

3534

H. W. JUNGEMANN,		IN THE CIRCUIT COURT OF
COMPLAINANT		
VS		
THE SOUTHEAST QUARTER OF THE		
NORTHEAST QUARTER OF SECTION		
6, TOWNSHIP 7 SOUTH, RANGE 5		
EAST, BALDWIN COUNTY, ALABAMA;		BALDWIN COUNTY, ALABAMA,
AND NICK GERGEL, IF LIVING,		
AND IF DEAD, THEN AGAINST HIS		
UNKNOWN HEIRS, DEVISEES AND		
PERSONAL REPRESENTATIVES; AND		
AGAINST ANY AND ALL OTHER PER-		
SONS, FIRMS, ASSOCIATIONS OR		
CORPORATIONS, CLAIMING ANY		
TITLE TO, INTEREST IN, CLAIM,		IN EQUITY
LIEN OR ENCUMBRANCE ON SAID		
LANDS OR ANY PART OR PARCEL		
THEREOF,		
DEFENDANTS		

Motion is hereby made for a decree pro confesso against Nick Gergel, if living, and if dead then against his unknown heirs, devisees and personal representatives; and against any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof; defendants 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 defendants are non-residents of the State of Alabama, and have failed to answer, plead or demur to the bill in this cause, to the date hereof.

This 2 day of August, 1955.

Beebe & Swearingen
 By J. B. Swearingen
 Solicitors for Complainant

RECORDED

H. W. Jungemann

Complainant

vs

Certain lands & Nick Gergel

Defendants

Motion for decree pro confesso

FILED

AUG 2 1955

ALICE J. BOCK, Registrar

DECREE PRO CONFESSO OF PUBLICATION

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

No. _____, Term, 19____

H. W. Jungemann

Complainant

Vs.

Nick Gergel & certain lands

Defendant

In this cause it appears to the Register Alice J. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 2nd day of June, 1955, 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 30th day of May, 1955, and recorded in the office of the Judge of Probate of Baldwin County, in Lis Pendens Book 004 at pages 197-200 on the 30th day of May, 1955.

And it now further appearing to the Register Alice J. Duck, that the said Nick Gergel, if living, and if dead then his unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, or any part or parcel thereof,

having, to the date hereof, failed to demur, plead to, or answer the Bill of Complaint in this cause, it is now, therefore, on motion of Complainant, ordered and decreed by the Register Alice J. Duck that the Bill of Complaint in this cause be, and it hereby is in all things

taken as confessed against the said Nick Gergel, if living, and if dead then his unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on the Southeast quarter of Northeast quarter of Section 6, Township 7 South, Range 5 East, or any part or parcel thereof.

This 2 day of Aug, 1955.

Alice J. Duck Register.

RECORDED

No. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT, IN EQUITY

L. W. Jungemann

Complainant

Vs.

Certain lands & Nick Gergel

Defendants

Decree Pro Confesso of Publication

Issued 8-2, 1953

Alice J. ...
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

1953

Baldwin County

THE BALDWIN TIMES

PRINTED AND PUBLISHED BY THE BALDWIN TIMES

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION
6, TOWNSHIP 7 SOUTH, RANGE 5
EAST, BALDWIN COUNTY, ALABAMA;
AND NICK GERGEL, IF LIVING,
AND IF DEAD, THEN AGAINST HIS
UNKNOWN HEIRS, DEVISEES AND
PERSONAL REPRESENTATIVES; AND
AGAINST ANY AND ALL OTHER PER-
SONS, FIRMS, ASSOCIATIONS OR
CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Under and by virtue of an order of the Honorable Hubert M. Hall, Judge of the Circuit Court of Baldwin County, rendered in the above styled cause on the 3rd day of August, 1955, you are hereby appointed as guardian ad litem for and to represent the unknown heirs, devisees and personal representatives of Nick Gergel, if dead, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, or any part or parcel thereof, defendants in the above styled cause.

Witness, this the 3rd day of August, 1955.

David J. Wess
Register

I hereby accept the foregoing appointment as guardian ad litem for the unknown heirs, devisees and personal representatives of Nick Gergel, if dead, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, or any part or parcel thereof, and do hereby file this

denial of the allegations made in the bill of complaint in the
said cause and demand strict proof of the same.

This the 30th day of August, 1955.

James Owens, Jr.
Guardian ad litem.

RECORDED

H. W. Jungemann

Complainant

vs

Certain lands & Nick Gergel

Defendants

Appointment & acceptance of
Guardian ad litem

FILED

AUG 8 1955

CLERK OF COURT *Ray*

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA: AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS,
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR PAR-
CEL THEREOF,

DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Whereas H. W. Jungemann, who is over the age of twenty-one years, and a resident of Baldwin County, Alabama, has filed in this court on the Equity Side, his Bill of Complaint, claiming to own in fee simple and to be in the actual peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama;

Complainant alleges in his bill of complaint that he holds title to the aforesaid lands by deed from the State Land Commissioner of Alabama, dated February 18, 1937, recorded in Deed Book 63 NS, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Frank for the year 1931; that Fritz Franck acquired title to the said lands by mesne

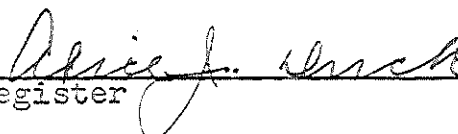
conveyances from the United States Government; that the title to the said lands stands on the records of the Probate Court of Baldwin County, in his, H. W. Jungemann's name; that Nick Gergel, if living, and if dead, then the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, claim or are reputed to claim some title to, interest in, claim, lien or encumbrance upon the aforesaid lands, or some portion thereof.

