

ALEX W. KAY,

Complainant,

VS.

BALDWIN COUNTY COLONI-
ZATION COMPANY, a Corpora-
tion,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY,

NO. 138.

This cause coming on to be heard was submitted for final decree on the pleadings, Decree Pro Confesso and Proof as noted by the Register, and upon consideration thereof the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complainant, Alex W. Kay, is the owner, and in the possession of the following described lands in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East; The East half of the Southwest quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East; and the Southwest quarter of the Northeast quarter of Section 4, Township 7 South of Range 5 East, situated in Baldwin County, Alabama;

and that the Respondent, Baldwin County Colonization Company, a Corporation, has no right, title, or interest in, or encumbrance upon said lands, or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Respondent, Baldwin County Colonization Company, a Corporation, execute and deliver to the Complainant, Alex W. Kay, proper conveyances, conveying the said lands, and that if the said Baldwin County Colonization Company, a Corporation, shall fail or refuse for a period of ten days to execute such conveyances, then the Register of this Court

is hereby directed, instructed and empowered to make and deliver to the Complainant, Alex W. Kay, proper conveyances, conveying any and all right, title, or interest that the said Respondent, Baldwin County Colonization Company, a Corporation, may have or claim in and to said lands, or any part thereof, said lands being in Baldwin County, Alabama, and described as follows, to-wit:

The Southeast quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East; The East half of the Southwest quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East; and the Southwest quarter of the Northeast quarter of Section 4, Township 7 South of Range 5 East.

IT IS FURTHER ORDERED That the Register of this Court, within thirty days from the rendition of this decree, file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, and that the costs thereof be taxed in the costs of this cause.

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

Done at Monroeville, Monroe County, Alabama, on this

4th day of September, 1935.

F. W. Hare

Judge of the Twenty-First Circuit.

Published Every Thursday

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail
Editor and Proprietor

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, 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

*Alex W. Kay vs Baldwin Co. Colon-
ization Co.*

County, Alabama. In Equity, No. 138.
ALEX W. KAY, Complainant, Vs.
BALDWIN COUNTY COLONIZATION
COMPANY, a Corporation, Respon-
dent.

It being made to appear from the
affidavit of Hubert M. Hall, Solicitor
of record for the Complainant, that
the respondent, Baldwin County Colo-
nization Company, is a domestic cor-
poration, with its principal place of
business in Elberta, Alabama, whose
president or other head, secretary, cash-
ier and managing agent are absent
from the state and that there is no
person in the employ of such corpora-
tion or doing business for it in this
state, it is therefore ordered that no-
tice to said respondent be given by
publication.

It is further ordered that said re-
spondent, Baldwin County Colonization
Company, a Corporation, is hereby re-
quired to answer or demur to the Bill
of Complaint in this cause on or be-
fore the 22nd day of August, 1935.

It is further ordered that this order
be published in the Baldwin Times, a
newspaper published at Bay Minette,
Alabama for four consecutive weeks
and a copy thereof posted at the door
of the Court House, Baldwin County,
Alabama.

Dated this 17th day of June, 1935.
ROBERT S. DUCK, Register.
BEFBE & HALL, Solicitors for Com-
plainant.

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

<i>June 20 - 1935</i>	Vol. <u>46</u> No. <u>20</u>
<i>June 27</i>	Vol. <u>46</u> No. <u>21</u>
<i>July 4</i>	Vol. <u>46</u> No. <u>22</u>
<i>July 11</i>	Vol. <u>46</u> No. <u>23</u>

Date of second publication

Date of third publication

Date of fourth publication

Subscribed and sworn before the undersigned this 7 day of

September 5 1935
C. J. Smith,
Notary Public
Baldwin County,
Alabama

R. B. Vail
Publisher

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

Comes your Complainant, ALEX W. KAY, and humbly complaining against the BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That your Complainant is a resident of Chicago, Illinois, his address being 2740 Mildred Avenue.

