

4509

EDNA V. PIERCE)	
Complainant)	IN THE CIRCUIT COURT OF
)	
VS:)	BALDWIN COUNTY, ALABAMA
)	
WILLIAM PIERCE)	IN EQUITY
Respondent)	

AMENDED BILL OF COMPLAINT

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

Comes now your Complainant, Edna V. Pierce, and represents
unto this Honorable Court and your Honor as follows:

1. That your Complainant is over the age of twenty-one years
and is a resident of Baldwin County, Alabama, that the Respondent
is a resident of Baldwin County, Alabama, and is over the age of
twenty-one years.
2. That your Complainant and the Respondent married at Lucedale
Mississippi, on the 4th day of April, 1958, and lived together as
husband and wife until on to-wit: the 10th day of May, 1958.
3. Your Complainant avers and charges that the said Respondent
did on or about the 10th day of May, 1958, and many times subsequent
thereto assault, beat, hit and strike complainant; that said respondent
has committed actual violence on her person attended with danger to
her health or life; complainant avers and charges that Respondent
has made numerous threats of doing her physical harm and from his
manner and conduct toward her, she is reasonably convinced that he
will commit an actual violence upon her person, attended with danger
to her life or health.
4. Complainant further avers that said Respondent voluntarily
abandoned the bed and board of complainant for more than one year
next preceding the filing of this bill of complaint, since which time
complainant and respondent have not lived together nor in any way
recognized each other as husband and wife.
5. Your Complainant further avers and alleges that the said

Respondent has, since her marriage with him, become addicted to habitual drunkenness, and that said habit has continued to this filing of this bill.

6. That your Complainant and Respondent own jointly , with right of survivorship, the following described property in Baldwin County, Alabama, to wit:

The North half of the North half of the Southwest Quarter of the Southeast Quarter of Section 7, Township 7 South, Range 2 East; and the North half of the Southeast Quarter of the Southeast Quarter of Section 7, Township 7 South, Range 2 East.

Said Deed being recorded in Deed Book 264 page 287-8, in the Probate Records of Baldwin County, Alabama.

That said real property has a value of not less than FIVE THOUSAND & 00/100 DOLLARS (\$5,000) and that there is located on said property a dwelling house that is valued at not less than ONE THOUSAND & 00/100 DOLLARS (\$1,000).


7. That the Respondent is a man of sufficient means to support your Complainant in a suitable manner by paying to the Complainant alimony of not less than TWO HUNDRED & 00/100 DOLLARS (\$200.00) per month, both pendite litem and permanently.

8. That your Complainant has employed an attorney to represent her in this action and that she is unable to pay her attorney's fee which has a reasonable value of TWO HUNDRED FIFTY & 00/100 DOLLARS (\$250.00).

PRAYER FOR PROCESS AND RELIEF

WHEREFORE, THE PREMISES CONSIDERED, your Complainant makes the said WILLIAM PIERCE party Respondent to this amended bill of complaint and in order that the Complainant may have relief herein prayed for, may it please your Honor to command said Respondent to ^{and} ~~answer~~ ^{plead} or demur to this amended bill of complaint within the time required by law; and that on final hearing of this case that your Honor will enter a decree divorcing Complainant from Respondent and granting Complainant the right to resume her maiden name; and that your Honor

will order an equitable division of the property owned jointly by the parties; grant the Complainant a reasonable monthly amount of alimony both pendite litem and permanently and ordering Respondent to pay said Complainant's attorney's fee; and that your Honor will grant such other, further and different relief as unto your Honor may seem just and proper, and your Complainant will ever pray, etc.

Complainant


Solicitor for Complainant

EDNA V. PIERCE,

COMPLAINANT

VS

WILLIAM PIERCE,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NUMBER 4509

Comes William Pierce, defendant in the above styled
cause, and demurring to the complainant's bill of complaint
heretofore filed in said cause and as grounds therefor says:

1. There is no equity in the bill.

BEEBE & SWEARINGEN

BY

J. C. Beebe
Solicitor for defendant,
William Pierce.

4509

RECORDED

FILED

APR 14 1959

ALICE J. WOOD, CLERK
REGISTER

4509

THE STATE OF ALABAMA

BALDWIN COUNTY

Circuit Court of Baldwin County, Alabama
(In Equity)

Millard M. Brantley

COMPLAINANT

vs.

