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HERMINE E. WITT,  
Complainant,  
VS.  
CERTAIN LANDS, AND PHILLIP ICKLER,  
ET AL.,  
Respondents.

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

NO 3931

MR. PAUL WARZECHA, BEING FIRST DULY SWORN, TESTIFIED AS FOLLOWS:

Examination by Mr. Brice.

Q. What is your name, please?

A. Paul Warzecha.

Q. Where do you live?

A. Elberta.

Q. How long have you been a resident of Baldwin County, Alabama?

A. I came here in 1918.

Q. Are you familiar with the property known as the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 18 Township 7 South, Range 5 East?

A. Yes, sir, that is the 40 acres I sold to Mr. Witt.

Q. When did you first become familiar with that forty acres of land?

A. In 1918 when I came here and Mr. Weiss came here from ~~Chicago~~ Pittsburgh and he bought forty acres, and I bought 700 acres. I sold it to Mr. Weiss and he held it for seven or eight years and sold it to Mr. Ickler and I held the mortgage on it and after

years I foreclosed the mortgage.

Q. Is it true, Mr. Warzecha, that the mortgagee named in the mortgage was the Baldwin County Colonization Company?

A. Yes sir, Mr. Weiss made himself trustee, because at the time of the foreclosure my lawyer sent him a letter and he signed that foreclosing paper so I could go ahead with the foreclosure.

Q. At the time you foreclosed the mortgage did Mr. Ickler have notice of the foreclosure?

A. Yes sir.

Q. Did he try to get you not to foreclose the mortgage?

A. Yes sir, he worked hard to keep me from selling it; he was always said he was going to pay, but I never got my money so I foreclosed.

Q. Was Helen Ickler his wife - the wife of Phillip Ickler?

A. Yes sir.

Q. Was the date of the foreclosure of the mortgage in 1931?

A. Yes sir.

MR. BRICE: I wish to introduce in evidence foreclosure deed from A. H. Crovatt, as Attorney and agent, to Paul Warzcheha dated November 21, 1931, and recorded in deed book 52 N.S. at page 420, foreclosing a deed of trust from Herman Weiss and Anna Weiss, his wife, to Henry C. Gartling, dated July 1, 1919, which was recorded in the office of the Judge of Probate of Baldwin County, Alabama, in

mortgage Book 22, page 361-3, and which was duly transferred to Paul Warzecha, conveying the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, Township 7 South, Range 5 East. and Ask that it be identified as Complainant's Exhibit A.

Q. This is the instrument which was taken by your Attorney, is it not?

A. I believe it is.

Q. Have you ever seen that before?

A. No.

Q. You have never seen it before?

A. No.

Q. Mr. Crovatte was your Attorney?

A. Yes sir.

Q. He was your lawyer at that time?

A. Yes sir, he drew up the foreclosure for me.

Q. Now did you, in 1936, execute a quitclaim deed to Theodore Witt and Hermine Witt?

A. Yes sir.

MR. BRICE: I wish to introduce in evidence quitclaim deed from Paul Paul Warzecha to Theodore Witt and Hermine Witt, his wife dated September 17, 1936, and recorded in Deed Book 60 N.S. page 236-7 and ask that it be identified as Complainant's Exhibit B., which said deed conveys the SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , Section 18, Township 7 South, Range 5 E.

Q. Is this the deed you executed to Theodore Witt and Hermine Witt?

A. Yes sir.

Q. Now did this deed that you executed in 1936 call for the passing of property as Joint tenants?

A. That is right.

Q. As joint tenants?

A. Yes sir.

Q. What was the condition of that land in 1936?

A. It was wild land.

Q. Were you familiar with the land after 1936?

A. Yes sir.

Q. Did you have a chance to observe and watch what happened to the land?

A. Yes I was here.

Q. Did Theodore and Hermine Witt start building on the land?

A. Yes, they started the building a few months later; he started with a small building and it grew bigger and bigger.

Q. Did he have a garden on the lands?

A. I don't know, I sold it to him and then I didn't care about it any more.

Q. He did build a house on it?

A. Yes I was in Chicago and he would write me and say, "I have one room" and then he would write again that he had added another

room and he kept on and made a big house out of it.

Q. Has there been timber on that land since 1931?

A. Yes sir, a lot of timber on it.

Q. When did you come back to Baldwin County to stay?

A. In 1939 I came back again.

Q. And you have been living in Elberta since then?

A. Yes, sir, but I went back to Chicago for five more years.

Q. Have you ever heard any one claim or dispute the title of the Witts to that property?

A. No sir.

Q. No controversy?

A. None.

Q. Everybody knew that as the Witts' forty acres of land?

A. Yes sir.

Q. And Mr. and Mrs. Witt claimed that as their land?

A. Yes sir.

ON CROSS EXAMINATION OF THIS WITNESS, HE TESTIFIED:

Examination by Mr. Hayes, Guardian ad litem.

