(792)

Judge of Probate's Deed to Purchase at Tax Sale of Land Assessed by Owner. MOORE PTG CO.

THE STATE OF ALABAMA,
County of Baldwin.

Know All Men By These Presents; That, Whereas, the land hereinafter described was subject to taxation for the year 1922 and the Board of Revenue levied taxes thereon for county purposes for said year; and

Whereas, Said land was returned for taxation by Edward Rau for said year 1922, and

Whereas, The certificate of assessments was made in accordance with Section 18 of the Revenue Code 1923; and

Whereas, The Tax Collector entered in the Docket of Tax Causes the description of said land, and amount of taxes, fees and charges due thereon for said year and delivered said Docket to the Probate Judge; and reported, in accordance with Section 220 of the Revenue Code, 1923, that he was unable to collect said taxes without sale of said land; and

Whereas, The Probate Court at the April, 1923 Term, rendered decree ordering sale of said land for the payment of said taxes, fees, charges costs and expenses of sale; and

Whereas, The Tax Collector, in enforcement of said decree, gave thirty days notice by publication once a week for three successive weeks in the Baldwin Times, a newspaper regularly published in said County, and also by posting notice at the Court House of said County, at a public place in the precinct in which the land was situated, that he would sell said land on the 1st day of June, A.D., 1923, between 10 o'clock A. M. and 4 o'clock P. M., in front of said Court House, which notices described said land and stated the amount for which the Probate's Court's decree had been rendered against same, and that said taxes had been assessed to Edward Rau; and,

Whereas, The Tax Collector at said time, in front of said Court House door, did offer said land at public outcry, so that, as far as practicable, only such portion thereof was sold as was necessary to satisfy said decree, and did sell said land to I. J. Schiller who was the highest bidder, for $31.74, which covered the taxes, fees, charges, costs and expenses of sale, which amount he paid to said Tax Collector; and

Whereas, The Tax Collector did then deliver to said purchaser, in accordance with Section 235 of the Revenue Code 1923, a certificate of purchase, containing description of said land, showing the date the same had been assessed to Edward Rau for said year; and also showing the taxes due thereon, distinguishing the amount due the State and County, and for school purposes, and the fees and costs; and further showing the time for which said land was advertised, the date it was offered for sale, the name of the purchaser, and the price paid; and

Whereas, The time for redemption of said land has elapsed, and said Certificate of Purchase has been returned to the Probate Judge by I. J. Schiller the purchaser ~~(assignee thereof by endorsement which appears legally executed on said certificate;)~~

Now, Therefore, I W. D. Stapleton, as Probate Judge, in and for said County, in said State, under and by virtue of the provisions of Section 245 of the Revenue Code of Alabama of 1923, and in consideration of One Dollar, to me paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto I. J. Schiller all the right, title and interest of said Edward Rau and all the right, title, interest and claim of the said State and County on account of said taxes, or under said decree, in and to the following described land, to-wit:

S½ of SW¼ of Section 8, Township 6 South of Range 4 East,

situated in said County and State; **To Have and to Hold** the same, the said right, title and interest unto said I. J. Schiller heirs, assigns or successors forever; but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

In Testimony Whereof, I have hereunto set my hand and seal, this 30th day of March, A.D., 1926.

W. D. Stapleton
Judge of Probate, Baldwin County.

STATE OF ALABAMA,
BALDWIN COUNTY.

I, T. W. Richerson, Clerk of the Circuit Court, in and for said County, in said State, hereby certify that W. D. Stapleton, whose name is signed to the foregoing conveyance as Judge of Probate, and who is known to me, acknowledged before me on this day, that being informed of the contents of this conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand, this the 30th day of March, A.D., 1926.

T. W. Richerson
Clerk of the Circuit Court,
Baldwin County, Ala.

Summons—Original.

Moore Printing Co. :::: Bay Minette, Ala.

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 I J. Schiller, 4708 N. Western Ave, Chicago, Ill.

