

1066

FRANK KOEHLER,
COMPLAINANT
VS
MRS. J. O'LEARY, ET AL
RESPONDENTS

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

It having been made to appear in the above cause by the affidavit of Frank Koehler, that Mrs. J. O'Leary, Humphrey O'Leary, Mary O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, if they be living or if they be dead, their heirs, devisees, or grantees, are non-residents of the State of Alabama, their addresses being unknown; that Frank Koehler owns in fee simple the following described lands in Baldwin County, Alabama, to-wit:

South half of the Southeast Quarter of the Northeast Quarter of Section 28, Township 7 South Range 6 East

having acquired the same from J. S. Lowrey by deed dated December 27th, 1943, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 81 NS page 485; that title to said lands stands on the records in the Probate Office of Baldwin County, Alabama, in the names of Frank Koehler, and Mrs. J. O'Leary, Humphrey O'Leary, Mary O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh; that no person is known to have paid taxes upon said lands, to have been in possession of said lands or any part thereof within ten years next preceding the filing of this bill of complaint except Frank Koehler and J. S. Lowrey.

IT IS THEREFORE ORDERED, and notice is hereby given, that said Respondents; Mrs. J. O'Leary, Humphrey O'Leary, Mary O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, if they be living or, if they be dead, their heirs, devisees or grantees, and any other person, firm or corporation claiming any right, title to, interest in, line or encumbrance upon said land herein described in Baldwin County, Alabama, or any part of parcel thereof, appear in this court and plead, answer or demur to the Bill of Complaint in this cause filed, on or before the 27th day of March, 1944,

and, upon their having failed to do so at the expiration of thirty days from said date, this cause shall be at issue.

IT IS FURTHER ORDERED that this order and notice be published in The Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for four successive weeks.

IN WITNESS WHEREOF, I, R. S. DUCK, as Register, have hereunto set my hand and seal on this the 23rd day of February, 1944.

R. S. Duck

Register of the Circuit Court of
Baldwin County, Alabama.

Beebe & Hall
Solicitors for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY.

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the above is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in the cause of Frank Koehler, Complainant Vs. Mrs. J. O'Leary, et al, Respondents, and filed in the office of the Judge of Probate of Baldwin County, Alabama, the County in which said lands, lie, in accordance with the provisions of the laws of the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 23 day of February, 1944.

R. S. Duck

Register of the Circuit Court of
Baldwin County, Alabama.

STATE OF ALABAMA

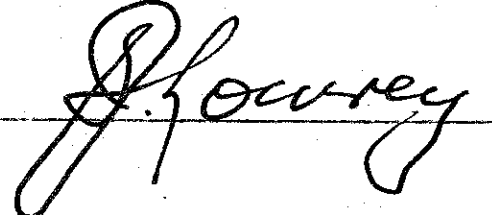
BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS that I, J. S. LOWREY, unmarried, Grantor, for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration to me in hand paid by FRANK KOEHLER, Grantee, the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL AND CONVEY unto the said Grantee, the following described property in Baldwin County, Alabama, to-wit:

South half of the Southeast Quarter of the Northeast Quarter of Section 28, Township 7 South of Range 6 East.

TO HAVE AND TO HOLD with the appurtenances thereunto belonging unto the said Grantee, his heirs and assigns forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 27th day of December, 1943.

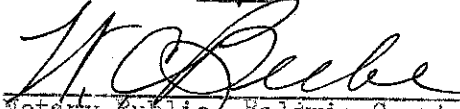
 (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY.

I, W. C. Bube, a Notary Public, in and for said County, in said State, hereby certify that J. S. LOWREY, unmarried, whose name is signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal on this the 27th day of December, 1943.


Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA
BALDWIN COUNTY,

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, that you summon HUMPHREY O'LEARY, MARGARET O'LEARY, MARY O'LEARY, MRS. J. O'LEARY, M. J. O'LEARY, GEORGE DASCH, BARBARA DASCH, GEORGE DASEH AND BARBARA DASEH, if they be lieving or, if they be dead, their unknown heirs, devisees, grantees, personal representatives and assigns, and each of them to be and appear before the Judge of the Circuit Court of Baldwin County, exercising chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead or demur, without oath, to a bill of complaint lately exhibited by FRANK KOEHLER against said above named, and further to do and perform what the said Judge shall order and direct in that behalf. And this the Respondent shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of the said Circuit Court, this 19
day of February, 1944.

R. S. Duck
Register.

FRANK KOEHLER,
COMPLAINANT

VS

SOUTH HALF OF THE SOUTHEAST QUARTER
OF THE NORTHEAST QUARTER OF SECTION
TWENTY EIGHT, TOWNSHIP SEVEN SOUTH RANGE
SIX EAST, BALDWIN COUNTY, ALABAMA, AND
HUMPHREY O'LEARY, MARGARET O'LEARY, MARY
O'LEARY, MRS. J. O'LEARY, M. J. O'LEARY,
GEORGE DASCH, BARBARA DASCH, GEORGE DASEH
AND BARBARA DASEH, IF THEY BE LIVING OR,
IF THEY BE DEAD, THE UNKNOWN HEIRS, DEVISEES,
GRANTEES, PERSONAL REPRESENTATIVES AND ASSIGNS
OF THEM, AND EACH OF THEM,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

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

Comes your Complainant, FRANK KOEHLER and presents this,
his bill of complaint, against the following described lands in Baldwin
County, Alabama, to-wit:

South half of the Southeast Quarter of the
Northeast Quarter of Section 28, Township 7
South Range 6 East,

and against Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary,
M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, and
against each of them separately and severally and if either or any of them be
dead, then against the heirs, and each of their heirs, devisees, grantees, personal
representatives and assigns, separately and severally, and against any and all other
persons, firms or corporations claiming any title to, interest in, lien or
encumbrance upon the said land or any part or parcel thereof, and respectfully
represents and shows unto your Honor and this Honorable Court as follows:

1.

That your Complainant is over twenty one years of age and a bona
fide resident of Baldwin County, Alabama; that Humphrey O'Leary, Margaret O'Leary,
Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George
Daseh and Barbara Daseh are over twenty one years of age and non-residents of
the State of Alabama; that a diligent search and inquiry has been made to ascertain
and determine their, and each of their, addresses, but it is unknown;

That the Complainant is the owner in fee simple and in the

actual possession of the said land in Baldwin County, Alabama, described as follows, to-wit:

South half of the Southeast Quarter of the
Northeast Quarter of Section 28, Township
7 South Range 6 East.

2.

That no suit is pending to test the complainant's title to, interest in, or rights of possession to said land.

3.

That the Complainant obtained title to said lands by purchase from J. S. Lowrey, unmarried, dated December 27th, 1943, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 81 NS page 485.

4.

That the title to said lands as claimed by the Complainant, stands upon the records of Baldwin County, Alabama, in the names of Frank Koehler and Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh, and Barbara Daseh.

5.

That no one has at any time within ten years next preceding the filing of this Bill of Complaint, paid any taxes upon or had any possession of the said lands except Frank Koehler and J. S. Lowrey.

6.

That the only person or corporation known by your Complainant to claim said land or any part thereof, or any interest therein, are Frank Koehler and Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh; that a diligent search and inquiry has been made from residents of Elberta and Lillian, in Baldwin County, Alabama, the vicinity in which said lands are located, from individuals and records at Bay Minette, the County seat of Baldwin County, Alabama, to ascertain the present ages and addresses of the said respondents, and whether or not they or any of them are dead and, if dead, the names, ages, and addresses of their and each of their heirs, devisees, grantees, personal

representatives and assigns, and that they are unknown; that from all information obtainable the Respondents are over twenty one years of age and non-residents of the State of Alabama.


