

Bill of Complaint

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETING:

WE COMMAND YOU, that you summon ELIZABETH NICKEL and KONSTANTINE MARK to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by ANNA MARK and BARBARA POPOW against the said ELIZABETH NICKEL and KONSTANTINE MARK, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this the 12 day of Sept, 1944.

R. S. Duck
Register.

ANNA MARK AND BARBARA
POPOW,
COMPLAINANTS

VS

ELIZABETH NICKEL, AND
KONSTANTINE MARK,
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:

Your Complainants, ANNA MARK and BARBARA POPOW, humbly complaining against the Respondents, ELIZABETH NICKEL and KONSTANTINE MARK respectfully represent and show unto your Honor and this Honorable Court as follows:

1c

That your Complainant, Anna Marx, is a bona fide resident of Baldwin County, Alabama, and over twenty one years of age; that Barbara Popow is over twenty one years of age, a non resident of the State of Alabama, her address being 2917 Mary Street, Pittsburgh, Pennsylvania;

That Elizabeth Nickel is over twenty one years of age, and a non-resident of the State of Alabama, her address being Philadelphia, Pennsylvania, a better address not known; that Konstantin Marx is a bona fide resident of Baldwin County, Alabama, and over twenty one years of age, but of unecund mind, and has no general guardian, and lives with his mother, Anna Marx;

Anna Marx in and to said lands be ascertained; that a reasonable attorneys fee be paid to Beebe & Hall as attorneys in the prosecution of this cause; that such other orders and decrees be made and entered as will duly effectuate the sale, the conveyance thereof, and the distribution of the funds therefrom in accordance with the statutes and laws of the State of Alabama; that such other, further, different or general relief be granted unto the Complainants as in equity they may be entitled to receive.

Anna Marx

Anna Marx

Barbara Popow

Barbara Popow

BEEBE & HALL,

BY *Shirley*

Solicitors for the Complainants.

STATE OF ALABAMA
BALDWIN COUNTY.

We, Anna Marx and Barbara Popow, hereby certify that we have carefully read over and understand the allegations contained in the foregoing bill of complaint, and they are true and correct.

Anna Marx

Anna Marx

Barbara Popow

Barbara Popow

Sworn to and subscribed before me on this the 19th day of August, 1944, by Anna Marx.

Affix seal.

Ann Virginia Caddapan

Notary Public, Greene County, Penn

My com. expires Jan 5, 1947.

Sworn to and subscribed before me on this the 21st day of August, 1944, by Barbara Popow.

Affix seal.

Howard P. Bleichner

Notary Public, Allegheny County, Pa

HOWARD P. BLEICHNER, Notary Public
MY COMMISSION EXPIRES
JANUARY 31, 1945

ANNA MARX, et al
COMPLAINANTS

VS.

KONSTANTINE MARX, et al
RESPONDENTS

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)
)
)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

TO HONORABLE H. E. SMITH:

You are hereby notified that you have been appointed guardian ad litem of Konstantine Marx, a person alleged to be of unsound mind, interested in a certain matter and proceeding in said Court entitled as appears in the caption hereof, and which comes up for hearing on the 27th day of February, 1945.

WITNESS my hand and seal this the 23rd day of February, 1945.

H E Smith
Register

I, H. E. Smith, hereby consent to act as guardian ad litem for Konstantine Marx, upon the hearing of the above cause.

WITNESS my hand this the 23rd day of February, 1945.

H E Smith
Guardian ad litem

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

This cause coming on to be heard is submitted on the report of the Register, pursuant to the decree of reference made by this Court, and the Court having duly considered and understood said report, is of the opinion that said report should be confirmed.

IT IS THEREFORE ORDERED AND DECREED by the Court, that the said report of the Register be, and the same is hereby confirmed.

Dated at Monroeville, Alabama, this the 1st day of August,
1945.

J. M. Hare
Judge

Ass. Confirmed
S. J. [unclear]

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY.
NO. 1189.

This cause coming on to be heard is submitted upon the Register of this Court of a sale of the property hereafter described for confirmation.

