8581. NOTE OF TESTIMONY

Moore Printing Co.

J W Brice.

VS.

Felix Schloetzer 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, Decree Pro Confesso. and Testimony of J W Brice.

and in behalf of Defendant upon

R L Luce Register.

Decree Pro Confesso of Publication. MPCO

THE STATE OF ALABAMA, } **CIRCUIT COURT, IN EQUITY**
BALDWIN COUNTY

No. 914 June, Term, 1943

J W Brice. Complainant

Vs.

Felix Schloetzer. et al. Defendant

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 day of 25th March, 1943, in the Foley Onlooker. a newspaper published in Foley, Alabama, that a copy of said order was posted at the Court House door in Baldwin. County, on the 24th day of March 1943 and

And it now further appearing to the Register R S Duck. that the said Felix Schloetzer and Magnus Schloetzer

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 Felix Schloetzer and Magnus Schloetzer

This 29th day of May. 1943

R S Duck Register.

J. W. BRICE, Complainant, vs. FELIX, SCHLOETZER, et al Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY DECREE

This cause coming on to be heard on the Bill of Complaint, the certificate of the register as to service upon the Respondents by publication, decree pro confesso on service by publication and the testimony as noted by the register and was submitted to the Court and upon consideration thereof, the Court finds: That service upon the Respondents has been in all respects, due and regular, that the Court has jurisdiction of the parties and of the subject matter of the action, that the allegations of the Bill of Complaint are true and that the Complainant is entitled to relief as prayed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Complainant J. W. Brice, is the owner in fee simple of the following described land in Baldwin County, Alabama, to-wit: The Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East; that Respondents, Felix Schloetzer, Magnus Schloetzer, the unknown heirs, devisees and personal representative of Felix Schloetzer, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, and any and all persons claiming any title to, interest in, lien or encumbrance on the said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East, or any part thereof, and each of them, has no right, title, interest in, lien or encumbrance on the said lands or any part thereof and that the title of the Complainant in and to said lands ought to be, and the same hereby is, quieted and confirmed in him forever.

It is further ordered that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, and that the same shall be indexed on the direct index in the names of Felix Schloetzer and Magnus Schloetzer and on the indirect indexes it shall be indexed in the name of J.W. Brice and that the Complainant pay the costs in the amount of $3.43.

Dated this 2nd day of June, 1943.

F. M. Hare

Judge

EQUITY COST BILL

Moore Printing Co., Bay Minette, Ala.

The State of Alabama, BALDWIN COUNTY

CIRCUIT COURT. (Equity)

_____ Term, 194____

[illegible]

No. 115 vs.

[illegible]

Etal

BILL OF COSTS

REGISTER'S FEES	AMOUNT
Fees in Circuit Court— Docketing Cause, One fee only of 1.00	1 00
Issuing Summons on Bill, each ..... .50*	50
Issuing Copies Thereof, each ..... .40	40
Entering Return of Same, each ..... .15	
Orders of Publication to Non-Residents, each 1.00*	1 00
Filing Bill or Other Paper, each ..... .10	10
Copies of Same, Per 100 Words ..... .15	
Entering Appearances, each ..... .25*	25
Issuing Writs of Injunction, Ne Exeat, each 1.50	
Issuing Copies Thereof, each ..... .50	
Entering Return of Same, each ..... .15	
Decrees Pro Confesso, each 1.00*	1 00
Order Appointing Guardian Ad Litem, each 1.00*	
Issuing Commissions to Take Testimony, each .... .50	50
Taking Testimony, Per Day 1.50	
Taking Testimony, Per 100 words ..... .20	
Receiving and Filing Depositions, each pkg., ... .10	10
Indorsing Depositions Published, each pkg., ... .10	
All Entries on Commission Docket, Each Cause .... .50	
Entering Order Submitting Cases for Decree, each. .50	
Other Orders of Court, each ..... .25	
Noting Testimony on Hearing of Cause, each ..... .50	50
Entering Decrees, of 500 Words of Less, each ..... .75	75
Per 100 words over 500 ..... .15	
Taking Accounts, etc., on Ref., per Day 3.00*	
Taking Testimony on Reference Relating to Trustee, 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	3 40
Hearing, etc., Regarding Appointment of Receiver 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	
Certificate 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	1 00
.....	
.....	
Total Register's Fees	11 00

