

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

NC. 2779

NOTICE OF TIME OF TAKING TESTIMONY

TO: O. S. Lockhart and Laura M. Moore:

Notice is hereby given that the Complainant will on the 11 day of July, 1952, before Evelyn Watts, as special commissioner take the testimony of the following witnesses:

Hugo Kretzschmar

Summerdale, Alabama.

Calvin Childress

Summerdale, Alabama

Dated this the 1st day of July, 1952.

Wm. L. Linn
Solicitor for the Complainant

Evelyn Watts
Special Commissioner

no 2779

Ustria hinc tarsus
fistula

Filed July 10, 1952

Aricefrench
Rogers

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2779

REQUEST FOR APPOINT OF COMMISSIONER

TO: Mrs. Alice J. Duck Register of the Circuit Court of Baldwin County,
Alabama:

The Complainant wishes to take orally, on behalf of the complainant,
the testimony of the following witnesses:

Hugo Kretzschmar

Summerdale, Alabama

Calvin Childress

Summerdale, Alabama.

It is hereby requested that they be given proper and legal notice
and that Evelyn Watts be appointed as Special Commissioner, to take
testimony of said witnesses, and that due and legal notice be given as
required by law.

Dated this the 14 day of July, 1952.

S. L. L. L.
Solicitor for the Complainant

no 2778

Request appointment
Commissioner

Filed July 1, 1882

Alfred J. French
Register

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: Evelyn Watts

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 Hugo Kretzschmar and Calvin Childress

as witnesses in behalf of Complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Hugo Kretzschmar

_____, Complainant
and J. B. Lockhart, et al

_____, Respondent

on oath, to be by you administered, upon Hugo Kretzschmar and Calvin Childress to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 1st day of July, 1952

Alice J. Warrick
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. 2779

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Complainant

vs.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Filed Jan 11, 1952

Ryan

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon O. S. LOCKHART and LAURA A. MOORE, the unknown heirs, devisees, grantees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, to appear and plead, answer or demur, within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by HUGO KRETZSCHMAR, as Complainant and against O. S. Lockhart and Laura A. Moore, as respondents.

WITNESS my hand this the 18 day of February, 1952.

Alice H. Duck
Register

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART and
LAURA A. MOORE

RESPONDENTS

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

TO HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA; IN EQUITY:

Your Complainant, Hugo Kretzschmar, presents this his bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East,

and also against O. S. Lockhart and Laura A. Moore, if they be living and if dead, against their, and each of their heirs, devisees, administrators, assigns and personal representatives, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

1.

That your Complainant is over twenty-one years of age and a resident of Summerdale, in Baldwin County, Alabama.

2.

That O. S. Lockhart and Laura A. Moore are both over twenty-one years of age and non-residents of the State of Alabama, if living, or if dead,

their heirs, assigns, executors, administrators and personal representatives are non-residents of the State of Alabama, and over twenty-one years of age, and their addresses cannot ascertained after a diligent search and inquiry.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East.

4.

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said land; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/or created.

5.

That your Complainant acquired title to the Northwest quarter of the Northeast quarter of Section 24, Township 6 South, Range 3 East by conveyance from Southern Plantation Development Company dated April 22, 1908, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 13 NS page 374; that he acquired title to the East half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East by conveyance from W. R. Stuart, Judge of the Probate, dated September 4, 1945, and of record in Deed Book 97 NS page 52; that your Complainant has been in the possession of and paying taxes upon and ever claiming to own the West half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East for more than ten years next preceding the filing of the bill of complaint.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of Hugo Kretzschmar and O. S. Lockhart.

7.

That no one has at any time within ten years next preceding the filing of the bill of complaint in this cause, paid any taxes upon said lands other than your Complainant.

8.

That the only person shown by the records of Baldwin County, Alabama, to claim said land or any part thereof, or any interest therein are your Complainant, O. S. Lockhart and Laura A. Moore.

9.

