

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY:

WILLIAM L. HINZ,
Complainant

- vs -

Lot 1 and the east 36 feet
of Lot 2 in the D. S.
Brown Tract, etc....
and
ELIZABETH W. JOHNSON,
et al

Copy
ORIGINAL BILL

FILED

MAY 5 1950

ALICE J. DUCK, Register

RICKARBY & RICKARBY

Fairhope, Alabama

THE FOLEY ONLOOKER

FOLEY, ALA., *June 8* 19

BALDWIN NEWS-HERALD

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice J. Duck

Bay Minette, Ala.

Brought Forward

May	11	Legal	
"	18	Notice	
"	25	For.	
June	1	Wm. L. Henry	\$ 36. 81

LAW OFFICES

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

3 August 1950

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

Dear Mrs. Duck:

WILLIAM L. HINZ -vs- Vand, etc. & E. W. JOHNSON:

By now the Probate Court should have sent up to you a certified copy of an affidavit by somebody by the name of Pierce, showing land grand in subject suit. Please include this with evidence in the case, as listed in the enclosed Note of Submission and have case submitted.

We are, also, including a decree for the Judge's signature. Thank you.

Yours very truly,

RICKARBY & RICKARBY

By 

EGR, Jr.:M
Enc.
788

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

12 May 1950

Mrs. Alice J. Duck
Registry in Chancery
Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

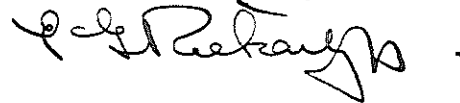
WILLIAM L. HINZ -vs- The following described Land; etc.
In Equity:

Enclosed find Appearances of the Hunters and Mr.
Burmeister, which we ask that you file in the
above mentioned cause.

Yours very truly

RICKARBY & RICKARBY

By



EGR, Jr.:M

Enc.

788

WILLIAM L. HINZ,
Complainant

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

-vs-

IN EQUITY:

The following described land:

Lot 1 and the east 36 feet of Lot 2 in the D. S. Brown Tract, a sub-division of the Town of Fairhope, and more particularly described, as follows: to-wit: Begin at the south-west corner of the intersection of Morphy Avenue and Section Street in the Town of Fairhope, Baldwin County, Alabama, and run south along the west side of said Section Street 137 feet; thence west 110 feet; thence north 137 feet; to the south side of said Morphy Avenue; thence east along the south side of said Morphy Avenue 110 feet to the point of beginning

and
ELIZABETH W. JOHNSON, and any and all persons claiming any title to, interest in, lien or encumbrances on said land, or any part thereof,

Defendant

NOTE OF SUBMISSION

This cause being submitted for final decree on motion of the Complainant.

Complainant, being called, offers the following testimony, to-wit:

FIRST: Original bill of complaint.

SECOND: Order prescribing notice to defendants.

THIRD: Recording of notice of pendency of bill of complaint in his pendens record in the office of the Judge of Probate of Baldwin County, Alabama.

FOURTH: Certificate of publication.

FIFTH: Answers filed by Gavin Hunter and Helene B. Hunter, and William H. Burmeister.

SIXTH: Decree pro confesso.

SEVENTH: Testimony of Gavin Hunter and William H. Burmeister.

EIGHT: Certified copy of affidavit of land grant.

I hereby certify that the above Note of Submission is correct, this day of , 1950.

Alice L. Hunter
Register
RICKARBY & RICKARBY
By E. G. Rickarby, Jr.
E. G. Rickarby, Jr.
Solicitors for Complainant

RECORDED

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY:

WILLIAM L. HINZ,

Complainant

-vs-

The following described land:
Lot 1 and the east 36 feet of
Lot 2 in the D. S. Brown Tract,
a sub-division of the Town of
Fairhope,..... and
ELIZABETH W. JOHNSON, et al ...