Q. The witts lived on this land?

A. Yes sir.

Q. And built a house on the lands?

A. Yes, sir, a big house.

Q. Of what material did they build the house?

A. Wood and then he made cement porches and everything-

Q. Did he fence the land?

A. Yes sir.

Q. And Theodore Witt and Hermine Witt claimed the land as their own?

A. Yes sir.

Q. And it was their land?

A. Yes sir.

Q. And no one else claimed the land?

A. No

Q. Is Theodore Witt living or dead?

A. He is dead.

ARTHUR ARMS, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Brice.

Q. is this Mr. Arthur Arms?

A. Yes sir,

Q. Do you know Hermine Witt?

A. Yes sir.

Q. Do you know that she is over the age of 21 years?

A. Yes sir.

Q. Are you familiar with the forty acres of land involved in this suit?

A. Yes sir, I have known that land for at least 34 years.

Q. Did you know Phillip Ickler and Helen Ickler?

A. Yes sir.

Q. In your opinion is Helen Ickler now dead?

A. Yes sir, she is dead.

Q. He is not a resident of Baldwin County?

A. No sir, he lives in California.

Q. Did you know the property and did you have a chance to observe it over a period of 34 years?

A. Well it is right around that; I live right next to it; my house is right next to the woods on the west side.

Q. So you have known it for all of these years?

A. Yes sir.

Q. You know that the Witts went in possession of this land in 1936?

A. Yes sir.

Q. They fenced and improved it and lived on the land?

A. Yes sir, they built a house on it and I fenced it and used it for a pasture for all of these years.

Q. It is fenced?

A. Yes sir.

Q. Now I believe, sir that they rented it for a brief period of time?

A. Yes sir, for a short time and then they came back and lived until she made the deal with Fred and myself and then she left for California.

Q. When did Mr. Theodore Witt die?

A. Four or five years ago.

Q. Was it in 1950 or '51?

A. Yes sir, in that period of time.

Q. Now have you known of any dispute over the title to this land since 1931?

A. No sir, I have heard of no trouble.

Q. Did you know Mr. Paul Warzecha to be the owner of the land in 1931?

A. Yes sir, up to the time he sold it.

Q. Until he sold it to Mr. and Mrs. Witt?

A. Yes sir.

Q. You have never heard of any controversy, or dispute of any kind about the land?

A. No.

Q. And there is no suit, other than this suit, pending involving this land?

A. No.

Q. Are you familiar with the tax records as far as the assessment of the property?

A. No.

Q. Has Mrs. Witt ever told you that she paid the taxes?

A. Yes sir, as far as I know the taxes were paid until last year.

Q. Do you know who paid them the past year?

A. Yes sir.

Q. Did your son pay them for Mrs. Witt in 1956?

A. Yes sir.



ON CROSS EXAMINATION OF THIS WITNESS BY MR. HAYES, HE TESTIFIED:

Q. Is Mr. Theodore Witt dead?

A. Yes sir.

Q. When did he die?

A. About five or six years ago.

Q. Since 1931 Mr. and Mrs. Witt, and upon his death Mrs. Witt alone had possession of the lands?

A. Yes sir.

Q. They had the exclusive, open, notorious, adverse, continuous possession of the land during that time?

A. Yes sir.

Q. And no one else claimed the land adverse to Mr. and Mrs. Witt?

A. No.

ON RE-DIRECT EXAMINATION, WITNESS TESTIFIED:

Examination by Mr. Brice.

Q. When did Mrs. Witt leave to go to California?

A. Within the last year.

Q. Up to that time she lived on the premises?

A. Yes.

Q. And this land is situated in Baldwin County, Alabama?

A. Yes sir.

Q. To your knowledge is there any suit pending, or claim or notice of claim by any parties other than this present cause we are hearing, against this property?

A No sir.

Q. Do you know of any controversy or notice of any suit pending to test the title to this property?

A. No.

Q. All of the time you have lived in the neighborhood of this land you have never heard any one in anyway dispute the title and possession of the land as the lands of the Witts?

A. No sir.

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I hereby certify that the foregoing, consisting of pages 1 to 10, both inclusive, correctly sets forth a true and correct transcript of the testimony taken by me in open Court in the above styled cause.  
This 5th day of February, 1957.