WHEREFORE, your Complainant prays that this Honorable Court will take jurisdiction of the cause made by this Bill of Complaint, and by appropriate process make the said Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, and each of them, and the unknown heirs, devisees, personal representatives and assigns of them if either or any of them should be dead, and any other person, firm or corporation claiming any title to, interest in, lien or encumbrance on the said lands, to-wit:

South half of the Southeast Quarter of the Northeast Quarter of Section 28, Township 7 South Range 6 East in Baldwin County, Alabama,

or any part thereof, to be made parties respondent to this bill of complaint, and by appropriate process require them, and each of them, to separately and severally plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that, upon a final hearing hereof this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of encumbrances, to the said land and to each part and parcel thereof, is vested in your Complainant, Frank Koehler, as against Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh, and Barbara Daseh if they be living and, if they be dead, their, and each of their unknown heirs, devisees, Grantees, personal representatives and assigns, and any and all other persons, firms or corporations claiming any right, title to, interest in, claim, lien or encumbrance upon the said land or any part thereof and that any and all doubts, and disputes concerning the same be cleared up, and your Complainant prays for such other, further, different or general relief as in equity and good conscience shall seem meet and proper.

BEEBE & HALL

By 
Attorneys for Complainant.

STATE OF ALABAMA
BALDWIN COUNTY.

Before me, the undersigned authority in and for said County and State, personally appeared Frank Koehler, who is known to me and who, having been by me first duly sworn, deposes and says that he is the Complainant in the foregoing cause, and that the facts stated in the foregoing bill of complaint, from all information obtainable, are true and from such information obtained, I verily believe and so state, the same to be true.

x Frank Koehler.

Sworn to and subscribed before me on this the 19
day of February, 1944.

Helen Lenz
Notary Public, Baldwin County, Alabama.

FRANK KOEHLER,
COMPLAINANT

VS

HUMPHREY O'LEARY, et al
RESPONDENTS

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

This cause is submitted in behalf of the Complainant upon
the following:

Original bill of complaint,

Copy of notice published in the Baldwin Times, a newspaper
published at Bay Minette, in Baldwin County, Alabama;

Proof of publication of notice in the Baldwin Times

Notice filed in the Lis Pendens record in the office of
the Probate Judge of Baldwin County, Alabama.

Motion for decree pro confesso on service by publication
against Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary,
M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh, and Barbara
Daseh, and the unknown heirs and devisees of them if either of them should
be dead, and against any other person, firm or corporation claiming any right,
title to, interest in, or encumbrance upon, the following described lands in
Baldwin County, Alabama, to-wit:

South half of the Southeast Quarter of the Northeast
Quarter, Section 28, Township 7 South Range 6 East,

Decree pro confesso on service by publication against
Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary,
M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh, and Barbara
Daseh, and the unknown heirs and devisees of them, if either or any of them
should be dead, and any other person, firm or corporation claiming any right,
title to, interest in, or encumbrance upon the following described lands in
Baldwin County, Alabama, to-wit:

South half of the Southeast Quarter of the Northeast
Quarter, Section 28, Township 7 South Range 6 East.

Request for taking orally, the testimony of witnesses Frank
Koehler and Gerhard Greulich

Appointment of Bernice F. Reid as special commissioner.

Notice of time set for taking testimony on behalf of the

Complainant, of Frank Koehler and Gerhard Greulich, before Bernice F. Reid, as special commissioner.

Commission issued by the Register to Bernice F. Reid as special commissioner.

Testimony of Frank Koehler, and Gerhard Greulich

Request for decree in vacation,

And the following instruments introduced in evidence:

Statutory warranty deed from J. S. Lowrey to Frank Koehler, dated the 21st day of December, 1943, and recorded in Deed Book 81 NS page 485 of the Baldwin County Records.


Register.

