1308

W. C. HOLMES COMPLAINANT VS. SOUTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION SEVEN TOWNSHIP SEVEN SOUTH, RANGE FOUR EAST IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND, RESPONDENTS.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

It having been made to appear from the Affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause, that the Respondents named in said suit are non-residents of the State of Alabama, a more particular address being unknown except as to Charles Kriewitz whose last known post office address was 821 Green Avenue, Los Angeles, California and Clara Gerhard whose last known post office address was 850 Funston Avenue, San Francisco, California;

NOTICE IS HEREBY GIVEN to Charles Kriewitz and the unknown heirs, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the land herein described that on March 28th, 1945 W. C. Holmes filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity against the following described land in Baldwin County, Alabama to-wit:- The Southeast quarter of Southwest quarter of Section Seven, Township Seven South, Range Four East and against the Respondents above named, and against any and all persons, firms or corporations, claiming any interest in, title to, lien or incumbrance upon the above described land and you are hereby notified to appear and plead, answer or demur within Thirty days from the 30th day of April, 1945 or a Decree Pro Confesso will be rendered against

you.

The Bill of Complaint alleges that the Complainant claims the entire fee simple title to said land and that he acquired such title by a Deed dated February 22, 1937 from Fred N. Kerwin and wife which Deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63 pages 129-30 and that Fred N. Kerwin acquired title to said land by inheritance as the only heir and next of kin of his father, Frank Kerwin who died intestate in November, 1936 and that Frank Kerwin acquired title to said land by a Tax Deed to him from the State of Alabama said Deed being dated May 25, 1928 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 45 pages 49-50.

The Bill of Complaint further alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama.

The Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that he and those under whom he claims as above set out have been in the exclusive possession of said land and have paid taxes on the same for more that 10 years next immediately preceeding the filing of said Bill of Complaint and that no other person, firm or corporation has had possession of said land or any part thereof or has paid the taxes thereon for more than 10 years next immediately preceeding the filing of said Bill of Complaint.

It is further alleged in said Bill of Complaint that such suit was filed for the purpose of establishing the title of said Complainant to said land and for the purpose of clearing up all doubts and disputes concerning the same.

Witness my hand and seal this 28th day of March, 1945.

As Register of the Circuit Court
of Baldwin County, Alabama.
In Equity.

HYBART AND CHASON
Solicitors for Complainant

NOTICE 1808

RECORDED

W. C. HOLMES,

COMPLAINANT

VS.

CERTAIN LAND; CHARLES KRIEWITZ, ET AL.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed March 28, 1945

Register

W. C. HOLMES COMPLAINANT VS. SOUTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION SEVEN TOWNSHIP SEVEN SOUTH, RANGE FOUR EAST IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND, RESPONDENTS.	))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. No. 1308

AFFIDAVIT

STATE OF ALABAMA
BALDWIN COUNTY

Before me, _____ a Notary Public in and for said State and County, personally appeared W. C. Holmes who is known to me and who after being by me first duly and legally sworn doth depose and say under oath as follows:-

That his name is W. C. Holmes; that he is over the age of twenty-one years and a resident of Foley in Baldwin County, Alabama; that he is the Complainant in the above styled cause. Affiant further says that neither Charles Kriewitz nor Clara Gerhard are in the Military Service of the United States of America within the meaning of the Soldiers and Sailors Civil Relief Act of 1940 as amended.

W. C. Holmes

Sworn to and subscribed before me a Notary Public whose seal is hereto affixed this 9 day of July, 1945

_____
Notary Public, Baldwin County, Alabama

RECORDED

Case No. 1308

AFFIDAVIT

W. C. HOLMES,

COMPLAINANT

VS.

CERTAIN LANDS; CHARLES KRIEWITZ, ET AL.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed: July 9, 1945

R. S. Lucka
Register

W. C. HOLMES COMPLAINANT VS. SOUTHEAST QUARTER OF SOUTHWEST QUARTER (SE¼ of SW¼) OF SECTION SEVEN (7) TOWNSHIP SEVEN (7) SOUTH, RANGE FOUR (4) EAST SITUATED IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND. RESPONDENTS.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

It being made to appear in the above styled cause from the Affidavit of John Chason as the Agent and one of the Solicitors of Record for the Complainint in said cause that Charles Kriewitz and Clara Gerhard are over the age of Twenty-one years and are non-residents of the State of Alabama and that if they or either of them are dead then the names, ages and addresses of their unknown heirs at law, devisees and grantees are unknown;

And it being further made to appear to the Register of this Court that W. C. Holmes as the Complainant in the above styled cause has requested that the Court should enter an appropriate order of publication making Charles Kriewitz and the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the Southeast quarter of the Southwest quarter of Section Seven, Township Seven South, Range Four East in Baldwin County, Alabama, party Respondents and notifying them to appear and plead, answer or demur to the Bill of Complaint filed in said cause before a day named therein;

IT IS THEREFORE, ORDERED AND DECREED that such Notice be

prepared and published in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama once a week for four consecutive weeks and that a copy of such Notice be posted at the Court House door in Bay Minette, Alabama; that in said Notice that said Respondents be required to appear and plead to or answer said Bill of Complaint before the 30th day of April, 1945.

Witness my hand and seal this 28th day of March, 1945.

R. L. Deck

Register

1308

RECORDED

ORDER OF PUBLICATION

W. C. HOLMES

COMPLAINANT

VS.

CERTAIN LAND; CHARLES KRIEWITZ, ET AL.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

Filed March 28, 1945.

Register

Legal Notices

NOTICE

W. C. Holmes, Complainant vs.

Southeast Quarter of Southwest Quarter of Section Seven Township Seven South Range Four East in Baldwin County, Alabama: Charles Kriewitz and the unknown heirs, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the above described land,

Respondents

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

It having been made to appear from the Affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause, that the Respondents named in said suit are non-residents of the state of Alabama, a more particular address being unknown except as to Charles Kriewitz whose last known post office address was 821 Green Avenue, Los Angeles, California and Clara Gerhard whose last known post office address was 850 Funston Avenue, San Francisco California;

NOTICE IS HEREBY GIVEN to Charles Kiewitz and the unknown heirs, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the land herein described that on March 28 th, 1945, W. C. Holmes filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, in Equity against the following described land in Baldwin County, Alabama to wit:- The Southeast quarter of Southwest quarter of Section Seven township Seven South, Range Four East and against the Respondents abov named, and against any and all persons, firms or corporations, claiming any interest in, title to, lien or incumbrance upon the above described land and you are hereby notified to appear and plead answer or demur within Thirty days from the 30th day of April, 1945, or a Decree Pro Confesso will be rendered against you.

