

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

JOHN HEMMERT and BEATRICE HEMMERT, Complainant S
Husband and Wife,

CERTAIN LANDS, ABE ZIMMERMANN, ET AL. Defendant S

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 19____, 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 _____ day of _____ 194____ and _____

And it now further appearing to the Register Alice J. Duck that the said Certain Lands, Abe Zimmermann, et al.

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 S, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Certain Lands, Abe Zimmermann, et al.

This 12th day of May 19 51

Alice J. Duck Register.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

JOHN HEMMERT and BEATRICE
HEMMERT, husband and wife

Vs.

CERTAIN LANDS, ABE ZIMMERMANN,
ET AL.

Decree Pro Confesso of Publication

Issued 5-18- 1957

Perce J. Leuch
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

JOHN HEMMERT and BEATRICE HEMMERT, husband and wife Complainant^S

Vs.

CERTAIN LANDS, ABE ZIMMERMANN, ET AL. Defendant^S


Motion is hereby made for a Decree Pro Confesso against CERTAIN LANDS, ABE ZIMMERMANN,

ET AL. 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 12th day of May 1951

746 Code

 Solicitor.

RECORDED

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

JOHN HEMMERT and BEATRICE

HEMMERT, husband and wife,

Complainant _____

Vs.

CERTAIN LANDS, ABE ZIMMER-

MANN, ET AL.

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed _____ 5-12-1951

David J. French
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Lorna Underwood

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 John Hemmert and L. W. Brannan, Jr.

as witnesses in behalf of John Hemmert and Beatrice in a cause pending in our
Hemmert, husband and wife
Circuit Court in Baldwin County, of said State, wherein John Hemmert and
Beatrice Hemmert, husband and wife

_____, Complainant S
and Certain Lands, Abe Zimmermann, et al.

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

Witness 12th day of May, 1951

Alice Duck

Register.

Commissioner's Fee, \$ 10.00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

JOHN HEMMERT and BEATRICE
HEMMERT, husband and wife,

Complainants-

vs.

CERTAIN LANDS, ZBE ZIMMER-
MANN, ET AL.

Defendant-S

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

Lorna Underwood

WITNESSES:

John Hemmert

L. W. Brannan, Jr.

THE STATE OF ALABAMA
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

JOHN HEMMERT and Complainant
BEATRICE HEMMERT, husband and wife

CERTAIN LANDS, ABE ZIMMERMANN, ET AL. Respondents

I, Lorna Underwood

as Register and Commissioner in chancery

have called and caused to come before me John Hemmert and L. W. Brannan, Jr.

witness es named in the Requirement for Oral Examination, on the 14th day of May
1945, at the office of C. G. Chason

in Foley, Alabama, and having first sworn said Witness es to speak the
truth, the whole truth, and nothing but the truth, the said John Hemmert and L. W.
Brannan, Jr. doth depose and say as follows:

TESTIMONY OF JOHN HEMMERT:

My name is John Hemmert; I am over the age of twenty-one years and a resident of Baldwin County, Alabama; my wife, Beatrice Hemmert, and I own the tract of land situated in Baldwin County, Alabama, described as follows: The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-six (26), Township seven (7) South, Range five (5) East; we are in the actual, open, notorious, peaceable and adverse possession of said tract of land and are using it for farm purposes; no suit is pending to test our title or right of possession to said land; we purchased the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) on October 15, 1946, from L. W. Brannan and wife and L. W. Brannan, Jr. and wife; we purchased the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) on February 7, 1944, from L. W. Brannan and wife and L. W. Brannan, Jr. and wife; both of these instruments are of record in the office of the Probate Judge of Baldwin County, Alabama; no one has paid any taxes on this property since we have owned it except the taxes that we have paid and no one has paid any taxes except those we have paid for the past ten years except Wilhelminia Noltensmeier, who owned the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and later conveyed to L. W. Brannan and L. W. Brannan, Jr., and L. W. Brannan and L. W. Brannan, Jr.; no one has had any possession of the property for the past ten years except those persons above named, who had possession until the time of our purchase.

