

The State of Alabama,
Baldwin County.

No. 973.

CIRCUIT COURT, IN EQUITY

Frank Swartz,

Complainant.

vs.

Mrs. Susie Thomas and Mrs Lillian Vaughn,

Defendant S.

In this cause it appears to the Register,
that a Summons requiring the Defendant S. Mrs. Susie Thomas and Mrs Lillian Vaughn

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days after the
service of said Summons upon Mrs. Susie Thomas June 18th, 1931 and on Mrs. Lillian
Vaughn Aug 11th, 1931.

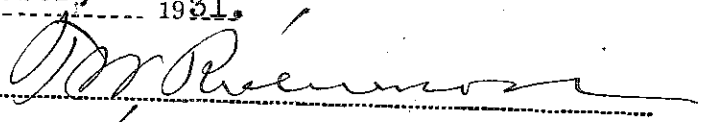
was served upon them by the Sheriff of Crenshaw County, Alabama, on the
18th day of June 1931 on Mrs. Lillie Thomas and
August 11th, 1931 on Mrs. Lillian Vaughn,

And the said Defendant S. having failed to demur, plead to or answer the said Bill of Complaint
to this date, it is now, therefore, on motion of Hybert, Herad and Chason,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things taken as
confessed against the said Mrs. Susie Thomas and Mrs. Lillian Vaughn,

Defendant S. aforesaid.

This 12th day of October, 1931.



Register.

RECORDED

No. 973. Page

The State of Alabama,
Baldwin County

Circuit Court In Equity

Frank Swartz,

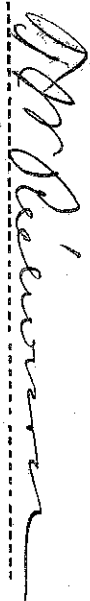
VS.

Mrs. Susie Thomas and Mrs.

Lillian Vaughn,

Decree Pro Confesso On
Personal Service.

Issued Oct 12th, 1931.


Register.

The State of Alabama }
Baldwin County

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

FRANK SWARTZ,

COMPLAINANT

VS.

CERTAIN LANDS, MRS. J. W. THOMAS ET AL., RESPONDENT^S

I, T. W. Richerson

as Register ~~and Commissioner~~ of the Circuit Court of Baldwin County, Alabama,

In Equity,

have called and caused to come before me Frank Swartz and L. Lindoerfer

and R. C. Heard

witness^{es} named in the Requirement for Oral Examination, on the ____ day of December

1931, at the office of The Register of the Circuit Court of Baldwin County,

in Bay Minette, Alabama, and having first sworn said witness^{es} to speak the

truth, the whole truth, and nothing but the truth, the said Frank Swartz and L. Lindoerfer

and R. C. Heard doth depose and say as follows:

TESTIMONY OF FRANK SCHWARTZ TAKEN ORALLY BEFORE T. W. RICHESON.
DIRECT EXAMINATION BY MR. HYBART, ONE OF THE ATTORNEYS FOR COMPLAINT

Mr. Hybart: What is your name?

Frank Schwartz.

Mr. Hybart: Where do you live?

Mr. Schwartz: Lillian.

Mr. Hybart: How long have you been living in that neighborhood.
Mr. Schwartz?

Mr. Schwartz: Since 1908.

Mr. Hybart: Are you acquainted with NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20 Tp.
7 S. R. 6 E. in Baldwin County?

Mr. Schwartz: Yes sir.

Mr. Hybart: Do you own that land?

Mr. Schwartz: Yes sir.

Mr. Hybart: Who did you purchase it from ?

Mr. Schwartz: The Baldwin County Colonization Company.

Mr. Hybart: Did they give you a Deed to it?

Mr. Schwartz: They gave me a Deed, yes sir.

Mr. Hybart: Will you attach a copy of the Deed to your Answer?

Mr. Schwartz: Yes.

Mr. Hybart: Have you attached the same?

Mr. Schwartz: Yes sir.

The witness requests copy of Deed from Baldwin County Colonization Company to Frank Swartz to the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20 Township 7 South of Range 6 East to be attached hereto and marked Exhibit "A" and asks that same be taken as a part of his testimony.

