

LLOYD A. MAGNEY,  
Complainant,

-vs-

H. W. BARTLING, LUCILE SERENA  
BARTLING, VERA G. BARTLING,  
ROSE BARTLING, JOHN H. BACH &  
LILLIAN M. BACH,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your complainant, Lloyd A. Magney, respectfully shows to the Court that he is over the age of twenty-one years and a resident of Foley, in the County of Baldwin, in the State of Alabama; that the respondent, H. W. Bartling, is also over the age of twenty-one years and a non-resident of the State of Alabama, residing in the City of Chicago, County of Cook and State of Illinois, where his address is 39 South LaSalle Street; that the respondent, Lucile Serena Bartling, is also over the age of twenty-one years and a non-resident of the State of Alabama, residing at Chicago, in the County of Cook and State of Illinois, where her address is 7724 North Hoskins; that the respondent, Vera G. Bartling, is also over the age of twenty-one years and a non-resident of the State of Alabama and a resident of Chicago, in Cook County, in the State of Illinois, where her address is 6960 North Hilldale Avenue; that the respondent, Rose Bartling, is also over the age of twenty-one years and a non-resident of the State of Alabama, and a resident of the City of Chicago, County of Cook and State of Illinois, where her address is 7724 North Hoskins; that the respondent, John H. Bach, is also over the age of twenty-one years and is a non-resident of the State of Alabama, and a resident of Northbrook, in the County of Cook, and State of Illinois, where his address is Dundee Road; that the respondent, Lillian M. Bach, is also over the age of twenty-one

years and a non-resident of the State of Alabama and a resident of Northbrook, in the County of Cook, in the State of Illinois, where her address is Dundee Road.

PART TWO

Your complainant further avers and shows to the Court:

1. That on or about the 26th day of September, 1928, the respondents, John H. Bach and Lillian M. Bach, together with one Minnie M. Johnson, made, executed and delivered to one Otto Rudert, their negotiable promissory note in the face amount of TWELVE HUNDRED & 00/100 (\$1200.00) DOLLARS, due five (5) years after date, with interest at the rate of 7% per annum, from date until paid.

2. That on or about March 6th, 1929, the said Otto Rudert died, leaving a last will and testament, which said last will and testament was duly allowed for probate and record by the Courts of the State of Illinois, wherein the said Otto Rudert resided at the time of his death. That by said last will and testament one R. W. Olmsted was named executor and the said R. W. Olmsted was at all of the times hereinafter mentioned, and is now, the duly, appointed, qualified and acting executor of the will and estate of the said Otto Rudert, deceased, and as such the legal holder of and entitled to collect and enforce said note.

3. That on the 17th day of July, 1935, said note being then past due and unpaid, suit was instituted by the said R. W. Olmsted, executor as aforesaid, in the Circuit Court of Cook County, in the City of Chicago, and the State of Illinois, against the said John H. Bach and Lillian M. Bach, claiming upon said note aforesaid and summons was personally served out of said Circuit Court of Cook County, Illinois, upon the said John H. Bach and Lillian M. Bach, whereby the said Circuit Court of Cook County, Illinois, which is a Court<sup>of</sup> record, obtained and had jurisdiction of the persons of the said John H. Bach and Lillian M. Bach, and of the subject matter of said suit.

4. That on the 6th day of September, 1935, in the City of Chicago, County of Cook, and State of Illinois, a judgment was en-

tered against the said John H. Bach and Lillian M. Bach, in said suit and upon said note aforesaid by Benjamin P. Epstein, Judge of said Circuit Court of Cook County, Illinois, in the amount of FIFTEEN HUNDRED FIFTY & 50/100 (\$1550.50) DOLLARS.

5. That thereafter and on the 13th day of September, 1935, said judgment was, for a valuable consideration by the said R. W. Olmsted, executor as aforesaid, assigned and transferred to the complainant herein and the complainant is now the owner and holder of said judgment and entitled to collect thereon. That no part of said judgment has been paid and there is now due and owing to the complainant, from the respondents, John H. Bach and Lillian M. Bach, upon said judgment, the sum of FIFTEEN HUNDRED FIFTY & 50/100 (\$1550.50) DOLLARS, together with interest since said September 6th, 1935.

6. That suit has been commenced by the complainant herein against the respondents, John H. Bach and Lillian M. Bach, in the Circuit Court of Baldwin County, Alabama, law side, based upon said judgment of the Circuit Court of Cook County, Illinois, hereinbefore described, which said suit is now pending.