The Bill of Complaint alleges that the Complainant claims the entire fee simple title to said land and that he acquired such title by a Deed dated February 22, 1937, from Fred N. Kerwin and wife which Deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63 pages 129-30 and that Fred N. Kerwin acquired title to said land by inheritance as the only heir and next of kin of his father, Frank Kerwin who died inestate in November, 1936 and that Frank Kerwin acquired title to said land by a Tax Deed to him from the State of Alabama said Deed being dated May 25, 1928 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 45 pages 49-50.

The Bill of Complaint further alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama.

The Complainant further alleges in his Bill of Complaint that he is in the quiet and peacable possession of said land claiming to own the same absolutely and in fee simple and that he and those under whom he claims as above set out have been in the exclusive possession of said land and have paid taxes on the same for more than 10 years next immediately preceeding the filing of said Bill of Complaint and that no other person, firm or corporation has had possession of said land or any part thereof or has paid the taxes thereon for more than 10 years next immediately preceeding the filing of said Bill of Complaint.

It is further alleged in said Bill of Complaint that such suit was filed for the purpose of establishing the title of said Complaint to said land and for the purpose of clearing up all doubts and disputes concerning the same.

Witness my hand and seal this 28th day of March, 1945.

R. S. DUCK, as Register of the Circuit Court of Baldwin County Alabama, In Equity.

HYBART and CHASON
Solicitors for Complainant 9-4tc

JAMES H. FAULKNER
EDITOR AND PUBLISHER

the BALDWIN times

T COUNTY'S- BEST NEWSPAPER

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

Ford Cook, being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

Notice W. C. Holmes
Complainant

COST STATEMENT

628 WORDS @ 4½ cents . . . . . $ 29.61

I hereby certify this is correct, due and unpaid (paid).

Publisher.

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

Date of 1st publication March 29, 1945 Vol. 56 No. 9

Date of 2nd publication April 6, 1945 Vol. 56 No. 10

Date of 3rd publication " 13, 1945 Vol. 56 No. 11

Date of 4th publication " 20, 1945 Vol. 56 No. 12

Subscribed and sworn before the undersigned this_____day of_____194___.

Notary Public, Baldwin County.

Ford Cook
Publisher.

By, Mrs Place

W. R. STUART

PROBATE JUDGE

No. 372

Bay Minette, Ala., 3/29, 1945

Received of R. L. Duck

No.		Deed Tax $	Deed Tax Cts.	Mortgage Tax $	Mortgage Tax Cts.	Recording Fees $	Recording Fees Cts.	Total $	Total Cts.
	W. C. Howes Complaint								
	vs								
	Chas Krientz et al							1	25

FOR RECORD

TOTAL $

W. R. Stuart
Jdw

Judge of Probate.

87045 MARSHALL & BRUCE-NASHVILLE

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Charles Kriewitz and Clara Gerhard to appear and plead, answer or demur, within Thirty days from the services hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, in Bay Minette, Alabama, in which Bill of Complaint W. C. Holmes is the Complainant and Charles Kriewitz and Clara Gerhard are Respondents.

Witness my hand and seal on this the 28th day of March, 1945.

R S Deal

Register

W. C. HOLMES COMPLAINANT VS. SOUTHEAST QUARTER OF SOUTHWEST QUARTER (SE¼ of SW¼) OF SECTION SEVEN (7) TOWNSHIP SEVEN (7) SOUTH, RANGE FOUR (4) EAST SITUATED IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND, RESPONDENTS.	))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes the Complainant, W. C. Holmes and brings this, his Bill of Complaint against the following described land situated in Baldwin County, Alabama to-wit:- The Southeast quarter of Southwest quarter (SE¼ of SW¼) of Section Seven (7) Township Seven (7) South, Range Four (4) East and against any and all persons, firms and corporations claiming any title to, interest in, lien or incumbrance upon said land or any part thereof and especially against Charles Kriewitz and the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard and the Complainant respectfully shows unto your honor as follows:-

FIRST:

That he is in the actual, quiet, peaceable and adverse possession of the land herein above described, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

SECOND:

That no suit is pending to test Complainant's title to, interest in or right to possession of said land.

THIRD:

Complainant further shows that he claims the entire fee simple title in and to said lands, having acquired the same by Deed from Fred N. Kerwin and wife by Deed dated February 22, 1937 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63 pages 129-30; that Fred N. Kerwin acquired title to said land by inheritance as the only heir at law and next of kin of his father, Frank Kerwin who died intestate in November, 1936; that Frank Kerwin acquired title to said land by tax deed from the State of Alabama to the said Frank Kerwin said deed being dated May 25, 1928 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 45 pages 49-50. Your Complainant further shows that Frank Kerwin assessed and paid taxes on said land from 1928 to 1937 inclusive and that your Complainant has assessed and paid taxes on said land ever since 1937; that no other person, firm or corporation has assessed or paid taxes on said

land since 1928. Your Complainant further shows unto your Honor that the said Frank Kerwin immediately on the execution of the Deed by the State of Alabama to him went into the open, notorious, exclusive and adverse possession of said land living thereon, fencing and farming the same and using said lands in every way that they were susceptible of and continued in such possession up until the time of his death which was on to-wit:- November, 1936; that immediately upon the death of the said Frank Kerwin, his son, Fred N. Kerwin and soul heir of the said Frank Kerwin who died intestate, went into the open, notorious and exclusive possession of said land using the same in every way that it was susceptible of and holding same adversely against the world and continued in such possession until he sold and conveyed the same to your Complainant which was on February 22, 1937; that your Complainant immediately on his purchase of said lands went into the open, notorious, exclusive and adverse possession of said land farming the same, both by day labor and by tennants using the same in every way that said land was susceptible of and has been in such possession every since he acquired the same; that said lands are recognized as his lands in the community in which they are located and they are the lands of Complainant.

FOURTH:

Complainant further shows that the title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama in the name of your Complainant. Complainant further shows that he is over the age of 21 years and a resident citizen of Baldwin County, Alabama residing at Foley, Alabama; that the respondents are over the age of 21 years; that Charles Kriewitz is a non-resident of the State of Alabama and that his last known Post Office address was 821 Green Avenue, Los Angeles, California; that Clara Gerhard is a non-resident of the State of Alabama and that her last known Post Office address was 580 Funston Avenue, San Francisco, California; that if either or both of said respondents are dead the names, ages and addresses of their heirs at law, devisees or grantees, if any, are unknown to your Complainant. Complainant further shows unto your Honor that he has used due diligence in trying to ascertain the place of residente and Post Office address of these respondents; that your Complainant has made a diligent search and inquiry to ascertain whether or not either of said respondents are dead and if dead to ascertain the names and addresses of their heirs, devisees and grantees; that in this investigation and inquiry Complainant has had a record search made of the records of Baldwin County, Alabama and has made inquiry in the neighborhood of said lands as to the ownership of same and the names and residences of any and all persons who are or may be interested in the same or who claim any interest therein.