NOTE OF SUBMISSION

FILED

AUG 7 1950

ALICE J. DUCK, Register

RICKARBY & RICKARBY

WILLIAM L. HINZ,
Complainant

-vs-

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY:

The following described land:
Lot 1 and the east 36 feet of Lot 2 in the
D. S. Brown Tract, a sub-division of the Town
of Fairhope, and more particularly described,
as follows, to-wit: Begin at the south-west
corner of the intersection of Morphy Avenue
and Section Street in the Town of Fairhope,
Baldwin County, Alabama, and run south along
the west side of said Section Street 137 feet;
thence west 110 feet; thence north 137 feet to
the south side of said Morphy Avenue; thence
east along the south side of said Morphy Ave-
nue 110 feet to the point of beginning
and

ELIZABETH W. JOHNSON, and any and all persons
claiming any title to, interest in, lien or
encumbrances on said land, or any part thereof,

Defendant

This cause coming on to be heard on this the 8th
day of August, 1950, is submitted for final decree
upon complainant's verified bill of complaint upon the decree pro
confesso rendered herein and upon the testimony of GAVIN HUNTER
and WILLIAM H. BURMEISTER, taken by deposition, and the certifi-
cate of the Register, all of which is as noted by the Register,
and it appears to the satisfaction of the Court:

FIRST. That the complainant, WILLIAM L. HINZ, at the time
of filing of his bill of complaint in this cause, claimed in his own
right a fee simple title to and was in the actual peaceable possession
of the following described lands, lying in the County of Baldwin, State
of Alabama, and more particularly described as follows:

Lot 1 and the east 36 feet of Lot 2 in the D. S.
Brown Tract, a sub-division of the Town of Fair-
hope, and more particularly described, as follows,
to-wit: Begin at the south-west corner of the in-
tersection of Morphy Avenue and Section Street in
the Town of Fairhope, Baldwin County, Alabama, and
run south along the west side of said Section Street
137 feet; thence west 110 feet; thence north 137 feet
to the south side of said Morphy Avenue; thence east
along the south side of said Morphy Avenue 110 feet
to the point of beginning.

SECOND. That at the time of the filing of said bill of complaint, no suit was pending to test his title to, interest in, or the right to the possession of said land.

THIRD: That his said bill of complaint was and is duly verified, and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands or interest, and to clear all doubts or disputes concerning the same, and that said bill of complaint did in all respects comply with the provisions of Code 1940, Title 7, Section 1117.

FOURTH. That the names of none of the parties defendant were known to complainant, and that he exercised diligence to ascertain the facts with regard thereto.

FIFTH. That notice of the pendency of said bill of complaint was drawn and signed by the Register of this Court, and said Register did have such notice published once a week for four consecutive weeks in the Foley Onlooker, a newspaper having general circulation and published in Baldwin County, Alabama, as prescribed by rule of this Court, or by an order made in this cause.

SIXTH. That a copy of said notice, certified by the Register as being correct, was recorded as a lis pendens in the office of the Probate Judge of said county, said notice being in strict accord and compliance with Code 1940, Title 7, Section 1121.

SEVENTH. That it has been more than sixty days since the first publication of said notice and the filing of a certified copy of said notice in the office of the Probate Judge of said county.

EIGHTH. That no person has intervened in this cause.

NINTH. That all of the allegations of fact contained in complainant's bill of complaint are true. It is, therefore,

ORDERED, ADJUDGED and DECREED:

(1) That complainant is entitled to the relief prayed for in his bill of complaint, and that the fee simple title claimed by complainant in the above described lands has been duly proven.

(2) That the complainant is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances, and that his said title thereto be and is hereby established, and that all doubts and disputes concerning the same be and are hereby cleared up.

(3) That a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, and that it be indexed in the names of WILLIAM L. HINZ and ELIZABETH W. JOHNSON, on both the direct index and the indirect index of the record thereof.

(4) That complainant pay the costs of these proceedings, for which let execution issue.

Done this the 8th day of August
Nineteen Hundred Fifty.

Jelfair J. Maslbury, Jr.
Judge.

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY:

WILLIAM L. HINZ,
Complainant

-VS-

The following describe land:
Lot 1 and the east 36 feet of
Lot 2 in the D. S. Brown Tract,
a sub-division of the Town of
Fairhope,..... and
ELIZABETH W. JOHNSON, et al...

FINAL DECREE

FILED

AUG 8 1950

ALICE J. DUCK, Register

RICKARBY & RICKARBY
Attorneys for Complainant

29170