
and Emma M. Heine are over the age of twenty-one years and are non-  
residents of the State of Alabama; their place of residence and  
Post Office address being unknown to your Complainant; If any of  
said Respondents are dead the names and addresses of their heirs

(page two)

devises, or grantees, if any, are unknown to your Complainant. Complainant further shows unto your Honor that he has used due diligence in trying to ascertain the residences and Post Office addresses of the above named Defendants and has been unable to do so, except as to John Stalk.

SECOND:

The Complainant further shows unto your Honor that he is in the actual, peaceable, adverse possession of said land herein described, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

THIRD:

That no suit is pending to test Complainant's title to, interest in, or right to possession of said land.

FOURTH:

Complainant further shows unto your Honor that he claims the entire fee simple title in and to said lands, having acquired the same by deed from John F. Amman and wife, dated May 15, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 Page 386-7 and by deed from E. M. Yohn and wife and D. Cook, which deed is dated May 14, 1942, and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 page 387; that the said D. Cook and E. M. Yohn acquired title to the same by Tax deed from the State of Alabama, which deed is dated July 2, 1932 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 75-6; that John F. Amman acquired title to said land from Minnie M. Amman, a widow, by deed dated July 23, 1932 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 72.

FIFTH:

Complainant further shows unto your Honor that the title to said land stands on the records in the Probate Court of Baldwin County, Alabama, in the name of your Complainant. Your

(page three)

Complainant further shows unto your Honor that the parties named herein as Defendants, or all of their unknown heirs, devisees or grantees are reputed to claim some right, title, or interest in, or encumbrance upon said land, and your Complainant respectfully calls upon the parties mentioned as Defendants in this Bill of Complaint, to set forth and specify all their right, title, claim, interest, or encumbrance upon the same, and how and by what instrument the same is derived and created.

SIXTH:

Your Complainant further shows unto your Honor that the said E. M. Yohn, D. Cook and John F. Amman, under whom your Complainant claims, have assessed said land for taxation for more than 10 years next immediately preceding the filing of This Bill of Complaint, and have paid such taxes for such 10 years period, and that no other person, firm or corporation has assessed such land or paid any taxes on the same within the last 10 years next immediately preceding the filing of this Bill of Complaint.

SEVENTH:

Complainant avers that he has made diligent search and inquiry to ascertain the places of residence and addresses of the persons herein named as Defendants and whether or not any of them be dead, and if dead to ascertain the names, addresses and places of residence of their unknown heirs, devisees or grantees; that in this investigation and inquiry Complainant has had a complete abstract of title of said real estate made from the records of Baldwin County, Alabama, that he has made diligent inquiry in the neighborhood of said land as to the ownership of the same, the possession thereof, and the whereabouts of any and all persons, firms or corporations who are or may be interested in the same, or who claim any interest therein. In making this inquiry Complainant has inquired of the people living around about said land who are acquainted with the history of the community and its residents.



(page four)

PRAYER FOR PROCESS

To the end, therefore, that Equity may be had in the premises Complainant prays that your Honor will cause the usual writ of process to issue to Fred C. Heine, Unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, Unknown heirs, devisees, or grantees of Emma M. Heine, John Stelk, as Trustee, and any and all persons, firms, or corporations claiming any interest in the above described lands, in the usual form and according to the practice of this honorable Court, requiring them to plead, answer, or demur to the same within the time allowed by law, and the practice of this honorable Court, and that your Honor will also cause a notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by the laws of the State of Alabama, authorizing the quieting of title by proceeding in rem, such notice to be published in a newspaper published in Baldwin County, Alabama, which notice shall make the Respondents named therein parties defendant and require them to plead, answer or demur to the same within the time required by law; that your Honor will also cause notice to be given by registered mail to John Stelk as Trustee, at 82 West Washington St., Chicago, Illinois, which notice, together with a copy of the Bill of Complaint and a copy of the Summons to answer, plead, or demur to such Complaint within thirty days from the service thereof, shall be issued and sent by the Register to the said John Stelk by registered mail postage prepaid, marked "For delivery only to the person to whom addressed", with return receipt demanded addressed to the Register of said Court.

PRAYER FOR RELIEF.

Your Complainant further prays that upon a hearing of this cause that your Honor will establish Complainant's right or title to said land and will decree that your Complainant is the owner of said land in fee simple, and that no other person, firm, or corporation has any title to, interest in, or lien or encumbrance upon said land or any part thereof, and especially as to Fred C. Heine, unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees, or grantees of Emma M.

Heine, John Stelk, as Trustee, and any and all persons, firms, or corporations claiming any interest in the above described lands; and in said Decree your Honor will cause a certified copy of said Decree to be filed in the Probate office of Baldwin County, Alabama, and to be recorded therein; and in said Decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama, and your Complainant further prays for such other, further, different and general relief as in Equity may seem just and meet, and your Complainant will ever pray, etc.

HYBART & OLSON  
Solicitors for Complainant.

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, Gus Schultz, a Notary Public, in and for said State and County, personally appeared Chas. J. Ebert, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:-

That his name is Chas. J. Ebert; that he is a resident of Baldwin County, Alabama, and is over the age of twenty-one years; that he is personally acquainted with all the matters and facts stated in the foregoing Bill of Complaint and that the same are true.