SHERIFF'S FEES:	AMOUNT
Summoning on Bill, Each Defendant 1.50	
Executing Writ of Injunction, or Ne Exeat, each .. 1.50	
Executing Subpoenas for Witnesses, each ..... .65	
Executing Writs of Possession, each 5.00	
Executing Scire Pacias or Notice, each 1.50	
Taking and Approving Bonds, each 1.00	
Impaneling Jury ..... .75	
Collecting Execution for Costs Only, each 1.50	
Sheriff's Commissions	
.....	
.....	
Total Sheriff's Fees	

SUMMARY OF FEES, COSTS, AND JUDGMENT

Fees in Circuit Court—	
Register's Fees	11 00
Ex-Register's Fees	
Sheriff's Fees	
Ex-Sheriff's Fees	
Witness Fees	
Commissioner's Fees	
Guardian Ad Litem	
Publisher's Fees Guardian	15 93
Solicitor's Fees	
Court Reporter's Fees, Per Day or fraction thereof .5.00	
Trial Tax 3.00	3 00
.....	
.....	
.....	
Fees and Costs in Inferior Court:	
Clerk of Inferior Court Fees	
Sheriff's Fees	
Witness Fees	
.....	
.....	
Total Fees and Costs in Inferior Court	
Total Fees and Costs	30
Judgment	1 00
.....	
.....	
Total Fees, Costs, and Judgment	31 43

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA

To Felix Schloetzer, Magnus Schloetzer, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8) Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East, or any part thereof.

You, and each of you, are hereby notified that on the 24th day of March, 1943, J. W. Brice, filed his Bill of Complaint in this Court against you and each of you, claiming to own the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8) Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian, in Baldwin County, Alabama, by deed to him from Baldwin Land Holding Company, Inc., dated July 8, 1929, and by deed to him from the State of Alabama, dated August 14, 1931; that the title to said lands stands on the record of the Probate Court of Baldwin County, Alabama, in which county said lands lie in the name of the said J. W. Brice; that no one, other than the said J. W. Brice, is known to have paid taxes upon said property or to have been in possession of said lands or any part of said lands within ten (10) years next prior to the filing of said Bill of Complaint.

You and each of you are required to answer, demur or plead to said Bill of Complaint on or before the 26th day of May, 1943, or decree pro confesso will be entered against you.

Dated this 24th day of March, 1943.

R. S. Duck
R. S. DUCK,
~~Clerk~~ Register

LLOYD A. MAGNEY,
Attorney

J. W. BRICE, Complainant, vs. FELIX SCHLOETZER, et al, Respondent.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY CERTIFICATE OF REGISTER

I, R. S. Duck, Register in Chancery, hereby certify as follows:

That on the 24th day of March, 1943, I entered and filed in this cause a Notice to the Respondents, Felix Schloetzer, Magnus Schloetzer, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on, the said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East or any part thereof, notifying them of the filing of the Bill of Complaint and requiring said Respondents to answer, demur or plead to said Bill of Complaint on or before the 26th day of May, 1943.

On the 25th day of March, 1943, I posted a copy of said notice at the door of the Baldwin County Courthouse in Bay Minette, Alabama.

I caused the above described notice to be published in the Onlooker, a newspaper published in Foley, Baldwin County, Alabama, in the issues of said newspaper dated March 25, April 1, April 8 and April 15, 1943, proof of such publication being on file herein.

That there has been no appearance or pleading by any of the Respondents above named.

IN WITNESS WHEREOF: I have hereunto set my hand this 27th day of May, 1943.

R. S. Duck
Register in Chancery

J. W. BRICE, Complainant, vs. FELIX SCHLOETZER, MAGNUS SCHLOETZER, the unknown heirs, devisees and personal representatives of FELIX SCHLOETZER, deceased, the unknown heirs, devisees and personal representatives of MAGNUS SCHLOETZER, deceased, the NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East, of St. Stephens, Meridian, in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East, or any part thereof, Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY BILL OF COMPLAINT

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

PART ONE

Your Complainant, J. W. Brice, respectfully represents that he is over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama; that the Respondent, Felix Schloetzer is over the age of twenty-one years and a non-resident of the State of Alabama, his place of residence being unknown to Complainant; that Respondent, Magnus Schloetzer, is over the age of twenty-one years and a non-resident of the State of Alabama, his place of residence being unknown to Complainant; that Respondents, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, and of Magnus Schloetzer, deceased, are unknown to Complainant and their places of residence are unknown to Complainant.