Louise Rosenberg  
Court Reporter

*Com Eay A*

State of Alabama,  
County of Baldwin,

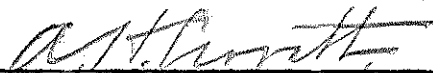
KNOW ALL MEN BY THESE PRESENTS, That, Whereas, on, to-wit, the 1st day of July, 1919, Hermann Weiss and Anna Weiss his wife executed a certain trust deed to Henry C. Bartling to secure an indebtedness mentioned therein, said trust deed being recorded in 22 mortgages, pages 361-363, in the office of the Probate Judge of Baldwin County, Alabama; which indebtedness was transferred to Paul Warzecha; and whereas, default was made in the payment of the indebtedness secured by said deed of trust, and being subject to foreclosure; and whereas, under the power contained in said deed of trust, the property therein described was advertised for sale for more than 30 days by publication once a week for four consecutive weeks in the Foley Onlooker, a newspaper published in Foley, Baldwin county, Alabama, giving notice of the time, place and terms of sale; and whereas, in strict compliance with the power of sale contained in said deed of trust, the property therein described was offered for sale to the highest bidder for cash, during the legal hours of sale, on November 21, 1931, in front of the court house door in Bay Minette, Alabama, and the same was purchased by PAUL WARZCHEKA for the sum of twelve hundred (\$1,200) dollars, which was the highest and best bid therefor; the said trustee, his successors and assigns being authorized under the powers given in said trust deed to bid and become the purchaser at said sale;

Now, therefore, in consideration of the premises and by virtue of his authority as attorney and agent and under and by virtue of the power of sale contained in said trust deed, and the law in such cases made and provided, I, A. H. CROVATT, as an attorney and agent of said mortgager, does hereby grant, bargain, sell and convey unto the said PAUL WARZCHEKA all the right, title and interest of the said HERMANN WEISS and ANNA WEISS ~~and~~ to the following described real property situated in Baldwin County, Alabama, to-wit;

The southeast quarter (SE $\frac{1}{4}$ ) of the north west quarter (NW $\frac{1}{4}$ ) of section eighteen (18) township seven (7) south, range five (5) east of St. Stephens meridian, containing forty acres, more or less.

to have and to hold unto the said PAUL WARZCHEKA, his heirs and assigns forever.

WITNESS MY HAND AND SEAL this the 21st day of November, 1931.

  
as attorney and agent.

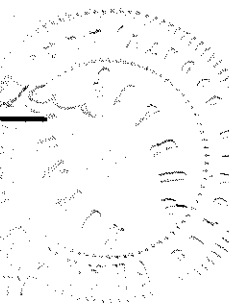
State of Alabama,  
County of Baldwin,

I, Frank W. Walker, a notary public in and for the county and state aforesaid, hereby certify that A. H. Crovatt, whose name is signed to the foregoing conveyance as attorney and agent, and who is known to me, acknowledged before me this day, that being informed of the contents of the conveyance, he, as agent and attorney, executed the same voluntarily, on the day the same bears date.

In witness whereof, I have hereunto set my hand and affixed my official seal, this the 21st day of November, 1931.



NOTARY PUBLIC, BALDWIN COUNTY  
My Commission Expires Aug. 5, 1935



*Conn Exp 2*

# This Indenture Witnesseth, That the Grantor

Paul Warzecha,

of the City of Chicago, in the County of Cook,

and State of Illinois, for the consideration of

Ten and no/100, Dollars,

Convey s and Quit-Claim s to Theodor Witt, and Hermine Witt, his  
wife,

of the City of Chicago, in the county of Cook, and

State of Illinois, not as tenants in common, but as joint tenants,

all interest in the following described real estate, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$ ) of the North West Quarter  
(NW $\frac{1}{4}$ ) of Section eighteen (18) Township seven South,  
Range five (5) East of St. Stephens meridian, containing  
Forty acres, more or less.

situated in the County of Baldwin in the State of ~~Illinois~~ <sup>ALABAMA.</sup> hereby  
expressly declaring that the estate conveyed shall pass, not in tenancy in common, but in  
joint tenancy, and hereby releasing and waiving all rights under and by virtue of the  
Homestead Exemption Laws of the State of ~~Illinois~~ <sup>Alabama</sup>

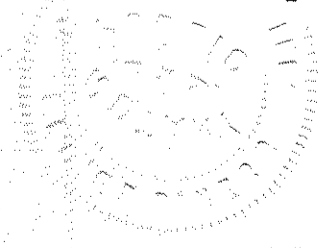
Witness the hands and seal... of the said grantor... this Seventeenth day  
of September, A. D. 1936,

Paul Warzecha, Seal

Hermine Warzecha, Seal

Seal

Seal



State of Illinois.

County of Cook.

ss.

J. George J. Hess,

a notary public, in and for said County, in the

State aforesaid, Do Heretby Certify, That

Paul Warzecha, and Mary Warzecha, his wife.

personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said Instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and Notarial seal, this

Seventeenth, day of September, A. D. 1936.

George J. Hess, Notary Public

Quit-Claim Deed

Joint Tenancy

Paul Warzecha & wife

5/8 to The widow with wife

9112136

State of Alabama, Baldwin County, Prebate Court. Filed in office this day of OCT 1 - 1936 at 8 am and duly recorded in Deed Book No. 60215 at page 236-7 and I certify that \$... Deed tax and \$... Mfg tax, has been paid as required by law. W. Robertson, Judge of Probate, Clerk.