FIFTH:

Your Complainant further shows unto your honor that the parties above named as respondents, or their heirs, devisees or grantees are reputed to claim some right, title or interest in or incumbrance upon said land and your Complainant respectfully calls upon the parties named as respondents in this Bill of Complaint to set forth and specify their title, claim, interest or incumbrance upon the same and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS:

To the end, therefore, that equity may be had in the premises, Complainant prays that your Honor will cause the usual Writ of Process to issue to Charles Kriewitz and Clara Gerhard and to any and all other persons, firms or corporations claiming any

interest in, right or title to said land in the usual form and according to the practice of this court requiring them to plead, answer or demur to the same within the time required by law and the practice of this court; and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint against said lands as required by the laws of the State of Alabama authorizing the quieting of title by proceeding in Rem and that your Honor will also order that notice be given of the filing of this Bill of Complaint to Charles Kriewitz or his unknown heirs or devisees and to Clara Gerhard or the unknown heirs or devisees of Clara Gerhard by publication in some newspaper published in Baldwin County, Alabama making them party defendants to this Bill of Complaint and required them to plead, answer or demur to the same within the time required by law; that your Honor will cause notice to be given by registered mail to Charles Kriewitz and Clara Gerhard at their Post Office addresses as herein above set forth which notice together with a copy of the Bill of Complaint and with a summons to answer, plead or demur to such complaint within 30 days from the service thereof shall be issued and sent by the Register to such respondents by registered mail, postage prepaid marked "for delivery only to the person to whom addressed" with returned receipt demanded addressed to the sending officer.

PRAYER FOR RELIEF:

Your Complainant further prays that on a hearing of this cause your Honor will establish Complaints, rights or title to said land and will decree that the Complainant is the owner of said land in fee simple and that no other person, firm or corporation has any title to, interest in or lien or incumbrance upon said land or any part thereof and especially as to Charles Kriewitz, the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the above described land and that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate office of Baldwin County, Alabama and to be recorded therein and that in said decree will direct in whose name it shall be indexed in the Direct and Indirect Indexes of the records thereof in said Probate office and Complainant further prays for such other, further, different and general relief as in equity may seem just and mete, and Complainant will ever pray, etc.

Hybart & Chason
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY,

Before me, W. H. HAWKINS, a Notary Public in and for said State and County personally appeared John Chason who is known to me and who after being duly and legally sworn doth depose and say:

That he is the Agent of, and one of the Attorneys for, the Complainant in the above styled cause and is therefore duly authorized to make this Affidavit; that the fact stated in the foregoing Bill of Complaint upon knowledge are true; that he is informed as to the facts stated upon information and belief as therein stated, and verily believes, and so states, that the same are true.

John Chason

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 28 day of March, 1945.

W. H. HAWKINS
Notary Public, BALDWIN COUNTY, ALABAMA

After ~~Five~~ Days Return To

R. S. DUCK
CLERK CIRCUIT COURT, BALDWIN COUNTY
Bay Minette, Ala.

APR 4- 1945

Second Notice. No Reply
To First Notice Mailed.....

REGISTERED
NO. 1610

Deliver to Addressee Only

Return Receipt Requested

REGISTERED.

~~CHARLES KRIEWITZ~~, deceased
~~821 Green Avenue~~
~~Los Angeles California~~

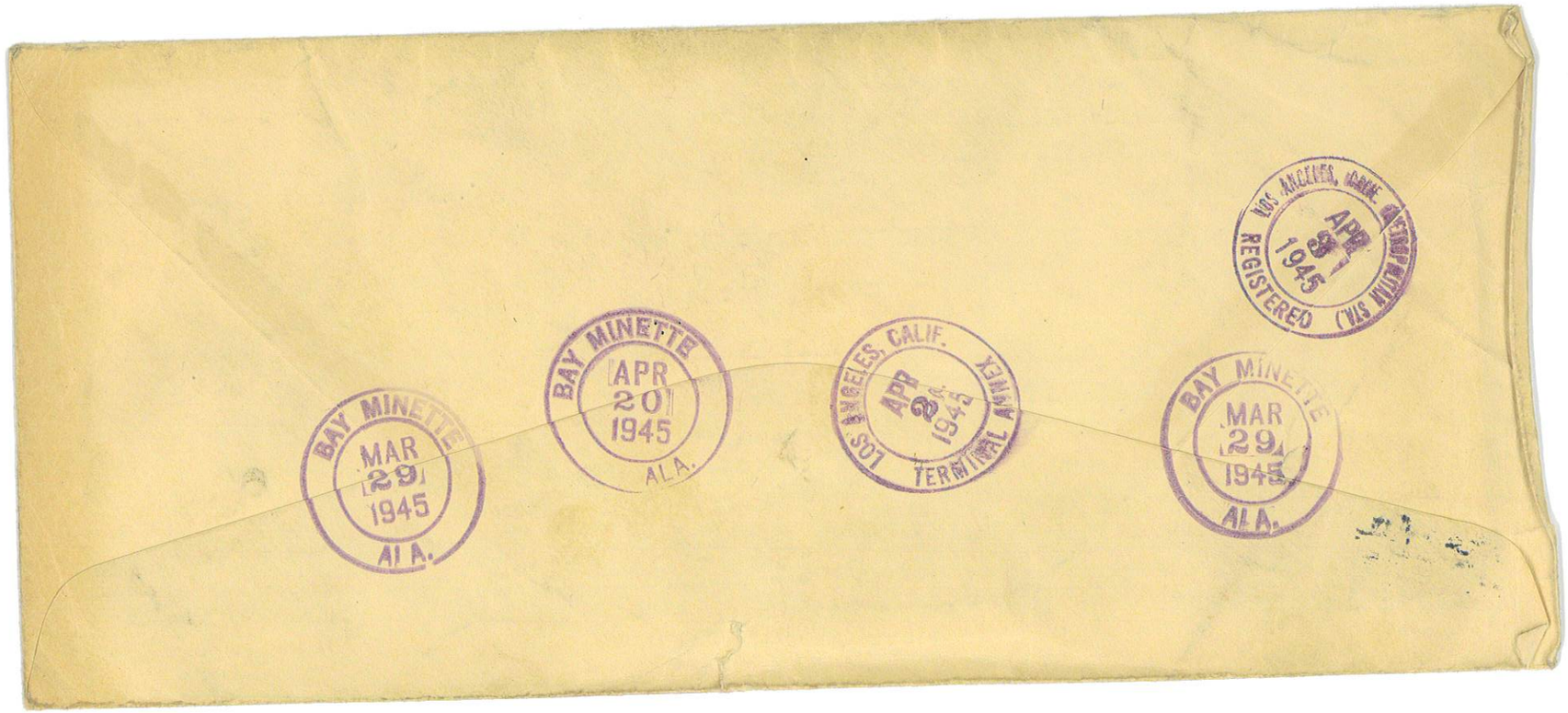
UNCLAIMED

RETURN RECEIPT REQUESTED.