Mr. Hybart: Are you in the possession of this land?

Mr. Schwartz: Yes sir.

Mr. Hybart: In the actual and peaceable possession?

Mr. Schwartz: Yes sir.

Mr. Hybart: Are you claiming to own the same?

Mr. Schwartz: Yes sir.

Mr. Hybart: In your own right?

Mr. Schwartz: I do.

Mr. Hybart: In fee simple?

Mr. Schwartz: Yes sir.

Mr. Hybart: How long have you been in possession of it?

Mr. Schwartz: Since 1919.

Mr. Hybart: What have you been doing on this land?

Mr. Schwartz: Farming.

(page two)

Mr. Hybart: Have you got it fenced?

Mr. Schwartz: Yes sir.

Mr. Hybart: How long have you had it fenced?

Mr. Schwartz: Had it fenced since the very first year I bought it.

Mr. Hybart: Are you paying the taxes on the same?

Mr. Schwartz: Yes sir. Paid taxes every year.

Mr. Hybart: Have you paid taxes ever since 1919?

Mr. Schwartz: Yes sir.

Mr. Hybart: Have you been assessing it?

Mr. Schwartz: Yes sir.

Mr. Hybart: Has any one else been in the possession of it since you got it?

Mr. Schwartz: No sir.

Mr. Hybart: Do you know of any suit that is pending to test your title to, interest in or right to possession of this land?

Mr. Schwartz: Yes sir.

Mr. Hybart: Other than this suit?

Mr. Schwartz: No, I don't.

Mr. Hybart: There is no suit pending other than this suit?

Mr. Schwartz: No sir. Not that I can remember.

Mr. Hybart: So you say there is no suit pending to test your title to, interest in or your right to the possession of these lands?

Mr. Schwartz: No sir. Not that I know of.

Mr. Hybart: Never been served with any paper of any court relative to the title to, interest in or your right to the possession of these lands. You've never been served with any paper?

Mr. Schwartz: No.

Mr. Hybart: Do you claim the entire fee simple title in and to these lands?

Mr. Schwartz: Yes sir.

Mr. Hybart: Was the Baldwin County Colonization Company the owner of the land at the time you purchased it?

Mr. Schwartz: Yes sir.

Mr. Hybart: Did they put you in possession of the lands?

Mr. Schwartz: Yes sir.

Mr. Hybart: Did you pay them the purchase price of the land?

Mr. Schwartz: Yes sir.

Mr. Hybart: How old are you Mr. Schwartz?

(page two)

(page three)

Mr. Schwartz: 45. I will be 45 this coming February.

Mr. Hybart: Have you made a diligent search to ascertain the residence, addresses of all persons, firms or corporations, whether or not any of them be dead, and if dead to ascertain the names, addresses of the heirs, devisees, successors and assigns of such deceased persons that might claim any interest in and to these lands.

Mr. Schwartz: Not that I know of.

~~Mr. Schwartz:~~

Mr. Hybart: Do you know whether your attorneys have done that or not?

Mr. Schwartz: No sir.

Mr. Hybart: Do you know of anybody that claims any interest to the lands?

Mr. Schwartz: There is a Tax Deed on the land. That's all I know of. He has got a Tax title on it, a man by the name of Thomas.

Mr. Hybart: Do you know Mrs. Susie Thomas of Luverne? Have you ever heard that she claims an interest in the land?

Mr. Schwartz: Not that I know of.

Mr. Hybart: Do you know Mrs. Lillian Vaughn of Georgianna to claim any interest in the land?

Mr. Schwartz: No, I do not.

Mr. Hybart: Do you know whether they are the devisees under the Will of J. W. Thomas or not?

Mr. Schwartz: No sir.

Mr. Hybart: Do you know these two minors?

Mr. Schwartz: Do I know them?

Mr. Hybart: Voncille Vaughn and Susan Kathryn Vaughn?

Mr. Schwartz: No, I don't know them.

Mr. Hybart: And you have been in the adverse possession of this land?

Mr. Schwartz: Yes sir.

Mr. Hybart: For more than ten years last past, and you have a Deed to it?

Mr. Schwartz: Yes sir.

Mr. Hybart: And did the Baldwin County Colonization Company make you a Deed in 1919?