GEORGE COLE & COMPANY Theodore Witt 511 1/2 Shelton St. D.F. 1-1-36

HERMINE E. WITT,  
Complainant

VS.

THE LANDS HEREIN-  
AFTER DESCRIBED  
AND PHILLIP ICKLER  
AND HELEN ICKLER,  
Respondents

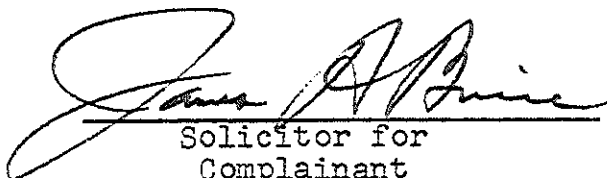
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

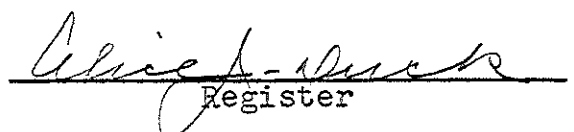
NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of the complainant upon the following:

1. Original verified bill of complaint.
2. Order designating newspaper in which Notice of Pendency of Bill of Complaint shall be published.
3. Notice of Pendency of Bill of Complaint.
4. Proof of publication of Notice of Pendency of Bill of Complaint.
5. Register's certificate as to service.
6. Motion for decree pro confesso.
7. Decree pro confesso.
8. Motion of complainant for an order or decree setting cause for hearing.
9. Decree dated February 5, 1957, setting this cause for hearing on this date, appointing Wilson Hayes as guardian ad litem to represent any unknown minors and persons of unsound mind interested in this proceeding and ordering that the testimony of the witnesses for the complainant be taken in open court and transcribed in the manner provided by Equity Rule No. 56, as amended.
10. Notice of appointment of guardian ad litem and attorney to represent parties in the military service and acceptance of such appoint.
11. Answer of guardian ad litem and attorney for unknown parties interested in this proceeding.
12. Testimony of Paul Warzecha and Arthur H. Alms as witnesses for the Complainant, taken in open court in the manner provided by Equity Rule No. 56, as amended.
13. Exhibits Numbered A and B to testimony of Complainant's witnesses.

Dated this 11th day of February, 1957.

  
Solicitor for  
Complainant

  
Register

HERMINE E. WITT

Complainant

VS.

THE LANDS HEREINAFTER  
DESCRIBED AND PHILLIP  
ICKLER AND HELEN ICKLER  
Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER OF PUBLICATION

It is ordered in this cause that the notice provided for in Section 1119, Title 7 of the 1940 Code of Alabama, be published in the Baldwin Times, which is a newspaper having a general circulation and published in Baldwin County, Alabama, where the lands described in the Bill of Complaint lie.

ORDERED this the 4 day of dec, 1956.

Hubert M. Saly

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3  
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HERMINE E. WITT  
Complainant

VS.

THE LANDS HEREINAFTER  
DESCRIBED AND PHILLIP  
ICKLER AND HELEN ICKLER  
Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

ORDER OF PUBLICATION

It is ordered in this cause that the notice provided for in Section 1119, Title 7 of the 1940 Code of Alabama, be published in the Baldwin Times, which is a newspaper having a general circulation and published in Baldwin County, Alabama, where the lands described in the Bill of Complaint lie.

ORDERED this the 4 day of Dec, 1956.

Robert M. Hall



HERMINE E. WITT,  
Complainant  
  
VS.  
  
THE LANDS AND PARTIES  
HEREINAFTER DESCRIBED,  
Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

NOTICE OF PENDENCY OF BILL OF COMPLAINT

Notice is hereby given to each and all of the Respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described, or any part thereof, that Hermine E. Witt, did, on the 3rd day of December, 1956, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 18, Township 7 South, Range 5 East.

and against Phillip Ickler and Helen Ickler, and against his heirs or devisees, if deceased, and against her heirs and devisees, if deceased, and against any and all persons, firms, or corporations claiming title to, interest in, lien or encumbrance on the said lands, or any part thereof.

The addresses of the above named respondents are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complainant to all of the said lands, for the purpose of quieting her title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

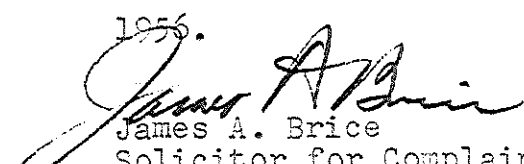
Deed from Paul Warzecha and his wife Mary Warzecha, dated September 17, 1936, and recorded in Deed Book 60 N.S. at pages 236-237, Baldwin County, Alabama, Records.

