

# CHANCERY EXECUTION

BILL OF COST

Elberta Farmers Club.

No. 1345

Vs.

Plaintiff

Baldwin County Colonization. Co. Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward	Dollars	Cents
Filing each bill and other papers.....	\$	10	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	8	15
Issuing each subpoena.....		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof.....		40	Each notice sent by mail to creditor	15	
Entering each return thereof.....		15	Filing, receipting for and docketing each claim, etc.	25	
For each order of publication.....	1.00	00	For all entries on subpoena docket, etc.	50	
Issuing writ of injunction.....	1.50		For all entries on commission docket, etc.	50	
For each copy thereof.....		50	Making final record, per 100 words ...	15	
Entering each return thereof.....		15	Certified copy of decree .....	1 00	
Issuing writ of attachment.....	1.00		Report of divorce to State Health Office .....	50	
Entering each return thereof.....		50	(Acts 1915)		
Docketing each case.....	1.00	00	Total Fees of Register .....	14.	60
Entering each appearance.....		25	FEES OF SHERIFF		
Issuing each decree pro confesso on per. ser.....	1.00	00	Serving and returning subpoena on deft .....	\$1	50
Issuing each decree pro confesso on publication.....	1.00		Serving and returning subpoena for witness .....	65	
Each order appointing guardian.....	1.00		Levying attachment.....	3 00	
Any other order by Register.....		50	Entering and returning same .....	25	
Issuing commission to take testimony.....		50	Selling property attached .....		
Receiving and filing.....		10	Impanelling Jury .....	75	
Endorsing each package.....		10	Executing writ of possession .....	2 50	
Entering order submitting cause.....		50	Collecting execution for costs .....	1 50	
Entering any other order of court.....		25	Serving and returning sci. fa., each... ..	65	
Noting all testimony.....		50	Serving and returning notice .....	65	
Abstract of cause, etc.....	1.00		Serving and returning writ of injunction .....	1 50	
Entering each decree.....		75	Serving and returning writ of exeat ... ..	1 50	
For every 100 words over 500.....		15	Taking and approving bonds, each ... ..	75	
Taking account, etc.....	3.00		Collecting money on execution .....		
Taking testimony, etc.....		15	Making deed .....	2 50	
Each report, 500 words or less.....		2.50	Serving and returning application, etc. ..	1 00	
For every 100 words over 500.....		15	Serving attachment, contempt of court .....	1 50	
Amount claimed less than \$500, etc.....		2.00	Total Fees of Sheriff .....		
Issuing each subpoena.....		25	RECAPITULATION	14	60
Witness certificate, each.....		25	Register's Fees .....		
Issuing execution, each.....		75	Sheriff's Fees .....	10.00	
Entering each return.....		15	Commissioner's Fees <sup>pat.</sup> .....		
Taking and approving bond, each.....	1.00		Solicitor's Fees .....		
Making copy of bill, etc.....		15	Witness Fees .....		
Each notice not otherwise provided for.....		50	Guardian Ad Litem .....		
Each certificate or affidavit, with seal.....		50	Printer's Fees .....	16	15
Each certificate or affidavit, no seal.....		25	Trial Tax .....	3	00
Hearing and passing on application, etc. ..	3.00		Recording Decree in Probate Court .....	2	50
Each settlement with receiver, etc. ....	3.00		Total .....	48	25
Examining each voucher of receiver, etc. ....		10			
Examining each answer, etc.....	3.00				
Recording resignation, etc.....		75			
Entering each certificate to Supreme Court.....		50			
Taking questions and answers, etc.....		25			
For all other ser. relating to such proceedings .....	1.00				
For services in proceeding to relieve minors, etc., same fees as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1 1-2 per ct; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all all over \$20,000, 1-4 of 1 per ct..		8 15			
Sub Total Carried Forward.....					