7. That on or about the first day of August, 1933, shortly before the note aforesaid became due and payable, the said respondents, John H. Bach and Lillian M. Bach, made, executed and delivered to one Henry C. Bartling their mortgage deed in the amount of TWENTY FIVE HUNDRED & 00/100 (\$2500.00) DOLLARS, by which said mortgage deed they conveyed to the said Henry C. Bartling the following described real estate in Baldwin County, Alabama, to-wit:-

Lot twenty-four (24) and the east one-half (E $\frac{1}{2}$ )  
of lot twenty-three (23) in block eighteen (18)  
in the Town of Foley.....

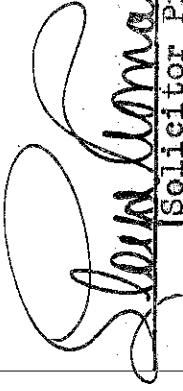
Said mortgage deed was dated August 1st, 1933, due in five (5) years from date, with interest at 6% per annum, and was recorded in the Office of the Judge of Probate in Baldwin County, Alabama, in Mortgage Book #57 at pages 183 to 185 thereof.

8. The said real estate so conveyed by said mortgage was all of the real estate and substantially all of the property owned by the respondents, John H. Bach and Lillian M. Bach, and said mortgage, being for TWENTY FIVE HUNDRED & 00/100 (\$2500.00) DOLLARS, is more than the value of said real estate and if said mortgage be held to be a valid lien and charge upon said real estate the equity of the respondents, John H. Bach and Lillian M. Bach, therein is wholly destroyed thereby and said respondents are insolvent. But complainant avers that said mortgage deed was made and executed by the said respondents, John H. Bach and Lillian M. Bach, and accepted by the said Henry C. Bartling, as a part of a scheme and conspiracy on the part of said respondents and said Bartling to hinder and delay and defraud the creditors of the said respondents, and particularly the holder of the note hereinbefore described, and to prevent the collection of the indebtedness due from the said respondents; that the recited consideration of said mortgage, to-wit, the sum of TWENTY FIVE HUNDRED & 00/100 (\$2500.00) DOLLARS, was not paid by the said Bartling, was a simulated consideration and the said Bartling paid nothing to the respondents, nor to anyone for them, for said mortgage; that said mortgage was a voluntary conveyance from the said respondents to the said Bartling, made and accepted with the intent and express purpose of defrauding the creditors of the said respondents.

9. Your complainant further avers that he is informed and believes, and upon such information and belief charges the fact to be, that said mortgage was never delivered to the said Bartling with the intention of making the same a valid lien upon the said real estate but that the same was placed of record in Baldwin County, Alabama, and then returned to the said respondents, and at the same time a release of said mortgage was executed by the said Bartling and delivered to the said respondents, which said release they withhold from record, so as to make said mortgage appear to be a valid lien upon said real estate when in truth and in fact

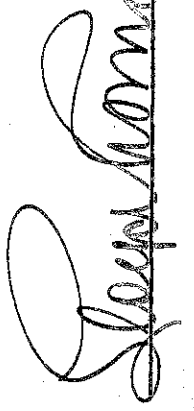
FOOT NOTE

The respondents, H.W. Bartling, Lucile Serena Bartling, Vera G. Bartling, Rose Bartling, John H. Bach and Lillian M. Bach, are each required to answer the allegations of part two (2) of this bill of complaint from paragraph numbered one (1) to paragraph numbered twelve (12) inclusive, but not under oath, oath to answer being hereby expressly waived.

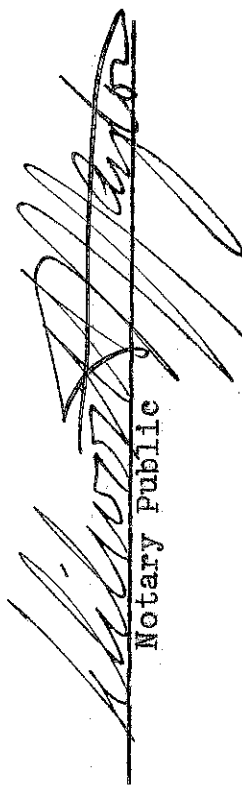
  
Solicitor Pro Se

STATE OF ALABAMA }  
BALDWIN COUNTY }

Lloyd A. Magney, being first duly sworn, on his oath deposes and says, that he is the complainant in the above entitled cause; that he has read and knows the contents of the foregoing bill of complaint; that the allegations thereof are true, except such as are alleged to be upon information and belief and as to these he believes them to be true.

  
\_\_\_\_\_

Subscribed in my presence and sworn to before me this \_\_\_\_\_  
day of November, 1935.