That your Complainant has made and caused to be made a diligent search and inquiry having the records searched at Bay Minette, Alabama, and also inquiring of various parties in and around Summerdale, where the land is located to ascertain the whereabouts of the Respondents if living or if dead their heirs, devisees, grantees, and personal representatives, but after such diligent search the information is unknown.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said O. S. Lockhart and Laura A. Moore the unknown heirs, devisees, personal representatives, grantees and assigns of O. S. Lockhart and Laura A. Moore, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said land in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter
of Northwest quarter of Section 24, Township 6 South, Range 3 East,

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

Complainant further pray that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances to the lands herein described, and to each and every part and parcel thereof, is vested in your Complainant, Hugo Kretzschmar; and that neither O. S. Lockhart, Laura A. Moore, the unknown heirs, devisees, personal representatives, grantees and assigns of O. S. Lockhart and Laura A. Moore, nor any other person, firm or corporation has any right, title to, interest in, or encumbrance upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainants prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

J. L. Loe
Solicitor for the Complainant

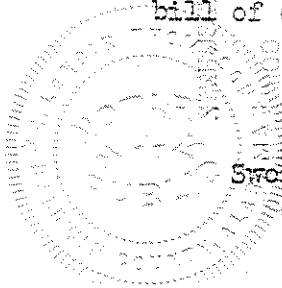
STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, is authorized to make this affidavit; that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.

J. L. Loe

Sworn to and subscribed before me on this the 18 day of February, 1952.

C. D. Smith
Notary Public, Baldwin County, Alabama



FILED
FEB 19 1952

NOTARY PUBLIC
BALDWIN COUNTY, ALABAMA

ALABAMA'S BEST COUNTY'S-

The BALDWIN Times

BAY MINETTE, ALABAMA

BEST NEWSPAPER

Legal Notice

LIS PENDENS NOTICE
HUGO KRETZSCHMAR, Complainant

Vs.
O. S. LOCKHART and LAURA A. MOORE
Respondents
In The Circuit Court Of Baldwin County,
Alabama, In Equity

It having been made to appear, in the above styled cause by proper affidavit, that O. S. Lockhart and Laura A. Moore are non-residents of the State of Alabama, and over twenty-one years of age, or if dead, their heirs, devisees, grantees, personal representatives and assigns are unknown, and cannot be ascertained after a diligent search and inquiry, and who are, from all information available, non-residents of the State of Alabama and over twenty-one years of age; that Hugo Kretzschmar is over twenty-one years of age and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East;

That your Complainant acquired title to said lands by the following conveyances: Northwest quarter of the Northeast quarter of Section 24, Township 6 South, Range 3 East, by conveyance from Southern Plantation Development Company dated April 22, 1908, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 13 NS page 374; that he acquired title to the East half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East by conveyance from W. R. Stuart, Judge of the Probate, dated September 4, 1945, and of record in Deed Book 97 NS page 52; that your complainant has been in the possession of and paying taxes upon and ever claiming to own the West half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South Range 3 East for more than ten years next preceding the filing of the bill of complaint; That no person is known to have paid any taxes on said land or to have been in possession thereof within ten years next preceding the filing of the bill of complaint excepting Hugo Kretzschmar. It is therefore ordered and notice is

heroby given that the said O. S. Lockhart and Laura A. Moore the unknown heirs, devisees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands, or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before March 22, 1952, or upon their having failed to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

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

IN WITNESS WHEREOF, I Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 18th day of February, 1952.

Alice J. Duck
Register.
H. M. Hall
Solicitor for the Complainant

5-4tc

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

Jimmy Faulkner, 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

Hugo Kretzschmar vs.
O. S. Lockhart & Laura A.
Moore

COST STATEMENT

561 WORDS @ 6 1/2 cents --- \$ 36 46
I hereby certify this is correct, due and unpaid (paid).

Jimmy Faulkner
Publisher.

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

Date of 1st publication Feb-21, 1952 Vol. 63 No. 5

Date of 2nd publication Feb-28, 1952 Vol. 63 No. 6

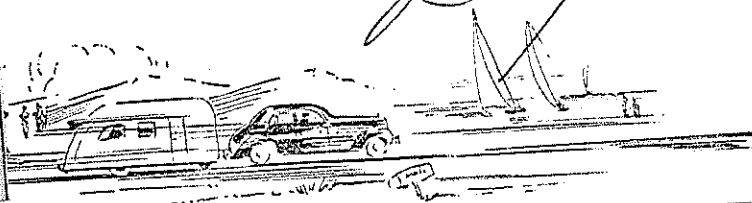
Date of 3rd publication Mar. 6, 1952 Vol. 63 No. 7

Date of 4th publication Mar 13, 1952 Vol. 63 No. 8

Subscribed and sworn before the undersigned this 13 day of Mar, 1952

Dorothy Martin
Notary Public, Baldwin County.