John Hemmert

TESTIMONY OF L. W. BRANNAN, JR.:

My name is L. W. Brannan, Jr.; I am over the age of twenty-one years and a resident of Baldwin County, Alabama; My father, L. W. Brannan, and I owned the property in Baldwin County, Alabama, described as the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-six (26), Township seven (7) South, Range five (5) East; we purchased the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in 1942 as L. W. Brannan and L. W. Brannan, Jr. from Wilhelmina Noltensmeier; we took possession of this property at the time it was purchased and, prior to that time it had been in the actual, open, peaceable, notorious and adverse possession of August Noltensmeier, husband of Wilhelmina Noltensmeier, until the time of his death, after which his heirs conveyed their interest to Wilhelmina Noltensmeier, who was in possession until the date of conveyance to us; we conveyed this forty acres to John Hemmert and Beatrice Hemmert

in 1944 and they have been in the actual, open, notorious, peaceable and adverse possession since that time; my father and I purchased the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in two twenty-acre tracts; the East Half (E $\frac{1}{2}$) was conveyed to me in 1940 by Bernhard Fiel; the West Half (W $\frac{1}{2}$) of this property was bought in by the State of Alabama at a tax sale in 1939 and in 1943 my father and I purchased it as L. W. Brannan and son; no one has paid any taxes on this property since 1939 nor has anyone been in the actual possession of it until the time we bought it from the State; we have had open, notorious, peaceable and adverse possession of the entire forty acres from the date of our purchase, and John Hemmert and Beatrice Hemmert have been in the open, notorious, peaceable and adverse possession of this property since 1946 when they bought it from us; I know of no one other than those persons named herein as having been owners who have claimed any ownership or right of possession of the property for the past ten years.

L. W. Brannan Jr.

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

JOHN HEMMERT and
BEATRICE HEMMERT, husband and
wife vs. Complainant

CERTAIN LANDS, ABE ZIMMERMANN,
ET AL.

Respondent.

Oral Deposition

Filed 5-16-47, 1947

Deane J. Russell, Register.

Recorded in

_____ Record

Vol. _____ Page _____

_____, Register.

J. W. Brannan

bought in by the state of Alabama at a tax sale in 1939 and in 1943 my father and I purchased it as L. W. Brannan and son; no one has paid any taxes on this property since 1939 nor has anyone been in the actual possession of it until the time we bought it from the State; we have had open, notorious, peaceable and adverse possession of the entire forty acres from the date of our purchase, and John Hemmert and Beatrice Hemmert have been in the open, notorious, peaceable and adverse possession of this property since 1946 when they bought it from us; I know of no one other than those persons named herein as having been owners who have claimed any ownership or right of possession of the property for the past ten years.

ORAL EXAMINATION.

I, Lorna Underwood, as Register and Commissioner hereby certify that the foregoing deposition S on Oral Examination was taken down by me in writing in the words of the witness es and read over to them and they signed the same in the presence of myself and C. G. Chason

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proom made before me of the identity of said witness es; 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 14th day of May, 1941

Lorna Underwood (L. S.)