It appearing to the Court from the said report, that the Register in accordance with the decree of this Court, made and entered in the above styled cause, on the 23rd day of March, 1945, did, on Monday the 30th day of April, 1945, at 12 o'clock Noon, for cash, sell to Herman Bloch, and Marie Bloch, for the sum of FORTY FIVE HUNDRED (\$4500.00) DOLLARS, the following described property in Baldwin County, Alabama, to-wit:

The West half of the Southwest quarter of Section 36,
Township 7 South, Range 5 East, containing 80 acres,
more or less;

that said sale was fairly conducted and that the price received therefor is not disproportionate to the value thereof, and that the Court is of the opinion that said report should be ratified and that the sale should be confirmed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said sale, as aforesaid, be, and it is hereby confirmed, and that the report thereof be ratified; and that the Register of this Court is hereby ordered and directed to execute to the said Herman Bloch, and Marie Bloch, a deed, properly drawn and executed, conveying to them all the interest in said property heretofore held by any and all of the parties to this cause.

IT IS FURTHER ORDERED that the Register hold a reference to ascertain what is a reasonable fee to be paid to the Solicitors, Beebe & Hall, in this cause, and a reasonable fee to be paid to the guardian ad litem of Konstantine Marx, a person of unsound mind, said fees to be paid out of the proceeds of said sale, and that he report his findings hereupon to this Court.

Dated at Monroeville, Alabama, this the 28th day of May, 1945.

J. W. Hare
Judge

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY:
NUMBER 1189

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

And now comes R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, and respectfully reports unto your Honor and this Honorable Court as follows:


1. That in accordance with the decrees of this Court made and entered in the above styled cause, on the 23rd day of March, 1945, he did on Monday the 30th day of April, 1945, at 12:00 o'clock Noon, for cash, to the highest bidder, at public auction, in front of the Court House of Baldwin County, Alabama, sell the property described in said decree, to-wit:

The West half of the Southwest quarter of Section 36,
Township 7 South, Range 5 East, containing 80 acres,
more or less, in Baldwin County, Alabama,

to Herman Bloch, and Marie Bloch, who were the highest and best bidders for the same, for the sum of \$4500.00, that being the highest amount bid at said sale; that said sale was in all respects fairly conducted; that said property sold for an amount equal to its value;

2. That having fully complied with the foresaid decree of the Court, he submits the foregoing report for the further orders and decrees of the Court.

IN WITNESS WHEREOF, R. S. DUCK, Clerk of the Circuit Court of Baldwin County, Alabama, in equity, has hereto set his hand and affixed his seal on this the 30th day of April, 1945.


Clerk, Circuit Court, Baldwin County,
Alabama.

ANNA MARX and BARBARA POPOW,
COMPLAINANTS,

VS.

ELIZABETH NICKEL and
KONSTANTINE MARX,
RESPONDENTS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. _____

This cause coming on to be heard is submitted upon the petition of the Complainants for the sale of certain lands in Baldwin County, Alabama, for division among the owners thereof; decree pro confesso against the Respondent, Elizabeth Nickel and the pleadings and proof as noted by the Register; it appearing to the Court that the Complainants and the Respondents are the owners as joint tenants, or tenants in common of the following real property situated in Baldwin County, Alabama, to-wit:

The West half of the Southwest Quarter of Section 36,
Township 7 South, Range 5 East, containing 80 acres,
more or less;

that Barbara Popow, Elizabeth Nickel and Konstantine Marx, each own an undivided $\frac{1}{3}$ interest, subject to the dower rights of Anna Marx in and to the North half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 7 South, Range 5 East; that Anna Marx as the widow of William Marx, deceased, owns a dower interest therein; that Anna Marx owns an undivided $\frac{1}{2}$ interest and a dower right in the other $\frac{1}{2}$ interest in and to the South half of the Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 36, Township 7 South, Range 5 East, and Barbara Popow, Elizabeth Nickel, and Konstantine Marx, each own an undivided $\frac{1}{6}$ interest, subject to the dower rights of Anna Marx in and to the said lands; that Konstantine Marx is a person of unsound mind, and that H. E. Smith, a competent attorney, has been duly appointed, consented to act, and filed pleadings as guardian ad litem, denying the allegations contained in said petition for the said Konstantine Marx; and that it has been duly and legally established by competent testimony, of disinterested witnesses, that the said lands cannot be equitably divided among the owners, without a sale thereof, and that it is to the best interest of all parties that the said lands be sold for division among the owners thereof.

It is the opinion of the Court that the Complainants are entitled to the relief prayed for.