THE STATE OF ALABAMA, )

No. \_\_\_\_\_

Baldwin County. )

CIRCUIT COURT, IN EQUITY

TERM, 194\_\_\_\_\_

To any Sheriff of the State of Alabama—GREETINGS:

You are hereby commanded, That of the goods and chattels, lands and tenements of \_\_\_\_\_

\_\_\_\_\_ Defendant

you cause to be made the sum of \_\_\_\_\_ Dollars,

which \_\_\_\_\_ Plaintiff.....

recovered of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \_\_\_\_\_

\_\_\_\_\_ Dollars,

costs of suit, and have the same to render to the said \_\_\_\_\_

and make return of this Writ and the execution thereof, according to law.

Interest from \_\_\_\_\_ 194\_\_\_\_\_ to date of collection.

Witness my hand, this \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_\_.

\_\_\_\_\_, Register.

No. \_\_\_\_\_

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

vs.

CHANCERY EXECUTION  
Fi. Fa.

\$ \_\_\_\_\_

Total ..... \$ \_\_\_\_\_

Fee Book \_\_\_\_\_ Page \_\_\_\_\_

Execution Docket \_\_\_\_\_ Page \_\_\_\_\_

Complainant's Solicitor.

THE STATE OF ALABAMA,  
Baldwin County.

ha \_\_\_\_\_ duly waived \_\_\_\_\_ right  
to the exemption of personal property as to  
the collection of the debt for which this exe-  
cution is issued.

Register.

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 194\_\_\_\_\_.

Sheriff.

Execution Docket \_\_\_\_\_ Page \_\_\_\_\_

Baldwin Times—12-40-500

THE STATE OF ALABAMA,  
Baldwin County.

By virtue of the within execution I have levied \_\_\_\_\_

Vertical lines for recording details of the execution process.

ELBERTA FARMERS CLUB,  
a corporation,  
COMPLAINANT,

VS.

BALDWIN COUNTY COLONIZATION  
COMPANY, a corporation, and  
Lot 2, Block 3, Elberta, as  
per plat of record in the  
Map Book 1, page 21, et al,  
RESPONDENTS.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

TO HONORABLE R. S. DUCK, REGISTER OF THE CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA:

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

John P. Gottler, Elberta, Alabama

Albert Haupt, Elberta, Alabama

It is hereby requested that you give proper and legal notice  
and that Lillian Patterson be duly appointed as special commissioner to  
take the testimony of said witnesses, and that due and legal notice of  
said appointment be given as required by law.

Dated this the 6th day of August, 1945.

BEEBE & HALL

By: *J. H. Beebe*  
Solicitors for the Complainant.

Request for taking oral  
testimony and the affidavits  
of a Commissioner

Filed Aug 6, 1945  
Robert  
Regals

# The BALDWIN Times

ALABAMA'S BEST 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

Elberta's Farmers Club  
VS

Bld. Co. Colonization Co.

### COST STATEMENT

359 WORDS @ 4 1/2 cents ..... \$ 16.15

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

Ford Cook  
Publisher.

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

Date of 1st publication May 31, 1945 Vol. 56 No. 18

Date of 2nd publication June 7, 1945 Vol. 56 No. 19

Date of 3rd publication " 14, 1945 Vol. 56 No. 20

Date of 4th publication " 21, 1945 Vol. 56 No. 21

Subscribed and sworn before the undersigned this 4 day of Aug 1945

R. S. Duck  
Notary Public, Baldwin County.

Ford Cook  
Publisher.