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 Frank Spiruta, Frank Trnka, Martha Trnka, and Frank Cermak,

against said I. J. Schiller,

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, T. W. Richerson, Register of said Circuit Court, this 24th day of January 1929.

T. W. Richerson Register

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

STATE OF ALABAMA,
BALDWIN COUNTY.

JUDGE OF PROBATE

To

TAX DEED

I hereby certify that the within Deed was filed in this office for record on the 19th day of Apr 1926 at 9 o'clock A M., and recorded in Deed Record, Vol. 39 Page 361 on the 20th day of Apr 1926

W. E. Stapleton
Judge of Probate, Baldwin County.

Moore Printing Co. Bay Minette

A H Ehlinger
Atty

4/27/26 9 am

Rec 50
Fee 1.00
Cert 1.00
2.50

STATE OF ALABAMA,
BALDWIN COUNTY. } I, W. D. STAPLETON, Judge of Probate, for said county, hereby certify that the following privilege tax has been paid on the within instrument as required by Acts 1923 p. 50

W. D. Stapleton
Judge of Probate.

Ley L. Hinote
Clerk.

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.....

SUMMONS

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vs.

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Solicitor for Complainant

Recorded in Vol.....Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this.....

day of.....192 ...

.....
Sheriff.

Executed this.....day of

..... 192...

by leaving a copy of the within Summons with

.....

.....
Defendant,

.....
Sheriff.

By.....
Deputy Sheriff.

Copy of Bill & Summons Issued & Mailed Deft Jan 24/1929.
T C Rieman
Register

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

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA, wife of Frank Trnka, and FRANK CERMAK,
Complainants,

-vs-

I. J. SCHILLER,
Respondent.

Comes the defendant, I. J. Schiller, and demurs to the original complaint filed in the above styled cause and assigns the following grounds separately and severally to the original bill and to each paragraph thereof:

That there is no equity in the said bill.

HENRY D. MOORER,
Attorney for defendant.

Non Resident

Affidavit

STATE OF ALABAMA)
COUNTY OF BALDWIN)

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA, WIFE OF FRANK TRNKA, AND FRANK CERMAK,
Complainant,

VS

I. J. SCHILLER,
Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY

Before me J. W. Luther, a Notary Public in and for Baldwin County, Alabama, personally appeared F. F. Nelson, known to me to be the attorney for the complainant in the above entitled cause of action, who being duly sworn, says on oath; that I. J. Schiller is a non-resident of the State of Alabama, and is a resident of Chicago, Post Office address, 4708 N. Western Ave., Cook County, Illinois, and further in the belief of the said affiance the defendant is over the age of twenty-one years of age, and that this is one of the cases made and provided where service of summons may be had, by publication as provided by law. Further affiance sayeth not.

F. F. Nelson
ATTORNEY FOR COMPLAINANT

Subscribed and sworn to before me this 26th day of January 1929.

James W. Luther
NOTARY PUBLIC, BALDWIN COUNTY

My Commission Expires Aug 16th 1930

2

RECORDED

Filed Jan 27/909
Thos Redmond
Register

Affidavit of
Non residence

3

Demurrer to Original Bill

RECORDED

Filed Mar 21/929
T W Rutherford
Register

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

Frank Spirita et al

vs.

I. J. Schiller

CIRCUIT COURT OF

COUNTY.

IN EQUITY.

I, T. W. Richmond, Register of said Court, do hereby certify that I did, on the 24th day of January 1929, send to I. J. Schiller Defendant whose address was 4708 W. Wilson Ave. Chicago, Ill, 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 30th day of Jan 1929.

Witness my hand, this 30 day of Jan 1929

T. W. Richmond

Acts 1915, Page 604. Register.

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

Frank Spirtta et al vs. I.J.Schiller,	CIRCUIT COURT OF Baldwin County. IN EQUITY.

In this cause it being made to appear to the Register that on the ..... day of ..... 192...., a copy of the Bill of Complaint filed in this cause was sent to ....I.J.Schiller.....

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 ..... day of ..... 192...., 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 .....I.J.Schiller..... Defendant....

This the ..7th.. day of ..October.. 192..9..