PART TWO

Your Complainant further alleges and shows to the Court:

1. That he claims in his own right to own the legal, fee simple title to the following described real estate in Baldwin County, Alabama, to-wit:

in the actual, peaceable, open, notorious, continuous, uninterrupted, hostile and adverse possession of said lands, claiming to own the same against all the world and no suit is pending to test his title to, interest in or his right to the possession of such lands and he files this verified Bill of Complaint to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

8. That your Complainant does not know the present whereabouts of either the said Felix Schloetzer or Magnus Schloetzer; that they resided in Baldwin County in the year 1920 but left for parts unknown in the year 1921 or 1922 and have never been heard from since and Complainant does not know whether they are living or dead and if they are dead he does not know who are their heirs, devisees, or personal representatives. That he has made a diligent search to ascertain these facts, has employed an abstracter of land titles in Baldwin County to make a search of the Baldwin County records for the address of said Respondents; he has inquired among those living in the neighborhood in which said Respondents resided and of any acquaintances of said Respondents known to him, as to their whereabouts; he has retained an attorney to endeavor to locate said Respondents, or either of them, all without success.

PRAYER FOR PROCESS

The premises considered, your Complainant prays that your Honor will order the Register of this Court to make out and superintend the appropriate order of publication addressed to the Respondents, Felix Schloetzer and Magnus Schloetzer, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, the NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East of St. Stephens, Meridian, in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East of St. Stephens Meridian, Baldwin County, Alabama, commanding them and each of

them to answer, plead or demur to this Bill of Complaint within the time fixed by law and to abide such order and decree as may be entered herein; and your Complainant shall ever pray & c.

PRAYER FOR RELIEF

Your Complainant further prays that on the final hearing of this cause, your Honor will make and enter a decree that the fee simple, legal title to said lands is in the Complainant and that the title of the Complainant in and to said lands is quieted and confirmed in him and that he may have such other, further and different relief in the premises as may be just and equitable.

Floyd Mornagney
Solicitor for Complainant

STATE OF ALABAMA)
BALDWIN COUNTY)

J. W. Brice, being first duly sworn, on oath deposes and says:

That he is the Complainant in the above entitled cause; that he has heard read and knows the contents of the foregoing Bill of Complaint and that the facts therein set forth are true as he verily believes.

Witness:
F. Mornagney

his
J. W. X Brice
mark

Subscribed in my presence and sworn to before me this 17 day of February, 1943.

Floyd Mornagney
Notary Public

Commission To Take Depositions. Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO EDITH HOWELL

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 J. W. BRICE

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

is Complainant

and Felix Schloetzer, et al

is Defendant,

on oath to be by you administered, upon oral interrogatories

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

Witness 28th day of May, 19 43.

REGISTER

Commissioner's Fee $

Witness' Fees, $

J. W. BRICE, Complainant, vs. FELIX SCHLOETZER, et al, Respondents.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY DEPOSITION

TESTIMONY OF J. W. BRICE

J. W. Brice, being first duly sworn, on his oath deposes and says:

I am the Complainant in the above entitled action and the owner of the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) in Baldwin County, Alabama.

I acquired title to this forty acres by deed from Baldwin Land Holding Company, Inc., which was delivered to me on July 8, 1929, and is recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 79, pages 100 and 101.

Immediately upon receipt of this deed, I went into possession of this land, fenced it, cut the timber off of it and cleared ten acres for farming purposes and ever since July 8, 1929, I have continuously used and farmed this land either personally or by tenant.

Sometime after I bought it, I built a tenant house on it and every year since 1929 and including the year 1942, I have assessed the land for taxation and paid the taxes on it.

In 1931, after buying the land in 1929, I learned that it had been sold to the state for taxes, under an assessment against Baldwin Land Holding Company, Inc., and so on August 14, 1931, I purchased this tax title from the state and received its tax deed, which deed is recorded in Deed Book #79, at page 100 in the records of the office of the Judge of Probate, Baldwin County, Alabama. During all of this time I have been in the exclusive, continuous, uninterrupted, peaceable, open, notorious and adverse possession of this land, claiming to own the same against all the world; I

have regularly assessed it and paid the taxes and during the past fourteen years no one else has ever assessed it or any part of it, or paid any taxes on it, nor had any possession of any part of it except as my tenant and no one has ever disputed my title or possession or asserted any rights in, or claim upon said land and there is no suit of any kind pending, other than this one, to test my title to, interest in or right to the possession of such lands.