### LES PENDENS NOTICE:

ELBERTA FARMERS CLUB, a corporation, Complainant,  
vs.  
BALDWIN COUNTY COLONIZATION COMPANY, a corporation, and LOT 2, BLOCK 3, Elberta, as per Plat of record in the Map Book 1, Page 21, et al, Respondents.  
In the County Court of BALDWIN COUNTY, ALABAMA  
In Equity

It having been made to appear in the above cause, by the affidavit of Hubert M. Hall, Solicitor for the Complainant, that the Baldwin County Colonization Company, a corporation, that it has no agent or representative in Baldwin County, Alabama, upon whom service can be affected:

That the complainant owns in fee simple the lands in Baldwin County, Alabama, described as follows:

Lot 2, Block 3 of Elberta, having required the same by conveyance from the State of Alabama, by deed dated January 31, 1945; that the title to the said land stands on the record of the Probate Court of Baldwin County, Alabama, the County in which said lands lie. In the name of Elberta Farmers Club; that no person is known to have paid taxes upon, or to have been in possession of said lands, or any part thereof, within 10 years next preceding the filing of this bill of complaint, except Elberta Farmers Club.

IT IS THEREFORE ORDERED, and notice is hereby given that said Respondent, Baldwin County Colonization Company, a corporation, its grantees, successors, or assigns or any other person, firm, or corporation, claiming any right, title to, interest in, or encumbrance upon said land herein described, or any part thereof, appear in this Court and plead, answer or demur to the bill of complaint in this cause filed on or before the 1st day of July, 1945, or upon their having failed to do so at the expiration of 30 days from said date, a decree pro confesso be taken against them.

IT IS FURTHER ORDERED that this order and notice be published in the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, once a week for 4 consecutive weeks.

IN WITNESS WHEREOF, I, R. S. Duck, Register, have hereunto set my hand and seal on this the 30th day of May, 1945.

R. S. DUCK, Register,  
Circuit Court, Baldwin County, Alabama.  
BEEBE & HALL,  
Solicitors for the Complainant.

**W. R. STUART**  
**PROBATE JUDGE**

No. 914 Bay Minette, Ala., June 2, 1945

Received of R. S. Duck

No.	Deed Tax		Mortgage Tax		Recording Fees		Total	
	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<u>Los Perdidos</u>					<u>1 25</u>		<u>1 25</u>	
<u>Alberta Farmers Club</u>								
<u>IS</u>								
<u>Bal. Co Colonization</u>								

FOR RECORD

TOTAL \$.....  
*W. R. Stuart*  
 Judge of Probate.

**W. R. STUART**  
**PROBATE JUDGE**

No. **1915**

Bay Minette, Ala., *Aug 14*, 194*5*

Received of *R. S. Duck*

No.		Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>Elberta Farmers Club</i>					<i>1</i>	<i>25</i>	<i>1</i>	<i>25</i>
	<i>US</i>								
	<i>Baldwin Co. Colony</i>								

FOR RECORD

TOTAL \$.....  
*WR Stuart*  
*Hut* Judge of Probate.

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 8 day of June, A. D. 1931, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Baldwin County Colonization Co. the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 8 day of July, 1931, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

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

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Twenty-six and No/100 (\$26.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by Elberta Farmer's Club to purchase said lands, and said sum of Twenty-six and No/100 (\$26.00) Dollars therefor has been paid into the State Treasury.

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

Lot 2, Block 3, Elberta,

STATE OF ALABAMA, BALDWIN COUNTY

Filed June 1, 1945 10:20 AM
Recorded book 91 page 132
and I certify that the following Privilege Tax has been paid.
Deed Tax 50
Mortgage Tax
By W.R. Stuart Judge of Probate

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Elberta Farmer's Club successors and its / heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 31 day of January, 1945
Approved Chauncey Sparks Governor
STATE LAND COMMISSIONER OF ALABAMA, By T. H. Hawley State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

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

Given under my hand this the 31 day of January, 1945
Mary Slade, Notary Public



132

THE STATE OF ALABAMA.

County.

1-31-45

Paed. Co. Colonization Co.

TO

Elberta Farmers Club.

5

DEED

THE STATE OF ALABAMA

OFFICE OF JUDGE OF PROBATE

I hereby certify that the within Deed was filed in this office for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and duly recorded in Book \_\_\_\_\_ of Deeds, page 132 and examined.