Complainant further alleges that he and those through whom he claims have for more than ten years next preceding the filing of his bill of complaint been in the actual peaceable adverse possession of the said lands and have annually assessed and paid the taxes thereon and that during such period no other person has been in possession of said lands or any portion thereof, and that the bill of complaint is filed for the purpose of establishing their title to and interest in said lands and clearing up doubts and disputes concerning the same.

And it appearing from the said bill of complaint, the same being duly verified, that the names, ages and places of residence and post office addresses of the defendant, Nick Gergel, if living, and if dead, then the names, ages and places of residence and post office addresses of the unknown heirs, devisees, personal representatives and assigns of such of them as are deceased, are unknown and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and the names, ages and places of residence and post office addresses cannot be ascertained;

It is therefore ordered, adjudged and decreed that notice of the pendency of said suit be given by publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, in Baldwin County, Alabama.

WITNESS my hand and seal this the 30th day of May, 1955.


Register

3534

RECORDED

H. W. Jungemann
vs

Nick Engel, and
certain lands

Order

FILED

MAY 30 1955

ALICE J. DUCK, Register

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA; AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR
PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final decree upon behalf of the complainant upon the original bill of complaint and upon publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, Nick Gergel, if living, and if dead, then against his unknown heirs, devisees and personal representatives and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainant, H. W. Jungemann, who is over the age of twenty-one years, at the time of the filing of the said bill of complaint and at the time of the submission of this

cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East;

That the complainant acquired title to the said lands on February 18, 1938 by deed from the State Land Commissioner of Alabama, recorded in Deed Book 63 NS, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Franck for the year 1931; that Fritz Franck acquired title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom he claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said H. W. Jungemann at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said H. W. Jungemann shall inure to the benefit of all persons deriving title to the said lands or any part thereof, from or through the said H. W. Jungemann, and the said title so quieted and established

in them shall be treated and considered as established in favor of the said H. W. Jungemann and all persons deriving title through him.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which county the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said H. W. Jungemann be and he is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the ___ day of _____,
1955.

Judge

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION
6, TOWNSHIP 7 SOUTH, RANGE 5
EAST, BALDWIN COUNTY, ALABAMA;
AND NICK GERGEL, IF LIVING,
AND IF DEAD, THEN AGAINST HIS
UNKNOWN HEIRS, DEVISEES AND
PERSONAL REPRESENTATIVES; AND
AGAINST ANY AND ALL OTHER PER-
SONS, FIRMS, ASSOCIATIONS OR
CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It appearing in the above styled cause that the unknown heirs, devisees and personal representatives of Nick Gergel, if dead, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, or any part or parcel thereof, are parties defendant, and that due and proper notice of the pendency of the said action has been given in the manner and for the time required by law and that decree pro confesso has been taken against them and it is necessary and proper that guardian ad litem be appointed to represent the unknown heirs, devisees and personal representatives of Nick Gergel, if dead, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof;

NOW THEREFORE, it is Ordered, Adjudged and Decreed that

J. Connor Reeves, esquire, who is learned in the law and a practicing lawyer at this bar, be and he is hereby appointed as guardian ad litem for and to represent the unknown heirs, devisees and personal representatives of Nick Gergel, if dead, and any and all

other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the said land or any part or parcel thereof in said cause.

Done this the 3rd day of August, 1955.

Herbert M Hall
Judge

RECORDED

H. W. Jungemann

Complainant

vs

Certain lands & Nick Gergel

Defendants

Order appointing guardian ad
litem

FILED

AUG 3 1955

ALICE J. DUCK, *Register*

H. W. JUNGEMANN

COMPLAINANT

VS

CERTAIN LANDS and NICK
GERGEL et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

To the unknown heirs, devisees and personal representatives of Nick Gergel, if dead, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the lands described in the bill of complaint, and to J. Connor Owens, guardian ad litem for them.

Notice is hereby given that the testimony of H. W. Jungemann witness for the complainant in the above styled cause will be taken orally before Madeline S. Bryars, commissioner, heretofore duly appointed at the office of Beebe & Swearingen, attorneys for complainant, at 10:00 o'clock A.M. on the 20th day of August, 1955.

Madeline S. Bryars
Commissioner

Beebe & Swearingen

By J. P. Swearingen
Solicitor for complainants

Copy of the foregoing notice was served on me by Beebe & Swearingen, this the 16th day of August, 1955.

Connor Owens, Jr.
Guardian ad Litem

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the time and place of taking deposition of complainant's witness was filed and entered on the order book of the Register on the 16 day of August, 1955.