  
Notary Public

180

The State of Alabama, }  
Baldwin County Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

John S. Hartman, 7744 North Madison, Chicago, Ill.  
John S. Hartman, 7744 North Madison, Chicago, Ill.  
John S. Hartman, 7744 North Madison, Chicago, Ill.  
John S. Hartman, 7744 North Madison, Chicago, Ill.  
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John S. Hartman, 7744 North Madison, Chicago, Ill.  
John S. Hartman, 7744 North Madison, Chicago, Ill.

of \_\_\_\_\_ County, 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 \_\_\_\_\_

against said \_\_\_\_\_

John S. Hartman  
John S. Hartman  
John S. Hartman  
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John S. Hartman  
John S. Hartman  
John S. Hartman

Copy made to Reporter 11-8-31

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant 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, Robert S. Duck, Register of said Circuit Court, this \_\_\_\_\_ day of \_\_\_\_\_

Robert S. Duck  
Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

**CIRCUIT COURT, BALDWIN COUNTY, ALA.,  
IN EQUITY.**

No. *180*

*Walter A. Maguire*

VS.

*H. W. Barthelemy et al*

PLAINTIFF

DEFENDANT

Bill of Costs

Fees of Register		Dollars	Cts.	Brought Forward	
Filing each bill and other papers	26	\$	70	For receiving, keeping and paying out or distributing money, etc.; 1st \$1,000 1 per ct.; all over \$1,000, and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000, and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	900
Issuing each subpoena			300	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received,	
Issuing each copy thereof			40	Each Notice sent by mail to creditors	15
Entering each return thereof			15	Filing, Receipting for and docketing each claim, etc.	25
For each order of publication			1 00	For all entries on subpoena docket, etc.	50
Issuing writ of injunction			1 50	For all entries on commission docket, etc.	50
For each copy thereof			50	Making final record, per 100 words	15
Entering each return thereof			15	Certified copy of decree	1 00
Issuing writ of attachment			1 00	Report of divorce to State Health office Acts 1915	50
Entering each return thereof			15	Total Fees of Register	200
Docketing each case			1 00		1100
Entering each appearance			25		
Issuing each decree pro confesso on persl ser			1 00		
Issuing each decree pro confesso on publication			1 00		
Each order appointing guardian			1 00		
Any other order by Register			50		
Issuing commission to take testimony			50		
Receiving and filing			10		
Endorsing each package			10		
Entering order submitting cause			50		
Entering any other order of Court			25		
Noting all testimony			50		
Abstract of cause, etc.			1 00		
Entering each decree			75		
For every 100 words over 500			15		
Taking account, etc.			3 00		
Taking testimony, etc.			15		
Each report, 500 words or less			2 50		
For every 100 words over 500			15		
Amount claimed less than \$500, etc.			2 00		
Issuing each subpoena			25		
Witness certificate, each			25		
Issuing execution, each			75		
Entering each return			15		
Taking and approving bond, each			1 00		
Making copy of bill, etc.			15		
Each notice not otherwise provided for			50		
Each certificate or affidavit, with seal			50		
Each certificate or affidavit, no seal			25		
Hearing and passing on application, etc.			3 00		
Each settlement with receiver, etc.			3 00		
Examining each voucher of receiver, etc.			10		
Examining each answer, etc.			3 00		
Recording resignation, etc.			75		
Entering each certificate to Supreme Court			50		
Taking questions and answers, etc.			25		
For all other service relating to such proceedings			1 00		
For services in proceeding to relieve minors, etc., same fees as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 per cent.; all over \$100, and not exceeding 1,000, 1 1-2 per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, 1-4 of 1 per ct.					
Sub Total Carried Forward				Recapitulation	
				Register's Fees	11 00
				Sheriff's Fees	
				Commissioner's Fees	
				Solicitor's Fees	
				Witness Fees	
				Guardian Ad Litem	
				Printer's Fees	
				Trial Tax	3 00
				Recording Decree in Probate Court	
				TOTAL	14 00
				Postage	1 86
					15.86

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193

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Register.

Post Office at *Bayonne*  
 Street and Number, or Post Office Box  
 Return to *John J. ...*  
 NAME OF SENDER  
 No. *100*  
 INSURED PARCEL  
 No. *100*  
 REGISTERED ARTICLE  
 OFFICIAL BUSINESS  
 Post Office Department  
 PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 300  
 OFFICE

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 Post Office Department  
 PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 300  
 OFFICE



Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

(Signature of name of addressee)

(Signature of addressee's agent)

Date of delivery \_\_\_\_\_  
Postal Office \_\_\_\_\_

(Signature of name of addressee)

(Signature of addressee's agent)

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

### RETURN RECEIPT

DATE-7-3

POSTAL OFFICE-NEW YORK

POSTAL OFFICE-NEW YORK

(Signature of name of addressee)