IT IS THEREFORE ordered, adjudged and decreed by the Court that Anna Marx, Barbara Popow, Elizabeth Nickel and Konstantine Marx are the owners as joint tenants, or tenants in common, of the following described real property in Baldwin County, Alabama, to-wit:

The West half of the Southwest Quarter of Section 36, Township 7 South, Range 5 East, containing 80 acres, more or less;

that Barbara Popow, Elizabeth Nickel and Konstantine Marx, each own an undivided $1/3$ interest, subject to the dower rights of Anna Marx, in and to the said North half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 7 South, Range 5 East; that Anna Marx owns a dower interest therein; that Anna Marx owns an undivided $1/2$ interest and a dower right in the other $1/2$ interest in and to the said South half of the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 36, Township 7 South, Range 5 East; and that Barbara Popow, Elizabeth Nickel and Konstantine Marx, each own an undivided $1/6$ interest subject to the dower interest of Anna Marx therein.

IT IS FURTHER ordered, adjudged and decreed by the Court that Honorable R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, be, and he is hereby authorized, empowered and directed to sell the said property, for cash, to the highest bidder, at public auction, in front of the Court House of Baldwin County, Alabama, on the 30th day of April, 1945, after first giving at least 30 days notice of the time, place and terms of sale, together with a description of said property, by advertisement in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama.

IT IS FURTHER ordered, adjudged and decreed by the Court that the said R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, be, and he is hereby directed and ordered to make return to this

Court, in writing, of his proceedings in this behalf, for the further orders and decrees of this Court.

Dated this the 23rd day of March, 1945.



Judge

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

This cause coming on to be heard is submitted upon the original bill of complaint, order of sale, report of sale, decree confirming sale, decree on reference, and proof as noted by the Register.

It appearing to the Court that the Register of this Court has received as the proceeds from the sale of the property described in the original bill of complaint; the West half of the Southwest quarter of Section 36, Township 7 South, Range 5 East, containing 80 acres, more or less, in Baldwin County, Alabama, the sum of \$4500.00; that the costs incident to said sale amount to \$134.84, leaving a balance of \$4365.16, subject to distribution among those entitled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register of this Court retain the sum of \$134.84 as costs in this cause, for which he shall have credit against the amount in his hands.

It further appearing to the Court that the firm of Beebe & Hall are Solicitors of Record in this cause, and that \$400.00 is a reasonable fee to be allowed and chargeable against the funds in the hands of the Register.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register of this Court pay to Beebe & Hall \$400.00 as Attorneys fee for which he shall have a credit against the funds in his hands.

It further appearing to the Court that Konstantine Marx was a person of unsound mind, and that it was necessary to appoint a guardian ad litem to represent his interest and that \$25.00 is a reasonable fee to pay such guardian ad litem.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Register pay to H. E. Smith, as guardian ad litem, for Konstantine Marx, \$25.00 for which


he shall have a credit against the funds in his hands.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register pay to Anna Marx, the sum of \$1896.35, being her distributive share of the proceeds of the sale, for which he shall have a credit.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register pay to Barbara Powpow and Elizabeth Nickel, each, the sum of \$692.38, being their distributive share of the proceeds of said sale.

It appearing to the Court that Konstantine Marx is a person of unsound mind, and entitled to the sum of \$659.05, as his share of the proceeds of sale; the Register is directed to retain said sum and pay same out to the legal guardian of said insane person when he is advised that such guardian has been appointed and qualified.

Dated at Monroeville, Monroe County, Alabama, this the 6th day of August, 1945.



JUDGE

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

ANNA MARX and BARBARA POPOW

Complainant

VS.

ELIZABETH NICKEL and KONSTANTINE MARX

Respondent

I, Lillian Patterson

as ~~Register and~~ Commissioner

have called and caused to come before me Alfred M. Neumann and L. Lindoefer

witnesses named in the Requirement for Oral Examination, on the 23rd day of February 1945, at the office of Beebe & Hall in Bay Minette, Alabama, and having first sworn said Witnesses to speak the truth, the whole truth, and nothing but the truth, the said Alfred M. Neumann doth depose and say as follows:

My name is Alfred M. Neumann. I live at Elberta in Baldwin County, Alabama. I am the Cashier of the State Bank of Elberta.

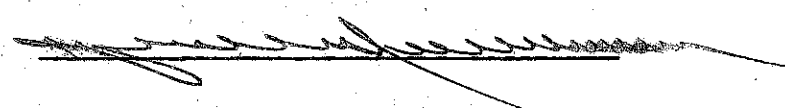
I am personally acquainted with the tract of land described as the West half of the Southwest Quarter of Section 36, Township 7 South, Range 5 East, containing 80 acres, more or less. I have personally known this land for the past several years. There is about 45 acres cleared and the balance is in pasture, with a small growth of timber. The land is not very suitable for farming purposes, especially the South 40, which is unusually sandy. The buildings are all old and in a bad state of repair. The fences are in a fair condition.