George H. Hoyle, et al

RESPONDENT

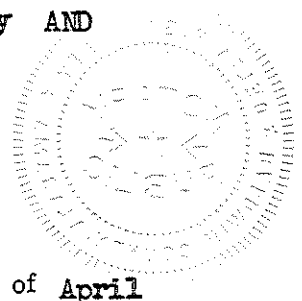
I, DELTA H. GWALTNEY

as ~~Register~~ Commissioner

have called and caused to come before me

Albert Pearson and Joe Konicky AND

Millard M. Brantley



witness named in the requirement for Oral Examination, on the 22 day of April

19 59 , at the office of Wilters and Brantley

in Robertsedale, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said Albert Pearson and Joe Konicky

and Millard M. Brantley doth depose and say as follows:

My name is Albert Pearson. I am fifty-four years old. I live two and one-half miles southwest of Silverhill, Alabama and have lived in this area all my life. My farm joins the farm of Millard Brantley; his farm is the NW quarter of the SW quarter of Section 9, Township 6 South, Range 3 East. Mr. Brantley purchased this tract of land in 1943. Immediately after he purchased this land, he put a fence completely around it and has kept it fenced since that time. He has cleared about 10 acres of this land and put it in cultivation, and has cut timber off all of the balance of this tract. I know of my own personal knowledge that he has had absolute peaceable, complete, and notorious possession of the aforesaid tract of land since the time he purchased it and no one has ever disputed his title or right of possession.

Albert Pearson

My name is Joe Konicky. I am forty-nine years old. I live two and one-half miles southwest of Silverhill, Alabama and have lived in this area for the past thirty-four years. I live across the road from Millard Brantley and know that he purchased a forty acre tract of land in about 1943. He owns another twenty acre tract of land which joins this forty. Soon after Mr. Brantley purchased the forty acre tract he put a fence completely around it. About half of this land is in cultivation and Mr. Brantley has farmed it continuously from the date of his purchase. He cut timber off the balance of this land at least one time. The land not in cultivation is used for rough pasture. I know that Mr. Brantley has had complete possession of the aforesaid tract of land since the date of its purchase. No one has ever disputed his title or right of possession. This tract of land is less than one-eighth of a mile from my home, and I have lived in this same house for the past twenty-two years.

Joe Konicky

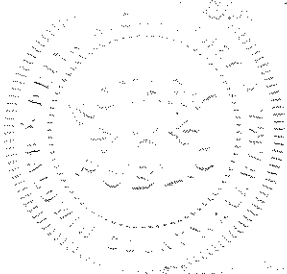
ORAL EXAMINATION

I, Delta H. Gwaltney as Register and Commissioner hereby certify that the foregoing deposition on Oral Examination was taken down in writing by me in the words of the witness es and read over to me and they signed the same in the presence of myself and Phyllis S. Nesbit at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 22nd day of April, 19 54.

Delta H. Gwaltney (L. S.)



No. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

Millard M. Brantley

COMPLAINANT

vs.

George H. Hoyle, et al

RESPONDENT

ORAL DEPOSITION

Filed, _____, 19 _____

RECORDED IN

Record

Vol.

Page

Register.

My name is Millard Brantley. I am sixty-three years old and lived two and one-half miles Southwest of Silverhill, Alabama, and I am the Complainant in this cause.

I own the Northwest quarter of the Southwest quarter, of Section 9, Township 6 South, Range 3 East in Baldwin County, Alabama. I purchased this land in July 1943 from Ralph E. Hurst and Nellie L. Hurst. This deed is recorded in Deed Book 80 at page 380 in the Probate Court office in Bay Minette, Alabama. I have paid the taxes on this land continuously since the day I purchased it, and no one else had paid taxes on this land since that date. Immediately after I purchased the aforesaid tract of land I put a fence completely around it and started cultivating the cleared land and I have cultivated it continuously since the date of my purchase.