Jimmy Faulkner
Publisher.



HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2779

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the bill of complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that the Respondents O. S. Lockhart and Laura A. Moore, if living, are non-residents of the State of Alabama, and over twenty-one years of age, and that if dead their heirs, devisees, grantees, personal representatives and assigns are non-residents of the State of Alabama and over twenty-one years of age; that service was perfected upon the Respondents herein by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 21st day of February, 1952; that services was also perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 21st day of February, 1952, against the unknown heirs, devisees, grantees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; That C. LeNoir Thompson, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed as Guardian ad Litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as Guardian ad Litem, and filed answer denying all the material allegations of the complaint, and appeared and cross examined the witnesses

for the complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that the Respondents, O. S. Lockhart, Laura A. Moore, the unknown heirs, devisees, grantees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East.

is vested absolutely in the Complainant, Hugo Kretzschmar.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of O. S. Lockhart Laura A. Moore, and in the indirect index in the name of Hugo Kretzschmar.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, 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.

Dated at Bay Minette, Baldwin County, Alabama, this the 19th day of July, 1952.

Jeffrey J. Marbleberry, Jr.
JUDGE

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing and attached is a full, true, correct and complete copy of the final decree in the matter of Hugo Kretzschmar, Complainant vs O. S. Lockhart, et al, Respondents, the original of which is on filed in my office.

~~IN WITNESS WHEREOF~~, I have hereto set my hand and seal of office on this the _____ day of July, 1952.

Register

no 2779

pl

HUGO KRETSCHMAR

CONTEINANT

VS

O. S. LOCKHART, ET AL,

RESPONDENTS

FINAL DECREE

Filed 7-19-52

Wm. J. Henck
Register

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon O. S. LOCKHART and LAURA A. MOORE, the unknown heirs, devisees, grantees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, to appear and plead, answer or demur, within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by HUGO KRETZSCHMAR, as Complainant and against O. S. Lockhart and Laura A. Moore, as respondents.

WITNESS my hand this the 18 day of February, 1952.

Alice J. Duke
Register

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART and
LAURA A. MOORE

RESPONDENTS

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

TO HONORABLE TELFAIR J. MASBURN, JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA; IN EQUITY:

Your Complainant, Hugo Kretzschmar, presents this his bill of complaint against the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East,

and also against O. S. Lockhart and Laura A. Moore, if they be living and if dead, against their, and each of their heirs, devisees, administrators, assigns and personal representatives, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof, and respectfully represents and shows unto Your Honor as follows:

1.

That your Complainant is over twenty-one years of age and a resident of Summerdale, in Baldwin County, Alabama.

2.

That O. S. Lockhart and Laura A. Moore are both over twenty-one years of age and non-residents of the State of Alabama, if living, or if dead,

their heirs, assigns, executors, administrators and personal representatives are non-residents of the State of Alabama, and over twenty-one years of age, and their addresses cannot ascertained after a diligent search and inquiry.

3.

That your Complainant is the owner in fee simple and in the actual possession of the lands herein described in Baldwin County, Alabama, and being as follows:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East.

4.

That no suit is pending to test the Complainant's title to, interest in or rights of possession to said land; that the Complainant therefore calls upon the Respondents and each of them to set forth and specify what right, title, interest in, lien or encumbrances they have upon said lands or any part or parcel thereof and by what instrument or instruments the same is derived and/or created.

5.

That your Complainant acquired title to the Northwest quarter of the Northeast quarter of Section 24, Township 6 South, Range 3 East by conveyance from Southern Plantation Development Company dated April 22, 1908, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 13 NS page 374; that he acquired title to the East half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East by conveyance from W. R. Stuart, Judge of the Probate, dated September 4, 1945, and of record in Deed Book 97 NS page 52; that your Complainant has been in the possession of and paying taxes upon and ever claiming to own the West half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East for more than ten years next preceding the filing of the bill of complaint.