T. D. Reisman Register.

Acts 1915. Page 604.

No.

CIRCUIT COURT OF BALDWIN COUNTY, ALA.

In Equity.

Frank Spencer

vs.

A J Schuler

Decree Pro Confesso After Notice By Registered Mail.

Filed in office this 7th day of Oct, 192 7

D M Kimmer, Register

Entered in O. B. Page

MOORE PTG CO.

SUMMONS—ORIGINAL. MoorePtgCo.

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 I.J.Schiller,

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 AMENDED Bill of Complaint lately exhibited by

Frank Spiruta, et al.

against said

I.J.Schiller

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, T. W. Richerson, Register of said Circuit Court, this 27th day of March 1929.

T W Richerson Register.

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

by Amendment

SERVE ON.....

Circuit Court of Baldwin County
In Equity.

No.....

SUMMONS on amended Complaint

Frank Spiruta et als

RECORDED

vs.

I.J.Schiller,

Receive Copy on
Hon H D Merrill
Atty for Dept

Beebe & Hall,

Solicitor for Complainant

Recorded in Vol..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this Mar 27th

day of 192 9

..... Sheriff.

Executed this 28 day of

March 192 9

by leaving a copy of the within Summons with

Henry D. Merrill

..... Defendant.

C. Irwin

Sheriff.

By.....

Deputy Sheriff.

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA, and FRANK CERMAK, Complainants,	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
vs	IN EQUITY.
I. J. SCHILLER, Respondent.	No. 792.

This cause coming on to be heard is submitted for final decree on the pleadings and decree pro confesso as noted by the Register, and upon the consideration thereof the Court is of the opinion that the Complainants are entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Respondent, I. J. Schiller, has no claim, interest, right or title in or incumbrance upon the following described lands situated in Baldwin County, Alabama, to-wit:

> The West half of the Southeast quarter of the Southwest quarter of Section eight, Township six South, Range four East, Baldwin County, Alabama;
>
> The West half of the East half of the Southeast quarter of the Southwest quarter and the West half of the Southwest quarter of the Southwest quarter of Section eight, Township six South, Range four East, Baldwin County, Alabama;
>
> The East half of the East half of the Southeast quarter of the Southwest quarter and the East half of the Southwest quarter of the Southwest quarter of Section eight, Township six South, Range four East, Baldwin County, Alabama.

That the title to the West half of the Southeast quarter of the Southwest quarter of Section eight, Township six South, Range four East, Baldwin County, Alabama, is vested in the said Frank Spiruta as against the said I. J. Schiller.

That the title to the West half of the East half of the Southeast quarter of the Southwest quarter and the West half

of the Southwest quarter of the Southwest quarter of Section eight, Township six South, Range four East, Baldwin County, Alabama, is vested in Frank Trnka and Martha Trnka as against the said I. J. Schiller.

That the title to the East half of the East half of the Southeast quarter of the Southwest quarter and the East half of the Southwest quarter of the Southwest quarter of Section eight, Township six South, Range four East, Baldwin County, Alabama, is vested in the said Frank Cermak as against the said I. J. Schiller.

IT IS FURTHER ORDERED that the Register of this Court, within thirty days from the rendition of this decree, file a certified copy thereof in the office of the Judge of Probate of Baldwin County, Alabama, for record thereof and that the cost thereof be taxed in the cost of this cause.

IT IS FURTHER ORDERED that the Complainants pay the cost of this cause for which execution may issue.

Done at Monroeville, Alabama, on this the 11th day of October, 1929.

F. W. Stare
JUDGE OF THE 21ST JUDICIAL CIRCUIT.

REGISTERED MAIL

8600 Motion for Decree Pro Confesso on ~~Personal~~ Service. 3107 Code

The State of Alabama,
Baldwin County.

No. 792 CIRCUIT COURT IN EQUITY.

Frank Spiruta, Frank Trnka, Martha Trnka, Frank Cernak Complainant

vs.