I have cleared part of this land since I purchased it and I have cut the timber from the balance of it one time. All of the land not in cultivation has been used by me for pasture. I have had the open, notorious, hostile, complete, peaceable possession of this land since I purchased it. No one has ever in any way disputed or questioned my right of possession or title to this land.

I have had my attorney prepare an abstract of title to this land and examined this abstract. He has informed me that the only persons who have any possible claim to this land are:

George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner. All of these persons appear so far back in the chain of title that they are of necessity over twenty-one years old. I and my attorney have made a diligent search and inquiry to ascertain whether these above-named people are living or dead and to find their present place of residences. From talking to my neighbors and from my search and inquiry and I have been informed and believe and upon such information and believe state that Joseph and Lillian Rejzek left the State of Alabama many years ago and have not been heard of in this area since then. That Charles and James Kliner both left Alabama many years ago and have not been heard of in this area for many years. That George H. Hoyle left Alabama many years ago and has not been heard from in this area since that time.

I am the fee simple owner of the following described tract of land located in Baldwin County, Alabama, to-wit:

Northwest quarter of the Southwest quarter, Section 9,
Township 6 South, Range 3 East, containing 40 acres more
or less;

as I have said before, I have the actual possession of this land since the date of my purchase. There is no suit pending to test this title, my right of possession or interest in this land.

I have caused this suit to be brought to quiet the title to the aforesaid tract of land and against the following named respondents: George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, James Kliner, the unknown heirs, devisees, grantees, personal representatives and assigns of these named respondents and any other person, firm or corporation claiming any right, title, or interest in, or incumbrance upon the aforesaid land. I have caused notice to be given to these above-named people by publication as provided for by law and no response to this suit has been made by any of them. There was also filed a Lis Pendens notice with the Probate Judge of Baldwin County, Alabama on March 17, 1959. This notice is filed in Lis Pendens Record Book 4, page 499-50

A patent was issued to this land by James Buchanan, President of the United States the 1st day of March, 1859 to William Jones, Junior and the title to this land has passed by mesne conveyances down to my grantor.

Millard M Brantley

MILLARD M. BRANTLEY

COMPLAINANT

VS

GEORGE H. HOYLE, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. _____

REQUEST FOR APPOINTMENT 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:

Albert Pearson, Silverhill, Alabama
Joe Konicky, Silverhill, Alabama
Millard Brantley, Silverhill, Alabama

It is hereby requested that they be given proper and legal notice and that Delta H. Gwaltney 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 17th day of April, 1959.

WILTERS AND BRANTLEY

BY: Phyllis S. Nesbit
Solicitor for the Complainant

FILED

APR 30 1959

ALICE J. DUCK, CLERK
REGISTER

Millard M. Brantley

COMPLAINANT

VS

George H. Hoyles, Et Al

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4509

DECREE

This cause coming on to be heard on this the 8 day of May, 1959 is submitted for final decree upon complainants verified Bill of Complaint, upon the Decree Pro Confesso rendered herein and upon the testimony of Albert Pearson, Joe Konicky and Millard Brantley taken before a commissioner and the Certificate of Register, all of which is noted by the Register and it appearing to the satisfaction of the Court:

1. That the Complainant, Millard M. Brantley, at the time of the filing of the Bill of Complaint in this cause, claiming in his own right a fee simple title to and was in actual peaceable possession of the following described land, lying in the County of Baldwin, State of Alabama and more particularly described as follows:

The Northwest quarter of the Southwest quarter of Section 9, Township 6 South, Range 3 East.

2. That at the time of the filing of said Bill of Complaint no suit was pending to test his title to, interest in, or the right to possession of said land.

3. That his said bill of complaint was and is duly verified and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands or interest, to clear all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of 1940 Code of Alabama, Title 7, Section 1117.