Left notice 7-25-52

DELIVER ONLY TO PERSON
TO WHOM ADDRESSED

REN


LOS ANGELES, CALIF. STATION
APR 31 1945
REGISTERED (VIA SIM)
BAY MINETTE
APR 20 1945
ALA.
LOS ANGELES, CALIF.
APR 2 1945
TERMINAL ANNEX
BAY MINETTE
MAR 29 1945
ALA.
BAY MINETTE
MAR 29 1945
ALA.

8572 CERTIFICATE OF REGISTER AS TO NOTICE BY REGISTERED MAIL. Baldwin Times Print.

W. C. Holmes
Complainant

vs.

Certain Lands, Charles Kriewitz, et al,
Respondents

CIRCUIT COURT OF
Baldwin COUNTY.
IN EQUITY.

I, R. S. Duck, Register of said Court, do hereby certify that I did, on the 29th day of March 1945, send to Clara Gerhard Defendant whose address was 580 Funston Avenue, San Francisco, California by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such receipt was duly received and filed by me in this cause, on the 9th day of April 1945.

Witness my hand, this 9th day of July 1945.

R. S. Duck
Register.

Acts 1915, Page 604.

RECORDED

No. 1308

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

W. C. Holmes

Complainant

vs.

Certain Lands, Charles

Kriewitz, et al,

Respondents

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 9th

day of July 1925

R. S. Duck

Register.

W. C. Holmes

Complainant

vs.

Certain Lands, Charles Kriewitz, et al

Respondents

THE STATE OF ALABAMA,

Baldwin COUNTY.

CIRCUIT COURT, IN EQUITY.

Term, 19

Case No. 1308

I, R. S. Duck Register of the Circuit Court of Baldwin County, of the State of Alabama, hereby certify that on the affidavit of W. C. Holmes

on the 28th day of March 19 45, an order of publication was made to SE¼ of SW¼ of Section 7, Township 7 South, Range 4 East and Charles Kriewitz, his unknown heirs at law, devisees & grantees) are non-residents who reside at

and was published in the Baldwin Times

a newspaper published in Bay Minette, Alabama once a week, for four consecutive weeks, commencing on the 29th day of March 19 45, requiring the said Charles Kriewitz, his unknown heirs at law, devisees and grantees to answer or demur to the Bill of Complaint in the cause on the 30th day of April 19 45, or in thirty days therefrom a decree Pro Confesso may be taken against them

And that a copy of said order was forwarded by mail, on the 28th day of March, 19 45, addressed to Charles Kriewitz

at 821 Green Avenue, Los Angeles, California

and that one other copy of said order was posted at the Courthouse door of said County for four consecutive weeks, commencing on the 28th day of March 19 45.

R. S. Duck

Register.

RECORDED

No. 1308

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

W. C. Holmes

Complainant

vs.

Certain Lands, Charles Kriewitz, et al

CERTIFICATE OF PUBLICATION.

Filed in office this 9th day of July 1945

R. S. Duck
Register.

8581. NOTE OF TESTIMONY

Moore Printing Co.

W. C. Holmes

Complainant

VS.

Certain Lands; Charles Kriewitz, et al

Respondents

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY
CIRCUIT COURT OF BALDWIN COUNTY

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, Summons, Order of Publication, Notice, Certificate of Publication, Decree Pro Confesso on Publication, Demur Pro Confesso after Notice by Registered Mail, Certificate of Register as to service by Registered mail, Testimony of W. C. Holmes and ~~W. E. Crowe~~ Geo Schultz.

and in behalf of Defendant upon

R. S. Hawsey Register.
Hubert L. Faunce
Solicitors for Complainants.

No. 1308

The State of Alabama,

BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

W. C. Holmes

Complainant

VS.

Certain Lands; Charles Kriewitz, et al.

Respondents

NOTE OF TESTIMONY

Filed in Open Court this 9th day of July, 1945

R. S. Leach

Register.

Moore Printing Co.

W. R. STUART
PROBATE JUDGE

No. 1440 Bay Minette, Ala., July 11, 1945

Received of R S Duck

No.		Deed Tax $	Deed Tax Cts.	Mortgage Tax $	Mortgage Tax Cts.	Recording Fees $	Recording Fees Cts.	Total $	Total Cts.
	Inspect Deeds					1	50	1	50
	W C Holmes								
	US								
	Veterans Lands								

FOR RECORD

TOTAL $

W R Stuart
Judge of Probate.

Fees

87045 MARSHALL & BRUCE-NASHVILLE

W. C. HOLMES

COMPLAINANT

VS.

SOUTHEAST QUARTER OF SOUTHWEST QUARTER OF SECTION SEVEN TOWNSHIP SEVEN SOUTH, RANGE FOUR EAST IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND,

RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.

It having been made to appear from the Affidavit of John Chason, one of the Solicitors of Record for the Complainant in the above styled cause, that the Respondents named in said suit are non-residents of the State of Alabama, a more particular address being unknown except as to Charles Kriewitz whose last known post office address was 821 Green Avenue, Los Angeles, California and Clara Gerhard whose last known post office address was 850 Funston Avenue, San Francisco, California;

NOTICE IS HEREBY GIVEN to Charles Kriewitz and the unknown heirs, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the land herein described that on March 28th, 1945 W. C. Holmes filed his Bill of Complaint in the Circuit Court of Baldwin County, Alabama, In Equity against the following described land in Baldwin County, Alabama to-wit:- The Southeast quarter of Southwest quarter of Section Seven, Township Seven South, Range Four East and against the Respondents above named, and against any and all persons, firms or corporations, claiming any interest in, title to, lien or incumbrance upon the above described land and you are hereby notified to appear and plead, answer or demur within Thirty days from the 30th day of April, 1945 or a Decree Pro Confesso will be rendered against

you.