6.

That the title to said lands claimed by your Complainant stands upon the records of the Probate Court of Baldwin County, Alabama, in the names of Hugo Kretzschmar and O. S. Lockhart.

7.

That no one has at any time within ten years next preceding the filing of the bill of complaint in this cause, paid any taxes upon said lands other than your Complainant.

8.

That the only person shown by the records of Baldwin County, Alabama, to claim said land or any part thereof, or any interest therein are your Complainant, O. S. Lockhart and Laura A. Moore.

9.

That your Complainant has made and caused to be made a diligent search and inquiry having the records searched at Bay Minette, Alabama, and also inquiring of various parties in and around Summerdale, where the land is located to ascertain the whereabouts of the Respondents if living or if dead their heirs, devisees, grantees, and personal representatives, but after such diligent search the information is unknown.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said O. S. Lockhart and Laura A. Moore the unknown heirs, devisees, personal representatives, grantees and assigns of O. S. Lockhart and Laura A. Moore, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon the said land in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East, or any part thereof, parties respondent to this bill of complaint, and require them, and each of them to appear and plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

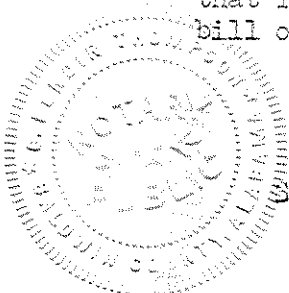
Complainant further pray that upon a final hearing hereof your Honor will make and enter a decree ascertaining and determining that the fee simple title, free from all liens and encumbrances to the lands herein described, and to each and every part and parcel thereof, is vested in your Complainant, Hugo Kretzschmar; and that neither O. S. Lockhart, Laura A. Moore, the unknown heirs, devisees, personal representatives, grantees and assigns of O. S. Lockhart and Laura A. Moore, nor any other person, firm or corporation has any right, title to, interest in, or encumbrance upon the said land, or any part or parcel thereof, and that any and all doubts and disputes concerning the said land be cleared up.

Your Complainants prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive.

S. Lunsdale
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

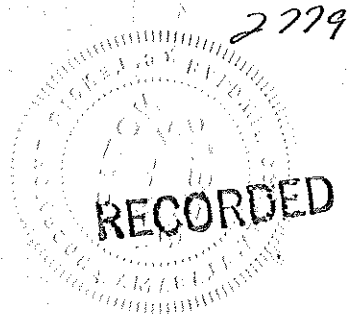
Before me, the undersigned authority in and for said County, in said State, personally appeared H. M. Hall, who is known to me, and who having been by me first duly sworn, deposes and says that he is Solicitor for the Complainant in the above styled cause, is authorized to make this affidavit; that from all information obtainable the facts contained in the foregoing bill of complaint are true and correct.



S. Lunsdale
Sworn to and subscribed before me on this the 18 day of February, 1952.

C. B. Thompson
Notary Public, Baldwin County, Alabama

Received in Sheriff's Office
this 19 day of February
TAYLOR WILKINS, Sheriff



HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART AND
LAURA A. MOORE

RESPONDENTS

BILL OF COMPLAINT

Returned 22 day of Feb 1952
Not found in my county after diligent search and in
quits

By Taylor Wilkins
Taylor Wilkins, Sheriff
Sheriff

FILED
FEB 18 1952

ALICE J. DUCK, Register

HUGO KRETZSCHMAR

COMPLAINANT

VS

C. S. LOCKHART AND
LAURA A. MOORE

RESPONDENTS

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

LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit, that C. S. Lockhart and Laura A. Moore are non-residents of the State of Alabama, and over twenty-one years of age, or if dead, their heirs, devisees, grantees, personal representatives and assigns are unknown, and cannot be ascertained after a diligent search and inquiry, and who are, from all information available, non-residents of the State of Alabama and over twenty-one years of age; that Hugo Kretzschmar is over twenty-one years of age and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East;

That your Complainant acquired title to said lands by the following conveyances: Northwest quarter of the Northeast quarter of Section 24, Township 6 South, Range 3 East, by conveyance from Southern Plantation Development Company dated April 22, 1908, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 13 NS page 374; that he acquired title to the East half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East by conveyance from W. R. Stuart, Judge of the Probate, dated September 4, 1945, and of record in Deed Book 97 NS page 52; that your complainant has been in the possession of and paying taxes upon and ever claiming to own the West half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East, for more than ten years next preceding the filing of the bill of complaint; That no person is known to have paid any taxes on said land or to have been in possession thereof, within ten years next preceding the filing of the bill of complaint excepting Hugo Kretzschmar.