John W Brice

CERTIFICATE

STATE OF ALABAMA)
)
BALDWIN COUNTY)

I, Edith Howell, by virtue of the attached Commission, the Commissioner to take the testimony of J. W. Brice, do hereby certify that I caused said witness to come before me, in my office in Foley, Alabama, on the 29th day of May, 1943, and after said witness had been duly sworn, his testimony was taken down by me in shorthand and later reduced to typewriting, read and signed by said witness.

That I am not of counsel or of kin to any of the parties to this proceeding nor in any manner interested in the result thereof.

IN WITNESS WHEREOF: I have hereunto set my hand this 29th day of May, 1943.

Edith Howell

Commissioner

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA

To Felix Schloetzer, Magnus Schloetzer, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8) Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East, or any part thereof.

You, and each of you, are hereby notified that on the 24th day of March, 1943, J. W. Brice, filed his Bill of Complaint in this Court against you and each of you, claiming to own the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8) Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian, in Baldwin County, Alabama, by deed to him from Baldwin Land Holding Company, Inc., dated July 8, 1929, and by deed to him from the State of Alabama, dated August 14, 1931; that the title to said lands stands on the record of the Probate Court of Baldwin County, Alabama, in which county said lands lie in the name of the said J. W. Brice; that no one, other than the said J. W. Brice, is known to have paid taxes upon said property or to have been in possession of said lands or any part of said lands within ten (10) years next prior to the filing of said Bill of Complaint.

You and each of you are required to answer, demur or plead to said Bill of Complaint on or before the 26th day of May, 1943, or decree pro confesso will be entered against you.

Dated this 24th day of March, 1943.

R. S. Duck

R. S. DUCK,
Clerk

LLOYD A. MAGNEY,
Attorney

J. W. BRICE, Complainant, vs. FELIX SCHLOETZER, MAGNUS SCHLOETZER, the unknown heirs, devisees and personal representatives of FELIX SCHLOETZER, deceased, the unknown heirs, devisees and personal representatives of MAGNUS SCHLOETZER, deceased, the NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East, of St. Stephens, Meridian, in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East, or any part thereof, Respondents.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN CHANCERY BILL OF COMPLAINT

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

PART ONE

Your Complainant, J. W. Brice, respectfully represents that he is over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama; that the Respondent, Felix Schloetzer is over the age of twenty-one years and a nonresident of the State of Alabama, his place of residence being unknown to Complainant; that Respondent, Magnus Schloetzer, is over the age of twenty-one years and a non-resident of the State of Alabama, his place of residence being unknown to Complainant; that Respondents, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, and of Magnus Schloetzer, deceased, are unknown to Complainant and their places of residence are unknown to Complainant.

PART TWO

Your Complainant further alleges and shows to the Court:

1. That he claims in his own right to own the legal, fee simple title to the following described real estate in Baldwin County, Alabama, to-wit:

The Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian.....

2. Complainant obtained the title so claimed by him in and to said lands, first, by deed from Baldwin Land Holding Company, Inc., said deed being dated July 8, 1929, and recorded in the records of the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 79, pages 100 and 101 thereof and by deed from the State of Alabama, dated August 14, 1931, and recorded in the office of the Judge of Probate, Baldwin County, Alabama, in Deed Book 79, page 100.

3. That the title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of J. W. Brice, your Complainant.

4. That for ten years next preceeding the filing of this Bill of Complaint, the Complainant has paid all of the taxes upon said lands and no one, other than Complainant, has paid any taxes upon said land or any interest therein.

5. That no one, other than your Complainant, is known to Complainant to have had any possession of any part of said lands within ten years next preceeding the filing of said Bill of Complaint.

6. That, so far as Complainant knows, no one is claiming said lands or any part thereof or any interest therein but the said Respondents, Felix Schloetzer and Magnus Schloetzer, who became the owners of said land, jointly, on September 9, 1920, have never made any conveyance of their interest except by tax sale held June 1, 1922, said sale being recorded in Sales Book 5, page 118 of the Baldwin County records at which sale, said property was purchased by the State of Alabama, for the unpaid taxes of the year 1921 and which title, so acquired, the said State of Alabama conveyed to Baldwin Land Holding Company, Inc, the Grantor of your Complainant, by deed dated March 22, 1927.

7. That your Complainant is now and has been for more than ten years next preceeding the filing of this Bill of Complaint,

in the actual, peaceable, open, notorious, continuous, uninterrupted, hostile and adverse possession of said lands, claiming to own the same against all the world and no suit is pending to test his title to, interest in or his right to the possession of such lands and he files this verified Bill of Complaint to establish the right or title to such lands and to clear up all doubts or disputes concerning the same.