STATE OF ALABAMA, BALDWIN COUNTY  
Filed 12-17-56 1 P. M.  
Recorded *L. P. Pool* book 4 page 331-2  
*M. P. Stewart*  
Judge of Probate

The complainant, in and by its said Bill of Complaint alleges and avers that she owns the said lands in her own right, absolutely and in fee simple; that she is in the actual peaceable possession of the said lands under claim of ownership; that the title to the said lands stands upon the records in the Office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of the complainant; that no suit is pending to test complainant's title to, interest in, or right to the possession of the said lands, or any part thereof; that complainant and those through whom she claims title have held color of title to and have regularly assessed and paid taxes on the said lands and each and every part thereof for ten or more consecutive years next prior to the filing of the said Bill of Complaint; and that no persons, firms or corporations, other than the complainant and those through whom she claims title to the said lands, have paid any taxes on the said lands, or any ~~part thereof or any interest therein,~~ and no persons, firms or corporations, other than the complainant and those through whom it claims title, have had possess of the said lands or any part thereof, within ten years next prior to the filing of the said Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands. or any part thereof, must appear in this court, and plead, answer or demur to the said Bill of Complaint before the \_\_\_ day of \_\_\_\_\_, 19\_\_\_, or at the expiration of thirty days from the date decrees pro confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the \_\_\_ day of December,

1956.  
  
 James A. Brice  
 Solicitor for Complainant

Alice J. Duck  
 Register in Equity

HERMINE E. WITT, )  
Complainant )  
VS. )  
THE LANDS HEREIN- )  
AFTER DESCRIBED )  
AND PHILLIP ICKLER )  
AND HELEN ICKLER, )  
Respondents )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CERTIFICATE


I, Alice J. Duck, as Register of the Circuit Court of Baldwin County, Alabama, in equity, do hereby certify as follows:

1. The Notice of Pendency of Bill of Complaint in this cause was filed for record in the office of the Judge of Probate of Baldwin County, Alabama on Dec 17, 1956.

2. Notice of Pendency of Bill of Complaint in this cause was published once a week for four successive weeks in the Baldwin Times, a newspaper published in Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper published on December 6, 1956, December 13, 1956, December 20, 1956, December 27, 1956.

3. A copy of the Notice of Pendency of Bill of Complaint in this cause was posted at the front door of the court house of Baldwin County, Alabama on Dec 17, 1956

Dated this 11<sup>th</sup> day of Feb, 1957.

  
Register

# Quitclaim Deed

(Individual)

I. R. S. \$ \_\_\_\_\_

KURT W. WITT.

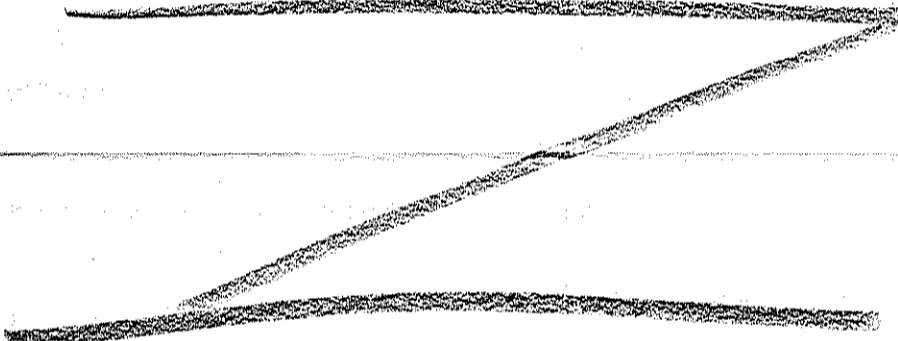
(GRANTOR - GRANTORS)

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

do hereby remise, release and forever quitclaim to HERMINE E. WITT

the real property in the TOWN OF ELBERTA  
County of BALDWIN ALABAMA, State of ~~California~~, described as follows:

The Southeast Quarter (SE $\frac{1}{4}$ ) of the North West Quarter (NW $\frac{1}{4}$ ) of Section eighteen (18) Township seven South, Range five (5) East of St. Stephens meridian, containing Forty acres, more or less.



Dated May 3, 1955 Kurt W. Witt

J. D. Agostino  
Notary Public

STATE OF CALIFORNIA  
COUNTY OF San Diego } SS.

WHEN RECORDED, PLEASE MAIL THIS INSTRUMENT TO \_\_\_\_\_

ORDER NO. \_\_\_\_\_ ESCROW NO. \_\_\_\_\_

SPACE BELOW FOR RECORDER'S USE ONLY

On May 3, 1955  
before me, J. D. D'AGOSTINO,  
a Notary Public in and for said County and State, personally appeared \_\_\_\_\_

KURT W. WITT

known to me to be the person whose name is  
subscribed to the within instrument and acknowledged that  
HE executed the same.

WITNESS my hand and official seal.

(Seal) J. D. Agostino  
Notary Public in and for said County and State.