The Bill of Complaint alleges that the Complainant claims the entire fee simple title to said land and that he acquired such title by a Deed dated February 22, 1937 from Fred N. Kerwin and wife which Deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63 pages 129-30 and that Fred N. Kerwin acquired title to said land by inheritance as the only heir and next of kin of his father, Frank Kerwin who died intestate in November, 1926 and that Frank Kerwin acquired title to said land by a Tax Deed to him from the State of Alabama said Deed being dated May 25, 1928 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 45 pages 49-50.

The Bill of Complaint further alleges that the title to said land stands in the name of the Complainant on the records of the Probate Court of Baldwin County, Alabama.

The Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said land claiming to own the same absolutely and in fee simple and that he and those under whom he claims as above set out have been in the exclusive possession of said land and have paid taxes on the same for more that 10 years next immediately preceeding the filing of said Bill of Complaint and that no other person, firm or corporation has had possession of said land or any part thereof or has paid the taxes thereon for more than 10 years next immediately preceeding the filing of said Bill of Complaint.

It is further alleged in said Bill of Complaint that such suit was filed for the purpose of establishing the title of said Complainant to said land and for the purpose of clearing up all doubts and disputes concerning the same.

Witness my hand and seal this 28th day of March, 1945.

R S Duck
As Register of the Circuit Court
of Baldwin County, Alabama.
In Equity.

HYBART AND CHASON
Solicitors for Complainant

I, R S Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, hereby certify that the foregoing is a full, true, correct and complete copy of notice given by publication in the Baldwin Times a newspaper published at Bay Minette Alabama, in the Cause of W C Holmes vs Certain Lands,et al and filed in the office of the Probate Judge of Baldwin County, Alabama, the County in which said lands lie, in accordance with the Law.

IN WITNESS WHEREOF, I Have hereunto set my hand and seal of office on this the 28th day of March 1945 R S Duck
Register, Circuit Court, Baldwin County Alabama.

1308

STATE OF ALABAMA, BALDWIN COUNTY

Filed March 29 1944 9 a M

Recorded Lis Bond book 1 page 244-3
and I certify that the following Privilege Tax has been paid,

Deed Tax 1

Mortgage Tax

W R Stuart
Judge of Probate

By L S W
R L Duck
Clk

R 1.25

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

SAN FRANCISCO, CALIF. APR 4 730PM 1945

POSTMARK OF DELIVERING OFFICE

Return to R. S. Duck
(NAME OF SENDER)

Street and Number, or Post Office Box,

REGISTERED ARTICLE

No. 1611 *Post Office* Bay Minette, Ala.

INSURED PARCEL

No. 16—12421 *State*

Form 3811
Rev. 1-4-40

RETURN RECEIPT

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

1 Clara Gerhard
(Signature or name of addressee)

2 Queen Gerhard
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery 4-4, *194*4-9-45

U. S. GOVERNMENT PRINTING OFFICE 16—12421

RECEIPT FOR REGISTERED ARTICLE No. 1610

20 fee paid. 1 class postage paid. 3-29 (Date), 1945

Declared value, $ none Surcharge paid, $

Deliver to Addressee Only.

From R. S. Dunn (Sender)

B. M. (Street and number) (Post office and State)

Addressed to Charles Kiewitz (Addressee)

821 Green ave (Street and number) Los Angeles, Calif (Post office and State)

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

Return receipt fee ✓ Special delivery fee

Delivery restricted to addressee { in person / or order / Fee paid 20 } Postmaster, per WOR

GPO 16—12666

BAY MINETTE MAR 29 1945 POSTMARK ALA

RECEIPT FOR REGISTERED ARTICLE No. 1611

20 fee paid. 1 class postage paid. 3-29 (Date), 1945

Declared value, $ none Surcharge paid, $

Deliver to Addressee Only

From R. S. Dunn (Sender)

B. M. (Street and number) (Post office and State)

Addressed to Clara Gerhard (Addressee)

580 Funston ave (Street and number) San Francisco, Calif (Post office and State)

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

Return receipt fee ✓ Special delivery fee

Delivery restricted to addressee { in person / or order / Fee paid 20 } Postmaster, per WOR

GPO 16—12666

BAY MINETTE MAR 29 1945 POSTMARK ALA

ORAL DEPOSITION

Baldwin Times 10-27-39 ½M

THE STATE OF ALABAMA
Baldwin County

Circuit Court of Baldwin County, Alabama,
(In Equity)

W. C. Holmes COMPLAINANT

VS.

Certain Lands; Charles Kriewitz, et al RESPONDENTS

I, Evelyn Nelson

as ~~Registrxxxxxx~~ Commissioner

have called and caused to come before me W. C. Holmes and ~~W. E. Cooney~~ Gus Schuetz

witness~~es~~ named in the Requirement for Oral Examination, on the 9th day of July

19 45, at the office of Hybart & Chason

in Bay Minette, Alabama, and having first sworn said witness~~es~~ to speak the truth,

the whole truth, and nothing but the truth, the said W. C. Holmes and ~~W. E. Cooney~~ Gus Schuetz

doth depose and say as follows:

ORAL EXAMINATION

I, Evelyn Nelson, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition~~s~~ on Oral Examination was taken down in writing by me in the words of the witness~~es~~ and read over to them and they signed the same in the presence of myself and John Chason at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness~~es~~ 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 9th day of July, 1945.

Evelyn Nelson (L. S.)

No. 1308 Page

THE STATE OF ALABAMA
Baldwin County

IN CIRCUIT COURT, IN EQUITY

W. C. Holmes
Complainant

Vs.

Certain Lands; Charles Kriewitz, et al
Respondents

ORAL DEPOSITION

Filed July, 9, 1945, Register

RECORDED IN Record

Vol. Page, Register

TESTIMONY OF W. C. HOLMES

My name is W. C. Holmes; I am the Complainant in the suit to quiet title filed in the Circuit Court of Baldwin County, Alabama, In Equity, being case No. 1308 which suit was filed by me on March 28, 1945 and in which suit the Southeast quarter of the Southwest quarter (SE¼ of SW¼) of Section Seven (7), Township Seven (7) South, Range Four (4) East in Baldwin County, Alabama; Charles Kriewitz and the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the above described land are Respondents. I am over the age of twenty-one years and a resident citizen of Baldwin County, Alabama residing at Foley. The Respondent, Charles Kriewitz, is over the age of twenty-one years and is a non-resident of the State of Alabama, his last known Post Office Address being 821 Green Avenue, Los Angeles, California; Clara Gerhard is over the age of twenty-one years and is a non-resident of the State of Alabama and her Post Office address is 580 Funston Avenue, San Francisco, California. I am in the actual, quiet, peaceable and adverse possession of the Southeast quarter of the Southwest quarter of Section Seven Township Seven South, Range Four East in Baldwin County, Alabama claiming to own the same in my own right in fee simple and using the same in every way that it is susceptible to use. No suit is pending to test my title to, interest in or right to possession of said land. I claim the entire fee simple title in and to said land having acquired the same by Deed from Fred N. Kerwin and wife by Deed dated February 22, 1937 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63, pages 129-30; Fred N. Kerwin acquired title to said land by inheritance as the only heir at law and next of kin of his father, Frank Kerwin, who died intestate in November, 1936; Frank Kerwin acquired title to said land by Tax Deed from the State of Alabama, said Deed being dated May 25, 1928 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 45, pages 49-50. Frank Kerwin assessed and paid taxes on said land from 1928 to 1937 inclusive and I have assessed and paid taxes