FRANK KOEHLER, COMPLAINANT

VS

SOUTH HALF OF THE SOUTHEAST QUARTER
OF THE NORTHEAST QUARTER OF SECTION
TWENTY EIGHT, TOWNSHIP SEVEN SOUTH
RANGE SIX EAST, BALDWIN COUNTY, ALABAMA,
AND HUMPHREY O'LEARY, MARGARET O'LEARY,
MARY O'LEARY, MRS. J. O'LEARY, M. J.
O'LEARY, GEORGE DASCH, BARBARA DASCH,
GEORGE DASEH AND BARBARA DASEH, IF THEY
BE LIVING OR, IF THEY BE DEAD, THE UNKNOWN
HEIRS, DEVISEES, GRANTEEES, PERSONAL
REPRESENTATIVES AND ASSIGNS OF THEM, AND
EACH OF THEM,

RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

This cause coming on to be heard was submitted for final decree upon the pleading, decree pro confesso, and proof as noted by the Register, and it appearing to the Court that the Complainant is the owner of and in the peaceable possession of the said land and each and every parcel thereof, and that the title of the Complainant has been duly and just proven by legal and competent evidence, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED AND DECREED that the Respondents Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, and the unknown heirs, devisees, Grantees, personal representatives and assigns of Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh and each of them, and any and all other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands or any part of parcel thereof, have no estate, right, claim, interest in, or encumbrance upon the following described lands or any part of parcel thereof in Baldwin County, Alabama, to-wit:

South half of the Southeast Quarter of the Northeast
Quarter of Section 28, Township 7 South Range 6 East.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the full fee simple title to the said lands, to-wit:

South half of the Southeast Quarter of the Northeast
Quarter of Section 28, Township 7 South Range 6 East

is vested absolutely in the Complainant, FRANK KOEHLER.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, in the direct index in the names of Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, and the unknown heirs, devisees, grantees, personal representatives and assigns of Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, and in the indirect index in the name of Frank Koehler.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Register shall within thirty days from the rendition of this decree, file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record, 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, Alabama, on the 22nd day of August, 1944.

J. M. Hare
Judge of the 21st Judicial Circuit
of Alabama.

FRANK KOEHLER,
COMPLAINANT

VS

HUMPHREY O'LEARY, ET AL
RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

TO BERNICE F. REID, BAY MINETTE, ALABAMA, GREETINGS;

Know you that we, having confidence in your integrity,
skill and ability, have appointed you commissioner to take the testimony
of:

Frank Koehler

Gerhard Graulich

material witnesses in a suit now pending in our Chancery Court, of Baldwin
County, Alabama, wherein FRANK KOEHLER is complainant, and Humphrey O'Leary,
Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch,
Barbara Dasch, George Daseh and Barbara Daseh, are Respondents, and we
hereby authorize and empower you to call and cause to come before you
the said witnesses and their depositions on oath to take, touching their
knowledge of the matters and things in controversay in said suit, which
depositions when so taken shall be signed by said witnesses and certified
by you as such commissioner as herein, and you are further commanded that
the depositions so taken, with this deposition. to return under your hand
and seal to the Register of said Court, with all convenient speed.


Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____ AUGUST _____, Term, 19 _____

FRANK KOEHLER _____ Complainant

Vs.

HUMPHREY O'LEARY, ET AL _____ Defendant

In this cause it appears to the Register _____ that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the _____ day of _____, 19____, in the Baldwin Times a newspaper published in Bay Minette, 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 _____, that the said Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh

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 _____

_____ that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Humphrey O'leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barabara Daseh

This 10 day of Aug 1940
[Signature] Register.

1066a

STATE OF ALABAMA, BALDWIN COUNTY

Filed FEB 23 1944

5159 M

Recorded *AP* book *1* page *2287*
and I certify that the following Privilege Tax has
been paid.

Deed Tax _____

Mortgage Tax _____

W. Robertson
Judge of Probate

By _____

R. D. Klueck 100

1566a

FRANK KOEHLER
COMPLAINANT

VS

MRS. J. O'LEARY, ET AL
RESPONDENTS

~~RECORDED~~

SUMMONS AND COMPLAINT.