JOHN HEMMERT and BEATRICE) (
HEMMERT, husband and wife,) (
Complainants,) (
-vs-) (
The Northeast Quarter (NE $\frac{1}{4}$)) (
of the Southwest Quarter (SW $\frac{1}{4}$)) (
and the Northwest Quarter) (
of the Southeast Quarter (SE $\frac{1}{4}$)) (
of Section twenty-six (26),) (
Township seven (7) South, Range) (
five (5) East; ABE ZIMMERMANN,) (
HENRY C. BARTLING, BALDWIN) (
COUNTY COLONIZATION COMPANY, a) (
corporation, and any and all) (
stockholders or trustees there-) (
of, BEN FIEL, BERNHARD FIEL,) (
ALOISIA FIEL, PETER WESSINGER,) (
ELIZABETH WESSINGER, T. J.) (
SCHLORFF, individually, and) (
T. J. SCHLORFF, as trustee;) (
any heirs at law, devisees or) (
next of kin of AUGUST NOLTEN-) (
smeier, deceased, excepting,) (
Wilhelmina Noltensmeier, Henry) (
C. Noltensmeier, Fred K. Noltens-) (
smeier, Karl Noltensmeier,) (
August Noltensmeier, Anna) (
Noltensmeier, Lillie George,) (
Sophie Schoetzow, J. T. Akers) (
and Mary B. Akers, and any and) (
all unknown heirs, devisees or) (
grantees of said named defend-) (
ants, and any other person, firm) (
or corporation claiming any) (
interest in or right or title) (
to said lands,) (
Respondents.) (
FINAL DECREE
This cause coming on to be heard was submitted on behalf of
complainants upon Bill of Complaint, Affidavit of Non-Residents of
Defendants, Decree Pro Confesso on Publication and Testimony as
stated by the Register and upon consideration thereof, the Court
is of the opinion that the Complainants are entitled to the relief
prayed for in said Bill of Complaint.
It is therefore, Ordered, Adjudged and Decreed that Complain-
ants, John Hemmert and Beatrice Hemmert, husband and wife, are the
owners in fee simple of the following described lands in Baldwin
County, Alabama, to-wit:-
The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter
(SW $\frac{1}{4}$), and the Northwest Quarter (NW $\frac{1}{4}$) of the South-
east Quarter (SE $\frac{1}{4}$) of Section twenty-six (26), Town-
ship seven (7) South, Range five (5) East,
and that no other person, firm or corporation has any title to, in-

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

terest in, or lien or encumbrance upon said land or any part thereof and especially that Abe Zimmermann, Henry C. Bartling, Baldwin County Colonization Company, a corporation, and any and all stockholders or trustees thereof, Ben Fiel, Bernhard Fiel, Aloisia Fiel, Peter Wessinger, Elizabeth Wessinger, T. J. Schlorff, individually, and T. J. Schlorff, as trustee; any heirs at law, devisees or next of kin of August Noltensmeier, deceased, excepting, Wilhelmina Noltensmeier, Henry C. Noltensmeier, Fred K. Noltensmeier, Karl Noltensmeier, August Noltensmeier, Anna Noltensmeier, Lillie George, Sophie Schoetzow, J. T. Akers and Mary B. Akers, if they be living and if dead, then their unknown heirs, devisees or grantees, and any other person, firm or corporation claiming any interest in or right or title to said lands have no right, title to, interest in or lien or encumbrance upon said land.

It is further Ordered, Adjudged and Decreed that the Register shall within thirty days from the rendition of this decree file a certified transcript thereof for record in the Probate Court of Baldwin County, Alabama, showing title out of the Defendants above named in the Direct Indexes to the records and title into John Hemmert and Beatrice Hemmert, husband and wife, in the Indirect Indexes to the records and that the expense thereof shall be taxed in the cost of this cause.

It is further ordered that John Hemmert and Beatrice Hemmert, husband and wife, pay the costs herein to be taxes, for which execution may issue.

This 17th day of May, 1951.

Julius J. Marshall
Judge of the Circuit Court of
Baldwin County, Alabama, in
equity

JOHN HEMMERT and BEATRICE HEMMERT
husband and wife
vs.

CERTAIN LANDS, ZBE ZIMMERMANN,
ET AL.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
Affidavit of Non-Residents of Defendants, Motion for Decree Pro
Confesso on Notice by Publication, Decree Pro Confesso after
Notice by Publication, and Testimony of John Hemmert and L. W.
Brannan, Jr.

and in behalf of Defendant upon _____

E. Phagan
Attorney for Complaint

Wing - Leach
Register.

m.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

JOHN HEMMERT and BEATRICE
HEMMERT, husband and wife

vs.