That he is informed and believes and upon such information and belief says that the last known residence and Post Office address of John Stelk is 52 West Washington St., Chicago, Illinois; that John Stelk is a non-resident of the State of Alabama.

That the said Fred C. Heine and Emma M. Heine are non-residents of the State of Alabama, their residence and Post Office address being unknown to affiant; that he has made a diligent effort to ascertain such residence and Post Office address and has been unable to ascertain such address; that the said Fred C. Heine and Emma M. Heine are over the age of twenty-one years; that the names of the heirs, devisees or grantees of John Stelk, Fred C. Heine and Emma M. Heine are unknown to your Complainant,

(page six)

and he has made a diligent effort to ascertain the same, and their residence he believes is not in the State of Alabama.

Chas. J. Ebert

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed this 6th day of August, 1942.

Ous Schultz  
Notary Public, Baldwin County,  
Alabama.

FILED IN OFFICE

CHAS. J. EBERT,

Notary Public

AL.

NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA  
OFFICE: 1000 W. 10TH ST., MOBILE, ALA.  
COMM. EXPIRES: 12-31-44

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN RE: WILL.

FILED AUGUST 10TH, 1942.

*Handwritten signature*



BAY MINETTE, ALA., 8/10 1942

R. S. Duck

Br

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>As Paid</i>	<i>Chas. J. Ebert vs Fred C. Heine et al</i>				<i>1.00</i>
<i>pd 8/10/42 G. W. Robertson</i>					

CHAS. J. EBERT,  
Complainant,  
VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of  
SECTION 24, TOWNSHIP 7 SOUTH,  
RANGE 3 EAST, SITUATED IN BALD-  
WIN COUNTY, ALABAMA; FRED C.  
HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEES OF FRED HEINE, EMMA  
M. HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEES OF EMMA M. HEINE;  
JOHN STELK; AS TRUSTEE, AND ANY  
AND ALL PERSONS, FIRMS, OR COR-  
PORATIONS CLAIMING ANY INTEREST  
IN THE ABOVE DESCRIBED LANDS,  
Respondents.

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

Comes your Complainant, Chas. J. Ebert, and brings  
this his Bill of Complaint against the following described real  
estate situated in Baldwin County, Alabama, to-wit:-

Southeast Quarter of Southeast Quarter  
(SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 24, Township 7  
South, Range 3 East,

and against Fred C. Heine, unknown heirs, devisees or grantees of  
Fred C. Heine, Emma M. Heine, unknown heirs, devisees or grantees  
of Emma M. Heine, John Stelk, As Trustee, and any and all persons,  
firms, corporations claiming any interest in the above described  
lands, and shows unto your Honor and unto this honorable Court  
as follows:-

FIRST:

That your Complainant is over the age of twenty-one  
years and is a resident of Baldwin County, Alabama, his Post  
Office address being Foley, Alabama; that John Stelk is over the  
age of twenty-one years and is a non-resident of the State of  
Alabama, his last known place of residence and Post Office address  
being 32 West Washington St., Chicago, Illinois; that Fred C. Heine  
and Emma M. Heine are over the age of twenty-one years and are non-  
residents of the State of Alabama; their place of residence and  
Post Office address being unknown to your Complainant; If any of  
said Respondents are dead the names and addresses of their heirs

(page two)

devises, or grantees, if any, are unknown to your Complainant. Complainant further shows unto your Honor that he has used due diligence in trying to ascertain the residences and Post Office addresses of the above named Defendants and has been unable to do so, except as to John Stelk.

SECOND:

The Complainant further shows unto your Honor that he is in the actual, peaceable, adverse possession of said land herein described, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

THIRD:

That no suit is pending to test Complainant's title to, interest in, or right to possession of said land.

FOURTH:

Complainant further shows unto your Honor that he claims the entire fee simple title in and to said lands, having acquired the same by deed from John F. Amman and wife, dated May 15, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 Page 386-7 and by deed from E. K. Yohn and wife and D. Cook, which deed is dated May 14, 1942, and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 page 387; that the said D. Cook and E. K. Yohn acquired title to the same by Tax deed from the State of Alabama, which deed is dated July 2, 1932 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 75-6; that John F. Amman acquired title to said land from Minnie M. Amman, a widow, by deed dated July 23, 1932 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 72.

FIFTH:

Complainant further shows unto your Honor that the title to said land stands on the records in the Probate Court of Baldwin County, Alabama, in the name of your Complainant. Your

(page three)

Complainant further shows unto your Honor that the parties named herein as Defendants, or all of their unknown heirs, devisees or grantees are reputed to claim some right, title, or interest in, or encumbrance upon said land, and your Complainant respectfully calls upon the parties mentioned as Defendants in this Bill of Complaint, to set forth and specify all their right, title, claim, interest, or encumbrance upon the same, and how and by what instrument the same is derived and created.