Judge of Probate.

BROWN PRINTING CO., MONTGOMERY, ALA. 1944

H. M. Hall

D. 50  
R. 85

THE STATE OF ALABAMA, }  
BALDWIN COUNTY

Circuit Court

To Lillian Patterson

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 John P. Gottler, and Albert Haupt

as witnesses in behalf of Elberta Farmers Club in a cause pending in our Circuit Court in Baldwin County, of said State, wherein Elberta Farmers Club

Complainant  
and Baldwin County Colonization Company

Respondent

on oath, to be by you administered, upon John P. Gottler, and Albert Haupt to take and certify the deposition<sup>S</sup> of the witness<sup>ES</sup> and return the same to our Court, with all convenient speed, under your hand.

Witness 8 day of August, 1945

Rodger  
Register

Commissioner's Fee, \$ \_\_\_\_\_

Witness' Fees, \$ \_\_\_\_\_

No. 1345

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

Complainant

VS.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

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*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

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*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

*[Faint, illegible text]*

ELBERTA FARMERS CLUB,  
a corporation,  
COMPLAINANT,

VS.

BALDWIN COUNTY COLONIZATION  
COMPANY, a corporation, and  
LOT 2, BLOCK 3, ELBERTA, as  
per plat of record in the  
May Book 1, page 21, et al,  
RESPONDENTS.

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

Notice is hereby given that the Complainant will on the 11th day  
of August, 1945, before Lillian Patterson as special commissioner, take the  
testimony orally of the following witnesses; on behalf of the Complainant:

John P. Gottler, Elberta, Alabama

Albert Haupt, Elberta, Alabama

Dated this the 6th day of August, 1945.

BEEBE & HALL

By: J. S. Lacey  
Solicitors for the Complainant.

Lillian Patterson  
Special Commissioner

1345-

Nature of time of taking  
testimony

Filed Aug 6. 1945-

Robert  
Regier

THE STATE OF ALABAMA,  
Baldwin County.

Circuit Court of Baldwin County, Alabama  
(In Equity)

ELBERTA FARMERS CLUB Complainant

VS.

BALDWIN COUNTY COLONIZATION COMPANY Respondent

I, Lillian Patterson  
as ~~Register and~~ Commissioner  
have called and caused to come before me John P. Gottler, and Albert Haupt

witnesses named in the Requirement for Oral Examination, on the 9th day of August,  
1945, at the office of Beebe & Hall  
in Bay Minette, Alabama, and having first sworn said Witnesses to speak the  
truth, the whole truth, and nothing but the truth, the said John P. Gottler, and  
Albert Haupt doth depose and say as follows:

My name is John P. Gottler. I live at Elberta in Baldwin County, Alabama. I am the President of the Elberta Farmers Club, a corporation, with its principal place of business at Elberta, in Baldwin County, Alabama. I have held such office during the past 9 years. The Elberta Farmers Club is a corporation duly organized and existing under the laws of the State of Alabama. The Baldwin County Colonization Company is a corporation, and for a number of years did business in Baldwin County, Alabama, where it owned large tracts of land and kept representatives here in the County at all times. The Baldwin Colonization Company several years ago, sold all or practically all property owned by it in Baldwin County, and has not since that time, kept an agent, or representative in this County upon whom service can be effected. I have made inquiry from those formerly associated with the corporation as to whom service could be perfected upon, and have been unable to find out. There is no agent in the County. The Elberta Farmers Club is the owner in fee simple and in the actual possession of the lands described in the bill of complaint in the cause, and being Lot 2, Block 3, Elberta, according to plat thereof, of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 21.

There is no suit pending to test the Complainant's title to, interest in, or its rights of possession to said land. The Complainant, the Elberta Farmers Club, obtained title to the said lot by purchase from the State of Alabama, by deed dated January 31, 1945; that the original deed is hereto attached and marked exhibit "A".