Alice J. Duck
Register

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H. W. JUNGEMANN

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION
6, TOWNSHIP 7 SOUTH, RANGE 5
EAST, BALDWIN COUNTY, ALABAMA;
AND NICK GERGEL, IF LIVING,
AND IF DEAD, THEN AGAINST HIS
UNKNOWN HEIRS, DEVISEES AND
PERSONAL REPRESENTATIVES; AND
AGAINST ANY AND ALL OTHER PER-
SONS, FIRMS, ASSOCIATIONS OR
CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes the complainant in the above styled cause and requests the oral examination of H. W. Jungemann as witness for the complainant, who reside in Baldwin County, State of Alabama, and suggest Madeline S. Bryars of the Town of Bay Minette, as a suitable person to act as commissioner to take the deposition of the said witness.

Witness my hand this the 4 day of August, 1955.

BEEBE & SWEARINGEN

BY J. B. Swearingen
Solicitors for complainant.

3534

H. W. Jungemann

Complainant

vs

Certain lands & Nick Gergel

Defendants

Motion for oral examination.

FILED

AUG 4 1955

ALICE A. DUCK, Register

H. W. JUNGEMANN

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION
6, TOWNSHIP 7 SOUTH, RANGE 5
EAST, BALDWIN COUNTY, ALABAMA;
AND NICK GERGEL, IF LIVING,
AND IF DEAD, THEN AGAINST HIS
UNKNOWN HEIRS, DEVISEES AND
PERSONAL REPRESENTATIVES; AND
AGAINST ANY AND ALL OTHER PER-
SONS, FIRMS, ASSOCIATIONS OR
CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO: J. Connor Owens, guardian ad litem for the unknown heirs, devisees and personal representatives of Nick Gergel and to any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance on the following described land, to-wit: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama;

Notice is hereby given that the complainant in the above styled cause has this day made application for the oral examination of H. W. Jungemann, witness for the complainant in the above styled cause and has suggested Madeline S. Bryars as a suitable person to act as commissioner in the taking of the deposition of said witness.

Witness this the 1 day of August, 1955.

Beebe & Swearingen

By F. B. Swearingen
Solicitors for complainant

Alice J. Duck
Register. D.T.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, in equity, do hereby certify that the foregoing notice of the motion for the oral examination of witness for the complainant was filed and entered on the order book of the Register on the 4 day of August, 1955.

Alice J. Duck
Register

3534

H. W. Gungemann

Complainant

vs

Certain lands & Nick Gergel

Defendants

Notice of motion for oral
examination.

FILED

Aug. 4, 1933

ALICE J. BUCK, Register

H. W. JUNGEMANN,
COMPLAINANT

VS

CERTAIN LANDS and NICK
GERGEL et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Complainant having on the 2 day of Aug, 1955, filed his motion and request for oral examination of H. W. Jungemann witness for complainant and due and proper notice thereof having been given as required by law on the order book of this court and to J. Connor Owens, guardian ad litem for the said unknown defendants, and Madeline S. Bryars of the Town of Bay Minette being a suitable person to act as commissioner to take the deposition of said witness;

It is Therefore Ordered, Adjudged and Decreed that the said motion for the oral examination of H. W. Jungemann, witness for complainant be and is hereby granted.

And that Madeline S. Bryars be and she is hereby appointed as commissioner to take the deposition of said witness.

Witness my hand this the 16 day of Aug, 1955.

Beirce J. ...
Register.

H. W. Wunremann

vs.

Certain lands & Nick Gergel et al

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

This cause is submitted in behalf of Complaint upon the original Bill of Complaint, _____
publication of notice, decree pro-confesso, appointment, acceptance
and answer of guardian ad litem, and pleading and proof as noted
by the Register;

and in behalf of Defendant upon _____

*Deals & Swearing
Solicitor for Complainant.*

Deals & Swearing
Register.

No.

THE STATE OF ALABAMA
Baldwin County

IN EQUITY

Circuit Court of Baldwin County

H. H. Judgeman

vs.

*Certain Lands of
Nick Bergel et al*

NOTE OF TESTIMONY

Filed in Open Court this

day of **AUG 23**, 1955, 194

ALICE J. DUCK, Clerk
Register.

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT

TO: Madeline S. Bryans

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 H. W. Junzemann

as witnesses in behalf of complainant in a cause pending in our Circuit Court in Baldwin County, of said State, wherein H. W. Junzemann

is, Complainant and Nick Gergel, if living, and if dead, then his unknown heirs, devisees and personal representatives; and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on land described in the complaint Respondent on oath, to be by you administered, upon oral examination to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 16th day of August, 1955

Alvin J. ...
Register.

Commissioner's Fee, \$ _____

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Complainant—

vs.

Defendant—

COMMISSION TO TAKE DEPOSITION

COMMISSIONER

WITNESSES:

FILED
AUG 2 1955
JULY 27 1955

004
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H. W. JUNGEMANN,
COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA; AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS,
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR PAR-
CEL THEREOF,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DEPENDANTS.

Notice is hereby given to Nick Gergel, if living, and if dead, to the unknown heirs, devisees and personal representatives of the said Nick Gergel; and against any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama.