The land is of such type and character, and the improvements are so located, that it cannot be equitably divided among the owners thereof, without a sale.

I am acquainted with land values in and around Elberta, and with the particular land in question. A fair and reasonable market price for the said land would be \$4000.00.

Cross examination by H. E. Smith, guardian ad litem:
for Konstantine Marx.

Konstantine Marx is a resident of Baldwin County, Alabama, and over twenty-one years of age. The land involved in this suit is not desirable as farm land and is such that it does not and cannot produce a reasonable income commensurate with the price for which it can be sold at this time. It is my opinion that it is to the best interest of Konstantine Marx, who is alleged to/of unsound mind that this property be converted to cash.


L. Lindoefer being first duly sworn deposes and says.

My name is L. Lindoefer. I am postmaster and live at Elberta, in Baldwin County, Alabama. I was in the real estate business for many years prior to the time I became postmaster. I am personally acquainted with the land described in this proceeding and being the West half of the Southwest Quarter of Section 36, Township 7 South, Range 5 East. The land is rather sandy, especially the South 40. There is about 45 or 50 acres cleared and the balance is in pasture. The timber on the land is small and of very little value, not in excess of \$100.00. The houses on the property are old and badly in need of repair. The land and improvements, in my opinion, are worth about \$4000.00.

Cross examination by H. E. Smith, guardian ad litem
for Konstantine Marx.

The land is of such type and character that it is not suitable for farming purposes, being too sandy. The improvements are in such condition that it would necessitate an expenditure of money out of proportion to the value of the property to make the necessary improvements. The property cannot be equitably divided between the owners without a sale thereof. It is to the best interest of Konstantine Marx, and the other joint owners, that the property be sold and the proceeds divided among the owners thereof. It is my opinion that the property would be well sold for \$4000.00, or \$4500.00.

L. Lindbergh


ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

TO ANNA MARX, BARBARA POWPOW, ELIZABETH NICKEL, AND KONSTANTINE MARX:

Pursuant to an order of reference made in the above styled cause at the May 28, 1945, term of the Circuit Court of Baldwin County, Alabama, in equity, I have appointed 10:00 o'clock A. M., on the 21 day of July, 1945, at my office, for considering the matter thereby referred to me, as Register, at which time and place all parties concerned are to attend.

WITNESS my hand and seal of office on this the ___ day of July,
1945.


Register

THE STATE OF ALABAMA, }
Baldwin County }

CIRCUIT COURT

TO Lillian Patterson

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 Alfred M. Neumann and L. Lindoerfer

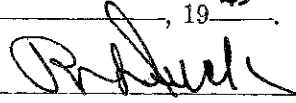
as witnesses in behalf of Complainants in a cause pending in our Circuit Court of Baldwin County, of said State, wherein Anna Marx and Barbara Popow

and Elizabeth Nickel and Konstantine Marx Complainant

Defendant, on oath to be by you administered, upon Alfred M. Neumann and L. Lindoerfer

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

Witness 23 day of February, 1945.



REGISTER

Commissioner's Fee \$ _____

Witness' Fees, \$ _____

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

TO ANNA MARX, BARBARA POWPOW, ELIZABETH NICKEL, AND KONSTANTINE MARX:

Pursuant to an order of reference made in the above styled cause at the May 28, 1945, term of the Circuit Court of Baldwin County, Alabama, in equity, I have appointed 10:00 o'clock A. M., on the 20 day of July, 1945, at my office, for considering the matter thereby referred to me, as Register, at which time and place all parties concerned are to attend.

WITNESS my hand and seal of office on this the 11 day of July, 1945.

R. S. Duck
Register

1 time

RECORDED
NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Complainant _____

VS.

Defendant _____

Commission To Take Deposition

COMMISSIONER:

Witnesses:

1185

Intention

Received March 21 1945

W. A. R. R. R.

I, Lillian Patterson, as ~~Register~~ 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 H. M. Hall

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 23rd day of February, 1945.

Lillian Patterson (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 194_____

_____, Register.

Recorded in

_____, Record

Page _____

Vol. _____

_____, Register.

1189

(7)

Small green

Small August 8. 1945
C. S. Small
Boston

(7)

3/24/8

ORDER AUTHORIZING SALE

①

ANNA MARY, et al

COMPLAINANTS

VS.