CERTAIN LANDS, ABE ZIMMERMANN,
ET AL.

NOTE OF TESTIMONY

Filed in Open Court this 16th

day of May, 1947...

Am. A. French
Register.

JOHN HEMMERT and BEATRICE) (
HEMMERT, husband and wife,) (

Complainants,) (
) (

-VS-

The Northeast Quarter (NE $\frac{1}{4}$)) (
of the Southwest Quarter (SW $\frac{1}{4}$)) (
and the Northwest Quarter) (
(NW $\frac{1}{4}$) of the Southeast Quarter) (
(SE $\frac{1}{4}$) of Section twenty-six) (
(26), Township seven (7) South,) (
Range five (5) East; ABE ZIM-) (
MERMANN; HENRY C. BARTLING;) (
BALDWIN COUNTY COLONIZATION) (
COMPANY, a corporation, and) (
any and all stockholders or) (
trustees thereof; BEN FIEL;) (
BERNHARD FIEL; ALOISIA FIEL;) (
PETER WESSINGER; ELIZABETH) (
WESSINGER; T. J. SCHLORFF,) (
individually, and T. J.) (
SCHLORFF, as trustee; any) (
heirs at law, devisees or) (
next of kin of AUGUST NOLTEN-) (
SMEIER, deceased, excepting,) (
Wilhelmina Noltensmeier, Henry) (
C. Noltensmeier, Fred K.) (
Noltensmeier, Karl Noltens-) (
smeier, August Noltensmeier,) (
Anna Noltensmeier, Lillie) (
George, Sophie Schoetzow,) (
J. T. Akers and Mary B. Akers,) (
and any and all unknown heirs,) (
devisees or grantees of said) (
named defendants, and any) (
other person, firm or corpora-) (
tion claiming any interest in) (
or right or title to said) (
lands,) (

Respondents.) (

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

STATE OF ALABAMA, BALDWIN COUNTY
Filed 2-17-51
Recorded
Judge of Probate
Book 5-
Page 82-3

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the complainants, in said cause, that the defendants in said suit are non-residents of the State of Alabama, their addresses and places of residence being unknown.

Notice is hereby given to the persons, firms, and corporations named hereinabove as defendants and to any and all persons, firms, or corporations claiming any interest in, title to, or lien or encumbrance upon the lands herein described, that on the 17th day of February, 1951, John Hemmert and Beatrice Hemmert filed in the equity side of the Circuit Court of Baldwin County, Alabama, their Bill of Complaint against the following described lands in Baldwin County, Alabama, viz:-

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-six (26), Township seven (7) South, Range five (5) East;

and against the defendants hereinabove named and any and all other persons, firms, or corporations claiming any interest in or lien or encumbrance upon said lands and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 25th day of March, 1951, or a decree pro confesso will be rendered against you; that the title to said lands stand in the name of the complainants on the records in the office of the Judge of Probate of Baldwin County, Alabama; that said Bill of Complaint was and is filed for the purpose of establishing the title to said complainants to said land and for the purpose of quieting their title thereto, and clearing up any disputes and doubts concerning the same; that complainants acquired title to said land as follows: The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) by warranty deed from L. W. Brannan and Annie R. Brannan, his wife, and L. W. Brannan, Jr. and Mary Katherine Brannan, his wife, said instrument being dated the 15th day of October, 1946, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 118, Pages 123-4; the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) by warranty deed from L. W. Brannan and Annie N. Brannan, his wife, and L. W. Brannan, Jr. and Mary Katherine Brannan, his wife, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 106 NS, Pages 207-8. Complainants further allege in their Bill of Complaint that they are in quiet and peaceable possession of said lands claiming to own the same absolutely and in fee simple, and that they, and those through whom they claim by conveyances of record, have been in possession for more than ten (10) years next preceding the filing of this Bill of Complaint and that no one except Complainants, and those through whom they claim, have paid any taxes on said land for a period of over ten years.