002 373

002 003 374

It is therefore ordered and notice is hereby given that the said O. S. Lockhart and Laura A. Moore, the unknown heirs, devisees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, and any other persons, firms or corporations claiming any title to, interest in, lien or encumbrance upon said lands, or any part thereof, to appear in the Circuit Court of Baldwin County, Alabama, in Equity, and plead, answer or demur to the bill of complaint on or before March 22, 1952, or upon their having failed to do so, upon the expiration of thirty days from said date, a decree pro confesso shall be taken against them, and that this cause shall be at issue.

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

IN WITNESS WHEREOF, I Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 18 day of February, 1952.

Alice J. Duck
Register

H. M. HALL
Solicitor for the Complainant

STATE OF ALABAMA
BALDWIN COUNTY

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, in the cause of Hugo Kretzschmar Complainant, vs O. S. Lockhart, et al, Respondents, and file for record 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 18 day of February, 1952.

Alice J. Duck
Register

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2/19/52

10:30 A.M.

Recorded

H. M. Hall

002-373-4

H. M. Hall
Solicitor for Complainant

3

2/18/52

on this the 18 day of February, 1952.
IN WITNESS WHEREOF, I have hereunto set my hand and seal of office

[Signature]
Register

of the State of the State of Arizona.
Arizona, the county in which said lands lie, in accordance with the provisions
file for record in the office of the Judge of Probate of Belvidere County,
Hugo Kretzschmar Complainant, vs O. S. Lockhart et al, Respondents, and
newspaper published in Bay Minette, Belvidere County, Arizona, in the name of
complete copy of notice given by publication in the Belvidere Times, a
Arizona, hereby certify that the foregoing is a full, true, correct and
in Office of Jack, Register of the Circuit Court of Belvidere County.

BELVIDERE COUNTY
STATE OF ARIZONA

Collector for the Complainant
H. M. HILL

[Signature]
Register

Belvidere County, Arizona, have hereunto set my hand and seal of office on
in WITNESS WHEREOF, I give my hand and seal of office of

Complainant
HUGO KRETZSCHMAR

COMPLAINANT
VS
O. S. LOCKHART AND
LAURANCE A. MOORE
RESPONDENTS

002-373-4
HUGO KRETZSCHMAR
VS
O. S. LOCKHART AND
LAURANCE A. MOORE
PENDING NOTICE
FILED
1952

ALICE J. DUCK, Register

given to the bill of complaint on a before March 25, 1952, or upon which
Circuit Court of Belvidere County, Arizona, in Belvidere, and being answer or
file of compliance upon said bill, or and have thereof to answer in the
other persons' name or corporations signing and file to interest in
Representatives and sections of O. S. Lockhart and James V. Moore, and and
O. S. Lockhart and James V. Moore, the Arizona State, defendant, defendant
it is therefore ordered and it also to hereby given that the said

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2779

DECREE PRO CONFESSO ON PUBLICATION

IN This cause it appearing to the court that the order of publication heretofore made in this cause was published four consecutive weeks commencing on the 21 day of February, 1952 in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama; that a copy of said order was posted at the Court House door in Baldwin County, Alabama, on the 21st day of February, 1952, and it now further appearing to the court that the said O. S. Lockhart, Laura A. Moore, the unknown heirs, devisees, grantees, personal representatives, and assigns of O. S. Lockhart, Laura A. Moore respondents have to date hereof failed to plead, answer or demur to this bill of complaint in this cause,

It is therefore on motion of the Complainant, ordered and decreed, by the court, that the said bill of complaint be and it is hereby, in all things, taken as confessed against the Respondents named in this cause.

Witness my hand this the 7th day of July, 1952.

Wm. J. Leach
Register

No 2779 RECORDED

Return per Caracas

Filed ^{at} July 30, 1952

Director General
Regis.