Mr. Schwartz: Yes sir.

Mr. Hybart: And have you paid them the full purchase price?

Mr. Schwartz: Yes sir.

Mr. Hybart: And during that time nobody else has been in possession or interfered with your possession.

Mr. Schwartz: No, not since.

Mr. Hybart: And you have been cultivating the land, living on it?

(page three)

(page four)

Mr. Schwartz: Got it under fence. Not living on it.

Mr. Hybart: How many acres do you cultivate?

Mr. Schwartz: Cultivate about twenty acres of it.

CROSS EXAMINATION BY THE HON. J. B. BLACKBURN, ESQ., ATTORNEY FOR DEFENDANTS.

Mr. Blackburn: Mr. Schwartz, did you know J. W. Thomas? in his life time?

Mr. Schwartz: Yes. He was up to me once personally.

Mr. Blackburn: I believe you stated a moment ago that he told you he held a tax title on it?

Mr. Schwartz: He said so and we compared it.

Mr. Blackburn: Was he ever in possession of this property?

Mr. Schwartz: No sir, he wasn't.

Mr. Blackburn: Has Mrs. Lillian Vaughn ever been in possession of the property?

Mr. Schwartz: No sir. Not that I know of. I put the first fence post in it.

Mr. Blackburn: And you have been there since when?

Mr. Schwartz: Since 1919.

Mr. Blackburn: How long have you known this particular piece of land?

Mr. Schwartz: Since 1908. It joins my old forty.

Mr. Blackburn: And during that time J. W. Thomas, Mrs. Lillian Vaughn, Vonnelle Vaughn and Susie Kathryn Vaughn, or either of them have not been in possession?

Mr. Schwartz: No sir.

TESTIMONY OF L. LINDOERFER TAKEN ORALLY BEFORE T. W. RICHMOND. DIRECT EXAMINATION BY MR. HYBART, ONE OF THE ATTORNEYS FOR COMPLAINANT

Mr. Hybart: Were you connected with the Baldwin County Colonization Company in any way?

Mr. Lindoerfer: Yes sir. I am their representative down at Elberta.

Mr. Hybart: Your name?

Mr. Lindoerfer: L. Lindoerfer.

Mr. Hybart: You say that you are connected with the Baldwin County Colonization Company?

Mr. Lindoerfer: Yes sir. I am not a member of the Company but I am representing them.

Mr. Hybart: Their agent here?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: Has that Company been dissolved?

Mr. Lindoerfer: It is in liquidation.

Mr. Hybart: Are you acquainted with the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20 Tp. 7 S. R. 6 E.?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: How long have you known those lands?

Mr. Lindoerfer: Since 1914 when I went on it for the Company.

Mr. Hybart: Was the Baldwin County Colonization Company in the possession of the lands at that time?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: In the actual, peaceable possession?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: Did they continue in possession of the lands up until the time they sold to Mr. Frank Schwartz?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: About when was it that they sold to Mr. Schwartz?

Mr. Lindoerfer: In November, 1919.

Mr. Hybart: Did he go into possession of the lands?

Mr. Lindoerfer: He did.

Mr. Hybart: Has he remained in possession ever since?

Mr. Lindoerfer: Yes.

Mr. Hybart: What has he been doing on the lands?

Mr. Lindoerfer: Farming it with his other forty.

Mr. Hybart: Has he a fence around the forty?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: And about how many acres is he farming?

(page two)

Mr. Lindoerfer: Between 20 and 23.

Mr. Hybart: And has he been farming it ever since he purchased it?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: During that time have you ever known of ^{Mrs. Thomas} anyone else being in possession of the property other than the Baldwin County Colonization Company and Mr. Schwartz?

Mr. Lindoerfer: No.

Mr. Hybart: Is that property recognized as Mr. Schwartz' in that community?

Mr. Lindoerfer: Yes sir.

Mr. Hybart: And has it been so recognized since he purchased it in 1919.

Mr. Lindoerfer: Yes sir.

Mr. Hybart: Has he been in the open, notorious, exclusive, peaceable possession of this property ever since 1919?

Mr. Lindoerfer: He has.