WITNESS my hand this 17th day of February, 1951.

C. G. C.

C. G. CHASON
Solicitor for Complainants

Annie L. Brannan
As Register of Circuit Court
of Baldwin County, Alabama

770 2605

Bill of Complaint

PS-35

Mr. Duck

FILED

FEB 17 1951

ALICE J. BUCK, Registrar

holders or trustees thereof; Ben Fiel; Bernhard Fiel; Aloisia Fiel; Peter Wessinger; Elizabeth Wessinger; T. J. Schlorff, individually, and T. J. Schlorff, as trustee; any heirs at law, devisees or next of kin of August Noltensmeier, deceased, excepting, Wilhelmina Noltensmeier, Henry C. Noltensmeier, Fred K. Noltensmeier, Karl Noltensmeier, August Noltensmeier, Anna Noltensmeier, Lillie George, Sophie Schoetzow, J. T. Akers and Mary B. Akers, and any and all persons, firms or corporations, claiming any interest in the above described lands, and complainants respectfully show unto your Honor as follows:-

FIRST:

That they are in the actual, peaceable, adverse possession of said tract of land heretofore mentioned, claiming to own the same in their own right in fee simple as joint tenants and using the same in every way that it is susceptible to use.

SECOND:

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

THIRD:

Complainants further show that they claim the entire fee simple title in and to said lands, having acquired the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) thereof by deed dated October 15, 1946, from L. W. Brannan and Annie R. Brannan, his wife, and L. W. Brannan, Jr. and Mary Katherine Brannan, his wife, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 118, Pages 123-4, and complainants further show that they acquired the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) thereof by deed dated February 7, 1944, from L. W. Brannan and Annie N. Brannan, his wife, and L. W. Brannan, Jr. and Mary Katherine Brannan, his wife, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 106 NS, Pages 207-8.

FOURTH:

Complainants further show that no one has paid any taxes on this property for over ten (10) years, except your complainants,

L. W. Brannan and L. W. Brannan, Jr., complainants' grantors, and Wilhelmina Noltensmeier, later known as Wilhelmina Krossin, who was an owner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and paid taxes thereon.

FIFTH:

Complainants further show unto your Honor that they are in the actual, open, notorious, peaceable and adverse possession of said land and have been in such possession since the date of purchase; that no other person, firm or corporation has had any possession of said property for over a period of ten (10) years, except those persons through whom complainants claim, namely, L. W. Brannan and L. W. Brannan, Jr., and Wilhelmina Noltensmeier, now Wilhelmina Noltensmeier Krossin; and that no one is known to your complainants to claim this land or any part thereof or any interest therein, except the complainants and the defendants to this proceeding, and complainants call upon the several persons, firms and corporations mentioned as defendants herein, or anyone else having any interest therein, to set forth and specify his, hers or its title to, claim, interest in or encumbrance upon said land and how and by what instrument or otherwise the same is derived or created.

SIXTH:

Complainants aver that they have made a diligent search and inquiry to ascertain the residences and addresses of all persons, firms or corporations heretofore named, and whether or not any of them be dead, and if dead, to ascertain the names and addresses of their heirs, devisees, successors, assigns and grantees; that in this investigation and inquiry have had an abstract of title of said real estate made from the records of Baldwin County, Alabama; that they have made diligent inquiry in the neighborhood of said lands as to the ownership of same, the possession of same, and the whereabouts of any and all persons who are, or may be, interested in or who claim any interest therein, and that in making said inquiry they have inquired of old settlers.