SECOND:

That the BALDWIN COUNTY COLONIZATION COMPANY, is a Corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama;

THIRD:

That on February 1st, 1919, Hubert Koehler and Paulina Koehler, his wife, executed and delivered to Henry C. Bartling, as Trustee, a Trust Deed to secure an indebtedness therein mentioned, conveying the following described property in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, containing 40 acres, more or less;

that said Trust Deed is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 22, pages 120-122, inclusive; that the said Henry C. Bartling, as Trustee, transferred and assigned the said Trust Deed, with all rights, powers and privileges, to the Complainant.

FOURTH:

That on March 1st, 1919, Hubert Koehler and Paulina Koehler, his wife, executed a Trust Deed to secure an indebtedness therein men-

Deeds, and on, to-wit, December 10th, 1923, sold said properties, but contrary to instructions from the Complainant, the Auctioneer making the sale made conveyances of said properties to the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation.

EIGHTH:

That your Complainant was, at the time of the said foreclosure, the owner of the said Trust Deeds and the indebtednesses secured thereby, and is now the owner of the said lands.

NINTH:

That immediately after the foreclosure of the said lands, to-wit, December 10th, 1923, your Complainant went into, and has remained in the undisturbed possession of said lands since that time, annually paying the taxes thereon; that during said time there has been no adverse claimant to said lands.

WHEREFORE the premises considered, Complainant prays that your Honor will, by proper process, make the said BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, party respondent to this Bill of Complaint, requiring it to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause this Honorable Court establish the title of your Complainant in and to said lands, and further decreeing that the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, has no right, title or interest in or encumbrance upon said lands; that a further decree be rendered requiring the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, to ~~further~~ execute and deliver proper conveyances to your Complainant, ALEX W. KAY, conveying the following described lands in Baldwin County, Alabama, and being the lands described in said Trust Deeds herein mentioned, and also in said Foreclosure Deeds,

STATE OF ALABAMA)
BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said State and County, personally appeared HUBERT M. HALL, who is known to me and who having been by me first duly sworn, deposes and says that he is Solicitor of record for the Complainant in the cause of Alex W. Kay, Complainant, vs. Baldwin County Colonization Company, a corporation, Respondent; that as such Solicitor and in line with his authority and duties, he has made diligent search and inquiry to ascertain the present officers of the Baldwin County Colonization Company, a Corporation; that it is a Corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama; that from all information available, having inquired of L. Lindoerfer, Post Master, Elberta, Alabama, Alfred Neumann, Banker, Elberta, Alabama, and various other business men in and around Elberta, Alabama, he is unable to ascertain or learn the name or names of any officer or officers of said Corporation, but from such information states that there is no officer, representative or agent of said Corporation within the State of Alabama.

Hubert M. Hall

Sworn to and subscribed before me
on this the 15 day of June, 1935.

J. P. Beebe
Notary Public, Baldwin County, Alabama.

Alex W. Kay

vs.

Baldwin County Colonization Company

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

In this cause it appearing to the Court, by certificate of the Clerk, that the Order of Publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 21st day of

June 19 35 in the Baldwin Times

a newspaper published in Bay Minette, Baldwin County; that a copy of said order was

posted at the Court House door in said County, on the 17th day of June 19 35,

and that another copy was deposited in the Postoffice on the 17th day of June 19 35,

directed to the said

at his place of residence, and it now further appearing to the Court that the said

Baldwin County Colonization Company

has, to the date hereof, failed to plead, answer or demur to the Bill of Complaint in this cause. It is, therefore, on motion of Complainant, ordered and decreed by the Court, that the said Bill of Complaint be, and it hereby is, in

all things, taken as confessed against the said Baldwin County Colonization Co.

This 26th day of August 19 35.

Robert S. Duck

Judge of the Circuit Court of
Register

Baldwin County.

ALEX W. KAY,

Complainant,

VS

BALDWIN COUNTY COLONIZATION
COMPANY, a Corporation,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

In Equity. No. 133.