4. That all of the parties defendant were non-residents of the State of Alabama and their places of residence could not be ascertained; that the Plaintiff exercised diligence to ascertain the places of residence,

5. That notice of pendency of said Bill of Complaint was drawn and signed by the Register of this Court and said Register did have such notice published for once a week for four consecutive weeks in the Baldwin Times, a Newspaper of general circulation and published in Baldwin County, Alabama and prescribed by the rules of this Court and by an order made in this cause.

6. That a copy of said notice certified by the Register as being a correct copy, was recorded as a Lis Pendens in the office of the Probate Judge of said County, said notice being in strict accordance and compliance with the Code of Alabama, 1940, Title 7, Section 1121.

7. That it has been more than sixty days since the first publication of the said notice and the filing of the certified copy of said notice in the Office of the Probate Judge of said County.

8. That no person has intervened in this cause.

9. That a Guardian ad Litem was duly appointed to represent the unknown parties in this case.

10. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

It is therefore ORDERED, ADJUDGED and DECREED that the Complainant is entitled to the relief prayed for in his bill of complaint, and that the fee simple title claimed by Complainant in the above described lands has been duly proven.

That the Complainant is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances and that his said title thereto be and is hereby established and that all doubts and disputes concerning the same be and are hereby cleared up.

That a certified copy of this decree be recorded in the office of the Probate Judge, Baldwin County, Alabama and that it be indexed in the name of Millard M. Brantley in both the direct index and the indirect index of the record thereof.

That the Complainant pay the costs of this proceeding for which let execution issue.

Done this 8 day of May, 1959.

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 decree rendered by the Judge of the Circuit Court in said cause, which said decrees are on file and entered in my office.
WITNESS MY HAND AND SEAL THIS THE 8 day of May, 1959

Hubert M. Hall
Judge

Alice J. Duck
Register of Circuit Court in Baldwin County

MILLARD M. BRANTLEY

COMPLAINANT

VS

GEORGE H. HOYLE, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

NO. _____

APPOINTMENT AND ACCEPTANCE OF GUARDIAN AD LITEM

It appearing to the Court from the allegations of the Bill of Complaint filed in the above entitled cause and from the averments of the affidavit filed in support of such Bill of Complaint that some of the Respondents are non-residents of the State of Alabama and are unknown parties, it is therefore, by the Court, ordered, adjudged and decreed:

That Wilson Hayes be and he is hereby appointed as guardian ad litem for all the unknown parties respondents in this cause, and that he be forthwith notified by the Register of such appointment, and upon his acceptance of this notice, that service be had in this cause by serving a copy of the original bill of complaint in this cause on him as guardian ad litem for all unknown parties Respondents.

Alvin J. Duck
Register

Comes now Wilson Hayes and accepts the appointment of guardian ad litem for the unknown heirs in the above styled cause.

Wilson Hayes
Guardian ad Litem

And for answer to this Bill of Complaint says: That he denies each and every allegation contained therein and demands strict proof thereof.

Wilson Hayes
Guardian ad Litem

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19__

Millard M. Brantley Complainant

George H. Hoyle, et al 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 19th day of February, 1959, in the Baldwin Times a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court House door in Baldwin County, on the _____ day of _____, 19____, and

And it now further appearing to the Register Alice J. Duck, that the said George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, James Kliner, and their heirs, devisees, grantees, administrators, successors, personal representatives and assigns and any other person, firm, or corporation claiming any right, title to, interest in, or encumbrance against said land or any part 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 George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, James Kliner, and their heirs, devisees, grantees, administrators, successors, personal representatives and assigns and any other person, firm, or corporation claiming any right, title to, interest in, or encumbrance against said land or any part thereof.

This 29 day of Apr 1969

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Alice J. Duck Register.

No. _____

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The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Millard M. Brantley

Vs.

George H. Hoyle, et al

Decree Pro Confesso of Publication

Issued 11-29 1937

Alvin J. [Signature]
Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

No. _____ Term, 19____

Millard M. Brantley

Complainant

Vs.

George H. Hoyle, et al.