ELIZABETH NICKEL, et al

RESPONDENTS

NOTICE OF SALE

4/20/91

⑥ *Amtrak*
2/10

Elizabeth Powell

Dear

Order of Release

James Powell - 1945
Elizabeth Powell
Portland

2

ANNA MARX, et al,

COMPLAINANTS,

vs.

ELIZABETH NICKEL, et al,

RESPONDENTS.

8/1/15

DECREE CONFIRMING REFERENCE

1189

(3)

ACCEPTANCE AND ANSWER OF
GUARDIAN AD LITEM

June 28 1945
C. J. Reed
Reynolds

① 1189 RECORDED

Amplant ✓

Anna Max Crow

2

Elizabeth Fielder

Collecta

John W. Smith
Returns & Settlements
Sustenance Mack
not from & in
Beedle County
more to Ott's
Ann in J. Smith
W.P. Smith
Ann

John W. Smith
Returns & Settlements
Sustenance Mack
not from & in
Beedle County
more to Ott's
Ann in J. Smith
W.P. Smith
Ann

5

(7)

APPOINTMENT OF GUARDIAN
AD LITEM

5/2/21

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

TO ANNA MARX, BARBARA POWPON, ELIZABETH NICKEL, AND KONSTANTINE MARX:

Pursuant to an order of reference made in the above styled cause at the May 28, 1945, term of the Circuit Court of Baldwin County, Alabama, in equity, I have appointed 10:00 o'clock A. M., on the 20 day of July, 1945, at my office, for considering the matter thereby referred to me, as Register, at which time and place all parties concerned are to attend.

WITNESS my hand and seal of office on this the ___ day of July, 1945.


Register

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

J. B. Blackburn having been first duly sworn deposes and says:

My name is J. B. Blackburn. I am a practicing attorney at the Bar of Baldwin County, Alabama. I am acquainted with the usual fees charged by the members of the Baldwin County Bar.

I have carefully examined the file and all papers in the above cause, and taking into consideration that it is necessary that an abstract be furnished and the fact that the property sold for \$4500.00, I am of the opinion that \$400.00 is a reasonable attorneys fee to be allowed to Beebe & Hall as solicitors in said proceedings.

I am of the further opinion that \$25.00 is a reasonable fee to allowed the guardian ad litem of Konstantine Marx.

J. B. Blackburn

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETING:

WE COMMAND YOU, that you summon ELIZABETH NICKEL and KONSTANTINE MARX to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by ANNA MARX and BARBARA POPOW against the said ELIZABETH NICKEL and KONSTANTINE MARX, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, B. S. DUCK, Register of said Circuit Court, this the 12th day of April, 1944.


Register.

ANNA MARX AND BARBARA
POPOW,

COMPLAINANTS

VS

ELIZABETH NICKEL, AND
KONSTANTINE MARX,
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:

Your Complainants, ANNA MARX and BARBARA POPOW, humbly complaining against the Respondents, ELIZABETH NICKEL and KONSTANTINE MARX respectfully represent and show unto your Honor and this Honorable Court as follows:

1.

That your Complainant, Anna Marx, is a bona fide resident of Baldwin County, Alabama, and over twenty one years of age; that Barbara Popow is over twenty one years of age, a non resident of the State of Alabama, her address being 2917 Mary Street, Pittsburgh, Pennsylvania;

That Elizabeth Nickel is over twenty one years of age, and a non-resident of the State of Alabama, her address being Philadelphia, Pennsylvania, a better address not known; that Konstantin Marx is a bona fide resident of Baldwin County, Alabama, and over twenty one years of age, but of unsound mind, and has no general guardian, and lives with his mother, Anna Marx;

2.

That the Complainants and the Respondents are owners as joint tenants or tenants in common of the following real property, in Baldwin County, Alabama, to-wit:

West half of the Southwest Quarter of Section 36, Township 7 South Range 5 East, containing 80 acres more or less;

3.

That Barbara Popow, Elizabeth Nickel, and Konstantine Marx each own an undivided one-third interest, subject to the dower rights of Anna Marx in and to the North half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 7 South Range 5 East; that Anna Marx as the widow of William Marx, deceased, owned a dower interest in said lands.

That Anna Marx owns an undivided one-half interest, and a dower right in the other one-half interest, in and to the South half of the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 36, Township 7 South Range 5 East, and Barbara Popow, Elizabeth Nickel, and Konstantine Marx each own an undivided one-sixth interest, subject to the dower interest of Anna Marx, in and to the said lands.