CROSS EXAMINATION BY THE HON. J. B. BLACKBURN, ESQ., ATTORNEY FOR DEFENDANTS.

Mr. Blackburn: Mr. Lindoerfer, how long have you known this particular tract of land?

Mr. Lindoerfer: Since 1914.

Mr. Blackburn: Did you know J. W. Thomas?

Mr. Lindoerfer: No.

Mr. Blackburn: Do you know whether J. W. Thomas, Mrs. Lillian Vaughn, Voncille Vaughn or Susie Kathryn Vaughn have ever been in possession of that property?

Mr. Lindoerfer: I don't know of anyone else being in possession except him.

It is agreed under the law that Mr. J. B. Blackburn is entitled to an attorney's fee of Thirty-five Dollars (\$35.00) in this cause, the same being reasonable.

It is agreed between Counsel for the Plaintiff and J. B. Blackburn, as Guardian Ad Litem for Voncille Vaughn and Susie Kathryn Vaughn that the said land was sold for taxes on, to-wit, the 1 day of June, 1918, and purchased by J. W. Thomas; that a Tax Deed was subsequently made to the said J. W. Thomas, who devised all of his right, title and interest in and to the said lands to Mrs. Lillian Vaughn and to Voncible Vaughn and Susie Kathryn Vaughn, by his Last Will and Testament dated the 24 day of Sept 1924 and recorded in Book 2 of 62 in the Probate Records of Crenshaw County, Alabama; that the purchase price paid by the said J. W. Thomas for the said property was the sum of \$6.43.....\$6.43; That the interest due on the said purchase price to date is 13.00

1918 Taxes.....	3.60
Interest.....	6.98
1919 Taxes.....	3.78
Interest.....	6.78
1920 Taxes.....	4.20
Interest.....	6.85
1921 Taxes.....	4.20
Interest.....	6.22
1922 Taxes.....	2.96
Interest.....	3.94
1925 Taxes.....	3.00
Interest.....	2.66
Total purchase price, taxes and interest.....	\$74.60

R. C. Leard
Solicitors for Complainant.

J. B. Blackburn
Solicitor for Respondents.

It is agreed between the Attorneys for Complainant and the Attorney for Respondents that Thirty-five Dollars (\$35.00) is a reasonable attorney's fee for the Attorney for the Respondents.

R. C. Leard
Solicitors for Complainant.

J. B. Blackburn
Solicitor for Respondents.

TESTIMONY OF R. C. HEARD.

My name is R. C. Heard. I am a practicing attorney at Bay Minette, Alabama. Frank Swartz employed me as such to investigate the title and the possession and the claims of any to the Northwest Quarter of Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty (20) Township Seven (7) South of Range Six (6) East at the time that the Bill of Complaint in the aforesaid cause was filed. In and about this investigation I have examined the records of Baldwin County, Alabama, and made inquiry of persons who are familiar with this land, and have been such for more than fifteen years last past, and from such investigation, which has been diligent and thorough, I find that the title to said property is in Frank Swartz and that he has been in the possession of the same for more than ten years last past prior to the filing of the original Bill of Complaint in this cause, and that he acquired said property from the Baldwin County Colonization Company, and that his possession has been open, notorious, exclusive and adverse ever since 1919; that the only parties who claim any interest in, title to or lien upon said lands are as follows: Frank Swartz; Mrs. Susie Thomas, Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn, the latter two being minors; that Mrs. Susie Thomas, Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn's interest in, or claim to said land, is a Tax Deed issued to J. W. Thomas by the Probate Judge of Baldwin County, Alabama, on to-wit, June 3rd, 1920, together with a claim for taxes paid by J. W. Thomas up until the year 1925; that the said Mrs. Susie Thomas and Mrs. Lillian Vaughn and Voncille Vaughn and Susan Kathryn Vaughn claim whatever right that J. W. Thomas had in said property by virtue of his Will, which was probated in Crenshaw County within the last year or two.

EXHIBIT "A".