Defendants

Motion is hereby made for a Decree Pro Confesso against George H. Hoyle, Joseph Rejzek,
Lillian Rejzek, Charles Kliner, James Kliner, their heirs, devisees, grantees,
administrators, successors, personal representatives and assigns, Defendant s.
and any other person, firm or corporation claiming any right, title or interest.
in the annexed stated cause on the ground that more than thirty days have elapsed since the perfection
of publication was made under the order of this Court; and it having been shown by due proof to the
Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or
demur to the Bill in this cause, to the date hereof.

This 29 day of Apr 19 59

113

746 Code

Winters & Brantley
By R. H. S. Nesbit Solicitor.

No.-----

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The State of Alabama
BALDWIN COUNTY

Circuit Court, In Equity

Millard M. Brantley

Complainant-----

Vs.

George H. Hoyle, et al.

Defendant-----

**Motion for Decree Pro Confesso
on Publication**

filed-----

19-----

FILED

APR 29 1959

Register.

**ALICE J. DUCK, CLERK
REGISTER**

Recorded in-----

Record-----

Vol.-----

Page-----

Register.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, James Kliner, the unknown heirs, devisees, grantees, personal representatives, assigns of George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner, 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 Millard M. Brantley, as Complainant, against George H. Hoyle, et al, as Respondents.

Witness my hand this the _____ day of _____, 1959.

Register

MILLARD M. BRANTLEY

COMPLAINANT

VS

GEORGE H. HOYLE, ET AL,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

M. 4509

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

Your Complainant, Millard M. Brantley, presents this his bill of complaint against the following described land situated in Baldwin County, Alabama, to-wit:

Northwest quarter of the Southwest Quarter of Section 9,
Township 6 South, Range 3 East, Baldwin County, Alabama,
containing 40 acres, more or less;

and also George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, James Kliner, and against their heirs, and each of their heirs, devisees, grantees, administrators, successors, personal representatives and assigns, and also against any other person, firm or corporation claiming any right, title to, interest in, or encumbrance against the said land or any part thereof, and respectfully represents and shows unto your Honor as follows:

1.

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

2.

That George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner are over twenty-one years of age and if living non-residents of the State of Alabama; and if dead their heirs, assigns, devisees, grantees, and personal representatives are non-residents of the State of Alabama, and over twenty-one years of age; that a diligent search and inquiry has been made and caused to be made to ascertain the present addresses of the Respondents and whether or not either of them are dead and if so the names, ages and residences of their heirs and next of kin, and from all information obtainable the said parties are all non-residents of the said State of Alabama, over twenty-one years of age and that their post office addresses cannot be ascertained.

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 described as follows:

Northwest Quarter of the Southwest Quarter of Section 9, Township 6 South, Range 3 East, Baldwin County, Alabama, containing 40 acres, more or less.

4.

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

5.

That your Complainant obtained said property and title thereto from Ralph E. Hurst and wife Nellie L. Hurst by deed dated July, 1943, recorded in Deed Book 80 NS, page 380. That the title to said lands stand upon the records of the Probate Court of Baldwin County, Alabama, in the name of your Complainant, Millard M. Brantley.

6.

That no one has at any time within ten years next preceding the filing of this bill of complaint paid any taxes upon said land, or had any possession other than your Complainant and those through whom he claims.

7.

That the only persons shown by records of Baldwin County, Alabama, to have any claim against said land, or any part thereof are George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, and James Kliner, the unknown heirs, devisees, grantees, personal representatives and assigns of George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner, and any other person, firm or corporation claiming any right, title to, interest in or encumbrance upon said lands in Baldwin County, Alabama, to-wit:

Northwest Quarter of the Southwest Quarter of Section 9,
Township 6 South, Range 3 East, Baldwin County, Alabama,
containing 40 acres, more or less,

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

Complainant further prays 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, Millard M. Brantley, and that neither George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner or James Kliner, the unknown heirs, devisees, grantees, personal representatives, successors, and assigns of George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner or James Kliner nor any other person, firm or corporation has any right, title to, interest in or encumbrance upon the lands or any part or parcel thereof, and that any and all doubts and disputes concerning the lands be cleared up.