That H. W. Jungemann, filed his bill of complaint on the 30 day of May, 1955, in this court, on the equity side, claiming to be in actual peaceable possession, owning and claiming to own in fee simple certain land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama;

complainant alleges in his bill of complaint that the title to said lands stands in his name on the records of Baldwin County, Alabama; that he acquired title to the said lands on February 18, 1937, by deed from the State Land Commissioner of Alabama, recorded in Deed Book 63 NS, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Frank for the year 1931; that Fritz Franck acquired title to the

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said lands by mesne conveyances from the United States Government; that each of the aforesaid persons through whom title is deraigned immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said land and maintained fire trenches and lanes and cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of the Bill of complaint; that Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, claims, or is reputed to claim, some title to, interest in lien or encumbrance upon the land the Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, or any part or parcel thereof.

Complainant further alleges that he and those through whom he claims have for more than ten years next preceding the filing of the said bill of complaint been in the actual possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing his title to and interest in the said lands and clearing up all doubts and disputes concerning the same.

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And it appearing from said bill of complaint, the same being duly verified, that the place of residence and post office address of the said Nick Gergel, if living is unknown, and if dead, the names, ages and places of residence of his heirs, devisees, and personal representatives, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained.

And an order having been made and entered that notice of the pendency of said suit be given publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 2nd day of June, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 30th day of May, 1955.

Alice J. Ulrich
Register, Circuit Court, Baldwin
County, Alabama, in Equity.

STATE OF ALABAMA, BALDWIN COUNTY
Filed 57-30-55 4:15 P.M.
Recorded Lia P. Brock page 197-200
M. D. [Signature]
Judge of Probate

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein H. W. Jungemann, who is over the age of twenty-one years, is complainant and Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, and the following described lands, to-wit: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama; and any and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, Alabama, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 30th day of May, 1955.

Alice J. Duck
Register.

FILED
MAY 30 1955

Handwritten notes:
Jungemann
Gergel

Handwritten notes:
Nick Gergel
H. W. Jungemann
M. H. ...

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA; AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS,
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR PAR-
CEL THEREOF,

DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Notice is hereby given to Nick Gergel, if living, and if dead, to the unknown heirs, devisees and personal representatives of the said Nick Gergel; and against any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance upon the following described lands: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama.

That H. W. Jungemann, filed his bill of complaint on the 30 day of May, 1955, in this court, on the equity side, claiming to be in actual peaceable possession, owning and claiming to own in fee simple certain land, lying and being situated in the County of Baldwin, State of Alabama, described as follows:

The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama;

complainant alleges in his bill of complaint that the title to said lands stands in his name on the records of Baldwin County, Alabama; that he acquired title to the said lands on February 18, 1937, by deed from the State Land Commissioner of Alabama, recorded in Deed Book 63 NS, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Frank for the year 1931; that Fritz Franck acquired title to the

said lands by mesne conveyances from the United States Government; that each of the aforesaid persons through whom title is deraigned immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said land and maintained fire trenches and lanes and cut and removed the timbers therefrom on numerous occasions over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of the Bill of complaint; that Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, claims, or is reputed to claim, some title to, interest in lien or encumbrance upon the land the Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, or any part or parcel thereof.

Complainant further alleges that he and those through whom he claims have for more than ten years next preceding the filing of the said bill of complaint been in the actual possession of the said lands and have annually assessed and paid taxes thereon and that during such period no other person has been in possession of the said lands or any part thereof or assessed or paid taxes thereon or any part thereof, and that the bill of complaint is filed for the purpose of establishing his title to and interest in the said lands and clearing up all doubts and disputes concerning the same.

And it appearing from said bill of complaint, the same being duly verified, that the place of residence and post office address of the said Nick Gergel, if living is unknown, and if dead, the names, ages and places of residence of his heirs, devisees, and personal representatives, are unknown, and cannot be ascertained upon diligent inquiry, and proof being made that diligent inquiry was made and their places of residence and post office addresses cannot be ascertained.

And an order having been made and entered that notice of the pendency of said suit be given publication once a week for four consecutive weeks in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama;

It is therefore ordered that the said Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations claiming any title to, interest in, claim, lien or encumbrance upon said lands described as follows: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, appear and plead, answer or demur to the said bill of complaint within sixty days after the first publication of this notice, namely the 2nd day of June, 1955, at which time the said cause shall stand at issue.

Witness my hand this the 30 day of May, 1955.

Alice J. Wersch
Register, Circuit Court, Baldwin
County, Alabama, in Equity.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein H. W. Jungemann, who is over the age of twenty-one years, is complainant and Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, and the following described lands, to-wit: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama; and any and all persons, firms, associations, or corporations claiming any title to, interest in, claim, lien or encumbrance upon the said lands in Baldwin County, Alabama, are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 30 day of May, 1955.

Alice J. Duck
Register.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify that the foregoing is a true and correct copy of the notice of the pendency of a bill of complaint in the Circuit Court of Baldwin County, Alabama, in equity, wherein H. W. Jungemann, who is over the age of twenty-one years, is complainant, and Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, and the following described land, to-wit: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama; and any and all persons, firms, associations, or corporations claiming title to, interest in, claim, lien or encumbrance on the said land are defendants as the same was drawn by me and caused to be published in the Baldwin Times, a newspaper, published in Baldwin County, Alabama, under and in pursuance of an order of this court made in said cause on the 30 day of May, 1955, and I do further certify that the same was published in the Baldwin Times, the newspaper designated there in its issues of June 2, 1955, June 9, 1955, June 16, 1955 and June 23, 1955, and posted at the front door of the Court House of Baldwin County, Alabama, for thirty days commencing May 30, 1955.