SIXTH:

Your Complainant further shows unto your Honor that the said E. M. Yohn, D. Cook and John F. Amman, under whom your Complainant claims, have assessed said land for taxation for more than 10 years next immediately preceding the filing of This Bill of Complaint, and have paid such taxes for such 10 years period, and that no other person, firm or corporation has assessed such land or paid any taxes on the same within the last 10 years next immediately preceding the filing of this Bill of Complaint.

SEVENTH:

Complainant avers that he has made diligent search and inquiry to ascertain the places of residence and addresses of the persons herein named as Defendants and whether or not any of them be dead, and if dead to ascertain the names, addresses and places of residence of their unknown heirs, devisees or grantees; that in this investigation and inquiry Complainant has had a complete abstract of title of said real estate made from the records of Baldwin County, Alabama, that he has made diligent inquiry in the neighborhood of said land as to the ownership of the same, the possession thereof, and the whereabouts of any and all persons, firms or corporations who are or may be interested in the same, or who claim any interest therein. In making this inquiry Complainant has inquired of the people living around about said land who are acquainted with the history of the community and its residents.


PRAYER FOR PROCESS

To the end, therefore, that Equity may be had in the premises Complainant prays that your Honor will cause the usual writ of process to issue to Fred C. Heine, Unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, Unknown heirs, devisees, or grantees of Emma M. Heine, John Stelk, as Trustee, and any and all persons, firms, or corporations claiming any interest in the above described lands, in the usual form and according to the practice of this honorable Court, requiring them to plead, answer, or demur to the same within the time allowed by law, and the practice of this honorable Court, and that your Honor will also cause a notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by the laws of the State of Alabama, authorizing the quieting of title by proceeding in rem, such notice to be published in a newspaper published in Baldwin County, Alabama, which notice shall make the Respondents named therein parties defendant and require them to plead, answer or demur to the same within the time required by law; that your Honor will also cause notice to be given by registered mail to John Stelk as Trustee, at 82 West Washington St., Chicago, Illinois, which notice, together with a copy of the Bill of Complaint and a copy of the Summons to answer, plead, or demur to such Complaint within thirty days from the service thereof, shall be issued and sent by the Register to the said John Stelk by registered mail postage prepaid, marked "For delivery only to the person to whom addressed", with return receipt demanded addressed to the Register of said Court.

PRAYER FOR RELIEF.

Your Complainant further prays that upon a hearing of this cause that your Honor will establish Complainant's right or title to said land and will decree that your Complainant is the owner of said land in fee simple, and that no other person, firm, or corporation has any title to, interest in, or lien or encumbrance upon said land or any part thereof, and especially as to Fred C. Heine, unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees, or grantees of Emma M.

Heine, John Stelk, as Trustee, and any and all persons, firms, or corporations claiming any interest in the above described lands; and in said Decree your Honor will cause a certified copy of said Decree to be filed in the Probate office of Baldwin County, Alabama, and to be recorded therein; and in said Decree your Honor will direct in whose name it shall be indexed in the direct and indirect indexes of the records thereof in said Probate Court of Baldwin County, Alabama, and your Complainant further prays for such other, further, different and general relief as in Equity may seem just and meet, and your Complainant will ever pray, etc.

  
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Gus Schultz, a Notary Public, in and for said State and County, personally appeared Chas. J. Ebert, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:-

That his name is Chas. J. Ebert; that he is a resident of Baldwin County, Alabama, and is over the age of twenty-one years; that he is personally acquainted with all the matters and facts stated in the foregoing Bill of Complaint and that the same are true.

That he is informed and believes and upon such information and belief says that the last known residence and Post Office address of John Stelk is 82 West Washington St., Chicago, Illinois; that John Stelk is a non-resident of the State of Alabama.

That the said Fred C. Heine and Emma M. Heine are non-residents of the State of Alabama, their residence and Post Office address being unknown to affiant; that he has made a diligent effort to ascertain such residence and Post Office address and has been unable to ascertain such address; that the said Fred C. Heine and Emma M. Heine are over the age of twenty-one years; that the names of the heirs, devisees or grantees of John Stelk, Fred C. Heine and Emma M. Heine are unknown to your Complainant,

(page six)

and he has made a diligent effort to ascertain the same, and their residence he believes is not in the State of Alabama.

Chas. J. Ebert

Sworn to and subscribed before me, a Notary Public, whose seal is hereto affixed this 6th day of August, 1942.

Sam Schuetz  
Notary Public, Baldwin County,  
Alabama.

The State of Alabama, {  
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

Dec.

Term, 194 2

Chas, J Ebert,

No. 849, vs.

Certain Lands.