It being made to appear from the affidavit of Hubert M. Hall, Solicitor of record for the Complainant, that the respondent, Baldwin County Colonization Company, is a domestic corporation, with its principal place of business in Elberta, Alabama, whose president or other head, secretary, cashier and managing agent are absent from the state and that there is no person in the employ of such corporation or doing business for it in this state, it is therefore ordered that notice to said respondent be given by publication.

It is further ordered that said respondent, Baldwin County Colonization Company, a Corporation, is hereby required to answer or demur to the Bill of Complaint in this cause on or before the 22nd day of August, 1935.

It is further ordered that this order be published in the Baldwin Times, a newspaper published at Bay Minette, Alabama, for four (4) consecutive weeks and a copy thereof posted at the door of the Court House, Baldwin County, Alabama.

Dated this the 17th day of June, 1935.

Robert S. Duck
Register, a.c.h.

BEEBE & HALL

Solicitors for Complainant

138



No. 138

Alex W. Kay,

vs

Baldwin County Colonization Co.,

Order of Publication,

Issued June 17th, 1935.

Robert S. Duck, Clerk.

No. 138

Book 6-800

138

THE STATE OF ALABAMA,

County

CIRCUIT COURT OF

COUNTY,

Alex. H. Gray

vs.

Baldwin County
Administration Company

DECREE PRO CONFESSO AGAINST
NON-RESIDENT DEFENDANT.

Filed this 26 day of

August 1935

Robert S. Drake
Register.

-138

138

RECORDED
back

ALEX W. KAY,

Complainant,

VS.

BALDWIN COUNTY COLONIZATION
COMPANY, a Corporation,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA:

BILL OF COMPLAINT

Filed this 17 day of June,
1935.

Richard W. Lee
Clerk.

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

Comes your Complainant, ALEX W. KAY, and humbly complaining against the BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That your Complainant is a resident of Chicago, Illinois, his address being 2740 Mildred Avenue.

SECOND:

That the BALDWIN COUNTY COLONIZATION COMPANY, is a Corporation duly organized and existing under the laws of the State of Alabama, with its principal place of business at Elberta, in Baldwin County, Alabama;

THIRD:

That on February 1st, 1919, Hubert Koehler and Paulina Koehler, his wife, executed and delivered to Henry C. Bartling, as Trustee, a Trust Deed to secure an indebtedness therein mentioned, conveying the following described property in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, containing 40 acres, more or less;

that said Trust Deed is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 22, pages 120-122, inclusive; that the said Henry C. Bartling, as Trustee, transferred and assigned the said Trust Deed, with all rights, powers and privileges, to the Complainant.

FOURTH:

That on March 1st, 1919, Hubert Koehler and Paulina Koehler, his wife, executed a Trust Deed to secure an indebtedness therein

tioned to Henry C. Bartling, as Trustee, conveying the following described lands in Baldwin County, Alabama, to-wit:

The East half of the Southwest quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, containing 20 acres, more or less;

that said Trust Deed is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 22, pages 118-120, inclusive; that the said Trust Deed, with all the rights, powers and privileges thereunder, was duly transferred and assigned by Henry C. Bartling, as Trustee, to your Complainant.

FIFTH:

That on June 1st, 1920, Eugene Kaiser and Hedwig Kaiser, his wife, executed a certain Trust Deed to secure an indebtedness therein mentioned, to Henry C. Bartling, as Trustee, conveying the following described lands in Baldwin County, Alabama, to-wit:

The Southwest quarter of the Northeast quarter of Section 4, Township 7 South of Range 5 East, containing 5 acres, more or less;

that the said Trust Deed is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 24, pages 538-540, inclusive; that the said Henry C. Bartling, as Trustee, duly transferred and assigned said Trust Deed, together with all rights, powers and privileges, to your Complainant.