I. J. Schiller Defendant

Motion is hereby made for a Decree Pro Confesso against ~~X~~ I. J. Schiller

Defendant

in the above stated cause, on the ground that more than thirty days have elapsed since service of summons upon said Defendant; and that said summons was duly served according to law by Registered mail, and that said Defendant has failed to demur, plead to or answer the Bill of Complaint in this cause to this date.

This 2nd day of October 1929

F. F. Nelson Solicitor.

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA AND FRANK CERMAK, Complainants	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
VS.	)	
I. J. SCHILLER, Respondents.	)	In Equity.

This cause is submitted on the motion of respondent to set aside and annul the decree rendered herein on the 11th., day of October, 1929, and filed with the Register on the 12th., day of October, 1929; and it appearing to the court that said decree was improvidently rendered in that no service of ~~the~~ a copy of the amended bill had been made on the respondent, so as to authorize a decree pro confesso or final decree;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said former decree rendered on the 11th., day of October, 1929, be and the same hereby is, set aside, annulled and held for naught.

Done at Monroeville, Alabama, this the 26th., day of October, 1929.

F. W. Hare
Judge.

No. ..... Page .....

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

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.....

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vs.

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MOTION FOR DECREE PRO CONFESSO ON PERSONAL SERVICE

Filed Oct 2nd 1929

T. M. Richerson

Register.

Recorded in ..... Record,

Vol. ..... Page .....

.....

Register.

Moore Printing Company, Bay Minette, Ala.

m

Filed Oct 28/19.
T. W Richmon
Register
Recorded on minutes

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA AND FRANK CERMAK, Complainants,	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.
vs	)	No. 792.
I. J. SCHILLER, Respondent.	)	

Comes the Respondent I. J. Schiller, moves Court to set aside the decree granted, being dated the eleventh day of October, 1929, and assigns the following grounds.

FIRST

That no copy of the amended bill was ever served upon the Respondent I. J. Schiller or his attorney of record.

SECOND

That the matter was being discussed for settlement between the parties, and that Respondent I. J. Schiller had no notice that the complainants would ask for a final decree.

Harry D [illegible]
Attorney for Respondent

We hereby accept service of motion to set aside final decree in above cause
This Oct 16, 1929
J J Nelson &
Beth [illegible]
Attys for Complts

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA AND FRANK CERMAK, Complainants,	)	IN THE CIRCUIT COURT OF
vs	)	BALDWIN COUNTY, ALABAMA.
	)	IN EQUITY.
I. J. SCHILLER, Respondent.	)	No. 792.

Comes I. J. Schiller the respondent named in the above styled cause, and file this as his answer to the original bill as amended.

For answer to the paragraph numbered (First) he denies each and every alligation contained in said paragraph except that portion which relates to the respondent I. J. Schiller, which he admits for answer to the second paragraph of the complainant. The respondent I. J. Schiller denies that said Frank Spiruta is in the quiet and peaceful possession of the following lands:

> The West half of the Southeast quarter of the Southwest quarter of Section eight, Township six South, Range four East;

The Respondent I. J. Schiller denies that Frank Trnka, and Martha Trnka are in the quiet and peaceful possession of the following described lands:

> The West half of the East half of the Southeast quarter of the Southwest quarter, and the West half of the Southwest quarter of the Southwest quarter, all being in Section eight, Township six South, Range four East:

The Respondent denies that Frank Cermak is in the quiet and peaceful possession of certain lands of Baldwin County, Alabama described as follows:

> The East half of the East half of the Southeast quarter of the Southwest quarter, and the East half of the Southwest quarter of the Southwest quarter, all being in Section eight, Township six South, Range four East:
>
> All of said lands being in Baldwin County, Ala.

For answer to third paragraph of the complainant as amended the respondent I. J. Schiller admits that he claims all the property above described, and that

he holds the title thereto by virtue of Tax Sale by the Tax Collector of Baldwin County, Alabama on the first day of June, 1923 and by deed from W. D. Stapleton as Probate Judge of Baldwin County, Alabama, dated March 30, 1926, and recorded in office of Judge of Probate, Baldwin County, Ala., April 19, 1926. Deed record #39 NS, page 361, which said deed conveyed entire south ½ of southwest quarter of Section 8, Township 6 South Range 4 East, Baldwin County, Alabama.