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1 00	Executing Writ of Injunction, or Ne Exeat, each..	1.50
Issuing Summons on Bill, each.....	50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1 00	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	1 40	Impanelling Jury.....	.75
Copies of Same, Per 100 Words.....	15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50		
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	15		
Decrees Pro Confesso, each.....	2 00	<b>Total Sheriff's Fees</b> .....	
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	10		
Indorsing Depositions Published, each pkg.,.....	10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decrees, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words of Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustees, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Re- ceiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
ertificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
<b>Copy Decree.</b>	1 00		
<b>Total Register's Fees</b> .....	17 25		
		<b>SUMMARY OF FEES, COSTS, AND JUDGMENT</b>	
		<b>Fees in Circuit Court—</b>	
		Register's Fees.....	17 25
		Ex-Register's Fees.....	
		Sheriff's Fees.....	
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees.....	
		Guardian Ad Litem.....	
		Publisher's Fees <b>Baldwin Times</b> .....	31 95
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof.....	3 00
		Trial Tax.....	3 00
		<b>Recording Decree Probate Ct.</b> .....	1 25
		<b>Fees and Costs in Inferior Court:</b>	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		<b>Total Fees and Costs in Inferior Court</b> .....	63 45
		<b>Total Fees and Costs</b> .....	
		Judgment.....	
		<b>Total Fees, Costs, and Judgment</b> .....	
		<b>12/3/42.</b>	



CHAS. J. EBERT,

Complainant,

Vs.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$  OF SE $\frac{1}{4}$ )  
OF SECTION 24, TOWNSHIP 7  
SOUTH, RANGE 3 EAST, SITUATED  
IN BALDWIN COUNTY, ALABAMA:  
FRED C. HEINE, UNKNOWN HEIRS,  
DEVISEES OR GRANTEES OF FRED  
C. HEINE; ERMA M. HEINE, UN-  
KNOWN HEIRS, DEVISEES OR GRANT-  
EES OF ERMA M. HEINE; JOHN STELL; )  
AS TRUSTEE; AND ANY AND ALL  
PERSONS, FIRMS, OR CORPORATIONS  
CLAIMING ANY INTEREST IN THE  
ABOVE DESCRIBED LANDS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

In the above styled cause it being made to appear to the Court by affidavit of Chas. J. Ebert, complainant in said cause, that the defendants named therein are non-residents of the State of Alabama, and that in the belief of said affiant the defendants are over the age of twenty-one years;

IT IS THEREFORE ORDERED that the publication be made in the Baldwin Times a newspaper published in the County of Baldwin, State of Alabama, once a week for four consecutive weeks, requiring the said defendants to plead, answer or demur to the Bill of Complaint in said cause by the 15th day of September, 1942, or after thirty days therefrom a Decree Pro Confesso may be taken against them.

DATED this 10th day of August, 1942.

  
Register.

THE STATE OF ALABAMA }  
Baldwin County }

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

CHARLES J. EBERT, COMPLAINANT

vs.

CERTAIN LANDS, FRED C. HEINE, ET AL RESPONDENTS

ERIN STUART

I,

as ~~Registered~~ Commissioner

have called and caused to come before me

Charles J. Ebert and

E. F. Sanders

witnesses named in the requirement for Oral Examination, on the

30 day of Nov -

1942, at the office of

HYBART & CHASON

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

truth, the whole truth, and nothing but the truth, the said Charles J. Ebert and

E. F. Sanders

doth depose and say as follows:

I, Erin Stuart as ~~Register and~~ Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and *John P. Rosen* at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witnesses; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

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

Given under my hand and seal, this 30 day of Nov 1942.

*Erin Stuart* (L. S.)

No. 849 Page \_\_\_\_\_

**THE STATE OF ALABAMA,  
BALDWIN COUNTY**

**IN CIRCUIT COURT, IN EQUITY**

CHARLES J. EBERT,  
COMPLAINANT

vs.  
CERTAIN LANDS, FRED C.

HEINE, ET AL,  
RESPONDENTS

**ORAL DEPOSITION**

Filed *John P. Rosen*, 1942

*John P. Rosen*, Register.  
RECORDED IN \_\_\_\_\_

Record \_\_\_\_\_

Vol. \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_, Register

My name is Charles J. Ebert. I am over the age of twenty-one years and a resident of Foley, Alabama. John Stelk is over the age of twenty-one years and is a non-resident of the State of Alabama, his last known place of residence being 82 W. Washington St., Chicago, Illinois. Fred C. Heine and Emma M. Heine are over the age of twenty-one years and are non-residents of the State of Alabama, their place of residence being unknown to me. If Fred C. Heine or Emma M. Heine are dead I do not know the names or addresses of their heirs or devisees, if any. I have used due diligence in trying to ascertain their places of residence and Post Office address, but I have been unable to do so except as to John Stelk. I am in the actual, peaceable, adverse possession of the Southeast Quarter of Southeast Quarter of Section 24, Township 7 South, Range 3 East, in Baldwin County, Alabama, claiming to own the same in my own right in fee simple, and I have been using the same in every way that it is susceptible to use. There is no suit pending, nor was there any suit pending at the time I filed my Bill of Complaint in this cause to test my title to, interest in, or right to possession of said land. I claim the entire fee simple title to said lands, having acquired the same by deed from John F. Amman and wife dated May 15, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 pages 386-7, and by deed from E. M. Yohn and wife and D. Cook, which deed is dated May 14, 1942 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 page 387. The said D. Cook and E. M. Yohn acquired title to the same by Tax Deed from the State of Alabama, which deed is dated July 2, 1932 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. pages 75-6. John F. Amman acquired title to said land from Minnie M. Amman, a widow, by deed dated July 23, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 72.

