

680

The State of Alabama, }
Baldwin County

CIRCUIT COURT.

To Miss Leona Torrey, Cullman, Alabama,

KNOW YE, That we, having full faith in your prudence and competency, have appointed you Commission-
er, and by these presents do authorize you, at such time and place as you may appoint, to call before you and
examine Emma A. Burkhart, Albert Burkhart, and Asa B. Fuller,
all of whom reside in Cullman Ala,

as witnesses in behalf of Complainant, in a cause pending in our Circuit
Court of County, of said State, wherein

Emma A. Burkhart,

is Complainant

and

Fritz Beck et al,

are Defendant,S

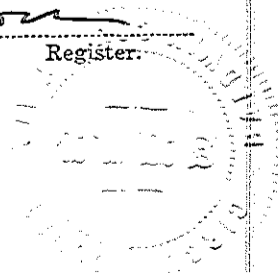
on oath to be by you administered, upon ~~interrogatories~~ oral examination,
to take and certify the deposition of the witness and return the same to our Court, with all convenient
speed, under your hand.

Witness my 29th day of August 1927.

D. W. Beckman
Register.

Commissioners Fee \$.....

Witness Fee's \$.....



(Hall)

No.

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT.

Emma Burkhardt.

Complainant.....

vs.

Fritz Beck et al.

Defendant.....

Aug 29

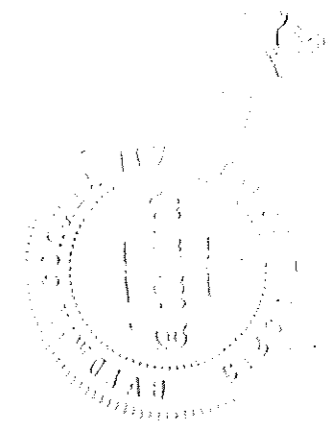
COMMISSION TO TAKE DEPOSITION
ON ~~INTERROGATORIES~~ Oral
examination.

COMMISSIONER:

Miss Leona Torrey,
Cullman, Alabama.

WITNESSES:

Emma Burkhardt.
Albert Burkhardt.
Asa B. Fuller.



F. E. ST. JOHN
ATTORNEY AT LAW
202-3-4 NEW LEETH BUILDING
PHONE 194
CULLMAN, ALABAMA

August 27, 1927.

Hon. T. W. Richerson, Register,
Bay Minette, Alabama.

Dear Sir:

I am sending you an application and order for the oral examination of witnesses in the case of Emma A. Burkart vs. Beck, Et Al. I wish you would sign the order and issue a commission to Miss Leona Torrey to take the deposition of the witnesses and mail same to me at Cullman, Alabama.

Thanking you in advance, I am

Yours very truly,

F. E. St. John

STJ:LT

Emma A. Burkart,)	IN THE CIRCUIT COURT OF
Complainant,	(BALDWIN COUNTY, ALABAMA,
vs.)	IN EQUITY.
Fritz Beck, Et Al.,	(No. _____
Respondents.)	

In this cause it is made to appear to the Register by affidavit on file of F. E. St. John, the solicitor of complainant, that the respondents, Fritz Beck, Gus Portovan, Lorena Valisori, Mary Moton, Russell Bullman, Mary Fletcher, Porterman, Victoria Fletcher Crebs, Virginia Fletcher, Conde Fletcher, Mike Fletcher, Mrs. Silas Powell, Fred Beck, Frances Codina, Johnny Fletcher, Mrs. Bill Ankerson, Elizabeth Selirio, Angelo Selirio, Josie Villar, Bella Villar, Missouri Bullman, Willie Mabry, Willie Hunter, Charles Villar, Artemus Villar alias Artemus Billard, Martin F. Villar; and the unknown heirs of Bella Smith Portovan, deceased, Martin Villar, Jr., deceased, Alice Hunter Mabry, deceased, Bella Hunter, deceased, Victoria Villar Hunter, deceased, Victorine Villar Beck, deceased, Missouri Carter, deceased, Artemus Villar, deceased, Gus Villar, deceased, Phillipia Villar, deceased, Frank Kee, deceased, William Kee, deceased, Isabella Villar, deceased, Carmaleta Perrenot, deceased, and John Kee, deceased, are non-residents of the State of Alabama, and that the places of residence and addresses of those alleged in the bill as being residents of the State of Alabama are unknown; and that the places of residence and addresses of all other respondents are unknown, and after diligent inquiry the complainant has been unable to ascertain the same. And further, that in the belief of said affiant the said respondents are each over the age of twenty-one years.