The title to the said land stands upon the record in the Probate Court of Baldwin County, Alabama, in the name of Elberta Farmers Club.

The land described in the bill of complaint was sold in the name of Baldwin County Colonization Company, by Tax Collector, to the State of Alabama, on July 8, 1931, for the taxes due for the year 1930. No taxes have been paid on the property since that time. No one has paid any taxes on the property other than the Elberta Farmers Club, since 1931. The records at the Court House have been searched and the only parties claiming any interest to the said lot are, The Elberta Farmers Club, a corporation, and Baldwin County Colonization Company, a corporation.

John P. Gottler

Albert Haupt, a witness for the Complainant, being first duly sworn, deposes and says:

My name is Albert Haupt. I am Treasurer of the Elberta Farmers Club, a corporation, the Complainant in this cause. I am acquainted with all the records of the Elberta Farmers Club.

I am also acquainted with the Lot described in the bill of complaint in this cause. The Lot is vacant, with no improvements thereon. The Baldwin County Colonization Company, at this time does not have a representative in this County. It is my information, obtained from inquiries of parties formerly connected with the Baldwin County Colonization Company, that it some years ago ceased doing business.

It has conducted no kind of business in this County for several years. It is my information, from old residents of Elberta, that the Lot in question was intended by the Corporation as a market place. The Elberta Farmers Club, a corporation, consists of many residents of Elberta and vicinity. The property involved is by the corporation, going to be used as a civic project, that is, it is planning to erect thereon, a Quick Freeze Plant, in fact, plans have already been drafted and a part of the material has been placed on the property. No one has for the past 25 years exercised any rights of actual occupancy, or possession of the said Lot, except the Elberta Farmers Club.

Albert Haupt

**ORAL EXAMINATION.**

I, Lillian Patterson, as ~~Register and~~ Commissioner hereby certify that the foregoing depositions on Oral Examination was taken down by me in writing in the words of the witnesses and read over to them and they signed the same in the presence of myself and H. M. Hall at the time and place herein mentioned; that I have personal knowledge of personal identity of said witnesses or had proom made before me of the identity of said witnesses; 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 August, 1945.

Lillian Patterson (L. S.)

NO. 1341 PAGE \_\_\_\_\_

THE STATE OF ALABAMA  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY.

vs. Complainant

Respondent.

**Oral Deposition**

Filed Aug 14, 1945  
R. S. Hall, Register.

Recorded in

Record

Vol. \_\_\_\_\_

Page \_\_\_\_\_

, Register.





1345-

Note of Preliminary

John Day 14-1945  
R. R. R.  
R. R. R.

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 1345 August Term, 1945.

Elberta Farmers Club.

Complainant.

vs. Baldwin County Colonization Co.

Defendant.

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

31<sup>st</sup> day of May, 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 30th day of

June, 1945, and

And it now further appearing to the Register R. S. Duck, that the said

Baldwin County Colonization Company

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

This 6th day of August 1945

[Signature] Register.

No. 1345 Page

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

Elberta Farmers Club.

vs.

Baldwin County Colonization Co.

DECREE PRO CONFESSO  
OF PUBLICATION

Issued Aug, 6th 1945

*R. Luck*

Register.

Recorded in Record

Vol. Page

Register.

*[Faint, illegible text from the reverse side of the page, including a large heading 'The State of Alabama' and various legal or administrative markings.]*

STATE OF ALABAMA,  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA- GREETINGS:

WE COMMAND YOU that you summon BALDWIN COUNTY COLONIZATION COMPANY, a corporation, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur, without oath, to a bill of complaint lately exhibited by Elberta Farmers Club, a corporation, against the said Baldwin County Colonization Company, a corporation, and further to do and perform what the said Judge shall order and direct in that behalf and this the Respondent shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 30 day of May, 1945.

  
Register

ELBERTA FARMERS CLUB,  
a corporation,  
COMPLAINANT,  
  
VS.  
  