And I do further certify that the foregoing notice was filed by me for record in the office of the Judge of Probate of Baldwin County, Alabama, recorded by the said Judge of Probate in lis pendens 004, page 197-200, on the 30 day of May, 1955.

Witness my hand this the 6 day of Sept, 1955.

Alice J. Duck
Register.

3534

A. H. Jurgemann
vs
Nick. Engel, and
certain lands

Notice.

FILED

MAY 30 1955

ALICE J. DUCK, Register

H. W. JUNGEMANN

COMPLAINANTS

VS

CERTAIN LANDS and NICK
GERGEL et al

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Testimony having been taken in this cause and the same being ready for final decree, motion is hereby made that the said cause be set down for final decree this the ___ day of _____, 1955.

Beebe & Swearingen

By _____
Solicitors for complainant

FILED
Aug. 22 1955
ALICE L. BUCK, Register

H. W. Jurgemann
Complainant

vs
Certain funds & Nick
Sergel, et al
Defendants

motion for final
decree -

FILED

AUG 22 1955

ALICE J. DUCK, Clerk

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA; AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR
PARCEL THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

This cause coming on to be heard is submitted for final decree upon behalf of the complainant upon the original bill of complaint and upon publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, Nick Gergel, if living, and if dead, then against his unknown heirs, devisees and personal representatives and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the complainant is entitled to the relief as prayed for in the bill of complaint.

IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND DECREED by the court that the said complainant, H. W. Jungemann, who is over the age of twenty-one years, at the time of the filing of the said bill of complaint and at the time of the submission of this

cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The Southeast quarter of the Northeast quarter
of Section 6, Township 7 South, Range 5 East;

That the complainant acquired title to the said lands on February 18, 1938 by deed from the State Land Commissioner of Alabama, recorded in Deed Book 63 NS, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Franck for the year 1931; that Fritz Franck acquired title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom he claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said H. W. Jungemann at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said H. W. Jungemann shall inure to the benefit of all persons deriving title to the said lands or any part thereof, from or through the said H. W. Jungemann, and the said title so quieted and established

in them shall be treated and considered as established in favor of the said H. W. Jungemann and all persons deriving title through him.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which county the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said H. W. Jungemann be and he is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 6th day of Sept,
1955.

Hubert M. Hall
Judge

BOOK 224 PAGE 524

H. W. JUNGEMANN,
COMPLAINANT

IN THE CIRCUIT COURT OF

VS

BALDWIN COUNTY, ALABAMA,

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA; AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR
PARCEL THEREOF,

IN EQUITY

DEFENDANTS

This cause coming on to be heard is submitted for final decree upon behalf of the complainant upon the original bill of complaint and upon publication of notice, decree pro confesso, appointment, acceptance and answer of guardian ad litem, pleading and proof as noted by the register; and the same being considered by the Court, the Court is of the opinion, does find, ascertain and decree, that due and proper notice of the pendency of the said bill of complaint against the said lands and the said defendants, Nick Gergel, if living, and if dead, then against his unknown heirs, devisees and personal representatives and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part thereof, has been given in the manner required by law, and the complainant is entitled to the relief as prayed for in the bill of complaint.

~~IT IS THEREFORE FOUND, ASCERTAINED, ORDERED, ADJUDGED AND~~
DECREED by the court that the said complainant, H. W. Jungemann, who is over the age of twenty-one years, at the time of the filing of the said bill of complaint and at the time of the submission of this

BOOK 221 PAGE 525

cause for final decree, the complainant was and is in the actual and peaceable possession, claiming to own the same absolutely, and in fee simple of all that certain tract of land situated in the County of Baldwin, State of Alabama, described as follows, to-wit:

The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East;

That the complainant acquired title to the said lands on February 18, 1938 by deed from the State Land Commissioner of Alabama, recorded in Deed Book 63 18, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Franck for the year 1931; that Fritz Franck acquired title to the said lands by mesne conveyances from the United States Government; that complainant further holds title to the said lands by adverse possession of the said lands and each and every parcel thereof continuously for more than ten years next preceding the filing of the bill of complaint; that the title to the said lands and each parcel thereof stands in the name of the complainant upon the records of Baldwin County, Alabama; that for more than ten years next preceding the filing of said bill of complaint no person other than those through whom he claims title to the said lands or any part thereof have assessed or paid taxes thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said H. W. Jungemann at the time of the filing of the bill of complaint in this cause and at this time had and has the fee simple title to the above described lands, and to each and every part and parcel thereto, that neither of the defendants, Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, nor any and all other persons, firms, associations or corporations have any title to, interest in, claim, lien or encumbrance on said lands or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title hereby quieted and established in and declared to be in the said H. W. Jungemann shall inure to the benefit of all persons deriving title to the said lands or any part thereof, from or through the said H. W. Jungemann, and the said title so quieted and established

BOOK 224 PAGE 526

in them shall be treated and considered as established in favor of the said H. W. Jungemann and all persons deriving title through him.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this decree be, by the Register of this Court, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in which county the said land lies, within thirty days from the date of this decree, and that the cost thereof be taxed as a part of the cost in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said H. W. Jungemann be and he is hereby taxed with the cost of this proceeding for which let execution issue.