on said land every since 1937. No other person, firm or corporation has assessed or paid taxes on said land since 1928. Frank Kerwin went into the actual, quiet, peaceable, open, notorious, exclusive and adverse possession of the above described land on May 25, 1928 and he lived on this land, farmed a part of it and fenced a large part of it and used said land in every way that it was susceptible to use until he died in November, 1936. Immediately after his death Fred N. Kerwin who was his sole heir went into the actual possession of said land and used the same just as his father had until he conveyed said land to me on February 22, 1937. I have used said land and been in the actual possession of the same through tennant farmers every since I acquired title to the same except for a part of the time when I farmed this land by day labor. This land is known in the community where said land is situated as my land. I used due diligence in trying to learn the Post Office address of each of the Respondents and if either of them was dead, the names, ages and addresses of their heirs at law, devisees and grantees. I made inquiry in the neighborhood of said land as to any person who might claim any interest in the same.

W. C. Holmes

TESTIMONY OF W. E. COONEY

My name is ~~W. E. Cooney~~ Gus Schultz; I am 35 years of age and a resident of Foley, Alabama; I am personally acquainted with the Southeast quarter of the Southwest quarter of Section Seven, Township Seven South, Range Four East in Baldwin County, Alabama and have known this land for more than twenty years. This land is now under fence and it has been under fence practically all of the time that I have known it. There is a house located on said land and this house has been there for many years. Practically all of this land is being cultivated. I knew this property when it belonged to Frank Kerwin in 1928. He was in the actual, quiet and exclusive possession of this land, living on it and farming it and he assessed and paid taxes on it until his death in November, 1936. After the death of Frank Kerwin his son and only heir at law, Fred N. Kerwin, went into the actual, quiet and peaceable possession of said land and he also used said land in every way that it was susceptible to use and he assessed and paid taxes on the same during the time that he owned it. Fred N. Kerwin sold the above described lands to W. C. Holmes on February 22, 1937 and since that time W. C. Holmes has been in the quiet, actual, exclusive, peaceable and adverse possession of the same claiming to own the same in his own right in fee simple, farming said land both with day labor and by tennant farmer and using the property in every way that it was susceptible to use. The above described land is known in the community where said land is situated as being the property of W. C. Holmes. No person, firm or corporation other than Frank Kerwin, Fred N. Kerwin and W. C. Holmes have been in possession of said land or any part thereof since 1928.

Gus Schultz

Commission To Take Depositions.

Printed by The Baldwin Times, Bay Minette.

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO Evelyn Nelson

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 W. C. Holmes and ~~W. B. Cooney~~ Ida Schultz

as witnesses in behalf of Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein W. C. Holmes

is Complainant

and Certain Lands; Charles Kriewitz, et al

are Defendant, s

on oath to be by you administered, upon them

to take and certify the deposition s of the witness es and return the same to our Court, with all Convenient speed, under your hand.

Witness 9th day of July, 1945.

R. S. Dreck
REGISTER

Commissioner's Fee $

Witness' Fees, $

NO. 1308

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

W. C. Holmes

Complainant

VS.

Certain Lands; Charles Kriewitz, et al

Defendant S

Commission To Take Deposition

COMMISSIONER:

Witnesses:

8601. Motion for Decree Pro Confesso on Publication. MPCO

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

No. 1308 _____, Term, 19____

W. C. Holmes Complainant

Vs.

Certain Lands; Charles Kriewitz, et al Defendant s

Motion is hereby made for a Decree Pro Confesso against Charles Kriewitz, his unknown heirs at law, devisees and grantees Defendant s

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 9th day of July 19 45

746 Code Hybart Pearson Solicitor.

RECORDED

No. 1308 Page

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

W. C. Holmes,

Complainant

Vs.

Certain Lands; Charles Kriewitz, et al

Defendants

Motion for Decree Pro Confesso on Publication

Filed July 9, 19 45

Register.

Recorded in Record

Vol. Page

R. S. Duck

Register.

Moore Printing Co., Bay Minette, Ala.

MOTION FOR DECREE PRO CONFESSO AFTER NOTICE BY REGISTERED MAIL

W. C. HOLMES,	)	
COMPLAINANT	)	IN THE CIRCUIT COURT OF
	)	
VS.	)	BALDWIN COUNTY, ALABAMA
CERTAIN LANDS, CHARLES KRIEWITZ, ET AL	)	IN EQUITY
RESPONDENTS.	)	Case No. 1308

Motion is hereby made for a Decree Pro Confesso against Clara Gerhard, Defendant, in the above styled cause on the ground that a copy of the Summons and Bill of Complaint filed in this cause was sent to her by registered mail, postage prepaid marked "For delivery only to the person to whom addressed" and return receipt demanded, addressed to the Register of this Court which Summons and Complaint was so mailed by the Register on March 29, 1945, and was received on April 4, 1945, and the return receipt was filed by the Register in said cause on April 9, 1945; more than thirty days have elapsed since the return receipt was filed in said cause and the Defendant having failed to answer, plead or demur to the Bill of Complaint in this cause to the date hereof.

Dated this 9th day of July, 1945.

Hybart Pearson
Solicitors for Complainant

Motion for Decree Pro Confesso after Notice by Registered Mail.
No 1308

RECORDED

W. C. Holmes,
Complainant
vs
Certain Lands,
Charles Vrieurly et al
Respondents

In the Circuit Court
of Baldwin County, Ala
In Equity.

Filed July 9-1945

R. S. Peck
Register.

DECREE PRO CONFESSO OF PUBLICATION

MoorePtg Co

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1308 Term, 192

W. C. HOLMES Complainant

vs. CERTAIN LANDS, CHARLES KRIEWITZ, et al Defendant s

In this cause it appears to the Register R. S. Duck that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 29th day of March, 1945, 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 28th day of March 1945, and

And it now further appearing to the Register R. S. Duck, that the said Charles Kriewitz, his unknown heirs at law, devisees and grantees

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 R. S. Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Charles Kriewitz, his unknown heirs at law, devisees and grantees

This 9th day of July 1945

R. S. Duck Register.

RECORDED

No. 1308 Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

W. C. Holmes

Complainant

vs.