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

Walters and Brantley

By:

Charles S. Kestel
Solicitors for the Complainant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County,
in said State, personally appeared Millard M. Brantley, who is known
to me, and who having been by me first duly sworn, deposes and says:
That he is 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.

Millard M. Brantley

Sworn to and subscribed before me this 16th day of February,
1959.

FILED
FEB 17, 1959
ALICE J. DUCK, CLERK
REGISTER

Phyllis S. Nestor
Notary Public, State of Alabama
at Large

450.9

Millard M Bronick,

vs

George H Hyles

Bill to Quiet
Title

FILED

FEB 17 1959

ALICE L. DUCK, CLERK
REGISTER

MILLARD M. BRANTLEY,	§	IN THE CIRCUIT COURT OF
COMPLAINANT	§	BALDWIN COUNTY, ALABAMA,
VS	§	IN EQUITY
GEORGE H. HOYLE, ET AL,	§	
RESPONDENTS	§	

LIS PENDENS NOTICE

It having been made to appear, in the above styled cause by proper affidavit that George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner, and James Kliner are over twenty-one years of age and if living non-residents of the State of Alabama; and if dead their heirs, assigns, devisees, grantees and personal representatives are non-residents of this state and over twenty-one years of age, and whose address cannot be ascertained after a diligent search and inquiry; that Millard M. Brantley is over the age of twenty-one years and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter of the Southwest quarter of Section 9,
Township 6 South, Range 3 East, Baldwin County, Alabama,
containing 40 acres more or less.

That the Complainant acquired title to the lands above described from Ralph E. Hurst and wife Nellie L. Hurst by deed dated July, 1943, recorded in Deed Book 80 NS, page 380. Further that no one has paid taxes on said property, or have been in possession of the said lands, or any part of the said lands within ten years next prior to the filing of the bill of complaint in said cause except those through whom he claims title.

IT IS, THEREFORE, ORDERED, and notice is hereby given that George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner, the unknown heirs, devisees, personal representatives, grantees, successors and assigns of George H. Hoyle, Joseph Rejzek, Lillian Rejzek, Charles Kliner and James Kliner, and any other person, firm or corporation claiming any title to, interest in, lien or encumbrance upon said land 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 the 17 day of March, 1959, or upon their failing 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 17 day of Feb, 1959.

Alice J. Duck
Register

Walters & Brantley
Solicitors for the Complainant

FILED
FEB 17 1959
ALICE J. DUCK, CLERK
REGISTER

4509

TO THE HONORABLE
MEMBERS OF THE
HOUSE OF REPRESENTATIVES
WASHINGTON, D. C.
FROM THE
UNITED STATES DEPARTMENT OF
THE INTERIOR
BUREAU OF LAND MANAGEMENT
SALT LAKE CITY, UTAH
FEBRUARY 17, 1959
SIR:

FILED
FEB 17 1959
ALICE J. DUCK, CLERK
REGISTER

Millard M. Brantley

vs.

George H. Hoyle, 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, Lis
Pendens, Proof of publication of notice in the Baldwin Times, Decree Pro
Confesso on publication, Request of appointment of commissioner, Commission
to take deposition, Appointment of guardian ad litem and acceptance and
oral depositions of Albert Pearson, Joe Knicky, and Millard Brantley.

and in behalf of Defendant upon

Witters and Brantley
By Phyllis S. Nesbitt

George J. Duck
 Register.

No.

4509

THE STATE OF ALABAMA

Baldwin County

IN EQUITY

Circuit Court of Baldwin County

Millard M. Brantley

vs.