4.

That the said property: West half of the Southwest Quarter of Section 36, Township 7 South Range 5 East, Baldwin County, Alabama, can not be equitably divided or partitioned among the owners without a sale thereof.

5.

That it is necessary to employ counsel to prosecute this suit for division, which is to the mutual benefit of all the parties concerned.

WHEREFORE, the premises considered, your Complainants pray that your Honor will, by proper process, make the said Elizabeth Nickel and Konstantine Marx, parties respondent to this bill of complaint, requiring them to plead, answer, or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon a final hearing hereof, this Honorable Court will make and enter a decree that the said property can not be equitably divided or partitioned between the owners thereof without a sale; that the said property be ordered sold in accordance with the statutes of the State of Alabama for division among the owners thereof; that the dower rights of

Anna Marx in and to said lands be ascertained; that a reasonable attorneys fee be paid to Beebe & Hall as attorneys in the prosecution of this cause; that such other orders and decrees be made and entered as will duly effectuate the sale, the conveyance thereof, and the distribution of the funds therefrom in accordance with the statutes and laws of the State of Alabama; that such other, further, different or general relief be granted unto the Complainants as in equity they may be entitled to receive.

Anna Marx

Anna Marx

Barbara Popow

Barbara Popow.

BEEBE & HALL,

BY *J. Lee Lee*

Solicitors for the Complainants.

STATE OF ALABAMA
BALDWIN COUNTY.

We, Anna Marx and Barbara Popow, hereby certify that we have carefully read over and understand the allegations contained in the foregoing bill of complaint, and they are true and correct.

Anna Marx

Anna Marx

Barbara Popow

Barbara Popow

Sworn to and subscribed before me on this the 19th day of August, 1944, by Anna Marx.

Affix seal.

Ann Virginia Caddaban

Notary Public, Franklin County, Penna
My Com. Expires Jan 5, 1947.

Sworn to and subscribed before me on this the 19th day of August, 1944, by Barbara Popow.

Affix seal.

Howard P. Bleichner

Notary Public, Allegheny County, Pa

HOWARD P. BLEICHNER, Notary Public
MY COMMISSION EXPIRES
JANUARY 31, 1945

STATE OF ALABAMA
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA -- OBEYING:

WE COMMAND YOU, that you summon ELIZABETH NICKEL and KONSTANTINE MARX to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of the summons, and there to answer, plead or demur without oath to a bill of complaint, lately exhibited by ANNA MARX and BARBARA POPOW against the said ELIZABETH NICKEL and KONSTANTINE MARX, and further to do and perform what the said Judge s all order and direct in that behalf, and this the Respondents shall in no wise omit, under penalty of the law. And we further command that you return this writ with your execution thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Circuit Court, this the 1st day of Sept, 1944.

R. S. Duck
Register.

ANNA MARX AND BARBARA
POPOW,
COMPLAINANTS

VS

ELIZABETH NICKEL, AND
KONSTANTINE MARX,
RESPONDENTS.

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

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

Your Complainants, ANNA MARX and BARBARA POPOW, humbly complaining against the Respondents, ELIZABETH NICKEL and KONSTANTINE MARX respectfully represent and show unto your Honor and this Honorable Court as follows:

1.

That your Complainant, Anna Marx, is a bona fide resident of Baldwin County, Alabama, and over twenty one years of age; that Barbara Popow is over twenty one years of age, a non resident of the State of Alabama, her address being 2317 Mary Street, Pittsburgh, Pennsylvania;

That Elizabeth Nickel is over twenty one years of age, and a non-resident of the State of Alabama, her address being Philadelphia, Pennsylvania, a better address not known; that Konstantin Marx is a bona fide resident of Baldwin County, Alabama, and over twenty one years of age, but of unsound mind, and has no general guardian, and lives with his mother, Anna Marx;

2.

That the Complainants and the Respondents are owners as joint tenants or tenants in common of the following real property, in Baldwin County, Alabama, to-wit:

West half of the Southwest Quarter of Section 36, Township 7 South Range 5 East, containing 80 acres more or less;

3.

That Barbara Popow, Elizabeth Nickel, and Konstantine Marx each own an undivided one-third interest, subject to the dower rights of Anna Marx in and to the North half of the Northwest Quarter of the Southwest Quarter of Section 36, Township 7 South Range 5 East; that Anna Marx as the widow of William Marx, deceased, owned a dower interest in said lands.