(Signature of addressee's agent)

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### RETURN RECEIPT

### RETURN RECEIPT

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(Signature of name of addressee)

(Signature of addressee's agent)

Date of delivery \_\_\_\_\_  
Postal Office \_\_\_\_\_

DATE-7-3

POSTAL OFFICE-NEW YORK

POSTAL OFFICE-NEW YORK

(Signature of name of addressee)

(Signature of addressee's agent)

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### RETURN RECEIPT

### RETURN RECEIPT

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(Signature of name of addressee)

(Signature of addressee's agent)

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Postal Office \_\_\_\_\_

**RECEIPT FOR REGISTERED ARTICLE No. 245**

13¢ fee paid. 1st class postage paid. 11-8, 1935

Declared value \$ Legal Papers (Date)

From Robert H. Wuch, Registry, C.C.  
Baldwin Co. (Sender)

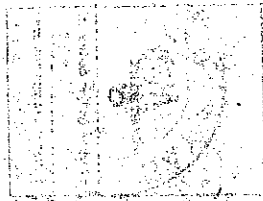
Addressed to W. H. Frost  
Quintle Road, Northbrook, Ill. (Post office and State)

Accepting employees will place initials in space below, indicating restricted delivery

Return receipt fee <u>3</u>	in person <input checked="" type="checkbox"/> or order <input type="checkbox"/>	Special delivery fee
Delivery restricted to addressee		Postmaster, per <u>MD</u>

Fee paid 10

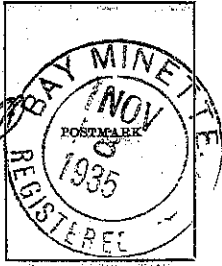




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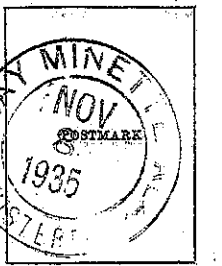
RECEIPT FOR REGISTERED ARTICLE No. 2172

15¢ fee paid. 1st class postage paid. 11-8, 1935  
Declared value, Legal Papers, Surcharge paid  
From Robert S. Duch, Registrar & Co.,  
Baldwin Co. (Sender)  
Addressed to 6960 North Willow St., Chicago, Ill.  
Accepting employee will place initials in space below, indicating restricted delivery  
Return receipt fee 3 (in person) Special delivery fee  
Delivery restricted to addressee 10 (or order) Postmaster, per WMA  
5-6889



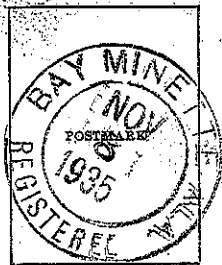
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Baldwin Co. (Sender)  
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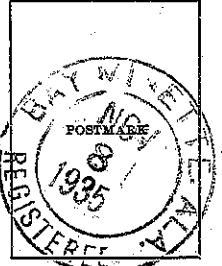
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Baldwin Co. (Sender)  
Addressed to 9724 North Napier, Chicago, Ill.  
Accepting employee will place initials in space below, indicating restricted delivery  
Return receipt fee 3 (in person) Special delivery fee  
Delivery restricted to addressee 10 (or order) Postmaster, per WMA  
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RECEIPT FOR REGISTERED ARTICLE No. 2179

15¢ fee paid. 1st class postage paid. 11-8, 1935  
Declared value, Legal Papers, Surcharge paid  
From Robert S. Duch, Registrar & Co.,  
Baldwin Co. (Sender)  
Addressed to 39 La Salle St., Chicago, Ill.  
Accepting employee will place initials in space below, indicating restricted delivery  
Return receipt fee 3 (in person) Special delivery fee  
Delivery restricted to addressee 10 (or order) Postmaster, per WMA  
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RECEIPT FOR REGISTERED ARTICLE No. 2179

15¢ fee paid. 1st class postage paid. 11-8, 1935  
Declared value, Legal Papers, Surcharge paid  
From Robert S. Duch, Registrar & Co.,  
Baldwin Co. (Sender)  
Addressed to 7724 North Napier, Chicago, Ill.  
Accepting employee will place initials in space below, indicating restricted delivery  
Return receipt fee 3 (in person) Special delivery fee  
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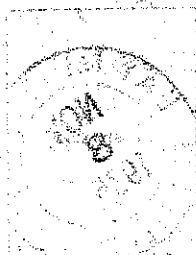




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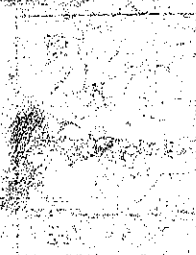
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