For answer to fourth paragraph of complainant, respondent I. J. Schiller neither admits nor denies alligation contained therein, but it is the information of the respondent I. J. Schiller that the said complainants attempted to acquire title to the property as described in the original bill as amended from Edward Raue further states that at the time the attempted purchase was made the respondent I. J. Schiller held a title to all of the property reported to be on by the complainants named herein.

Attorney for Respondent.

NOTICE TO NON-RESIDENT. Moore Ptg. Co—Bay Minette.

Frank Spiruta, Frank Trnka, Martha Trnka, wife of Frank Trnka, and Frank Cermak,
No. 792. Complainants.

vs.

I. J. Schiller,

The State of Alabama,
Baldwin County.
Circuit Court, in Equity.
This the 31st day of January, 192 9.

In this cause it being made to appear to the Clerk of this Court by the affidavit of Hon. F. F. Nelson, Atty for Complainants,

that the Defendant I. J. Schiller,

is a non-resident of the State of Alabama and resides at 4708 N. Western Ave Chicago, Ill.

and further, that, in the belief of said Affiant the Defendant is over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin County News, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said I. J. Schiller,

to answer or demur to the Bill of Complaint in this cause by the 1st day of March 192 .., or after thirty days therefrom a decree Pro Confesso may be taken against the said I. J. Schiller.

T. W. Richerson
Register.

Hon. F. F. Nelson
Atty for Complainant's.

(4 Times)

FRANK SPIRUTA, FRANK TRNKA, MARTHA TRNKA AND FRANK CERMAK, Complainants,	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.
vs	IN EQUITY.
I. J. SCHILLER, Respondent.	No. 792.

Comes the Complainants in the above styled cause and by leave of the court having first been obtained, amends their bill of complaint heretofore filed in this cause so that the same shall read as follows:

Comes your Complainants, Frank Spiruta, Frank Trnka, Martha Trnka, and Frank Cermak, and humbly complaining against I. J. Schiller, respectfully shows unto your Honor as follows:

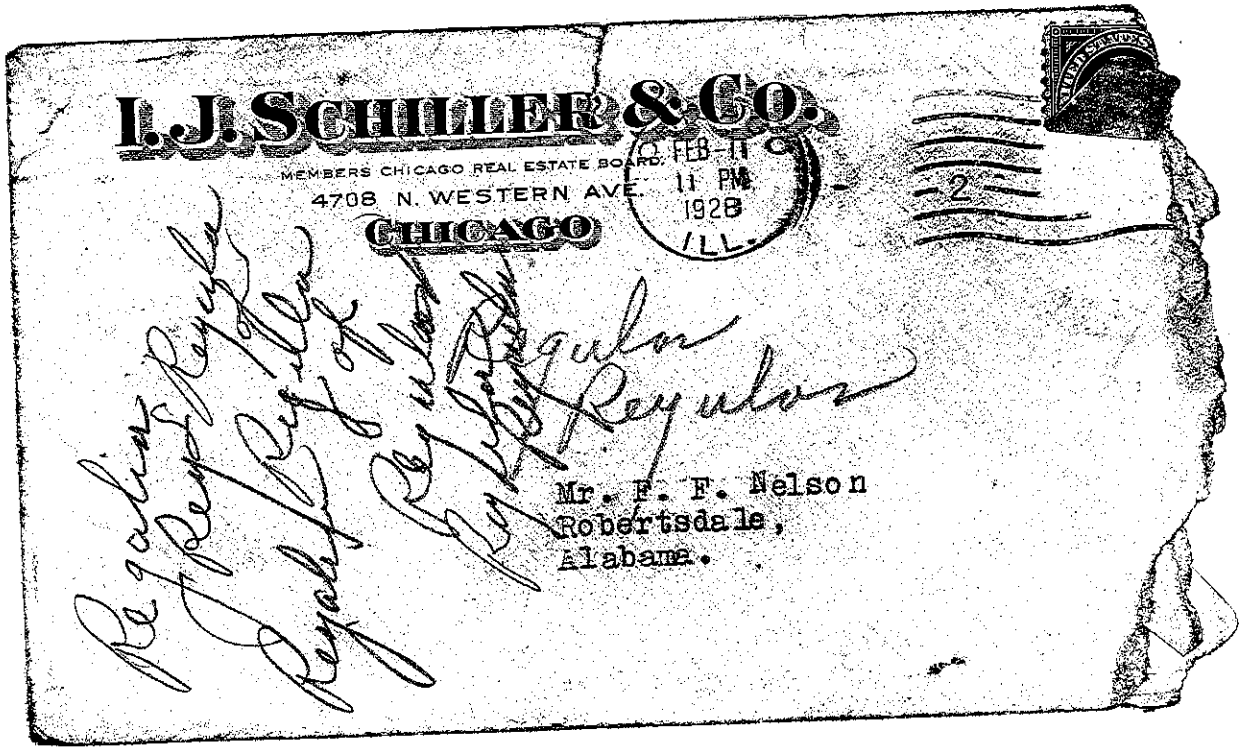
FIRST:

That your Complainant Frank Spiruta is a resident of Baldwin County, Alabama, over the age of twenty-one years; that Frank Trnka, Martha Trnka and Frank Cermak are non-residents of the State of Alabama, being residents of the County of Cook, State of Illinois, and each over the age of twenty-one years; that the respondent, I. J. Schiller, is a non-resident of the State of Alabama, his Post Office address being 4708 N. Western Avenue, Chicago, Illinois; that the Respondent is over the age of twenty-one years.

SECOND:

That your Complainant Frank Spiruta is in the quiet and peaceable possession of certain lands in Baldwin County, Alabama, ever claiming to own the same, that said lands are described as follows, to-wit:

The West half of the Southeast quarter of the Southwest quarter of Section eight, Township six South, Range four East;



I. J. SCHILLER & CO.

MEMBERS CHICAGO REAL ESTATE BOARD

4708 N. WESTERN AVE.

CHICAGO

FEB 11 11 PM 1928 ILL.

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Mr. F. F. Nelson
Robertsdale,
Alabama.

That your Complainants Frank Trnka and Martha Trnka are in the quiet and peaceable possession of certain lands in Baldwin County, Alabama, ever claiming to own the same, said lands being described as follows:

The West half of the East half of the Southeast quarter of the Southwest quarter, and the West half of the Southwest quarter of the Southwest quarter, all being in Section eight, Township six South, Range four East;

That your Complainant Frank Cermak is in the quiet and peaceable possession of certain lands in Baldwin County, Alabama, ever claiming to own the same, said lands being described as follows, to-wit:

The East half of the East half of the Southeast quarter of the Southwest quarter, and the East half of the Southwest quarter of the Southwest quarter, all being in Section eight, Township six South, Range four East;

That said lands herein described comprise the entire South half of the Southwest quarter of said Section eight, Township six South, Range four East, in Baldwin County, Alabama.

THIRD:

Complainants further allege that the respondent, I. J. Schiller claims, or is reputed to claim, some right, title or interest in or encumbrance upon each of the said parcels of land herein described; that no suit is pending to question or test the validity of such claim, right, title or encumbrance of the said respondent, and the complainants therefore call upon the respondent to set forth and specify his claim, right, title or interest in or encumbrance upon said lands and each parcel thereof, and to show how and by what instrument the same is derived or created.

FOURTH:

Your complainants further allege that they each hold title to the [illegible] parcels of land [illegible] herein to [illegible] by them [illegible] under a common source of title, to-wit, [illegible]

owned the entire South half of the Southwest quarter of said Section eight, Township six South, Range four East; that the said reputed claim of the respondent I. J. Schiller, affects each of the said several parcels of land owned by the respective complainants

PRAYER FOR PROCESS.

Wherefore the premises considered your complainants pray that your Honor will take jurisdiction of the cause made by this bill of complaint and by appropriate process make the said I. J. Schiller respondent to the bill of complaint and require him 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.