Filed February 23 1944
J. J. O'Leary

**FRANK KOEHLER,
COMPLAINANT**

VS

**HUMPHREY O'LEARY, ET AL
RESPONDENTS**

COMMISSION TO TAKE

TESTIMONY

RECORDED

FRANK KOEHLER, COMPLAINANT

VS

**HUMPHREY O'LEARY, ET AL
RESPONDENTS**

FINAL DECREE.

*Given Oct 23/1944
By [Signature]*

FRANK KOEHLER, COMPLAINANT

VS

HUMPHREY O'LEARY, ET AL
RESPONDENTS

REQUEST FOR ORAL

EXAMINATION

Filed Aug 7, 1946
Robert O'Leary

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

FRANK KOEHLER

COMPLAINANT

Vs.

HUMPHREY O'LEARY, ET AL

RESPONDENT.

Decree Pro Confesso of Publication

Issued 8-10 1944

[Handwritten Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Moore Printing Co., Bay Minette, Ala.

FRANK KOEHLER, COMPLAINANT

VS

HUMPHREY O'LEARY, ET ALS
RESPONDENTS

NOTICE OF TIME OF TAKING
TESTIMONY,

Filed Aug 7, 1948
Robert [Signature]

1666

THE STATE OF ALABAMA
Baldwin County

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

FRANK KOEHLER

COMPLAINANT

VS.

HUMPHREY O'LEARY, ET AL.

RESPONDENT

I, Bernice F. Reid

as Register and Commissioner

have called and caused to come before me Frank Koehler and Gerhard Greulich

witness ~~as~~ named in the Requirement for Oral Examination, on the 11th day of August

19 44, at the office of BEEBE & HALL

in BAY MINETTE, Alabama, and having first sworn said witness to speak the truth,

the whole truth, and nothing but the truth, the said FRANK KOEHLER

doth depose and say as follows:

My name is Frank Koehler, and I am a bona fide resident of Baldwin County, Alabama, my post office address being Lillian. I am over twenty one years of age.

I am the owner in fee simple, and in the actual possession of the land described in this cause, and being the Southe half of the Southeast Quarter of the Northeast Quarter, Section 28, Township 7 South Range 6 East, Baldwin County, Alabama.

I purchased the said land from J. S. Lowrey, by deed dated December 21st, 1943, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 81, pages 485; that said original deed is hereto attached marked Exhibit A.

There is no suit pending to test my title to, interest in, or rights of possession to the said lands.

Upon purchasing the land, I went into the actual possession thereof, and have cleared a part and made it reedy for cultivation. No one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon the lands in question but me and J. S. Lowrey, through whom I claim.

I have lived near and known the land involved in this suit all my life. I know that the Respondents, Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh, and Barbara Daseh are non residents of the State of Alabama. I have made and caused to be made a diligent search and inquiry as to the present addresses of the said parties in and around Elberta and Lillian, in Baldwin County, Alabama and also from the records at Bay Minette, the county seat of Baldwin County, Alabama to ascertain the present addresses of the said parties, and whether or not any of them are dead, and if dead the names, ages and addresses of their and each of their heirs, devisees, grantees, personal representatives, and assigns, and they are unknown; that from all information obtainable the said Respondents are over twenty one years of age and non residents of the State of Alabama.

That Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary

ORAL EXAMINATION

I, Bernice F. Reid, as Register and Commissioner hereby certify that the foregoing deposition~~s~~ on Oral Examination was taken down in writing by me in the words of the witness~~s~~ and read over to ~~them~~ ~~and they~~ signed the same in the presence of myself and of H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~s~~ or had proof made before me of the identity of said witness~~s~~; 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 11th day of August, 1944.

Bernice F. Reid (L. S.)

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

FRANK KOEHLER

Complainant

Vs.

HUMPHREY O'LEARY, ET AL

Respondent

ORAL DEPOSITION

Filed _____, 19____

Register _____

RECORDED IN

Record _____

Vol. _____ Page _____

Register _____

M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh, and Barbara Daseh at one time, several years ago and prior to 1933, made some claim to said land, however they were never upon the said lands or exercised any actual possession thereof.