Done at Bay Minette, Alabama, this the 6th day of September, 1955.

Hubert M. Hall
Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decrees read and filed in the office of the Circuit Court in above stated cause, which are filed in my office.

WITNESS MY HAND AND SEAL OF SAID COUNTY OF BALDWIN, ALABAMA, this 7th day of Sept, 1955

Alice J. Duck
Register of Circuit Court, in Equity



STATE OF ALABAMA, BALDWIN COUNTY

Filed 9-10-55 11:30 a.m.

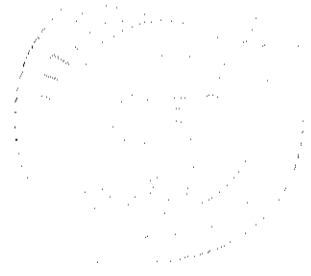
Recorded and book 224 page 524-6

W. R. Stuart
Judge of Probate
WB.

Faint, illegible text, possibly bleed-through from the reverse side of the page.

3534
H. W. Jungmann
9-6-55

US: 86
Mark Gangel



224-524-6

Miss G. Duchs
R. 2, 02

H. W. JUNGEMANN

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION
6, TOWNSHIP 7 SOUTH, RANGE 5
EAST, BALDWIN COUNTY, ALABAMA;
AND NICK GERGEL, IF LIVING,
AND IF DEAD, THEN AGAINST HIS
UNKNOWN HEIRS, DEVISEES AND
PERSONAL REPRESENTATIVES; AND
AGAINST ANY AND ALL OTHER PER-
SONS, FIRMS, ASSOCIATIONS OR
CORPORATIONS, CLAIMING ANY
TITLE TO, INTEREST IN, CLAIM,
LIEN OR ENCUMBRANCE ON SAID
LANDS OR ANY PART OR PARCEL
THEREOF,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO: J. Connor Owens, guardian ad litem for the unknown heirs,
devisees and personal representatives of Nick Gergel and
to any and all other persons, firms, associations or corp-
orations claiming any title to, interest in, claim, lien
or encumbrance on the following described land, to-wit:
The Southeast quarter of the Northeast quarter of Section
6, Township 7 South, Range 5 East, Baldwin County, Alabama;

Notice is hereby given that the complainant in the above
stylee cause has this day made application for the oral examination
of H. W. Jungemann, witness for the complainant in the above
styled cause and has suggested Madeline S. Bryars as a suitable
person to act as commissioner in the taking of the deposition
of said witness.

Witness this the 4 day of August, 1955.

Beebe & Swearingen

By J. B. Swearingen
Solicitors for complainant

Alicia J. Duck
Register. D.V.

FILED
AUG 4 1955
BALDWIN COUNTY
ALABAMA
322
Jungemann

THE STATE OF ALABAMA

Baldwin County.

Circuit Court of Baldwin County, Alabama

(In Equity)

H. W. Jungemann

Complainant

VS.

Certain lands & Nick Gergel et al Respondent

I, Madeline S. Brvars

as Register and Commissioner

have called and caused to come before me H. W. Jungemann

witness named in the Requirement for Oral Examination, on the 20th day of August 1955, at the office of Beebe & Swearingenin _____, Alabama, and having first sworn said Witness _____ to speak the truth, the whole truth, and nothing but the truth, the said H. W. Jungemann

doth depose and say as follows:

My name is H. W. Jungemann. I am complainant in that certain cause pending in the Circuit Court of Baldwin County in Equity against the Southeast quarter of Northeast quarter of Section 6, Township 7 South, Range 5 East and against Nick Gergel and others. I am over the age of 21 years and a resident of Pascagoula, Miss. I own the Southeast quarter of Northeast quarter of Section 6, Township 7 South, Range 5 East in Baldwin County, Alabama and am in the actual, peaceable, adverse possession of these lands. The title to these lands stands on the records of Baldwin County in my name. There is no suit pending other than this to try or test the title to the said lands and the right, title or interest of the said Nick Gergel or any other person, firm, corporation or association to the same.

I acquired these lands from the State Land Commissioner February 18, 1937 by deed recorded in Deed Book 63 NS, page 9. The State acquired the same by sale for taxes June 13, 1932 under assessment for taxes for the year 1931. Such assessment was in the name of Fritz Frank. Fritz Frank acquired title to the said lands by mesne conveyances from the United States Government. I am informed and believe that Nick Gergel claims some right, title to, interest in, claim, lien or encumbrance on these lands. I have made diligent search and inquiry to ascertain his post office address and place of residence and whether or not he is living. I have also made diligent search and inquiry to ascertain the names, ages and places of residence of his heirs, devisees and next of kin, if any, and have been unable to ascertain the same, but I am informed and believe that his heirs, devisees and next of kin are over the age of twenty-one years and are non-residents of the State of Alabama. Their address cannot be ascertained. In making such inquiry to ascertain the address of Nick Gergel and the names, ages and places of residence of his heirs, devisees and next of kin I caused the Probate records of Baldwin County to be searched and also caused a search to be made of the tax records and inquired of the Sheriff, Tax Assessor and Tax Collector and of numerous persons who lived within the vicinity of where the lands are located, and their address, names, ages and places of residence cannot be ascertained. Complainant offers in evidence deed of State Land Commr. dated Feb. 18, 1937, recorded 63NS page 9 as exhibit one. Immediately upon my purchasing these lands, that is in 1937, I went into actual possession of the lands and there was a house on the same. I took possession of this house and of the whole tract of land and have remained in continuous possession to the date of the filing of the bill of complaint in this cause. I rented the land and caused the same to be cultivated by tenants during the calendar years of 1949 to 1955, both inclusive. Prior to that time I cut timber thereon and prior thereto I also had the land surveyed and timber cruised and line markers placed on the land and the lines blazed. Each year since my purchasing the said lands, commencing in 1937, I have assessed and paid taxes on the land and during the whole of the time that I have owned the land no other person has assessed and paid taxes on the said land or has had possession of the land or any part thereof or has claimed any right.