That Anna Marx owns an undivided one-half interest, and a dower right in the other one-half interest, in and to the South half of the Northwest Quarter of the Southwest Quarter, and the Southwest Quarter of the Southwest Quarter of Section 36, Township 7 South Range 5 East, and Barbara Popow, Elizabeth Nickel, and Konstantine Marx each own an undivided one-sixth interest, subject to the dower interest of Anna Marx, in and to the said lands.

4.

That the said property: West half of the Southwest Quarter of Section 36, Township 7 South Range 5 East, Baldwin County, Alabama, can not be equitably divided or partitioned among the owners without a sale thereof.

5.

That it is necessary to employ counsel to prosecute this suit for division, which is to the mutual benefit of all the parties concerned.

WHEREFORE, the premises considered, your Complainants pray that your Honor will, by proper process, make the said Elizabeth Nickel and Konstantine Marx, parties respondent to this bill of complaint, requiring them to plead, answer, or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon a final hearing hereof, this Honorable Court will make and enter a decree that the said property can not be equitably divided or partitioned between the owners thereof without a sale; that the said property be ordered sold in accordance with the statutes of the State of Alabama for division among the owners thereof; that the dower rights of

Anna Marx in and to said lands be ascertained; that a reasonable attorneys fee be paid to Beebe & Hall as attorneys in the prosecution of this cause; that such other orders and decrees be made and entered as will duly effectuate the sale, the conveyance thereof, and the distribution of the funds therefrom in accordance with the statutes and laws of the State of Alabama; that such other, further, different or general relief be granted unto the Complainants as in equity they may be entitled to receive.

1189

Anna Marx
ANNA MARX
Barbara Popow
Barbara Popow.
BEEBE & HALL.
BY John See
Solicitors for the Complainants.

STATE OF ALABAMA
BALDWIN COUNTY.

We, Anna Marx and Barbara Popow, hereby certify that we have carefully read over and understand the allegations contained in the foregoing bill of complaint, and they are true and correct.

Anna Marx
Anna Marx
Barbara Popow
Barbara Popow

Sworn to and subscribed before me on this the 19th day of August, 1944, by Anna Marx.

Affix seal.

Ann Virginia Caddapan
Notary Public, Peru County, Alabama
My com. expires Jan 5, 1947.

Sworn to and subscribed before me on this the 21 day of August, 1944, by Barbara Popow.

Affix seal.

Howard P. Blechner
Notary Public, Adley County, GA

HOWARD P. BLECHNER, Notary Public
MY COMMISSION EXPIRES
JANUARY 31, 1945

ANNA MARX, et al,
COMPLAINANTS,
VS.
ELIZABETH NICKEL, et al,
RESPONDENTS.

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

In the cause the Register reports to the Court that he gave notice of the time and place of executing the reference ordered by the decree of said cause, and was attended by the solicitors of the Complainant, there being no one representing any of the adverse parties.

Upon careful consideration of the testimony, it is reported as follows:

1. That \$ 400.00 is a reasonable fee to be allowed Beebe & Hall, as solicitors prosecuting this cause.
2. That \$ 25.00 is a reasonable fee to be allowed H. E. Smith as guardian ad litem for Konstantine Marx.


Register

RECORDED

Anna Maria Sca

or

Elizabeth Siskel Sca

Elizabeth Siskel

Elizabeth Siskel

Richard

July 26 1945

Richard Siskel

1189
~~RECORDED~~

Answer now was

Y.

Exhibit 1000

Regent's Report on

Refusal

Received July 30 1945

P. S. [Signature]

Anna Marx

Anna Marx in and to said lands be ascertained; that a reasonable attorney fee be paid to her & half an attorney in the prosecution of this cause; that such other orders and decrees be made and entered as will duly effectuate the sale, the conveyance thereof, and the distribution of the funds therefrom in accordance with the statutes and laws of the State of Alabama; that such other further, different or general relief be granted unto the complainants as in equity they may be entitled to receive.

Anna Marx
Barbara Popow
BY *Anna Marx*
Solicitor for the complainants.

1189

STATE OF ALABAMA
SHELBY COUNTY.

We, Anna Marx and Barbara Popow, hereby certify that we have carefully read over and understand the allegations contained in the foregoing bill of complaint, and they are true and correct.

Anna Marx
Barbara Popow

Sworn to and subscribed before me on this the 19th day of August, 1944, by Anna Marx.