Frank Koehler

Gerhard Greulich, a witness for the Complainant, being first duly sworn, deposes and says as follows:

My name is Gerhard Greulich. I live at Lillian, in Baldwin County, Alabama. I am personally acquainted with the Complainant, Frank Koehler, and also the lands described as the South half of the Southeast Quarter of the Northeast Quarter, Section 28m Township 7 South Range 6 East. I have known these lands for the past fifteen years. I know that during said time no one has exercised any actual rights of possession to said lands other than Frank Koehler. I know that for the past fifteen years the Respondents in this cause, Humphrey O'Leary, Margaret O'Leary, Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barbara Dasch, George Daseh and Barbara Daseh, have not exercised or attempted to exercise any rights of possession to said lands. The Complainant Frank Koehler has taken possession of the said lands and cleared a part thereof.

I have lived only about one-half mile from the said lands during the past fifteen years.

Gerhard Greulich

JAMES H. FAULKNER
EDITOR AND PUBLISHER

The **BALDWIN**
COUNTY'S- *Times* BEST NEWSPAPER
BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Ford Cook

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

Frank Kehler. Complainant

COST STATEMENT

437 WORDS @ 4 1/2 cents \$ 19.67

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

Ford Cook
PUBLISHER.

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

Date of 1st publication Feb. 24 1944 Vol. 53 No. 4

Date of 2nd publication Mar. 3 1944 Vol. 53 No. 5

Date of 3rd publication Mar 10 1944 Vol. 53 No. 6

Date of 4th publication 11 17 1944 Vol. 53 No. 7

Subscribed and sworn before the undersigned this _____ day of _____ 1944

Ora J. Nelson

Notary Public, Baldwin County.

State of Ala at Large
Ford Cook

Publisher.

Fuel is not so ple
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not only because it re-
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france, but because it
High quality protein
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minerals.

Read

REQUEST FOR DECREE IN VACATION

Printed by The Baldwin Times

State of Alabama,
Baldwin County.

} NO. _____ AUGUST TERM _____ TERM, 1944

FRANK KOEHLER

Complainant—

VS.

HUMPHREY O'LEARY, ET AL

Respondent—

TO R. S. DUCK, REGISTER:

In the above stated cause a Decree pro confesso

having been taken against _____ the Respondent—

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

BY

Humphrey

Solicitor— for Complainant—

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

CIRCUIT COURT, IN EQUITY

No. _____ **AUGUST** _____, Term, 19 _____

FRANK KOEHLER,

Complainant

Vs.

HUMPHREY O'LEARY

Defendant

Motion is hereby made for a Decree Pro Confesso against Humphrey O'Leary, Margaret O'Leary,

Mary O'Leary, Mrs. J. O'Leary, M. J. O'Leary, George Dasch, Barabara Dasch
George Dasch and Barabara Dasch Defendant

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 10th day of August 19 44

BEEBE & HALL

BY [Signature] Solicitor.

R. J. Clark

BAY MINETTE, ALA., FEB 23 1944 194

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>L.P.</i>	<i>Frank Kocak</i>	<i>to Mrs. O'Henry</i>			<i>100</i>

2
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FEB 23 1944
PRO

RS check

BAY MINETTE, ALA., AUG 22 1944 194

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
<i>Ureese Frank Kachler</i>	<i>Lands</i>	<i>vs</i>			<i>1.25</i>
<p><i>Paid</i> <i>AUG 22 1944</i> <i>MOR</i></p>					

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

FRANK KOEHLER

Complainant _____

Vs.

HUMPHREY O'LEARY

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed Aug 10 1944

[Handwritten Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

NO. _____

FRANK KOEHLER

Complainant—

VS.

HUMPHREY O'LEARY, ET AL

Respondent—

Request For Decree In Vacation

Filed

8 - 19, 1947

R. Jones

Register.