PRAYER.

Complainants further pray that upon the hearing of this cause this Honorable court will establish the title of each of the complainants in and to the respective lands owned by each herein described and further find and decree that the Defendant herein named has no claim, right, title or interest in or encumbrance upon the said parcels of land herein described or either of them, or any part thereof, and grant unto your complainants such other, further or different relief as they may be in equity and good conscience entitled to receive and as in duty bound your Complainants will ever pray.

F. F. Nelson and

Beebe & Hall

Solicitors for Complainants.

FOOT NOTE:

The Defendant is required to answer each and every paragraph of the foregoing bill of complaint numbered first to fourth, inclusive, but not under oath, oath being hereby

expressly waived.

F. F. Nelson Esq

Beebe & Hall

Solicitors for Complainants.

STATE OF ALABAMA)
COUNTY OF BALDWIN)

In the Circuit Court of Baldwin County,
In Equity.

Frank Spiruta, Frank Trnka, Martha Trnka, wife of Frank Trnka, and Frank Cermak,
Complainants,

vs.

I. J. Schiller,
Respondent.

BILL IN EQUITY TO QUIET AND DETERMINE TITLE.

To the Honorable Frances M. Hare, Judge of the Circuit Court Baldwin County.

Comes now your complainants, Frank Spiruta, Frank Trnka, Martha Trnka, wife of Frank Trnka, and Frank Cermak, and show to your Honor that Frank Spiruta is a resident of the County of Baldwin and State of Alabama; that Frank Trnka and Martha Trnka, wife of Frank Trnka, are residents of the County of Cook and State of Illinois; that Frank Cermak is a resident of the County of Cook and State of Illinois; that I. J. Schiller is a non-resident of Alabama and resident of the State of Illinois, the City of Chicago at 4708 N Western Ave. and County of Cook; that they and each of them, as complainants in the above entitled cause of action, are over the age of twenty-one (21) years.

2. Your complainants further allege that they and each of them are the owners and in possession of the South one-half (½) of the Southwest Quarter (1/4) of Section Eight (8), Township Six (6) South, Range Four (4) East, and own it proportionally as follows: That Frank Spiruta, one of yourcomplainants, shows to your Honor that he is the owner and in posession of the West half (½) of the Southeast Quarter (1/4) of the Southwest Quarter (1/4) of Section Eight (8), Township Six (6) South, Range Four (4) East, and that he (Frank Spiruta) is the owner of the above described twenty (20) acres in the South Half (½) of the Southwest Quarter (1/4) of Section Eigh (8), Township Six (6) South, Range Four (4) East; that Frank Trnka and Martha Trnka, his wife, your complainants, show to your Honor that they are the owners and in possession of a

one-half (½) undivided interest in the West Half (½) of the East Half (½) of the Southeast Quarter (1/4) of the Southwest Quarter (1/4) in Section Eight (8), Township Six (6) South, Range Four (4) East, and West One-half (½) of the Southwest One-fourth (¼) the above described property is a part of the South Half (½) of the Southwest Quarter (¼) of Section Eight (8), Township Six (6) South, Range Four (4) East; that Frank Cermak, one of your complainants, shows to your Honor that he is the owner and in p ossession of one-half (½) undivided interest in and to the East Half (½) of the East Half (½) of the Southwest Quarter (1/4) of the Southwest Quarter (¼) of the Southwest Quarter (¼) of Section Eight (8), Township Six (6) South, Range Four(4) East; also the East Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼) of Section Eight (8), Township Six (6) South, Range Four (4) East, the above described property comprising Thirty (30) Acres and being a part of the South Half (½) of the Southwest Quarter (¼) of Section Eight (8), Township Six (6) South, Range Four (4) East.

3. That your complainants bought of one Edward Rau and his wife, Emily Rau, as set forth and desceibed in the above and foregoing part of the bill, the South Half (½) of the South-West Quarter (¼) of Section Eight (8), Township Six (6) South, Range Four (4) East, in the year 1922, and conveyed to them by Warranty Deed dated May 18, 1922; that since that time they said each of them have been and are now in possession of the property described as aforesaid; that they and each of them have paid the taxes on said property and have derived the benifit therefrom since the year 1922.