George H. Hoyle, et al

NOTE OF TESTIMONY

Filed in Open Court this

day of

APR 30 1959, 194

ALICE L. DUCK, CLERK
REGISTER

Printed by the Baldwin Times

Millard M. Brantley	I	IN THE CIRCUIT COURT OF
COMPLAINANT	I	BALDWIN COUNTY, ALABAMA
VS	I	IN EQUITY
George H. Hoyles, Et Al	I	NO. _____
RESPONDENTS	I	

DECREE

This cause coming on to be heard on this the 8th day of May, 1959 is submitted for final decree upon complainants verified Bill of Complaint, upon the Decree Pro Confesso rendered herein and upon the testimony of Albert Pearson, Joe Konicky and Millard Brantley taken before a commissioner and the the Certificate of Register, all of which is noted by the Register and it appearing to the satisfaction of the Court:

1. That the Complainant, Millard M. Brantley, at the time of the filing of the Bill of Complaint in this cause, claiming in his own right a fee simple title to and was in actual peaceable possession of the following described land, lying in the County of Baldwin, State of Alabama and more particularly described as follows:

The Northwest quarter of the Southwest quarter
of Section 9, Township 6 South, Range 3 East.

2. That at the time of the filing of said Bill of Complaint no suit was pending to test his title to, interest in, or the right to possession of said land.

3. That his said bill of complaint was and is duly verified and was filed against said lands and against any and all persons claiming any title to, interest in, lien or encumbrance on said land or any part thereof, and was to establish the right or title to such lands or interest, to clear all doubts or disputes concerning the same, and that said Bill of Complaint did in all respects comply with the provisions of 1940 Code of Alabama, Title 7, Section 1117.

4. That all of the parties defendant were non-residents of the State of Alabama and their places of residence could not be ascertained, that the Plaintiff exercised diligence to ascertain the places of residence,

5. That notice of pendency of said Bill of Complainant was drawn and signed by the Register of this Court and said Register did have such notice published for once a week for four consecutive weeks in the Baldwin Times, a newspaper of general circulation and published in Baldwin County, Alabama as prescribed by the rules of this Court and by an order made in this cause.

6. That a copy of said notice certified by the Register as being a correct copy, was recorded as a Lis Pendens in the office of the Probate Judge of said County, said notice being in strict accordance and compliance with the Code of Alabama, 1940, Title 7, Section 1121.

7. That it has been more than sixty days since the first publication of the said notice and the filing of the certified copy of said notice in the Office of the Probate Judge of said County.

8. That no person has intervened in this cause.

9. That a Guardian ad Litem was duly appointed to represent the unknown parties in this case.

10. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

It is therefore ORDERED, ADJUDGED and DECREES that the Complainant is entitled to the relief prayed for in his bill of complaint, and that the fee simple title claimed by Complainant in the above described lands has been duly proven.

That the Complainant is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances and that his said title thereto be and is hereby established and that all doubts and disputes concerning the same be and are hereby cleared up.

That a certified copy of this decree be recorded in the office of the Probate Judge, Baldwin County, Alabama and that it be indexed in the name of Millard M. Brantley in both the direct index and the indirect index of the record thereof.

That the Complainant pay the costs of this proceeding for which let execution issue.

Done this 8 day of May, 1959.

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 decree rendered by the Circuit Court of Baldwin County in the above cause, which said decree is on file in the office of the Register.

WITNESS MY HAND AND SEAL THIS 11th day of May, 1959.

Hubert M. Hall
Judge

5. That notice of pendency of said Bill of Complainant was drawn and signed by the Register of this Court and said Register did have such notice published for once a week for four consecutive weeks in the Baldwin Times, a newspaper of general circulation and published in Baldwin County, Alabama as prescribed by the rules of this Court and by an order made in this cause.

6. That a copy of said notice certified by the Register as being a correct copy, was recorded as a Lis Pendens in the office of the Probate Judge of said County, said notice being in strict accordance and complianace with the Code of Alabama, 1940, Title 7, Section 1121.

7. That it has been more than sixty days since the first publication of the said notice and the filing of the certified copy of said notice in the Office of the Probate Judge of said County.

8. That no person has intervened in this cause.

9. That a Guardian ad Litem was duly appointed to represent the unknown parties in this case.

10. That all the allegations of fact contained in the Complainant's Bill of Complaint are true.

It is therefore ORDERED, ADJUDGED and DECREES that the Complainant is entitled to the relief prayed for in his bill of complaint, and that the fee simple title claimed by Complainant in the above described lands has been duly proven.