BALDWIN COUNTY COLONIZATION  
COMPANY, a corporation, and  
LOT 2, BLOCK 3, Elberta, as  
per plat of record in the  
Map Book 1, page 21, et al,  
RESPONDENTS.

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

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes your Complainant, ELBERTA FARMERS CLUB, a corporation, and presents this its bill of complaint, against the following described lands in Baldwin County, Alabama, to-wit:

Lot 2, Block 3, Elberta, according to Plat thereof, of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 21, and against the Baldwin County Colonization Company, a corporation, its unknown grantees, successors, or assigns, separately and severally, and against any and all persons, firms, or corporations, claiming any title to, interest in, lien or encumbrance upon the said land, or any part or parcel thereof, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is a corporation duly organized and existing under the laws of the State of Alabama, with its principle place of business at Elberta, Alabama;

2. That the Respondent, Baldwin County Colonization Company is a corporation, and that it has no duly designated agent, or representative in Baldwin County, Alabama, upon whom service can be effected; that a diligent search and inquiry has been made to ascertain whether or not there is anyone as agent, or representative upon whom service can be perfected, and from all information obtainable there is none;

3. That the Complainant is the owner in fee simple and in the actual possession of the lands described herein, in Baldwin County, Alabama, to-wit:

Lot 2, Block 3, Elberta, according to Plat thereof, of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 21;

4. That no suit is pending to test the Complainant's title to, interest in, or his rights of possession to said lands;

5. That the Complainant obtained title to said lands by purchase from the State of Alabama, by deed dated January 31, 1945;

6. That the title to said lands claimed by the Complainant, stands upon the record in the Probate Court of Baldwin County, Alabama, in the name of Elberta Farmers Club;

7. That no one has at anytime within 10 years next preceding the filing of this bill of complaint, paid any taxes upon or had any possession of said lands, or any part thereof, except the Complainant, Elberta Farmers Club;

8. That the only persons, or corporations, known by your Complainant to claim said lands, or any part thereof, or any interest therein, are, Elberta Farmers Club, a corporation, and Baldwin County Colonization Company, a corporation.

WHEREFORE your Complainant prays that this Honorable Court will by proper process make the said Baldwin County Colonization Company, a corporation, it's unknown grantees, successors and assigns and any other person, firm, or corporation, claiming any right, title to, interest in, or encumbrance upon

said lands in Baldwin County, Alabama, to-wit:

Lot 2, Block 3, Elberta, according to Plat thereof, of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 21, or any part thereof, to be made parties Respondents to this bill of Complaint, and by appropriate process require them and each of them, separately and severally, to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title, free of encumbrance, to the said lands and to each and every part and parcel thereof, is vested in the Complainant, Elberta Farmers Club, a corporation, and that neither the Baldwin County Colonization Company, a corporation, nor its grantees, successors, or assigns, nor any other person, firm or corporation, has any right, title, interest in, or encumbrance upon said property, or any part thereof, and that any and all doubts and disputes concerning the same be cleared up.

Your Complainant prays for such other, further, different or general relief as in equity and good conscience shall seem mete and proper.

BEEBE & HALL

By: [Signature]  
Solicitors for the Complainant.

STATE OF ALABAMA,  
BALDWIN COUNTY.

Before me, the undersigned authority in and for said County in said State, personally appeared Hubert M. Hall, who is known to me and who having been by me first duly sworn, deposes and says that he is one of the Solicitors of record and agent of the Complainant in the above styled cause, and duly authorized to make this affidavit, and that the facts stated in the foregoing bill of complaint, from all information obtainable, are true and from such information obtained he verily believes and so states that the same are true.

[Signature]

Sworn to and subscribed before me on this the 30th day of May, 1945.

H. E. Smith  
Notary Public, Baldwin County, Alabama.

1845-

Freis May 30, 1945  
Richard  
Pfeiffer

RECORDED

Complaint

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once a week for 4 consecutive weeks.