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

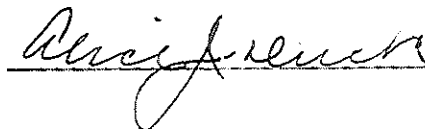
NO. 2779

It appearing to the court that some of the Respondents in the above styled cause are unknown, and that their names and addresses cannot be ascertained after a diligent search and inquiry;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by the court, that C. LeNoir Thompson, a practicing attorney at Bay Minette, Baldwin County, Alabama, be and he is hereby appointed guardian ad litem to represent and protect the interest of the respondents, in the above styled cause, whose names and addresses are unknown, and cannot be ascertained after a diligent search and inquiry.

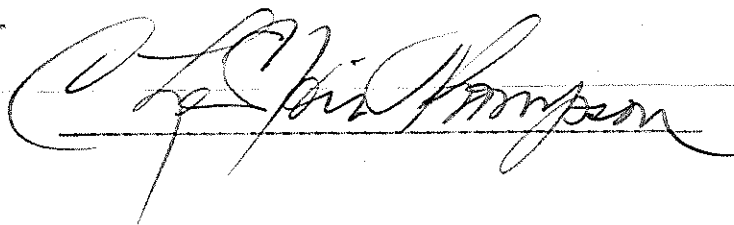
IT IS FURTHER ORDERED that the said C. LeNoir Thompson be notified of his appointment, and of the time fixed to take testimony in the cause.

Dated this the 10th day of July, 1952.



I hereby consent to act as guardian ad litem in the above styled cause for all parties whose names and addresses are unknown and cannot be ascertained after a diligent search and inquiry. I, as guardian ad litem for the unknown respondents deny all the material allegations contained in the bill of complaint and demands strict proof of the same.

Dated this 11 day of July, 1952.



HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BAWDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2779

MOTION FOR DECREE PRO CONFESSEO ON PUBLICATION

Comes the Complainant in the above styled cause and shows unto the court that an order of publication was made on the 18th day of February, 1952, which was duly published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, in its issues of February 21, February 28, March 6, and March 13, 1952, and was directed to O. S. Lockhart and Laura A. Moore the unknown heirs, devisees, personal representatives and assigns of O. S. Lockhart, Laura A. Moore, and any other persons, firms or corporations claiming any title to, right, interest in, lien or encumbrances upon the following described land situated in Baldwin County, Alabama, to-wit:

Northwest quarter of the Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East.

As Respondents, which required the said Respondents to answer or demur to the bill of complaint within thirty days after the 22 day of March, 1952, which said respondents have to this day failed to do.

WHEREFORE, the complainants move the court to grant a decree pro confesso against the said respondents.

Dated this the 3 day of July, 1952.

[Signature]
Solicitor for the Complainant

no 2779 RECORDED

Motion for decree pro
Confess

Filed July 26th 1912

Alice French
Register

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

HUGO KRETZSCHMAR

Complainant

VS.

O. S. LOCKHART ET AL

Respondent

I, Evelyn Watts

as Register and Commissioner

have called and caused to come before me Hugo Kretzschmar and Calvin Childress

witnesses named in the Requirement for Oral Examination, on the 11 day of July

194 52, at the office of Hubert M. 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 Hugo Kretzschmar and Calvin Childress doth depose and say as follows:

My name is Hugo Kretzschmar. I am over twenty-one years of age and a resident of Summerdale, in Baldwin County, Alabama. I am the owner in fee simple, and in the actual possession of the land described in the bill of complaint in this cause, and being the Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East. The land has been fenced for many years, at least thirty years and more. I have been living on a part of this land since 1908. The Northwest quarter of Northeast quarter of Section 25, Township 6 South, Range 3 East, has been in cultivation for many many years and a part of the Northeast quarter of the Northwest quarter has been in cultivation and all of it under fence. I have maintained a supervision over all of the land involved and know that no one has exercised any claims thereto adversely to my claim.