ORAL EXAMINATION.

I, Madeline S. Brvars, 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 and read over to him and he signed the same in the presence of myself W. C. Beebe and J. Connor Owens, guardian ad litem at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness or had proom made before me of the identity of said witness; that I am not of counsel or 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 20th day of August, 1955

Madeline S. Brvars (L. S.)

NO. _____ PAGE _____

THE STATE OF ALABAMA
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

St. W. Longman

vs. Complainant

*Estimate Land by Heck
Hergel et al*

Respondent.

Filed _____, 1955

FILLED

AUG 23 1955
Recorded in

Alice J. Duck, Clerk

Record

Vol. _____ Page _____

Register

Oral Deposition

Cross-examination of J. Connor Owens-guardian ad litem: I cut th
 February 1937 continuously to date.
 Nick Gergel and to any and all other persons and to the whole world, fro
 has been open, notorious, exclusive, continuous, hostile and adverse to
 title, or interest in the land or any right to possession. My possessor
 timber in 1950. The land was not fenced but a man named Kolton grazed
 cattle on my land and on the 80 acres next to my land and maintained the
 five lanes. Prior to 1949 I maintained the five lanes that existed when
 I bought the land. I have been in possession of the land for more than
 ten years continuously next preceding the filing of this suit.

ORIGINAL

No. 2210

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 9th day of May, A. D. 19 32, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Fritz Frank, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 13th day of June, 19 32, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of One Hundred Forty and No/100 (\$140.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by H. W. Jungemann to purchase said lands, and said sum of One Hundred Forty and No/100 (\$140.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said H. W. Jungemann, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 6, T7S, R5E.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto H. W. Jungemann

and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 18th day of February, 19 37

Approved

Bibb Graves
Governor

STATE LAND COMMISSIONER OF ALABAMA,

By *Henry S. Long*
State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Mrs. Clay Willingham, a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 18th day of February, 19 37

Mrs. Clay Willingham, Notary Public.

THE STATE OF ALABAMA,

County.

Fritz Frank

TO

H. W. Jungemann
2/18/37

DEED.

THE STATE OF ALABAMA

Probate Court
SEP 6 1937
OFFICE OF JUDGE OF PROBATE

I hereby certify that the within deed was filed in
his office for record on the _____ day of _____
19____, at _____
and examined _____
at _____
Deed No. 6379
Filed in office this _____ day _____ 19____
at _____
Deed No. 6379
I certify that _____
has paid as required by law.
Judge of Probate.

BROWN PRINTING CO., MONTGOMERY, ALA. 1937

H. W. Jungemann
6730 n. Gustave
Birmingham

D50
R85
136-

Ret 654

H. W. JUNGEMANN,

COMPLAINANT

VS

THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 7 SOUTH, RANGE 5 EAST,
BALDWIN COUNTY, ALABAMA; AND
NICK GERGEL, IF LIVING, AND IF
DEAD, THEN AGAINST HIS UNKNOWN
HEIRS, DEVISEES AND PERSONAL
REPRESENTATIVES; AND AGAINST ANY
AND ALL OTHER PERSONS, FIRMS,
ASSOCIATIONS OR CORPORATIONS,
CLAIMING ANY TITLE TO, INTEREST
IN, CLAIM, LIEN OR ENCUMBRANCE
ON SAID LANDS OR ANY PART OR PAR-
CEL THEREOF,

DEFENDANTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes your complainant, H. W. Jungemann, and presents this,
his bill of complaint against the following described lands in Bald-
win County, Alabama, to-wit:

The Southeast quarter of the Northeast quarter of
Section 6, Township 7 South, Range 5 East, Baldwin
County, Alabama;

and Nick Gergel, if living, and if dead, then against his unknown
heirs, devisees and personal representatives; and against any and all
other persons, firms, associations or corporations, claiming any title
to, interest in, claim, lien or encumbrance on said lands or any part
or parcel thereof and respectfully shows unto your Honor:

FIRST: That complainant is over the age of twenty-one years
and a resident of Pascagoula, Mississippi; that Nick Gergel, if living,
is over the age of twenty-one years, and his place of residence and
post office address is unknown, and cannot be ascertained upon diligent
search and inquiry; that the complainant has made diligent search and
inquiry to ascertain the place of residence and post office address
of the said Nick Gergel, and to ascertain whether or not he is living,
and upon such diligent search and inquiry has been unable to ascer-

tain his place of residence and post office address and whether or not he is living, but he is informed and believes, that if living, he is a non-resident of the State of Alabama, and upon such information and belief alleges that, if living, he is a non-resident of the State of Alabama and his place of residence and post office address is unknown; that he has also made diligent search and inquiry to ascertain the names, ages and places of residence of the heirs of the said Nick Gergel, if dead, that he is informed and believes and upon such information and belief alleges that, if the said Nick Gergel is dead, then his heirs, devisees and personal representatives are over the age of twenty-one years and are non-residents of the State of Alabama and that their names, ages and places of residence are unknown and cannot be ascertained upon full diligent search and inquiry; complainant further says that in his search and inquiry to ascertain whether or not the said Nick Gergel is living, and if living, his place of residence, and to ascertain the names, ages and places of residence of the heirs of the said Nick Gergel, if he is dead, he has caused an abstract to be made of the said properties, has made inquiry at the Tax and Probate offices of Bay Minette, Alabama, has inquired of people living in the vicinity of the said lands, and of many other persons resident in Baldwin County, Alabama.

SECOND: That your complainant is the owner of in fee simple and in the actual possession of the said lands in Baldwin County, Alabama, described as follows, to-wit:

The Southeast quarter of the Northeast quarter of
Section 6, Township 7 South, Range 5 East, Baldwin
County, Alabama;

that he and those through whom he claims said land have been in the continuous peaceable adverse possession of the said lands for more than ten years next preceding the filing of this bill of complaint and that he and those through whom he claims title to the said lands have for more than ten years next preceding the filing of this bill of complaint annually assessed and paid the taxes on the said lands and that during such period of time no other person has assessed the

said lands for taxes or paid taxes thereon, and that no other person for such period has had, or attempted to exercise any possession over the said land or claimed any right to possession thereof or any title to, or interest in, claim, lien or encumbrance thereon, or to any part or parcel of the same.

THIRD: That no suit is pending to test complainant's title to, interest in, claim, lien or encumbrance on, or right of possession of said land.

FOURTH: That the title to the said lands stands in his name on the records of Baldwin County, Alabama; that your complainant acquired title to the said lands on February 18, 1937, by deed from the State Land Commissioner of Alabama, recorded in Deed Book 63 NS, page 9; that the State of Alabama acquired title to the said lands June 13, 1932, by sale for taxes under assessment to Fritz Frank for the year 1931; that Fritz Franck acquired title to the said lands by mesne conveyances from the United States Government; that for more than ten years next preceding the filing of this bill of complaint, no person other than those through whom he claims title to the said lands, or any portion thereof, have assessed or paid taxes thereon; that each of the aforesaid persons through whom title is deraigned, immediately upon their purchase of the said lands, went into actual possession of the lands, under color of title, claiming to own the same, and remained in continuous possession thereof until their sales as aforesaid; and each has, in turn, occupied and used the same and farmed the said land and maintained fire trenches and lanes and cut and removed the timbers therefrom on numerous occasions

over a period of more than ten years next preceding the filing of this bill of complaint; and that he and those through whom he claims title as aforesaid, have been in the actual, peaceable, notorious, exclusive, continuous, hostile, adverse possession of the same under color of title claiming to own the same for more than ten years next preceding the filing of this Bill of Complaint; that Nick Gergel, if living, and if dead, his unknown heirs, devisees and personal representatives, claims, or is reputed to claim, some title to, interest in, lien or encumbrance upon the land, or some portion or parcel thereof.

WHEREFORE, your complainant prays that this Honorable Court will take jurisdiction of the cause, made by this bill of complaint, and by appropriate process make Nick Gergel, if living, and if dead, then his unknown heirs, devisees and personal representatives, and any and all other persons, firms, associations or corporations, claiming any title to, interest in, claim, lien or encumbrance on said lands or any part or parcel thereof, to-wit: The Southeast quarter of the Northeast quarter of Section 6, Township 7 South, Range 5 East, Baldwin County, Alabama, parties defendant to this bill of complaint and by appropriate process require them, and each of them, separately and severally, to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of liens, claims and encumbrances to the said lands and each part and parcel thereof, is vested in your complainant, H. W. Jungemann, as against the said Nick Gergel, if living, and if dead, against the unknown heirs, devisees and personal representatives of Nick Gergel, and as against any and all persons, firms, associations, or corporations, claiming any title to, interest in, claim, lien or encumbrance upon said lands or any part thereof, and that any and all doubts and disputes concerning the same be removed, and cleared up, and your complainant prays for

such other, further or different relief as in equity and good con- science shall be meet and proper in the premises.

BEEBE & SWEARINGEN

BY F. G. Swearingen
Solicitors for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority in and for said County and State, personally appeared F. G. Swearingen, who is known to me, and who, having been by me duly sworn, deposes and says that he is solicitor for the complainant in the above styled cause, and that the facts alleged in the foregoing bill of complaint, from all information obtainable, are true, and from such information obtained he verily believes, and so states, the same to be true.

F. G. Swearingen

Sworn to and subscribed before me this the 30 day of

May, 1952.

J. C. Beebe
Notary Public State of Alabama
at Large.

3534

RECORDED

3534

H W Jurgensen
vs
Nick Bergell, and
Certain lands

Complaint to Quit
Title

FILED

MAY 30 1955

ALICE J. DUCK, Register