8. That your Complainant does not know the present whereabouts of either the said Felix Schloetzer or Magnus Schloetzer; that they resided in Baldwin County in the year 1920 but left for parts unknown in the year 1921 or 1922 and have never been heard from since and Complainant does not know whether they are living or dead and if they are dead he does not know who are their heirs, devisees, or personal representatives. That he has made a diligent search to ascertain these facts, has employed an abstracter of land titles in Baldwin County to make a search of the Baldwin County records for the address of said Respondents; he has inquired among those living in the neighborhood in which said Respondents resided and of any acquaintances of said Respondents known to him, as to their whereabouts; he has retained an attorney to endeavor to locate said Respondents, or either of them, all without success.

PRAYER FOR PROCESS

The premises considered, your Complainant prays that your Honor will order the Register of this Court to make out and superintend the appropriate order of publication addressed to the Respondents, Felix Schloetzer and Magnus Schloetzer, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, the NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East of St. Stephens, Meridian, in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said NE¼ of the NE¼ of Section 8, Township 8 South of Range 4 East of St. Stephens Meridian, Baldwin County, Alabama, commanding them and each of

them to answer, plead or demur to this Bill of Complaint within the time fixed by law and to abide such order and decree as may be entered herein; and your Complainant shall ever pray & c.

PRAYER FOR RELIEF

Your Complainant further prays that on the final hearing of this cause, your Honor will make and enter a decree that the fee simple, legal title to said lands is in the Complainant and that the title of the Complainant in and to said lands is quieted and confirmed in him and that he may have such other, further and different relief in the premises as may be just and equitable.

Solicitor for Complainant

STATE OF ALABAMA)
BALDWIN COUNTY)

J. W. Brice, being first duly sworn, on oath deposes and says:

That he is the Complainant in the above entitled cause; that he has heard read and knows the contents of the foregoing Bill of Complaint and that the facts therein set forth are true as he verily believes.

Witness:

his
J W Brice
mark

Subscribed in my presence and sworn to before me this 17 day of February, 1943.

Notary Public

914

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

J. W. BRICE,

Complainant,

vs.

FELIX SCHLOETZER, et al,

Respondent.

BILL OF COMPLAINT

Filed Mar 27 1945
R. Duel,
By

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

RECORDED

CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA

To Felix Schloetzer, Magnus Schloetzer, the unknown heirs, devisees and personal representatives of Felix Schloetzer, deceased, the unknown heirs, devisees and personal representatives of Magnus Schloetzer, deceased, the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8) Township Eight (8) South of Range Four (4) East of St. Stephens, Meridian in Baldwin County, Alabama, and any and all persons claiming any title to, interest in, lien or encumbrance on the said Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section Eight (8), Township (8) South of Range Four (4) East, or ny part thereof.

You, and each of you, are hereby notified that on the 24th day of March, 1943, J. W. Brice, filed his [illegible] part of said lands within ten (10) years next prior to the filing of said Bill of Complaint.

You and each of you are required to answer, demur or plead to said Bill of Complaint on or before the 26th day of May, 1943, or decree pro confesso will be entered against you.

Dated this 24th day of March, 1943.

R. S. DUCK
Clerk.

LLOYD A. MAGNEY,
Attorney.

25-1-8-15

AFFIDAVIT OF PUBLICATION

I, M. M. Barchard

Publisher of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated March 25, 1943, and ending with the issue dated April 15, 1943.

M. M. Barchard

Subscribed and sworn to before me this 16 day of April, 1943

Lloyd A. Magney
Notary Public.

THE FOLEY ONLOOKER BALDWIN NEWS-HERALD

Foley, Ala., May 1 19 43

BARCHARD PUBLISHING CO.

Lloyd A. Magney
Foley, Ala.

HIGH QUALITY JOB PRINTING

	Brought Forward		
	Legal	15	23
	Brice vs Schloetzer		

THE FOLEY ONLOOKER BALDWIN NEWS-HERALD

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R A Klucks

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IN ACCOUNT WITH

G. W. ROBERTSON

JUDGE OF PROBATE, BALDWIN COUNTY

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Recording	from	to	Privilege Tax	Rec. Fee	Total
LP	Brice vs. Schlottzer				50

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Mtge.	J C Brim & Julia Schlotzer				85
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