The title to said land stands on record in the Probate Court of Baldwin County, Alabama, in my name. The parties defendant in this Bill of Complaint are supposed to claim some right, title or interest in said land. E. M. Yohn, D. Cook, and John F. Amman, under whom I claim, have assessed said land for taxation for more than ten years next immediately preceding the filing of my bill of complaint in this cause and have paid the taxes for such ten years period, and no other person, firm, or corporation has assessed such land for taxation or paid any taxes on the same within the last ten years last immediately preceding the filing of my Bill of Complaint. I made a diligent search and inquiry to ascertain the place of residence and address of persons named as Defendants in this Bill and whether or not any of them be dead, and if dead, to ascertain the names, addresses or place of residence of their heirs, devisees or grantees. In this investigation I had a complete abstract of title of said land made from the records of Baldwin County, Alabama, and I have made diligent inquiry in the neighborhood of said lands as to the ownership of the same and the whereabouts of any and all persons, firms or corporations who might be interested in said lands or who claim any interest therein. In making this inquiry I inquired of the people living around about said land who are acquainted with the history of the community and its residents.

Charles J. Ebert

My name is E. F. Sanders. I am over the age of twenty-one years and a resident of Foley in Baldwin County, Alabama. I am personally acquainted with the Southeast Quarter of Southeast Quarter of Section 24, Township 7 South, Range 3 East, Baldwin County, Alabama. This property is the property of Charles J. Ebert who resides at Foley. The said Charles J. Ebert is in the actual, peaceable, adverse possession of said land, claiming to own the same in his own right in fee simple, and he and those through whom he claims have been in such possession and have paid the taxes on said land for more than ten years next immediately preceding the filing of the Bill of Complaint by said Charles J. Ebert in this cause. No one other than those under whom the said Charles J. Ebert claims have assessed said land or paid any taxes thereon within the last ten years. There was no suit pending to test the said Charles J. Ebert's title to or interest in said land at the time he filed his Bill of Complaint in said cause. Charles J. Ebert acquired title to said land by deed from John F. Amman and E. M. Yohn and wife and D. Cook. The said E. M. Yohn and D. Cook acquired their title by deed from the State of Alabama. The title to said lands stands on record in Probate Court of Baldwin County, Alabama, in the name of Charles J. Ebert. I live in the neighborhood of these lands and have lived there for many years. I do not know Fred C. Heine or Emma M. Heine and I do not know whether they are living or dead. They do not reside near said lands and in my opinion they are non-residents of the State of Alabama.

*E. F. Sanders*

CHAS. J. EBERT,

Complainant,

VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ )  
OF SECTION 24, TOWNSHIP 7 SOUTH,  
RANGE 3 EAST, SITUATED IN BALD-  
WIN COUNTY, ALABAMA: FRED C.  
HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEEES OF FRED C. HEINE, EMMA  
M. HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEEES OF EMMA M. HEINE;  
JOHN STELK, AS TRUSTEE, AND ANY  
AND ALL PERSONS, FIRMS, OR CORPOR-  
ATIONS CLAIMING ANY INTEREST IN  
THE ABOVE DESCRIBED LANDS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NOTICE

It having been made to appear in the above styled cause from the Affidavit of Chas. J. Ebert, the Complainant, in the above styled cause, that the Defendants in said suit are non-residents of the State of Alabama, a more particular address being unknown except as to John Stelk who is a resident of 82 West Washington St., Chicago, Illinois;

NOTICE IS HEREBY GIVEN to Fred C. Heine, unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees, or grantees of Emma M. Heine, John Stelk, as Trustee, and any and all persons, firms, or corporations claiming any interest in the above described lands, that on the 10<sup>th</sup> day of August, 1942, Chas. J. Ebert filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Southeast quarter of Southeast quarter  
(SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 24, Township 7  
South, Range 3 East,

and against the Defendants hereinabove named, and any and all other persons, firms or corporations claiming any interest in, lien, or encumbrance upon said land, and you are hereby notified to appear and plead, answer, or demur to said Complaint within thirty days

(page two)

from the 15<sup>th</sup> day of September, 1942, or a Decree Pro Confesso will be returned against you.

Said bill of Complaint alleges that the Complainant acquired title to said land by deed from John F. Amman and wife dated May 15, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 pages 386-7, and by deed from E. M. Yohn and wife and D. Cook, which deed is dated May 14, 1942 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 page 387; that the said D. Cook and E. M. Yohn acquired title to the same by Tax Deed from the State of Alabama, which deed is dated July 2, 1932 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 75-6; that John F. Amman acquired title to said land from Minnie M. Amman, a widow, by deed dated July 23, 1932, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 72.


The Complaint alleges that the Complainant claims to be the owner of said land in fee simple and that the title to said land stands in the name of the Complainant on the records in the Probate Court of Baldwin County, Alabama; said Complaint further alleges that E. M. Yohn, D. Cook and John F. Amman have paid the taxes upon said lands for more than ten years next immediately preceding the filing of said Bill of Complaint, and that they, and the Complainant who is claiming under them, have been in the actual, peaceable, adverse and exclusive possession of said land for more than ten years next immediately preceding the filing of such Bill of Complaint, and that no other person, firm, or corporation has had possession of said land or any part thereof, or paid any taxes on the same within ten years next immediately preceding the filing of such Bill of Complaint.