IN WITNESS WHEREOF, I. R. S. Duck, Register, have hereunto set my hand and seal on this the 30th day of May, 1945.

*I. R. S. Duck*

Register, Circuit Court, Baldwin County, Alabama.

STATE OF ALABAMA, BALDWIN COUNTY

Filed *June 2, 1945* *112*

Recorded \_\_\_\_\_ book \_\_\_\_\_ page \_\_\_\_\_  
and I certify that the following Privilege Tax has been paid.

Deed Tax \_\_\_\_\_

Mortgage Tax \_\_\_\_\_

*W. R. Stuart*  
Judge of Probate

By *I. R. S. Duck*

BEEBE & HALL

Solicitors for the Complainant.

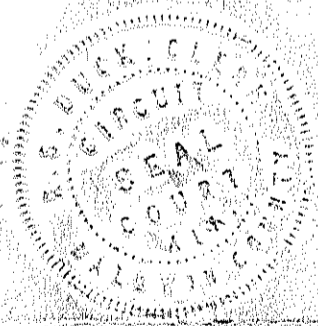
STATE OF ALABAMA,  
BALDWIN COUNTY.

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, hereby certify that the above is a full, true and correct and complete copy of the notice given by publication in the Baldwin Times, a newspaper published at Bay Minette, Alabama, in the cause of Elberta Farmers Club, a corporation, vs. Baldwin County Colonization Company, a corporation, et al, Respondents, and filed in the office of the Probate Judge of Baldwin County, Alabama, the County in which said lands lie, in accordance with the provisions of the statutes of the State of Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office on this the 30th day of May, 1945.

*I. R. S. Duck*

Register, Circuit Court, Baldwin County, Alabama.



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Elberta Farmers Club

To 11

Dald. Co. Colonization Co.

5-30-45

Lis P. 2.

P. 5-6

Filed May 30, 1945

R S Duck

R 125



ELBERTA FARMERS CLUB,  
a corporation,  
COMPLAINANT,

VS.

BALDWIN COUNTY COLONIZATION  
COMPANY, a corporation, and  
Lot 2, Block 3, Elberta, as  
per plat of record in the  
Map Book 1, page 21, et al,  
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 pleadings, decree pro confesso and proof as noted by the Register, and it appearing to the satisfaction of the Court that the Complainant is the owner of and in the actual and peaceable possession of the said land, and each and every parcel thereof, and that the title of the Complainant has been duly and justly proven by legal and competent evidence, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondent, Baldwin County Colonization Company, a corporation, and the unknown successors, and assigns of the Baldwin County Colonization Company, and any and all other persons, firms, or corporations claiming any title to, interest in, lien, or encumbrance upon said land, or any part or parcel thereof, have no estate, right, claim, interest in, or encumbrance upon the following described land, or any part or parcel thereof, in Baldwin County, Alabama, to-wit:

Lot 2, Block 3, Elberta, according to Plat thereof, of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 21.

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the full fee simple~~  
title to the said land to-wit:

Lot 2, Block 3, Elberta, according to Plat thereof, of record in the office of the Probate Judge of Baldwin County, Alabama, in May Book 1, page 21,

is vested absolutely in the Complainant, Elberta Farmers Club, a corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a certified copy of this decree be recorded in the office of the Judge of Probate of Baldwin County, Alabama, in the direct index in the name of Baldwin County Colonization Company, a corporation, and in the indirect index in the name of Elberta Farmers Club, a corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Register 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 and that the costs thereof be taxed in the costs of this cause.

IT IS FURTHER ORDERED that the Complainant pay the costs of this cause, for which execution may issue.

Done at Monroeville, Monroe County, Alabama, on this the 16<sup>th</sup> day of August, 1945.

*E. W. Lare*  
\_\_\_\_\_  
Judge, 21st Judicial Circuit