PRAYER FOR PROCESS

TO THE END THEREFORE, that equity may be had in the premises, complainants pray that your Honor will cause the usual writ of process to issue to the defendants named herein, and any and all other persons, firms or corporations claiming any interest in, right of title to said lands, in the usual form and according to the practices of this Honorable Court, requiring them or it, to plead, answer or demur to the same within the time required by law and the practices of this Honorable Court and that your Honor will also cause 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 proceedings in rem; that your Honor will also order that notice be given of the filing of this Bill of Complaint to the aforesaid defendants by publication in some newspaper published in Baldwin County, Alabama, making them parties to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law.

PRAYER FOR RELIEF.

Complainants further pray that on a hearing of this cause, your Honor will establish Complainants' right and title to this land, and will decree the complainants are owners in fee simple of the lands herein described and that no other person, firm or corporation has any title to or interest in, or lien or encumbrance upon said land or any part thereof, and especially those persons hereinabove named as defendants, and that in said decree your Honor will cause a certified copy of the same to be filed in the Probate Office of Baldwin County, Alabama, and to be recorded therein, and that in said decree, your Honor will direct in whose name it shall be indexed in the direct and indirect indexes to the records thereof, in said Probate Court of Baldwin County, Alabama, and complainants further pray for such other, further, different and general relief as in equity may seem just and meet, as complainants will ever pray.

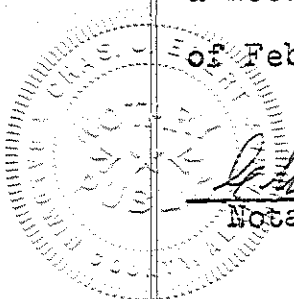
STATE OF ALABAMA


BALDWIN COUNTY

Personally appeared before me, _____,
a Notary Public in and for said State and County, C. G. Chason, who,
upon oath deposes and says that he is the agent of and the attorney
for the complainants in the above styled cause and is therefore duly
authorized to make this oath; that in the belief of the affiant as
he is informed and believes, all the defendants named in the fore-
going Bill of Complaint are over the age of twenty-one years and
non-residents of the State of Alabama, their places of residence
being unknown to your affiant; that he has made a diligent inquiry
to ascertain the same and has been unable to do so; that all matters
and facts stated in the foregoing Bill of Complaint upon knowledge
are true; that he is informed as to facts stated upon information
and belief and verily believes and so states that the same are true.



Sworn to and subscribed before me,
a Notary Public, on this 14th day
of February, 1951.





Notary Public, Baldwin County
State of Alabama

W. R. STUART
PROBATE JUDGE

No. 4013

PROBATE JUDGE

Bay Minette, Ala.,

1922

Received of.

[illegible]

FOR RECORD

35782 MARSHALL & GRUCE-NASHVILLE

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

14 February 1951

Mrs. Alice J. Duck
Register
Bay Minette, Ala.

Dear Mrs. Duck:-

Enclosed herewith is suit to quiet title and 3 copies of the notices. I have directed that a copy be placed in the Foley Onlooker beginning next week. Please post one notice at the Courthouse door and file the other as a lis pendens notice after placing thereon your certificate as required by Sec. 1120 of Title 7.

Yours very truly,


C. G. Chason

CGC:lu

Encls:

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

14 February 1951

Mrs. Alice J. Duck
Register
Bay Minette, Ala.

Dear Mrs. Duck:-

Enclosed herewith is suit to quiet title and 3 copies of the notices. I have directed that a copy be placed in the Foley Onlooker beginning next week. Please post one notice at the Courthouse door and file the other as a lis pendens notice after placing thereon your certificate as required by Sec. 1120 of Title 7.

Yours very truly,


C. G. Chason

CGC:lu

Encls:

2605

John Hemmert & Bentrice
Hemmert

vs.