My Commission Expires 7-27-58



owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 18, Township 7 South, Range 5 East.

That the absolute fee simple title to the said lands and each and every part thereof and all interest therein is in the said complainant, Hermine E. Witt, free and clear of and from the claim or claims of all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, or any interest therein; that the said complainant has and is hereby given judgment against the said lands and against all persons, firms, or corporations claiming title to, interest in, lien or encumbrance on the said lands, or any part thereof.

2. The complainant's title to the said lands is hereby quieted against Phillip Ickler and Helen Ickler, and against the heirs and devisees of such of the said parties as may be dead and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, and all such claims are hereby adjudged and decreed to be invalid, groundless and of no effect.

3. The register of this court shall, within 30 days from the rendition of this decree, file a certified copy hereof in the office of the Judge of Probate of Baldwin County, Alabama, for record thereof and tax the cost of such recording as a part of the cost of this proceeding.

4. The Judge of Probate of Baldwin County, Alabama, shall record the said certified copy of this decree in the same book and manner in which deeds are recorded and shall index the same in the direct index in the names of Phillip Ickler and Helen Ickler and shall index the same

in the indirect or reverse index of said records in the name of Hermine E. Witt.

5. The title hereby adjudged and decreed to be in the said complainant, Hermine E. Witt, shall inure to the benefit of all persons who draw title to the said lands, or any part thereof, or any interest therein, from or through the said complainant, and such title or interest shall be at all times treated and considered as though it had been established in favor of the person or persons so procuring or deriving title from the said complainant.

6. The cost of this proceeding are hereby taxed against the complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 13 day of February, 1957.

Hubert M. Hall  
Judge

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

Your Oratrix, Hermine E. Witt, presents this Bill of Complaint against the following described lands situated in Baldwin County, Alabama, to wit:

The Southeast Quarter of the Northwest Quarter of Section 18, Township 7 South, Range 5 East.

and against Phillip Ickler and against his heirs and devisees, if deceased, Helen Ickler, and against her heirs and devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrances on the said lands or any part thereof, and thereupon, your Oratrix complains and shows unto the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and is a resident of San Diego County, California.
  2. The Respondents are, if living, over twenty-one years of age, but their respective places of residence and post office addresses are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the facts with regard thereto.
  3. Your Oratrix is in actual, peaceable possession of all of the above described land situated in Baldwin County, Alabama, and claims to own said lands in her own right, absolutely and in fee simple.
  4. Your Oratrix holds color of title to and she and those through whom she claims title have paid taxes on said lands for a period of ten or more consecutive years next preceding the filing of this Bill of Complaint, and no other persons, firms or corporations other than your Oratrix and those through whom she claims title, have paid taxes on, or have been in possession of the above described lands or any part thereof for a period of ten or more consecutive years prior to the filing of this Bill of Complaint.
  5. Title to all of the said land stands upon the records in the Judge of Probate of Baldwin County, Alabama, the County where the said lands are situated, in the name of your Oratrix.
  6. No suit is pending to test your Oratrix' title to, or right to possession of the said lands or any part thereof.
  7. Your Oratrix has and claims to have the absolute unencumbered fee simple title to all of the real property herein described by and through the following instrument of writing which is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, the County where the lands are situated, to wit:  
Deed from Paul Warzecha and his wife Mary Warzecha, dated September 17, 1936, in Deed Book 60 at pages 236-237, Baldwin County, Alabama, records.
- That said deed conveyed the real property herein described to Theodore Witt, the husband of your Oratrix, and to your Oratrix, in joint tenancy; that the said Theodore Witt is deceased and that the property descended to your Oratrix as surviving joint tenant.
8. Your Oratrix has made a diligent search and caused a diligent search to be made to ascertain the names, ages and addresses of persons, firms or corporations who might make or who



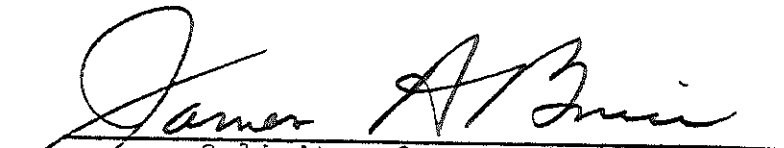
are making any claim to the said lands or any part thereof, or any interest therein, or any encumbrances thereon. Your Oratrix further avers that she has had an abstract company to prepare an abstract of title to the above-described property, employed an attorney to examine the said abstract and has made and caused a thorough search to be made in the community where the said property is situated for the purpose of ascertaining any claimant to it and for any other information having any bearing on the title to the said property. All of the information so secured as to prior ownership and possession of the said property, the ages and places of residence of the said Respondents is as hereinabove set out.

