

**CIRCUIT COURT, BALDWIN COUNTY, ALA.
IN EQUITY**

No. *211 Alau Kaluh*

VS.

Henry J. Young PLAINTIFF
J. C. G. F. DEFENDANT

BILL OF COSTS

FEES OF REGISTER		Dollars	Cents	Brought Forward	
Filing each bill and other papers	\$ 10		40		\$4 10
Issuing each subpoena	50		100	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%.	
Issuing each copy thereof	40		80	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15		15	Each notice sent by mail to creditor ...	15
For each order of publication	1 00			Filing receipting for and docketing each claim, etc.	25
Issuing Writ of injunction	1 50			For all entries on subpoena docket, etc.	50
For each copy thereof	50			For all entries on commission docket, etc.	50
Entering each return thereof	15			Making final record, per 100 words	15
Issuing Writ of Attachment	1 00			Certified copy of decree	1 00
Entering each return thereof	15			Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00	100		TOTAL FEES OF REGISTER..	
Entering each appearance	25		25	FEES OF SHERIFF	
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena on deft. \$1 50	
Issuing each decree pro confesso on publica	1 00			Serving and returning subpoena for witness	65
Each order appointing guardian	1 00			Levying attachment	1 50
Any other order by Register	50			Entering and returning same	25
Issuing Commission to take testimony	50		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	400		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	
Witness certificate, each	25			Register's Fees	
Issuing execution, each	75			Sheriff's Fees	
Entering each return	15			Commissioner's Fees	
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	
Each certificate or affidavit, no seal	25			Trial Tax	3 00
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court	
Each settlement with Receiver, etc.	3 00			TOTAL	
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 fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward					14 10

211

ALCIS KRALIK,

Complainant,

vs.

HENRY J. YAMMY and
CATHERINE YAMMY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

NUMBER 211.

And now come the Respondents, separately and several-
ly, and demur to the original complaint in this cause, and for
ground thereof say:

FIRST:

There there is no equity in the bill.

Beebe & Hogg
Solicitors for the Respondents.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Henry J Yanny. and Cathrine Yanny.

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Alois Kralik.

against said Henry J Yanny and Catherine Yanny.

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 30th day of March. 1936

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

ALOIS KRALIK,

Complainant,

-vs-

HENRY J. YANNY and
CATHERINE YANNY,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. F. W. HANE, JUDGE OF SAID COURT:-

Your Orator, Alois Kralik, humbly complaining of the Defendants, Henry J. Yanny and Catherine Yanny, of a matter as will hereinafter appear, shows unto your Honor as follows:-

FIRST:

That both he and the said Defendants are over the age of twenty-one years, and residents of the state of Alabama.

SECOND:

Your Orator further shows unto your Honor that on the 5th day of March, 1932, the Defendant, Henry J. Yanny, borrowed from him the sum of Twelve Hundred Dollars (\$1200.00); that at that time the said Henry J. Yanny owned the following described real estate situated in Baldwin County, Alabama, which he intended executing a mortgage to your Orator upon:-

Lots Seventeen (17) and Eighteen (18), in Block Seventeen (17) of the second Addition to the townsite of Robertsdale, as per Plat recorded in Miscellaneous Book 1, page 56, Probate records of Baldwin County, less a strip fifty feet in width across the Northeast end of said lots, heretofore sold to C. A. Engstrom, by Deed recorded in Deed Book 33, N. S., pages 314-15, and also the Northeast quarter of Southwest quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-five (35), Township Five (5) South of Range Three (3) East of St. Stephens meridian.

Your Orator further shows unto your Honor that in the preparation of said mortgage which was given as security for said money so loaned to the said Henry J. Yanny, the scrivener preparing the mortgage made a mistake and conveyed therein the following described property:-

Lots No. Seventeen (17) and Eighteen (18), in Block Seventeen (17) of the Second Addition to the townsite of Robertsdale, as per Plat

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recorded in Miscellaneous Book No. 1, page 56 of the Probate Records of Baldwin County, less a strip fifty feet in width across the Northeast end of said lots heretofore sold to C. A. Engstrom, by deed recorded in Deed Book 33 N. S., pages 314-15; the Northeast quarter of Southwest quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty-five (25), Township Five (5) South of Range Three (3) East of St. Stephens Meridian.

And your Orator further shows unto your Honor that said Henry J. Yanny and his wife, Catherine Yanny, executed their Note, payable April 5th, 1933, together with said Mortgage as aforesaid, and delivered the same to your Orator, a copy of which Mortgage is hereto attached, marked Exhibit "A" and made a part of this Bill of Complaint.

THIRD:

Your orator further shows unto your Honor that it is only here recently that he discovered said mistake in the description of said property; that the said Henry J. Yanny owned no lands in the Northeast quarter of Southwest quarter of section Twenty-five in said Township and Range, but owned lands, as aforesaid, in the Northeast quarter of the Southwest quarter of section Thirty-five, Township 5 South of Range 3 East of St. Stephens Meridian. Your Orator further shows unto your Honor that the said Henry J. Yanny has never paid said Mortgage indebtedness, but is now in default, and that it is necessary that said Mortgage be corrected so as to include the property that the said Henry J. Yanny agreed and attempted to convey to your Orator as security for said indebtedness, and to secure and correct the amount of money due your Orator on said Mortgage indebtedness it is necessary that a foreclosure be had of said Mortgage when the same is corrected by your Honor.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your Orator prays that the usual writ of Process issue to the said Henry J. Yanny and Catherine Yanny, making them parties defendant to the same, and requiring them to plead, answer or demur within the time as allowed by law.