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

I acquired title to the Northwest quarter of Northeast quarter of Section 24, Township 6 South, Range 3 East, by conveyance from Southern Plantation Development Company on April 22, 1908, and of record in the Probate office of Baldwin County, Alabama, in Deed Book 13 NS page 374. I acquired title to the East half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East, by conveyance from W. R. Stuart, Judge of Probate dated September 4, 1915, and of record in Deed Book 97 NS page 52. I have been in the possession of and paying taxes upon and ever claiming to own the West half of Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East, for more than thirty years ever claiming to own the same during which time I have been in the actual possession thereof. In fact I have been in the actual possession of all of the land described in this cause, for more than thirty years.

The title to said lands owned by the Complainant stands upon the records of the Probate Court of Baldwin County, Alabama, in the name of Hugo Kretzschmar and O. S. Lockhart. I have no knowledge of Lockhart ever living on the place, at least he hasn't lived on there for more than forty years.

No one has at any time within ten years next preceding the filing of the bill of complaint in this cause, paid any taxes upon the said land other than myself. The only persons shown by the records of Baldwin County, Alabama to claim said land or any part thereof or any interest therein other than your Complainant are O. S. Lockhart and Laura A. Moore.

I have made and caused to be made a diligent search and inquiry to ascertain the whereabouts of the heirs and next of kin of said decedents. So far as I have been able to ascertain and from such information as I have, O. S. Lockhart, died many years ago and that his only heir was Laura A. Moore. Both O. S. Lockhart and Laura A. Moore are dead and so far as I am able to know left no heirs or that their names, ages and addresses cannot be ascertained.

Hugo Kretzschmar

Cross examination by C. LeNoir Thompson, Guardian ad Litem:

I have been in the possession of the Northwest quarter of the Northeast quarter of Section 24, Township 6 South, Range 3 East, since 1908, occupying the same as a home and homestead. O. S. Lockhart delivered possession of the West half

ORAL EXAMINATION.

I, Evelyn Watts, as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down by me in writing in the words of the witness as and read over to her and her signed the same in the presence of myself and Hubert K. Hall

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness as or had proom made before me of the identity of said witness as; 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 11 day of July, 194 52

Evelyn Watts (L. S.)

NO. 2779 PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

Oral Deposition

Filed _____, 194_____
_____, Register.

FILED
Recorded in
JUL 18 1952
_____, Record

Vol. ALICE J. DUCK, Register Page _____
_____, Register.

of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East to me about 1910, and I have ever since that time claimed to own the same and have been in the actual possession thereof and during such time no one has exercised or attempted to exercise any rights of possession thereto. I have also been in possession for many years of the East half of the Northeast quarter of the Northwest quarter of Section 24, Township 6 South, Range 3 East, and long before I acquired title thereto in 1945. I am attaching hereto my conveyances showing title vested in me.

Hugo Kretzschmar

Calvin Childress, a witness for the Complainant, being first duly sworn, deposes and says: My name is Calvin Childress. I live near the land involved in this suit. I moved there in 1932. The Complainant, Hugo Kretzschmar, was in the actual possession of all of the land involved in this suit when I moved there in 1932, and has been in the actual possession thereof continuously since that time. No one, so far as I know, has ever attempted to exercise any rights of possession or title adversely to Mr. Kretzschmar. I do not know either C. S. Lockhart or Laura A. Moore and have never seen them. I do know that they have never lived on the land or attempted to exercise any rights of possession thereto.

Calvin Childress

Cross examination by C. LeNoir Thompson, guardian ad litem:

I am a farmer. I have occasion to see the land every day. It adjoins mine. I know that no one but Mr. Kretzschmar has since 1932, attempted to exercise any possession to the said land.

Calvin Childress

HUGO KRETZSCHMAR

COMPLAINANT

VS

J. S. ROCKWART, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2779

NOTE OF TESTIMONY

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

1. Original summons and complaint.
2. Lis Pendens filed for record in the Probate Office.
3. Proof of publication of notice in the Baldwin Times.
4. Decree pro confesso by publication.
5. Request for appointment of Commissioner.
6. Commissioner to take deposition.
7. Notice of time of taking testimony.
8. Oral depositions of Hugo Kretzschmar and Calvin Childress, with

exhibits attached.

Dated this the 11 DAY OF July, 1952.