4. That the taxes on said above described South Half (½) of the Southwest Quarter (¼) of Section (8), Township Six (6) South, Range Four (4) East, were assessed some time between the first day of October, 1921, and the 15th day of December, 1921,

to Edward Rau; that in the year 1922, your complainants, and each of them, either in person or by his or her agent, went to the Court House in Bay Minette, Alabama, which is the County Seat of Baldwin County, and requested the Tax Collector to permit them to pay the taxes, if any were due, on the above and foregoing described priperty, and that they and each of them were informed that the taxes on the property they owned would not be due and payable until the year 1923, on and after the first of October; and that some time during the year 1923, to be more specific on the first day of June, 1923, said property was sold under a tax sale to one I. J. Schiller.

5. That the said complainants were never informed of said sale, and were never notified that a sale was being held against their said property; that no service of notice of any taxes was ever received by them, and that, relying upon the statement made to the complainants herein by the Tax Collector of Baldwin County, for the year 1922, together with the failure of anynotification of said sale of land, and further that no notice was had or given to the owners of the said property of any cause docketed by the County Judge of Baldwin County, that said land would be entered upon the Tax Docket, or that a decree would be rendered in the Probate Court of Baldwin County at the April Term, ordering said land to be sold, for the payment of taxes, and that the above and foregoing complainants were without any knowledge of said action on the part of the Tax Collector or the County Judge, either or both of them, in regard to the sale of the above desxribed property, and that the property then being docketed on the Tax Docket was in the name of one Edward Rau, and that said property was sold and the Tax Certificate bought in by one I. J. Schiller, for the sum of $31.74, which covered the tax, fees, charges, costs and expenses of sale, and that previous to the time of granting a Tax Deed to the said I. J. Schiller, the complainants herein accidentally found that I. J. Schiller had a Tax Certificate against their said property, and that immediately your said complainants offered to pay to the said I. J. Schiller the

amount of said taxes on the above described property and interest thereon for the time that said delinquent taxes had then been permitted to run; that the said I. J. Schiller refused to accept the said money for the taxes above set forth; and that on or about the 30th day of March, 1926, thethen Honorable W. D. Stapleton, Judge of the Probate Court of Baldwin County, Alabama, made a purported conveyance to one I. J. Schiller, and that the said complainants now stnad ready and have stood ready since it came to their knowledge that said I. J. Schiller had some claim against their said property, to pay said maney, the exact amount of which is to your complainants unknown; however, your complainants offer to pay into the Court the taxes for the year 1922, together with all the charges of sale, interest and costs, together with the interest as allowed by law under the law of the State of Alabama, to redeem or tocause said purported tax deed to be cancelled and held for naught.

Wherefore, the premises considered, your complainants and each of them pray that your Honor will enter a decree setting forth the amount of taxes, charges, costs and the interest thereon, on the money expended by said respondent herein, and order said purported tax deed to be held for naught, and that the cloud of title now hanging over their property be removed.

Your complainants pray that your Honor grant to them all appropriate legal process; that the same be directed to the said I. J. Schiller, respondent, commanding him to personally appear before the Honorable Court within the time required by law, and then and there to answer fully and complete the several paragraphs of this Bill of Complaint, and that he be required to abide by and obey all orders and decrees of this Court which to your Honor may seem and proper; and you complainants will ever pray.

Your complainants further pray that you cause publication to be made for the time and in the manner required by law to the respondent, commanding him within the time specified and required by law, and by the order of publication, to appear in this Court

and to demur, plead or answer the Bill of Complaint in this cause against him.

F. F. Nelson
ATTORNEY FOR COMPLAINANT

The respondent is hereby required to answer each and every paragraph of this Complaint from One to Five inclusive, but not under oath, oath to answer being expressly waived.

F. F. Nelson
ATTORNEY FOR COMPLAINANT