Said Bill of Complaint was and is filed for the purpose of establishing Complainant's title to said land and for the purpose of clearing up all doubts and disputes concerning

(page three)

the same.

WITNESS my hand on this the 10 day of August,  
1942.

  
As Register of the Circuit Court  
of Baldwin County, Alabama.

HYBART & CHABON  
Solicitors for Complainant.



STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, Gus Schultz, a Notary Public, in and for said State and County, personally appeared Charles J. Ebert, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:-

That his name is Charles J. Ebert; that he is over the age of twenty-one years and a resident of Foley, in Baldwin County, Alabama; that he is the Complainant in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, in Equity, in which Fred C. Heine, unknown heirs, devisees or grantees of Fred C. Heine, Emma M. Heine, unknown heirs or devisees or grantees of Emma M. Heine, and John Stelk, as Trustee, are party defendants; that all of said defendants are non-residents of the State of Alabama; that he is not personally acquainted with all of these defendants, but from information given him it is his belief that none of them were at the time of the filing of his Bill of Complaint in this cause, or at the time of service by registered mail, or by publication, or at this time, members of the Armed Forces of the United States of America within the meaning of the Soldiers and Sailors Civil Relief Act of 1940. Affiant is informed and believes and upon such information and belief says, that all of said respondents herein named are above the military age and are not members of the Armed Forces of the United States of America.

Charles J. Ebert

Sworn to and subscribed before me,  
a Notary Public, whose seal is  
hereto affixed this 27th day of  
Nov, 1942.

Gus Schultz  
Notary Public, Baldwin County,  
Alabama.

CHARLES J. EBERT,

CIRCUIT COURT OF  
Baldwin County.

vs.

IN EQUITY.

SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Sec. 24, Township 7 South, Range  
3 East, in Baldwin County, Alabama, FRED C.  
HEINE, UNKNOWN HEIRS, DEVISEES OR GRANTEEES OF  
FRED C. HEINE, EMMA M. HEINE, UNKNOWN HEIRS,  
DEVISEES OR GRANTEEES OF EMMA M. HEINE, JOHN STELK,  
AS TRUSTEE, AND ANY AND ALL PERSONS, FIRMS, OR CORPOR-  
ATIONS CLAIMING ANY INTEREST IN ABOVE DESCRIBED LANDS.

In this cause it being made to appear to the Register that on the 10th

Summons and Notice

day of August 1942, a copy of the Bill of Complaint filed in this cause was

sent to John Stelk, As Trustee,

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom  
addressed," and return receipt demanded addressed to the Register of this Court; and that on the

2nd day of September 1942, such receipt was duly  
received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer  
or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,  
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all  
things taken as confessed against the said

John Stelk, as Trustee, Defendant

This the 30th day of November 1942.

*R. S. Duck* Register.

CHARLES J. EBERT,

Complainant,

VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER ( SE $\frac{1}{4}$  OF SE $\frac{1}{4}$  )  
OF SECTION 24, TOWNSHIP 7  
SOUTH, RANGE 3 EAST, SITUATED  
IN BALDWIN COUNTY, ALABAMA,  
FRED C. HEINE, UNKNOWN HEIRS,  
DEWISEES AND GRANTEEES OF FRED  
C. HEINE, EMMA M. HEINE, UN-  
KNOWN HEIRS, DEWISEES AND GRANT-  
EES OF EMMA M. HEINE, JOHN STELK,  
AS TRUSTEE, AND ANY AND ALL PER-  
SONS, FIRMS OR CORPORATIONS  
CLAIMING ANY INTEREST IN THE ABOVE  
DESCRIBED LANDS,

Respondents.

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

This cause coming on to be heard is submitted for final Decree upon the Summons and Bill of Complaint, together with Notice of Publication, Affidavit of Publication, Decree Pro Confesso on Publication, Decree Pro Confesso After Service by Registered Mail and the Testimony as noted by the Register, and it appearing to the Court that Charles J. Ebert is in the actual, peaceable, adverse possession of the following described real estate situated in Baldwin County, Alabama, to-wit:-

Southeast Quarter of Southeast Quarter  
(SE $\frac{1}{4}$  OF SE $\frac{1}{4}$ ) of Section 24, Township 7  
South, Range 3 East,

being the same lands heretofore described in the caption of this Decree and against which this proceeding is brought, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

And it further appearing to the Court that no suit is pending to test Complainant's title to, interest in, or right to possession of said lands.