S. L. L. L.
Solicitor for the Complainants

W. J. W. W.
Register

HUGO KRETZSCHMAR

COMPLAINANT

VS

O. S. LOCKHART, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2779

FINAL DECREE

This cause coming on to be heard was submitted for final decree upon the pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the court that the Complainant is the owner in fee simple of, is now and was at the time of the filing of the bill of complaint in this cause, in the actual and peaceable possession of the said land, and each and every part and parcel thereof; that the Respondents O. S. Lockhart and Laura A. Moore, if living, are non-residents of the State of Alabama, and over twenty-one years of age, and that if dead their heirs, devisees, grantees, personal representatives and assigns are non-residents of the State of Alabama and over twenty-one years of age; that service was perfected upon the Respondents herein by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 21st day of February, 1952; that services was also perfected by publication in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for four consecutive weeks commencing on the 21st day of February, 1952, against the unknown heirs, devisees, grantees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, and any and all other persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof; that notice of the pendency of said suit was given by the filing of a lis pendens notice in the office of the Probate Judge of Baldwin County, Alabama, and by posting at the court house door in Bay Minette, Alabama; that the Respondents and each of them, having failed to appear and plead, answer or demur to the bill of complaint, as required by law, a decree pro confesso was entered against them and each of them; That C. LeNoir Thompson, a practicing attorney at law, in Bay Minette, Baldwin County, Alabama, was appointed as Guardian ad Litem to represent the Respondents whose names were unknown, and duly filed his appearance agreeing to act as Guardian ad Litem, and filed answer denying all the material allegations of the complaint, and appeared and cross examined the witnesses

for the complainant; that the title of the Complainant has been duly and legally established by legal and competent evidences, the court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, by the court, that the Respondents, O. S. Lockhart, Laura A. Moore, the unknown heirs, devisees, grantees, personal representatives and assigns of O. S. Lockhart and Laura A. Moore, and also any and all persons, firms or corporations claiming any right, title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, have no right, estate, claim, interest in or encumbrance upon the following described lands or any part or parcel thereof in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the full fee simple title to the said land in Baldwin County, Alabama, to-wit:

Northwest quarter of Northeast quarter and Northeast quarter of Northwest quarter of Section 24, Township 6 South, Range 3 East.

is vested absolutely in the Complainant, Hugo Kretzschmar.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that a certified copy of this decree be recorded in the office of the Probate Judge of Baldwin County, Alabama, in the direct index in the names of O. S. Lockhart and Laura A. Moore, and in the indirect index in the name of Hugo Kretzschmar.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the court, that the Register shall within thirty days from the rendition of this decree file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, 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.

Dated at Bay Minette, Baldwin County, Alabama, this the 19th day of July, 1952.

Telfair J. Mashburn, Jr
JUDGE

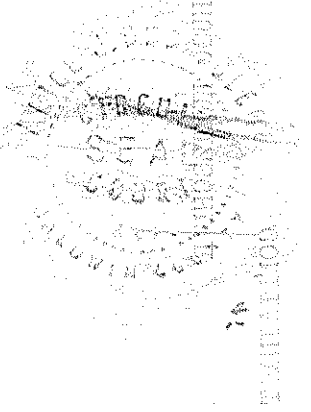
RTS

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing and attached is a full, true, correct and complete copy of the final decree in the matter of Hugo Kretzschmar, Complainant vs O. S. Lockhart, et al, Respondents, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 19th day of July, 1952.

Alice J. Duck
Register



FILED
JUL 21 1952
BALDWIN COUNTY

183-492

STATE OF ALABAMA, BALDWIN COUNTY

Filed 2-21-52 20 M

Recorded Dec 2 book 183 page 492-2

W. R. Street
Judge of Probate
J.

SEP 1961
BIRMINGHAM

(2779)

STATE OF ALABAMA
BALDWIN COUNTY

I, ALICE J. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the foregoing and attached is a full, true, correct and complete copy of the final decree in the matter of Hugo Kreschmer, Complainant vs O. S. Lockman, et al, Respondents, the original of which is on file in my office.

this the 18th day of July, 1952.

[Signature]
Register

STATE OF ALABAMA, BALDWIN COUNTY

Recorded per book 183-490-2
Judge of Probate

183-490-2

H. S. LOCKMAN, et al,
vs
Hugo "A. Moore"
Complainant
vs
Respondents

COMPLAINANT
vs
RESPONDENTS

7-19-52