Anna Marx
Notary Public, Shelby County, Alabama
My Comm. Expires 12/31/47

Atlix seal.

Sworn to and subscribed before me on this the 19th day of August, 1944, by Barbara Popow.

Barbara Popow
Notary Public, Shelby County, Alabama

Atlix seal.

NOTICE TO NON-RESIDENT

TIMES PRINTING CO., BAY MINETTE

Anna Marx & Barbara Popow,

No. 1189.

vs.

Elizabeth Nickel. & Konstantine. Marx.

The State of Alabama,

Baldwin, County.

Circuit Court, in Equity

This the 1st. day of

September., 194 4

In this cause it being made to appear to the Clerk of this Court by the affidavit of
Anna Marx. and Barbara. Popow.

that the Defendant s Elizabeth Nickel, and Konstantine. Marx.

is a non-resident of the State of Alabama

and further, that, in the belief of said Affiant s the Defendant s over the age of 21
years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper pub-
lished in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring
the said Elizabeth Nickel. and Konstantine. Marx.

to answer or demur to the Bill of Complaint in this cause by the 9th day of
October. 194 4, or after thirty days therefrom a decree Pro Confesso may be
taken against them.

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19 45

Anna Marx and Barbara Popow

Complainant

Vs.

Elizabeth Nickel and Konstantine Marx

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 7th day of September, 1944, 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 7th day of September 1944 and _____

And it now further appearing to the Register R. S. Duck that the said Elizabeth Nickel and Konstantine Marx

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 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 Elizabeth Nickel and Konstantine Marx

This 19th day of February 1945
R. S. Duck Register.

RECORD

No. 1189

Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Vs.

Decree Pro Confesso of Publication

Issued

3 9

1945

[Handwritten Signature]

Register.

Recorded in _____

Record

Page _____

Register.

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19 45

Anna Marx and Barabra Popow

Complainant

Vs.

Elizabeth Nickel and Konstantine Marx

Defendant

Motion is hereby made for a Decree Pro Confesso against Elizabeth Nickel and Konstantine Marx

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 16th day of February 1945

Beale + Hall
by H. H. Hall

Solicitor.

746 Code

RECORDED

No. 1889 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Complainant _____

Vs.

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed 7. 16 1945

R. M. [Signature]

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

ALABAMA'S BEST COUNTY'S-

The **BALDWIN**
Times

BEST NEWSPAPER

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

_____, being duly sworn, deposes and says
that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper pub-
lished at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Notice to Non-Resident

NOTICE TO NON-RESIDENT
ANNA MARK and BARBARA POPOW
vs.
ELIZABETH NICKEL and
KONSTANTINE MARK
THE STATE OF ALABAMA
Baldwin County
Circuit Court in Equity
This the 1st day of September, 1944.
In this cause it being made to appear
to the Clerk of this Court by the affida-
vit of Anna Mark and Barbara Popow,
that the Defendants, Elizabeth Nickel
and Konstantine Mark are non-residents
of the State of Alabama, and further,
that in the belief of said Affiants the
Defendants are over the age of 21 years;
it is, therefore, ordered, that publica-
tion be made in the Baldwin Times a
newspaper published in Bay Minette,
Baldwin County, Alabama, once a week
for four consecutive weeks, requiring
the said Elizabeth Nickel and Kon-
stantine Mark to answer or demur to
the Bill of Complaint in this cause by
the 9th day of October, 1944, or after
thirty days therefrom a decree Pro
Confesso may be taken against them.
R. S. DUCK, Register.
BEEBE & HALL
Solicitors for Complainants. 32-4tc

COST STATEMENT

168 WORDS @ *4 1/2* cents \$ *7.56*

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

Publisher.

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

Date of 1st publication Sept. 7, 1944 Vol. 55 No. 32
Date of 2nd publication Sept. 14, 1944 Vol. 55 No. 33
Date of 3rd publication Sept. 21, 1944 Vol. 55 No. 34
Date of 4th publication Sept. 28, 1944 Vol. 55 No. 35

Subscribed and sworn before the undersigned this _____ day of _____ 194_____

Notary Public, Baldwin County.

Publisher.

R. S. Duck

Circuit Clerk

BALDWIN COUNTY

BAY MINETTE, ALA.



Return

BARBARA POWPOW
ELBERTA ALA.

Unknown



Circuit Clerk

BALDWIN COUNTY

BAY MINETTE, ALA.



Return

ANNA MARX
~~ELBERTA ALA.~~

*Moved left no
address*