PRAYER FOR PROCESS

Your Oratrix prays that said lands described hereinabove, the Respondents named herein and their heirs and devisees, if deceased, and all persons, firms, or corporations claiming any title to or interest in, lien or encumbrance on the said lands or any part thereof be made parties respondent to this bill of complaint and be brought into Court by the usual and proper process.

PRAYER FOR RELIEF

Your Oratrix prays that each and all of the Respondents named herein, their heirs and devisees, the unknown heirs, devisees, legal representatives and next of kin of each of the Respondents named herein who are dead, and any and all persons, firms and corporations who claim to own the said lands or any part thereof, or any interest therein, or lien or encumbrance thereon, be required to set forth and testify such claim, right, title, interest, lien or encumbrance and how and by what instrument the same is derived and created; that a guardian ad litem be appointed to represent any of the unknown parties named in this proceeding who may be minors or insane persons; that an attorney be appointed to represent any of the parties named in this proceeding, known or unknown, who may be in the military service; that upon a final hearing of this cause it be ordered, adjudged and decreed that the Oratrix, at the time of the filing of this Bill of Complaint, had the fee simple title to all of the above described lands, and that none of the Respondents herein specifically named, or their heirs or devisees, or any other person, firm or corporation has any right, title or interest therein, or any part thereof, or any lien or encumbrance thereon, and that all doubts and disputes concerning the said property be cleared up, and that your Oratrix' title to the said lands be fully and completely quieted. Your Oratrix prays for such other, further and general relief as she may be equitably entitled to, the premises considered.

  
Solicitor for Complainant

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me the undersigned Notary Public in and for said County and State, personally appeared James A. Brice, who after being by me first duly and legally sworn, deposes and says: That he is the Solicitor for the Complainant in the above and foregoing suit, that he has read over the fore-

going Bill of Complaint, and that the facts therein are true, to the best of his knowledge, information and belief.

James A. Brin

Sworn to and subscribed  
before me this 3  
day of December, 1956.

Alice W. Sanders  
Notary Public



HERMINE E. WITT,  
Complainant

VS.

THE LANDS AND PARTIES  
HEREINAFTER DESCRIBED,  
Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY 720 3931

NOTICE OF PENDENCY OF BILL OF COMPLAINT

Notice is hereby given to each and all of the Respondents named below and to all persons, firms or corporations claiming any right, title or interest in, lien or encumbrance on the lands hereinafter described. or any part thereof, that Hermine E. Witt, did, on the 3rd day of December, 1956, file in the Circuit Court of Baldwin County, Alabama, in Equity, a verified Bill of Complaint against the following described real property situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter of the Northwest Quarter  
of Section 18, Township 7 South, Range 5 East

and against Phillip Ickler and Helen Ickler, and against his heirs or devisees, if deceased, and against her heirs and devisees, if deceased, and against any and all persons, firms, or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof,

The addresses of the above named respondents are unknown and cannot be ascertained after reasonable efforts and the making of diligent inquiry to ascertain the same.

The said Bill of Complaint has been filed for the purpose of establishing the title of the said complainant to all of the said lands, for the purpose of quieting her title thereto and to clear up all doubts and disputes concerning the title to the said property.

Complainant claims the absolute fee simple title to all of the said lands under, from, by and through the following conveyance:

Deed from Paul Warzecha and his wife Mary Warzecha, dated September 17, 1936, and recorded in Deed Book 60 N.S. at pages 236-237, Baldwin County, Alabama, Records.

The complainant, in and by its said Bill of Complaint alleges and avers that she owns the said lands in her own right, absolutely and in fee simple; that she is in the actual peaceable possession of the said lands under claim of ownership; that the title to the said lands stands upon the records in the Office of the Judge of Probate of Baldwin County, Alabama, the county where the said lands are situated, in the name of the complainant; that no suit is pending to test complainant's title to, interest in, or right to the possession of the said lands, or any part thereof; that complainant and those through whom she claims title have held color of title to and have regularly assessed and paid taxes on the said lands and each and every part thereof for ten or more consecutive years next prior to the filing of the said Bill of Complaint; and that no persons, firms or corporations, other than the complainant and those through whom she claims title to the said lands, have paid any taxes on the said lands, or any part thereof or any interest therein, and no persons, firms or corporations, other than the complainant and those through whom it claims title, have had possession of the said lands or any part thereof, within ten years next prior to the filing of the said Bill of Complaint.

The respondents named above and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands, or any part thereof, must appear in this court, and plead, answer or demur to the said Bill of Complaint before the 4 day of January, 1956, or at the expiration of thirty days from the date decrees pro confesso will be taken against them, testimony will be thereafter taken and the said cause submitted for a final decree quieting complainant's title to the said lands.

IN WITNESS WHEREOF, I have hereunto set my hand as Register of the Circuit Court of Baldwin County, Alabama, in Equity, and affixed the seal of the said court on this the 4 day of December, 1956.

James A. Brice  
Solicitor for Complainant.