Certain Lands, Charles Kriewitz, et al

Respondents

DECREE PRO CONFESSO OF PUBLICATION

Issued July 9, 1945

Register.

Recorded in Record

Vol. Page

R. S. Dusch

Register.

Moore Printing Company, Bay Minette, Ala.

8602 Decree Pro Confesso After Notice By Registered Mail. MOORE PTG CO.-BAY MINETTE

W. C. HOLMES,
COMPLAINANT
vs.
CERTAIN LANDS, CHARLES KRIEWITZ, ET AL
RESPONDENTS

CIRCUIT COURT OF
Baldwin County.

IN EQUITY.

Case No. 1308

In this cause it being made to appear to the Register that on the 29th day of March 1945, a copy of the Bill of Complaint filed in this cause was sent to Clara Gerhard

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 9th day of July 1945, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged 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 Clara Gerhard Defendant

This the 9th day of July 1945.

R. S. Luck Register.

Acts 1915. Page 604.

8602 Decree Pro Confesso After Notice By Registered Mail. MOORE PTG CO.-BAY MINETTE

W. C. HOLMES, COMPLAINANT vs. CERTAIN LANDS, CHARLES KRIEWITZ, ET AL RESPONDENTS	CIRCUIT COURT OF Baldwin County. IN EQUITY. Case No. 1308

In this cause it being made to appear to the Register that on the 29th day of March 1945, a copy of the Bill of Complaint filed in this cause was sent to Clara Gerhard

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," and return receipt demanded addressed to the Register of this Court; and that on the 9th day of July 1945, such receipt was duly received and filed in this cause:

And it further appearing to the Register that the said Defendant has failed to plead, answer or demur to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered, adjudged 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 Clara Gerhard Defendant.

This the 9th day of July 1945.

R. S. Deuck Register.

Acts 1915. Page 604.

RECORDED

No. 1308

CIRCUIT COURT OF BALDWIN COUNTY, ALA.

In Equity.

W. C. Holmes

Complainant

vs.

Certain Lands; Charles Kriewitz, et al

Respondents

Decree Pro Confesso After Notice By Registered Mail.

Filed in office this 9th day of July, 1945

R. S. Quick, Register

Entered in O. B. ..... Page .....

MOORE PTG CO.

W. C. HOLMES COMPLAINANT VS. SOUTHEAST QUARTER OF SOUTHWEST QUARTER (SE¼ of SW¼) OF SECTION SEVEN (7) TOWNSHIP SEVEN (7) SOUTH, RANGE FOUR (4) EAST SITUATED IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND, RESPONDENTS.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY.

This cause coming on to be heard, was submitted for Final Decree upon the Summons and Bill of Complaint, together with Order of Publication, Notice, Affidavit of Publication, Certificate as to Publication, Decree Pro Confesso on Publication, Decree Pro Confesso after service by registered mail and the Testimony as noted by the Register, and it appearing to the Court that W. C. Holmes is in the actual, peaceable and adverse possession of the following described real estate situated in Baldwin County, Alabama, to-wit:- Southeast quarter of the Southwest quarter (SE¼ of SW¼), Section Seven (7), Township Seven (7) South, Range Four (4) East, being the same land heretofore described in the Caption of this Decree and against which this proceeding is brought, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

And it further appearing to the Court that no suit is pending to test Complainant's title to, interest in or right to possession of said land.

And it further appearing to the Court that all of the parties interested in said land together with the Respondents whose names are set forth in the Bill of Complaint have had due notice of these proceedings by publication for the length of time as prescribed by law and the rules of this court and by service by registered mail

on Clara Gerhard for the required length of time and the Court understanding the same is of the opinion that Complainant is entitled to the Relief prayed for in the Bill of Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Complainant is the owner in fee simple of the Southeast quarter of the Southwest quarter of Section 7, Township 7 South, Range 4 East and that no other person, firm or corporation has any title to, interest in, lien or incumbrance upon said land or any part thereof and especially is this true as to the Respondents whose names are set forth in the Caption of this Decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any claim, lien, title to, interest in or incumbrance upon the aforesaid land or any part thereof that Charles Kriewitz and the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard hold or claim to hold are a cloud upon the title of the Complainant in this cause as to the aforesaid land and that their title to, interest in, lien or incumbrance upon said land or any part thereof are hereby Decreed to be null and void and as such are removed as a cloud upon the title of the Complainant to the aforesaid land and said Respondents have no interest in, title to, lien or incumbrance upon the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a certified copy of this Decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama and that said Decree shall be indexed in the name of the Respondents named in said Caption on the Direct Indexes and on the Indirect Indexes in the name of W. C. Holmes and that such certified copy of this Decree be filed within thirty days from the rendition thereof in said Probate Court, by the Register of this Court, the cost of recording the same to be taxed as a part of the cost of this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said W. C. Holmes be and he hereby is taxed with the costs of this proceeding, for which execution may issue.

Dated at Monroeville, Alabama, this 10th day of July, 1945.

G. W. Hare
Judge.

1308

FINAL DECREE

W. C. HOLMES

COMPLAINANT

VS.

CERTAIN LANDS; CHARLES KRIEWITZ, ET AL

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED: 11 day of JULY, 1945

Register.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Charles Kriewitz and Clara Gerhard to appear and plead, answer or demur, within Thirty days from the services hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, in Bay Minette, Alabama, in which Bill of Complaint W. C. Holmes is the Complainant and Charles Kriewitz and Clara Gerhard are Respondents.

Witness my hand and seal on this the 28th day of March, 1945.

R. L. Deck
Register

W. C. HOLMES COMPLAINANT VS. SOUTHEAST QUARTER OF SOUTHWEST QUARTER (SE¼ of SW¼) OF SECTION SEVEN (7) TOWNSHIP SEVEN (7) SOUTH, RANGE FOUR (4) EAST SITUATED IN BALDWIN COUNTY, ALABAMA: CHARLES KRIEWITZ AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CHARLES KRIEWITZ AND CLARA GERHARD AND THE UNKNOWN HEIRS AT LAW, DEVISEES AND GRANTEES OF CLARA GERHARD AND ANY AND ALL PERSONS, FIRMS OR CORPORATIONS CLAIMING ANY INTEREST IN THE ABOVE DESCRIBED LAND, RESPONDENTS.	))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

Comes the Complainant, W. C. Holmes and brings this, his Bill of Complaint against the following described land situated in Baldwin County, Alabama to-wit:- The Southeast quarter of Southwest quarter (SE¼ of SW¼) of Section Seven (7) Township Seven (7) South, Range Four (4) East and against any and all persons, firms and corporations claiming any title to, interest in, lien or incumbrance upon said land or any part thereof and especially against Charles Kriewitz and the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard and the Complainant respectfully shows unto your honor as follows:-

FIRST:

That he is in the actual, quiet, peaceable and adverse possession of the land herein above described, claiming to own the same in his own right in fee simple and using the same in every way that it is susceptible to use.