That the Complainant is the owner of said lands, and has a fee simple title thereto, free of all liens and encumbrances and that his said title thereto be and is hereby established and that all doubts and disputes concerning the same be and are hereby cleared up.

That a certified copy of this decree be recorded in the office of the Probate Judge, Baldwin County, Alabama and that it be indexed in the name of Millard M. Brantley in both the direct index and the indirect index of the record thereof.

That the Complainant pay the costs of this proceeding for which let execution issue.

Done this 8th day of May, 1959.

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of original decree rendered by the Circuit Court of Baldwin County in above cause, which said decree is on file in my office.

WITNESS MY HAND AND SEAL THIS 10th day of May, 1959.

Hubert M. Hall
Judge

COMMISSION TO TAKE DEPOSITIONS

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: DELTA H. GWALTNEY

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Albert Pearson, Joe Konicky and Millard Brantley

a witness in behalf of Millard Brantley
Circuit Court in Baldwin County, of said State, wherein

in a cause pending in our

Millard M. Brantley is

, Complainant

and

George H. Hoyle, et al are

Respondent s

on oath, to be by you administered, upon Albert Pearson, Joe Konicky and Millard Brantley to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 20th day of

April

, 1959

Register.

Commissioner's Fee, \$

Witness' Fees, \$

No.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Millard M. Brantley

VS. Complainant

George H. Hoyle, et al

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Delta H. Gwaltney

WITNESSES:

Albert Pearson

Joe Konicky

Millard M. Brantley

6059

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

LEGAL NOTICE

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

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

MILLARD M. BRANTLEY,
Complainant
VS.
GEORGE H. HOYLE ET AL.
Respondents.

LIS PENSEMS NOTICE

I, having been made to appear in the above styled cause by proper affidavit that George H. Hoyle, Joseph Reizak, Charles Kliner, and James Kliner are over twenty-one years of age and if living non-residents of the State of Alabama, and if dead their heirs, assigns, devisees, grantees and personal representatives are non-residents of this state and over twenty-one years of age, and whose address cannot be ascertained after a diligent search and inquiry, that Millard M. Brantley is over the age of twenty-one years and a resident of Baldwin County, Alabama, and the owner in fee simple of and in the actual peaceable possession of the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest quarter of the Southwest quarter of Section 9, Township 6 South, Range 3 East, Baldwin County, Alabama, containing 40 acres more or less.

That the Complainant acquired title to the lands above described from Ralph E. Hurst and wife Nellie L. Hurst by deed dated July, 1943, recorded in Deed Book 80, NS, page 380. Further that no one has paid taxes on said property, or have been in possession of the said lands, or any part of the said lands within ten years next prior to the filing of the bill of complaint in said cause except those through whom he claims title.

IT IS THEREFORE ORDERED and notice is hereby given that George H. Hoyle, Joseph Reizak, Lillian Reizak, Charles Kliner and James Kliner, who, unknown heirs, devisees, personal representatives, grantees, successors and assigns of George H. Hoyle, Joseph Reizak, Lillian Reizak, Charles Kliner and James Kliner, and any other person, firm or corporation 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 the 17 day of March 1959, or upon their failing to do so, that the execution of judgment from said date of decree, etc. conteste, 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 THEREOF, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, have hereunto set my hand and seal of office on this the 17 day of February, 1959.

Alice J. Duck
Register
Walters & Brantley
Solicitors for the Complainant

6-41c

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA.
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Millard Brantley vs George Hoyle

COST STATEMENT

457 WORDS @ 6 1/2 cents \$ 29.70
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette, Jr.
Editor.

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

Date of 1st publication Feb. 19, 1959 Vol. 71 No. 6

Date of 2nd publication Feb. 26, 1959 Vol. 71 No. 7

Date of 3rd publication March 5, 1959 Vol. 71 No. 8

Date of 4th publication March 12, 1959 Vol. 71 No. 9

Subscribed and sworn before the undersigned this 19 day of Mar, 1959

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrisette, Jr.
Editor.