PRAYER FOR RELIEF.

(page two)

(page three)

Your orator prays that on a final hearing of this cause that your Honor will make an order correcting the description of the lands included in said mortgage so as to make the same carry out the intention of the parties, and that your Honor will order a reference to ascertain the balance due on said Mortgage as corrected, and, in the event that the said Henry J. Yanny fails to pay the same within such reasonable time as your Honor may direct, then your Honor will order the Register of this Court to proceed to sell the property involved in the corrected mortgage for the satisfaction of the same, together with the costs and Attorneys' fees involved in this proceedings. Your orator prays for such other, further, different and general relief as in equity may seem just and meet.

Attorneys for Complainant.

FOOT NOTE:-

Defendants are required to answer Paragraphs "first" to "third", inclusive, of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Attorneys for Complainant.

ALOIS KRALIK,

Complainant,

-vs-

HENRY J. YANNY and
CATHERINE YANNY,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

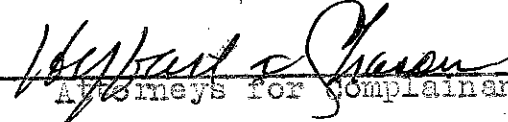
BALDWIN COUNTY.

LIS PENDENS NOTICE.

NOTICE IS HEREBY GIVEN that on this day a Bill of Complaint has been filed in the Circuit Court of Baldwin County, Alabama, in Equity, wherein Alois Kralik is Complainant, and Henry J. Yanny and Catherine Yanny are Defendants; the object and purpose of said Bill of Complaint is for the correction of the description of the lands in that certain Mortgage executed by Henry J. Yanny and his wife, Catherine Yanny, on the 5th day of March, 1932, to Alois Kralik, said Mortgage being recorded in Mortgage Book 53, pages 471-2 of the Probate Records of Baldwin County, Alabama. Said Bill prays for the aforesaid description to be corrected so as the Mortgage shall include the following described lands situated in Baldwin County, Alabama:-

Lots Seventeen (17) and Eighteen (18), in Block Seventeen (17) of the Second Addition to the townsite of Robertsdale, as per Plat recorded in Miscellaneous Book 1, page 56, Probate Records of Baldwin County, less a strip fifty feet in width across the Northeast end of said lots, heretofore sold to U. A. Engstrom by Deed recorded in Deed Book 33 N. S., pages 314-15, and also the Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Thirty-five (35), Township Five (5) South of Range Three (3) East of St. Stephens Meridian;

so that said Mortgage when corrected will be a lien upon the property last mentioned herein.


Attorneys for Complainant.

ALOIS KRALIK,

Complainant,

-vs-

HENRY J. YANNY and
CATHERINE YANNY,

Defendants.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF SAID COURT:-

Your Orator, Alois Kralik, humbly complaining of the Defendants, Henry J. Yanny and Catherine Yanny, of a matter as will hereinafter appear, shows unto your Honor as follows:-

FIRST:

That both he and the said Defendants are over the age of twenty-one years, and residents of the State of Alabama.

SECOND:

Your Orator further shows unto your Honor that on the 5th day of March, 1932, the Defendant, Henry J. Yanny, borrowed from him the sum of Twelve Hundred Dollars (\$1200.00); that at that time the said Henry J. Yanny owned the following described real estate situated in Baldwin County, Alabama, which he intended executing a mortgage to your Orator upon:-

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(page one)

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PRAYER FOR RELIEF.

(page two)

(page three)

Your Orator prays that on a final hearing of this cause that your Honor will make an order correcting the description of the lands included in said Mortgage so as to make the same carry out the intention of the parties, and that your Honor will order a reference to ascertain the balance due on said Mortgage as corrected, and, in the event that the said Henry J. Yanny fails to pay the same within such reasonable time as your Honor may direct, then your Honor will order the Register of this Court to proceed to sell the property involved in the corrected Mortgage for the satisfaction of the same, together with the costs and Attorneys' fees involved in this proceedings. Your Orator prays for such other, further, different and general relief as in equity may seem just and meet.

By Bart & Chason
Attorneys for Complainant.

FOOT NOTE:-

Defendants are required to answer Paragraphs "First" to "Third", inclusive, of the foregoing Bill of Complaint, but Answer under oath is hereby expressly waived.

By Bart & Chason
Attorneys for Complainant.

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INDEXED
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Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 211

S U M M O N S

ATOS KRALIK.

HENRY J YANNY AND

VS.

CATHERINE YANNY?

Hybart & Chason.

Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 31

day of March, 1936

W. H. Wilkins

SHERIFF

Executed this 31 day of

April 1936

by leaving a copy of the within Summons with

Henry J. Yanny

Catherine Yanny Defendant

W. H. Wilkins

Sheriff

By *Tommy Bayless*
Deputy Sheriff

RECORDED

Duck
6-358

DEMURRER.

ALOIS KRALKY,

Complainant,

VS.

HENRY J. YAHRY, and
CATHERINE YAHRY,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

NUMBER 211.

Filed April 27 1938

Robert S. Shivers
Registrar