Certani Lavida

Dmit Little

Filed 2-17-57

1. Compt
2. Lis Pen
3. Order Dub

C. H. Chason

John Hemmert and Beatrice Hemmert, husband and wife, Complainants,

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-six (26) Township seven (7) South, Range five (5) East, Abe Zimmermann; Henry C. Bartling; Baldwin County Colonization Company, a corporation, and any and all stockholders or trustees thereof; Ben Fiel; Bernhard Fiel; Aloisia Fiel; Peter Wessinger; Elizabeth Wessinger; T. J. Schlorff, individually, and T. J. Schlorff as trustee, any heirs at law, devisees or next of kin of August Noltensmeier, deceased, excepting Wilhelmina Noltensmeier, Henry C. Noltensmeier, Fred K. Noltensmeier, Karl Noltensmeier, August Noltensmeier, Anna Noltensmeier, L. L. George, Sophie Schoetzow, J. T. Akers, and Mary B. Akers, and any and all unknown heirs; devisees or grantees of said named defendants, and any other person, firm or corporation claiming any interest in or right or title to said lands, respondents.

In the Circuit Court of Baldwin
County, Alabama, in Equity. No.
2605

It having been made to appear in the above styled cause from the affidavit of C. G. Chason, the Solicitor of record for the complainants, in said cause, that the defendants in said suit are non-residents of the State of Alabama, their addresses and places of residence being unknown;

Notice is hereby given to the persons, firms, and corporations named hereinabove as defendants, and to any and all persons, firms, or corporations claiming any interest in, title to, or lien or encumbrance upon the lands herein described, that on the 17th day of February, 1951, John Hemmert and Beatrice Hemmert filed in the equity side of the Circuit Court of Baldwin County, Alabama, their Bill of Complaint against the following described lands in Baldwin County, Alabama, viz:—

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-six (26), Township seven (7) South, Range five (5) East;

and against the defendants hereinabove named and any and all other persons, firms, or corporations claiming any interest in or lien or encumbrance upon said lands and you are hereby notified to appear and plead, answer or demur within thirty (30) days from the 25th day of March, 1951, or a decree pro confesso will be rendered against you; that the title to said lands stand in the name of the complainants on the records in the office of the Judge of Probate of Baldwin County, Alabama; that said Bill of Complaint was and is filed for the purpose of establishing the title to said complainants to said land and for the purpose of quieting their title thereto, and clearing up any disputes and doubts concerning the same; that complainants acquired title to said land as follows: The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) by warranty deed from L. W. Brannan and Annie R. Brannan, his wife, and L. W. Brannan, Jr., and Mary Katherine Brannan, his wife, said instrument being dated the 15th day of October, 1946, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 118, Pages 123-4; the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) by warranty deed from L. W. Brannan and Annie N. Brannan, his wife, and L. W. Brannan, Jr., and Mary Katherine Brannan, his wife, and of record in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 106 NS, Pages 207-8. Complainants further allege in their Bill of Complaint that they are in quiet and peaceable possession of said lands claiming to own the same absolutely and in fee simple, and that they, and those through whom they claim by conveyances of record, have been in possession for more than ten (10) years next preceding the filing of this Bill of Complaint and that no one except Complainants, and those through whom they claim, have paid any taxes on said land for a period of over ten years.

Witness my hand this 17th day
of February, 1951.

ALICE J. DUCK,
As Register of Circuit Court of
Baldwin County, Alabama.

C. G. CHASON,

_____ 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 FOUR consecutive weeks, com-
mencing with the issue dated FEB. 22, 1951, and
ending with the issue dated MARCH 15, 1951.

Subscribed and sworn to before me this 10 day
of March, 1921.

Notary Public

THE FOLEY ONLOOKER

BALDWIN NEWS-HERALD

FOLEY, ALA., March. 16 1957

HOWELL PUBLISHING CO.

HIGH QUALITY JOB PRINTING

Alice L. Duck

Bay Minette, Ala

Brought Forward

Feb. 22 Legal notice
March. 1 for

" 8
" 10 John Hemmert

30. 82

W. R. STUART

PROBATE JUDGE

No. 2671

Bay Minette, Ala., _____, 19__

Received of

[illegible]

FOR RECORD

TOTAL \$