Now, therefore, this is to notify all of said above named respondents that the complainant, Emma A. Burkart, did on the 6 day of June, 1927, file her bill of complaint in

the circuit court of Baldwin County, Alabama, in equity,
against all of said above named respondents and against the
lands hereinafter described, to-wit:

All that part of the William Kee Spanish Grant
being Sections Twelve (12) Township Nine (9), South,
and Section Thirty-six (36) of Township Eight (8)
South, all in Range Five (5) East of the St. Stephens
Meridian, Alabama, containing 567.17 acres, as shown
by the Township Plats approved April 4th, 1832, and
March 12th, 1832, respectively, being Claim No. 42 of
Report No. 1 American State Papers Vol. 3, page 293,
described as follows:

Commencing at a point corresponding with the
northeast corner of Northwest Qr. of Section Two (2),
regular survey, Township Nine (9) South, Range Five
(5) East, and running west $4\frac{1}{2}^{\circ}$ S. two (2) chains and
fifty-five (55) links for beginning corner, said be-
ginning corner being more particularly described as
being at the intersection of the township line between
Townships Eight (8) and Nine (9) South, and the east
line of the said William Kee Grant, thence south 10°
east 30 chains 90 links, more or less, along the east
line of said William Kee Grant, to the north side of
Bay Onocor or South Bay, thence along the shore of
said Bay with its meanders to the west line of said
regular Section Two (2), thence north $4\frac{1}{2}^{\circ}$ West, along
the west line of said regular Section Twp (2), 29
chains 18 links, more or less, to the south line of
Bay La Launch, thence eastwardly along the shore of
said Bay with its meanders to the township line be-
tween Townships Eight (8) and Nine (9) South, thence
east $4\frac{1}{2}^{\circ}$ north, with said township line, 31 chains
and 11 links, more or less, to the place of beginning,
containing 132.91 acres, more or less, being the lands
known as the G. W. Johnson lands,

to establish her right or title to such lands, or interest in
the same, and to clear up all doubts or disputes concerning
the same and to declare that the said respondents have no
interest or title in or to said lands, or any lien or incum-
brance thereon, and that the complainant claims the legal
title in fee simple to all of said lands; that she derived
title to the same through the last will and testament of her
husband, C. Burkart, who in turn derived title thereto under
a warranty deed executed by G. W. Johnson to C. Burkart on
the 2nd day of May, 1913; that the said G. W. Johnson had been
in the actual, peaceable, open and notorious possession of said
lands since 1876 and that the complainant is in the actual,
peaceable possession of said lands and she and those under whom

she holds have been in the possession of said lands for a period of more than ten years next preceding the filing of the bill, and that she and those through whom she claims have paid taxes consecutively and annually during the whole of said period of ten years, and that no other person has paid taxes thereon during any part of said period and that none of the respondents have been in possession of said lands or any part thereof during said period of ten years next before the filing of this bill; that the title to said lands stands in the name of the complainant on the records in the probate office of Baldwin County, Alabama.

It is therefore ordered that publication of the foregoing notice be made in the Baldwin ^{County} Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks and that all of said respondents be required to demur, plead to or answer the bill of complaint in the above cause within sixty days of the first publication of this notice and ~~XXXXXX~~ ^{of the filing of} a certified copy thereof in the probate court of Baldwin County, Alabama, where said lands lie.

Witness my hand, this 6 day of June, 1927.

T W Richerson
Register.

STATE OF ALABAMA)
BALDWIN COUNTY)

I, T. W. Richerson, Register of the circuit court of Baldwin County, Alabama, hereby certify that the foregoing is a true and correct copy of the original notice issued in said cause, as the same appears of record in my office.

Witness my hand 6 day of June, 1927.

T W Richerson
Register.

THE STATE OF ALABAMA, Office of the Judge of
BALDWIN COUNTY } the Probate Court

I, G. W. HUMPHRIES, Judge of said Court in and for
said County, do hereby certify that the within instrument
was filed in this office for record on the 7

day of June 1927 at 3:45

o'clock P.M., and I further certify that the
same is duly recorded in Record Book No. 55 H 2 n.s.
Page 554-5, and duly examined.

Witness my hand this 8 day of

June 1927

G. W. Humphries, Judge of Probate Court
By J. E. St. John

J. E. St. John
Attorney, Ala.
Cullman, Ala.
20 N. New South Bldg.

6/7/27
3:45 P.M.
Rec 18

2
Emma A Burkart

July - Beck et al

Notice to non-res-
ident defendant

Filed June 4/27
D. W. [unclear]
Registrar