And it further appearing to the Court that all the parties interested in said lands, together with the Defendants whose names are set forth in the Bill of Complaint, have had due notice of these proceedings by publication for the length of time as pre-

(page two)

scribed by law and the rules of this Court and by service by registered mail on John Stelk, as Trustee, for the required length of time, and the Court understanding the same is of the opinion that Complainant is entitled to the relief prayed for in the Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Complainant is the owner in fee simple of the lands described in this Decree and that no other person, firm or corporation has any title to, interest in, lien or encumbrance upon said lands or any part thereof, and especially is this so as to the Defendants whose names are set forth in the caption of this Decree.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any claim, lien, title to, interest in, or encumbrance upon the aforesaid lands or any part thereof that Fred C. Heine, unknown heirs, devisees or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees or grantees of Emma M. Heine, John Stelk, as Trustee, hold or claim to hold are a cloud upon the title of the Complainant in this cause as to the aforesaid lands, and that their title to, interest in, lien or encumbrance upon said lands or any part thereof are hereby decreed to be null and void, and as such are removed as a cloud upon the title of the Complainant to the aforesaid lands, and said Defendants have no interest in, title to, lien or encumbrance upon the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, and that said Decree shall be indexed in the name of the Defendants named in the said caption on the Direct Indexes and on the Indirect Indexes in the name of the said Charles J. Ebert, a certified copy of this Decree to be filed within thirty days from the rendition thereof by the Register of this Court in said Probate Court, the costs of recording the same to be taxed as a part of the costs of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Charles J. Ebert be, and he hereby is, taxed with the

(page three)

costs of this proceeding for which execution may issue.

DATED at Monroeville, Alabama, this 2<sup>nd</sup> day of  
December, 1942.

*J. W. Hare*

---

Judge.

BILL OF COMPLAINT.

CHAS. J. KENNY,

Complainant,

VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE 1/4 OF SE 1/4)  
OF SECTION 24, TOWNSHIP 7  
SOUTH, RANGE 3 EAST, SIT-  
UATED IN BALDWIN COUNTY,  
ALABAMA, FRED C. HEINE, ET  
AL.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

FILED AUGUST 10th, 1942.

W. A. [Signature]  
REGISTER.

REGISTERED  
DEED

TO HAVE AND TO HOLD  
TO THE SAID CHAS. J. KENNY  
THE SAID DEED BEING  
RECORDED IN THE  
OFFICE OF THE REGISTER

INDEXED

THIS DEED BEING  
RECORDED IN THE  
OFFICE OF THE REGISTER

Handwritten notes, possibly a signature or date, including "1942" and "1943".

649

No. 849

**CIRCUIT COURT OF BALDWIN  
COUNTY, ALA.**

**In Equity.**

**CHARLES J. EBERT,**

vs.

**CERTAIN LANDS, FRED C.  
HEINE, ET AL.**

**Decree Pro Confesso After  
Notice By Registered Mail.**

Filed in office this 30th day of

November, 1966

Richard, Register

Entered in O. B. \_\_\_\_\_ Page \_\_\_\_\_

11-11-66



849  
FINAL DECREE.

CHARLES J. EBERT,  
Complainant,

VS.

CERTAIN LANDS, FRED C. HEINE,  
ET AL,  
Respondents.

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

ISSUED DECEMBER 2nd 1942.

Raduck

*R S Clark*

BAY MINETTE, ALA.,

*12/3*

194 *2*

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>Rec'd</i>	<i>Clear of Court</i>	<i>Book &amp; Time etc</i>			<i>1.35</i>
		<i>Paid 1/17/42 [Signature]</i>			

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA,  
BALDWIN COUNTY

No. 849.

CIRCUIT COURT BALDWIN COUNTY

August

TERM, 194 2

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon John Stelk.

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

John Stelk et al.

Defendant

by Chas, J Ebert.

Plaintiff

Witness my hand this 10th day of August, 194 2

*[Handwritten Signature]*

Clerk.

CHARLES J. EBERT,

VS.

CERTAIN LANDS, FRED C.

HEINE, ET AL,

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, \_\_\_\_\_  
Summons, Notice of Publication, Motion for Decree Pro Confesso  
on Publication, Decree Pro Confesso on Publication, Motion for  
Decree Pro Confesso after service by Registered Mail, Decree Pro  
Confesso after service by Registered Mail, Testimony of Charles  
J. Ebert and E. F. Sanders

and in behalf of Defendant upon \_\_\_\_\_

*Hubert A. Register* Register  
*Solicitors for Complainant*

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. \_\_\_\_\_, Term, 19\_\_\_\_

CHARLES J. EBERT,

Complainant

Vs.

CERTAIN LANDS, FRED C. HEINE, ET AL,

Defendant S

In this cause it appears to the Register R. S. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 13 day of August, 1942, in the Baldwin Times a newspaper published in Bayou La Batache, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the 15 day of August 1942 and \_\_\_\_\_

And it now further appearing to the Register R. S. Duck that the said

Fred C. Heine, unknown heirs, devisees or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees or grantees of Emma M. Heine,

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant \_\_\_\_\_, ordered and decreed by the Register R. S. Duck

\_\_\_\_\_ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Fred C. Heine, unknown heirs, devisees or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees or grantees of Emma M. Heine,

This 30<sup>th</sup> day of August 1942

R. S. Duck Register.

No. 849

The State of Alabama,  
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

CHARLES J. EBERT,

VS.

CERTAIN LANDS, FRED C.

HEINE, ET AL.

NOTE OF TESTIMONY

Filed in Open Court this 10th

day of December 1942

R. Duck

Register.

**RECORDED**

No. \_\_\_\_\_ Page \_\_\_\_\_

The State of Alabama,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

CHARLES J. EBERT,

Vs.