SECOND:

That no suit is pending to test Complainant's title to, interest in or right to possession of said land.

THIRD:

Complainant further shows that he claims the entire fee simple title in and to said lands, having acquired the same by Deed from Fred N. Kerwin and wife by Deed dated February 22, 1937 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63 pages 129-30; that Fred N. Kerwin acquired title to said land by inheritance as the only heir at law and next of kin of his father, Frank Kerwin who died intestate in November, 1936; that Frank Kerwin acquired title to said land by tax deed from the State of Alabama to the said Frank Kerwin said deed being dated May 25, 1928 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 45 pages 49-50. Your Complainant further shows that Frank Kerwin assessed and paid taxes on said land from 1928 to 1937 inclusive and that your Complainant has assessed and paid taxes on said land ever since 1937; that no other person, firm or corporation has assessed or paid taxes on said

land since 1928. Your Complainant further shows unto your Honor that the said Frank Kerwin immediately on the execution of the Deed by the State of Alabama to him went into the open, notorious, exclusive and adverse possession of said land living thereon, fencing and farming the same and using said lands in every way that they were susceptible of and continued in such possession up until the time of his death which was on to-wit:- November, 1936; that immediately upon the death of the said Frank Kerwin, his son, Fred N. Kerwin and sole heir of the said Frank Kerwin who died intestate, went into the open, notorious and exclusive possession of said land using the same in every way that it was susceptible of and holding same adversely against the world and continued in such possession until he sold and conveyed the same to your Complainant which was on February 22, 1937; that your Complainant immediately on his purchase of said lands went into the open, notorious, exclusive and adverse possession of said land farming the same, both by day labor and by tennants using the same in every way that said land was susceptible of and has been in such possession every since he acquired the same; that said lands are recognized as his lands in the community in which they are located and they are the lands of Complainant.

FOURTH:

Complainant further shows that the title to said lands stands upon the records of the Probate Court of Baldwin County, Alabama in the name of your Complainant. Complainant further shows that he is over the age of 21 years and a resident citizen of Baldwin County, Alabama residing at Foley, Alabama; that the respondents are over the age of 21 years; that Charles Kriewitz is a non-resident of the State of Alabama and that his last known Post Office address was 821 Green Avenue, Los Angeles, California; that Clara Gerhard is a non-resident of the State of Alabama and that her last known Post Office address was 580 Funston Avenue, San Francisco, California; that if either or both of said respondents are dead the names, ages and addresses of their heirs at law, devisees or grantees, if any, are unknown to your Complainant. Complainant further shows unto your Honor that he has used due diligence in trying to ascertain the place of residence and Post Office address of these respondents; that your Complainant has made a diligent search and inquiry to ascertain whether or not either of said respondents are dead and if dead to ascertain the names and addresses of their heirs, devisees and grantees; that in this investigation and inquiry Complainant has had a record search made of the records of Baldwin County, Alabama and has made inquiry in the neighborhood of said lands as to the ownership of same and the names and residences of any and all persons who are or may be interested in the same or who claim any interest therein.

FIFTH:

Your Complainant further shows unto your honor that the parties above named as respondents, or their heirs, devisees or grantees are reputed to claim some right, title or interest in or incumbrance upon said land and your Complainant respectfully calls upon the parties named as respondents in this Bill of Complaint to set forth and specify their title, claim, interest or incumbrance upon the same and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS:

To the end, therefore, that equity may be had in the premises, Complainant prays that your Honor will cause the usual Writ of Process to issue to Charles Kriewitz and Clara Gerhard and to any and all other persons, firms or corporations claiming any

interest in, right or title to said land in the usual form and according to the practice of this court requiring them to plead, answer or demur to the same within the time required by law and the practice of this court; and that your Honor will also cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint against said lands as required by the laws of the State of Alabama authorizing the quieting of title by proceeding in Rem and that your Honor will also order that notice be given of the filing of this Bill of Complaint to Charles Kriewitz or his unknown heirs or devisees and to Clara Gerhard or the unknown heirs or devisees of Clara Gerhard by publication in some newspaper published in Baldwin County, Alabama making them party defendants to this Bill of Complaint and required them to plead, answer or demur to the same within the time required by law; that your Honor will cause notice to be given by registered mail to Charles Kriewitz and Clara Gerhard at their Post Office addresses as herein above set forth which notice together with a copy of the Bill of Complaint and with a summons to answer, plead or demur to such complaint within 30 days from the service thereof shall be issued and sent by the Register to such respondents by registered mail, postage prepaid, marked "for delivery only to the person to whom addressed" with returned receipt demanded addressed to the sending officer.

PRAYER FOR RELIEF:

Your Complainant further prays that on a hearing of this cause your Honor will establish Complaints, rights or title to said land and will decree that the Complainant is the owner of said land in fee simple and that no other person, firm or corporation has any title to, interest in or lien or incumbrance upon said land or any part thereof and especially as to Charles Kriewitz, the unknown heirs at law, devisees and grantees of Charles Kriewitz and Clara Gerhard and the unknown heirs at law, devisees and grantees of Clara Gerhard and any and all persons, firms or corporations claiming any interest in the above described land and that in said decree your Honor will cause a certified copy of the decree to be filed in the Probate office of Baldwin County, Alabama and to be recorded therein and that in said decree will direct in whose name it shall be indexed in the Direct and Indirect Indexes of the records thereof in said Probate office and Complainant further prays for such other, further, different and general relief as in equity may seem just and mete, and Complainant will ever pray, etc.

Herbert W. Chason
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY,

Before me, W. H. Hawkins, a Notary Public in and for said State and County personally appeared John Chason who is known to me and who after being duly and legally sworn doth depose and say:

That he is the Agent of, and one of the Attorneys for, the Complainant in the above styled cause and is therefore duly authorized to make this Affidavit; that the fact stated in the foregoing Bill of Complaint upon knowledge are true; that he is informed as to the facts stated upon information and belief as therein stated, and verily believes, and so states, that the same are true.

John Chason

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 28 day of March, 1945.

W. H. Hawkins
Notary Public, BALDWIN COUNTY, ALABAMA