*Alice J. Duck*  
ALICE J. DUCK,  
Register of the Circuit Court of  
Baldwin County, Alabama, In Equity



HERMINE E. WITT  
Complainant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

VS.

THE LANDS HEREINAFTER  
DESCRIBED AND PHILLIP  
ICKLER AND HELEN ICKLER  
Respondents

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BOOK 023 PAGE 234


TO THE HON. WILSON HAYES, ESQ.

Take notice that under and by order of the Court, made, entered and issued on this, the 5 day of February, 1957, you have been appointed to serve as Guardian ad Litem to represent any minor or person of unsound mind or unknown parties interested in this proceeding, which is set for hearing on petition in this Court on the 5th day of February, 1957.

  
Judge


ACCEPTANCE OF APPOINTMENT AS GUARDIAN AD LITEM

Now comes Wilson Hayes, heretofore appointed as Guardian ad Litem to represent any minor or person of unsound mind or unknown parties on the hearing of the above cause, and accepts such appointment and consents to represent the interests of said parties at said hearing.

  
Guardian ad Litem

ANSWER OF GUARDIAN AD LITEM

Now come any and all minors, insane persons and unknown persons, corporations or parties, by and through Wilson Hayes, their duly appointed Guardian ad Litem, and for answer to the petition and Bill of Complaint heretofore filed by Hermine E. Witt, denies the allegations of said petition and Bill of Complaint, and demands strict proof thereof.

  
Guardian ad Litem

HERMINE E. WITT, )  
 Complainant )  
 VS. )  
 THE LANDS HEREIN- )  
 AFTER DESCRIBED )  
 AND PHILLIP ICKLER )  
 AND HELEN ICKLER, )  
 Respondents )

IN THE CIRCUIT COURT OF  
 BALDWIN COUNTY, ALABAMA  
 IN EQUITY

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against Phillip Ickler and Helen Ickler and against their heirs or devisees, if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof, on the grounds that the Notice of Pendency of Bill of Complaint in this cause was published once a week for ~~four~~<sup>three</sup> successive weeks in the Baldwin Times, a newspaper published in Bay Minette in Baldwin County, Alabama, which notice appeared in the issues of said paper which were published on December 6, 1956, December 13, 1956, December 20, 1956, and December 27, 1956, which said notice contained a provision requiring all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the lands described in the said notice, or any part thereof, which are the lands described in the said notice, or any part thereof, which are the lands described in the Bill of Complaint that was filed in this cause, must appear in this court and plead, answer or demur to the Bill of Complaint before the 4th day of January, 1957, or at the expiration of 30 days from the said date a decree pro confesso would be taken against them; and 30 days having expired since January 4, 1957, and no person, firm or corporation named above has appeared in this cause, the complainant is entitled to a decree pro confesso against all of the persons, firms and corporations named above. Complainant further shows unto the Register that a copy of

HERMINE E. WITT,  
Complainant

VS.

THE LANDS HEREIN-  
AFTER DESCRIBED  
AND PHILLIP ICKLER  
AND HELEN ICKLER,  
Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE PRO CONFESSO

In this cause it appears to the Register that the Notice of Pendency of Bill of Complaint heretofore made in this cause was published for ~~four~~<sup>three</sup> consecutive weeks commencing on the 6th day of December, 1956, in the Baldwin Times, a newspaper published in Bay Minette in Baldwin County, Alabama; that a copy of the said notice was posted at the court house door in Baldwin County, Alabama, on the 4th day of December, 1956; and it further appearing to the Register that the said respondents hereinafter named have to date hereof failed to plead, answer or demur to the bill of complaint in this cause;

It is therefore, on motion of the complainant, ordered and decreed by the Register that the said bill of complaint be and it hereby is in all things taken as confessed against the said Phillip Ickler and Helen Ickler and their heirs or devisees if deceased, and against any and all persons, firms or corporations claiming any title to, interest in, lien or encumbrance on the said lands or any part thereof.

Ordered and decreed on this the 5 day of Feb,  
1957.

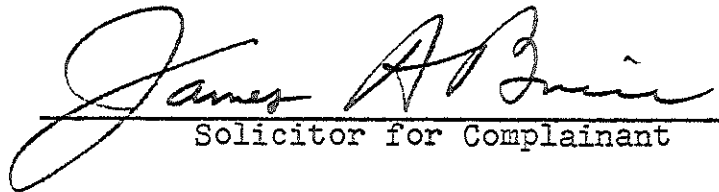
Archie J. Wicks  
REGISTER



the Notice of Pendency of bill of complaint in this cause was posted at the front door of the court house of Baldwin County, Alabama on the 4th day of November, 1956.

Wherefore, the complainant moves the Register to make and enter a decree pro confesso against the above named respondents and each of them.

Dated this 4th day of February, 1957.

  
Solicitor for Complainant