CERTAIN LANDS, FRED C.

HEINE, ET AL.

Decree Pro Confesso of Publication

Issued Jan 30 1914

*R. Duck*

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

CHAS. J. EBERT,

Complainant,

VS.

SOUTHEAST QUARTER OF SOUTH-  
EAST QUARTER (SE $\frac{1}{4}$  of SE $\frac{1}{4}$ )  
OF SECTION 24, TOWNSHIP 7 SOUTH,  
RANGE 3 EAST, SITUATED IN BALDWIN  
COUNTY, ALABAMA; FRED C.  
HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEES OF FRED C. HEINE, EMMA  
M. HEINE; UNKNOWN HEIRS, DEVISEES,  
OR GRANTEES OF EMMA M. HEINE;  
JOHN STELK, AS TRUSTEE, AND ANY  
AND ALL PERSONS, FIRMS, OR CORPOR-  
ATIONS CLAIMING ANY INTEREST IN  
THE ABOVE DESCRIBED LANDS,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NOTICE

It having been made to appear in the above styled cause from the Affidavit of Chas. J. Ebert, the Complainant, in the above styled cause, that the Defendants in said suit are non-residents of the State of Alabama, a more particular address being unknown except as to John Stelk who is a resident of 82 West Washington St., Chicago, Illinois;

NOTICE IS HEREBY GIVEN to Fred C. Heine, unknown heirs, devisees, or grantees of Fred C. Heine, Emma M. Heine, unknown heirs, devisees, or grantees of Emma M. Heine, John Stelk, as Trustee, and any and all persons, firms, or corporations claiming any interest in the above described lands, that on the 10th day of August, 1942, Chas. J. Ebert filed in the Equity side of the Circuit Court of Baldwin County, Alabama, his Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Southeast Quarter of Southeast Quarter  
(SE $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section 24, Township 7  
South, Range 3 East,

and against the Defendants hereinabove named, and any and all other persons, firms or corporations claiming any interest in, lien, or encumbrance upon said land, and you are hereby notified to appear and plead, answer, or demur to said Complaint within thirty days



(page two)

from the 15th day of September, 1942, or a Decree Pro Confesso will be returned against you.

Said bill of Complaint alleges that the Complainant acquired title to said land by deed from John F. Amman and wife dated May 15, 1942 and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 pages 386-7, and by deed from E. M. Yohn and wife and D. Cook, which deed is dated May 14, 1942 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 77 page 387; that the said D. Cook and E. M. Yohn acquired title to the same by Tax Deed from the State of Alabama, which deed is dated July 2, 1932 and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 75-6; that John F. Amman acquired title to said land from Minnie M. Amman, a widow, by deed dated July 23, 1932, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 53 N. S. page 72.

The Complaint alleges that the Complainant claims to be the owner of said land in fee simple and that the title to said land stands in the name of the Complainant on the records in the Probate Court of Baldwin County, Alabama; said Complaint further alleges that E. M. Yohn, D. Cook and John F. Amman have paid the taxes upon said lands for more than ten years next immediately preceding the filing of said Bill of Complaint, and that they, and the Complainant who is claiming under them, have been in the actual, peaceable, adverse and exclusive possession of said land for more than ten years next immediately preceding the filing of such Bill of Complaint, and that no other person, firm, or corporation has had possession of said land or any part thereof, or paid any taxes on the same within ten years next immediately preceding the filing of such Bill of Complaint.

Said Bill of Complaint was and is filed for the purpose of establishing Complainant's title to said land and for the purpose of clearing up all doubts and disputes concerning

the same.

WITNESS my hand on this the 10th day of August,

1942.

*R. S. Duck*

As Register of the Circuit Court  
of Baldwin County, Alabama.

HYBART & CHASON  
Solicitors for Complainant.

L.R.S. Duck Register of the Circuit Court, hereby certify that the foregoing is a true and correct copy of the notice of publication in the above styled cause.

*R. S. Duck*  
Register.

Notarized by \_\_\_\_\_  
 Date 1st \_\_\_\_\_  
 Book 104 \_\_\_\_\_  
 Page 104 \_\_\_\_\_  
 Registered \_\_\_\_\_  
 Filed \_\_\_\_\_  
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*(Handwritten initials)*

the same.

WITNESSES my hand on this the 10th day of August,

1943.

*(Handwritten signature)*

As Register of the Circuit Court  
of Baldwin County, Alabama.

WARRANT & RETURN  
Relators for Complaint.

*Joe Purdue*  
*Chas. J. & Est. 1*

*5-9*  
*Frank C. Keene*  
*Emmory*  
*John*  
*E. M. ...*  
*D. ...*  
*8-10-43*

I, the undersigned, Register of the Circuit Court, hereby certify that the above styled cause is a true and correct copy of the notice of publication.

*(Handwritten signature)*  
Register.

STATE OF ALABAMA  
BALDWIN COUNTY

Filed *8/10/43* *2 P M*

Recorded *8/10/43* *2/4*  
and I certify that the same  
has been paid.

Deed Tax

Mortgage Tax

Judge of Probate

*(Handwritten signature)*

By

*R. J. ... R. 1 20*