SIXTH:

That the said Trust Deeds, hereinabove set out, being in default, your Complainant, the owner of the said Trust Deeds and the indebtednesses secured thereby, employed the Respondent, the BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, to foreclose said Trust Deeds, with the distinct understanding that the same was to be foreclosed in his name and the property purchased and conveyances made to him, as the owner and holder of said Trust Deeds and the indebtednesses therein secured.

SEVENTH:

That the Respondent proceeded to foreclose the said Trust

Deeds, and on, to-wit, December 10th, 1923, sold said properties, but contrary to instructions from the Complainant, the Auctioneer making the sale made conveyances of said properties to the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation.

EIGHTH:

That your Complainant was, at the time of the said foreclosure, the owner of the said Trust Deeds and the indebtednesses secured thereby, and is now the owner of the said lands.

NINTH:

That immediately after the foreclosure of the said lands, to-wit, December 10th, 1923, your Complainant went into, and has remained in the undisturbed possession of said lands since that time, annually paying the taxes thereon; that during said time there has been no adverse claimant to said lands.

WHEREFORE the premises considered, Complainant prays that your Honor will, by proper process, make the said BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, party respondent to this Bill of Complaint, requiring it to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause this Honorable Court establish the title of your Complainant in and to said lands, and further decreeing that the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, has no right, title or interest in or encumbrance upon said lands; that a further decree be rendered requiring the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, to ~~further~~ execute and deliver proper conveyances to your Complainant, ALEX W. KAY, conveying the following described lands in Baldwin County, Alabama, and being the lands described in said Trust Deeds herein mentioned, and also in said Foreclosure Deeds,

herein mentioned, to-wit:

The Southeast quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, the East half of the Southwest quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, and the Southwest quarter of the Northeast quarter of Section 4, Township 7 South of Range 5 East;

that in the event the Respondent, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation, shall fail, or refuse, for a period of ten (10) days to execute a conveyance, as herein set out, that a proper decree be entered directing, instructing and empowering the Register of the Circuit Court of Baldwin County, Alabama, to make and deliver to the Complainant, ALEX W. KAY, proper conveyance, conveying any and all right, title or interest that the said Respondent, BALDWIN COUNTY COLONIZATION COMPANY, may have or claim to the following described lands in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, the East half of the Southwest quarter of the Southeast quarter of Section 27, Township 7 South of Range 5 East, and the Southwest quarter of the Northeast quarter of Section 4, Township 7 South of Range 5 East.

Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive and as in duty bound he will ever pray.

Beebe & Hare
Solicitor for Complainant.

FOOT NOTE:

The Respondent is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs First to Ninth, inclusive, but not under oath, oath being hereby expressly waived.

Beebe & Hare
Solicitor for Complainant.

8550 REQUEST FOR DECREE IN VACATION.

MOORE Ptg CO.

STATE OF ALABAMA,
Baldwin County.

}

CIRCUIT COURT, IN EQUITY.

No. 133

Term, 192

ALEX W. RAY

, Complainant

vs.

BALDWIN COUNTY COLONIZATION COMPANY, a Corporation

, Defendant

To ROBERT S. DUCK

, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by Beebe & Hall

..... Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Beebe & Hall

Solicitors for Complainant.

8581 NOTE OF TESTIMONY

ALEX W. KAY

vs.

BALDWIN COUNTY COLONIZATION COMPANY, a Corporation.

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, Order of Publication, Certificate of Register as to Service by Publication, Request for Decree Pro Confesso on Publication, Decree Pro Confesso on Publication, and Request for Decree in Vacation.

and in behalf of Defendant upon

Robert S. Huck

Register.

W

138

RECORDED
such

No. 138

Page 6-599

State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

ALLEN W. KAY

Complainant

Vs.

BALDWIN COUNTY COLONIZATION
COMPANY, a Corporation,

Defendant

Motion for Decree Pro Confesso
On Publication.

Filed *Sept 3, 1935*, 193

Robert S. Ruck

Register.

Recorded in Record,

Vol. Page

Register,