THIS INDENTURE WITNESSETH:- That the Grantor, BALDWIN COUNTY COLONIZATION COMPANY, a Corporation organized under the law of the State of Alabama, for and in consideration of the sum of One Dollar and other good and valuable considerations Dollars to it in hand paid, conveys and warrants to FRANK SWARTZ and PAULINA SWARTZ, husband and wife, as joint tenants and not as tenants in common of the ----- of----- in the County of----- in the State of----- the following described real estate, to-wit:

Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty (20) Township Seven (7) South Range Six (6) East of St. Stephens Meridian, otherwise known as Lot No. Twelve (12) of said Section Twenty (20) upon the Plat of the lands of said Grantor now on file in its office. Said parcel of land containing forty (40) acres of land more or less. Save and except such part thereof as by said Plat may be shown to be reserved for roads, situated in Baldwin County in the State of Alabama.

TO HAVE AND TO HOLD to the said Frank Swartz and Paulina Swartz, his wife, their heirs and assigns, FOREVER. And the said Grantor does hereby covenant with the said Grantees that it is seized in fee of the above described lands; that it has the right to sell and convey the same; that the said lands are free from all encumbrances; that it will and its successors and assigns will forever warrant and defend the same to the said Grantees, heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor, Baldwin County Colonization Company, has caused its corporate name to be hereunto signed under the hand of its president duly authorized thereunto and its corporate seal to be affixed this 1st day of November, A. D., 1919.

(Corporate Seal)
Attest:
Henry C. Bartling
Secretary.
(\$1.00 U. S. I. R. Stamp attached)

Baldwin County Colonization Company
Theobald Mueller, President.

THE STATE OF ILLINOIS.)
COUNTY OF COOK.) ss.

I, Alma C. Larson, a Notary Public in and for said County in said State, hereby certify that Theobald Mueller, whose name as president of the Baldwin County Colonization Company, a Corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that being informed of the contents of the conveyance he as such officer and with full authority executed the same voluntarily for and as the act of said corporation

Given under my hand this 14th day of November, 1919.

(Seal)
Alma C. Larson,
Notary Public.
My commission expires October 22nd, 1922.

Filed for record December 26th, 1919 at 2 P. M.
Recorded December 29th, 1919.

Jas. M. Voltz, Judge of Probate.

ORAL EXAMINATION

I, T. W. Richerson, as Register and ~~Commissioner~~ hereby certify that the foregoing deposition S on Oral Examination was taken down in writing by me in the words of the witness es and read over to them and they signed the same in the presence of myself _____ at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness es or had proof made before me of the identity of said witness es; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 8th day of December 1931.

T. W. Richerson (L. S.)

No. _____ Page _____

The State of Alabama
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Frank Scurry

VS. **COMPLAINANT**

Wm. of Alabama, et al
vs. William Scurry et al
RESPONDENT

ORAL DEPOSITION

Filed Dec 8, 1931

T. W. Richerson, Register
RECORDED IN

Record _____

Vol. _____ Page _____

Register _____

TO THE HONORABLE JUDGE OF THE TWENTY-FIRST JUDICIAL CIR-
CUIT OF ALABAMA, SITTING IN EQUITY:-

Comes your Complainant, Frank Swartz, who is over the age of twenty-one years and presents this, his Bill of Complaint against that certain tract of land in the County of Baldwin, State of Alabama, described as follows:-

Northwest Quarter of Southwest Quarter (NW $\frac{1}{4}$ of
SW $\frac{1}{4}$) Section Twenty (20) Township Seven (7)
South of Range Six (6) East;

and Complainant further shows and presents this Bill of Complaint against any and all persons claiming any title to, interest in, lien or encumbrance upon said lands or any part thereof and Complainant respectfully shows unto your Honor:-

1. That he is in the actual and peaceable possession of said tract of land, claiming to own the same in his own right in fee simple.

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

3. Complainant further shows that he claims the entire fee simple title in and to said land, and acquired the same upon purchase from the Baldwin County Colonization Company, a Corporation which has been recently dissolved in accordance with law, who owned the land at the time the same was sold and conveyed to Complainant.

4. Complainant further shows that the title to said land stands on the record in the Probate Court of Baldwin County in the name of the Baldwin County Colonization Company, a Corporation, whose principal place of business is Elberta, Alabama.

5. Complainant further shows that no one has within the ten years next preceding the filing of this Bill of Complaint paid any taxes upon the said lands herein mentioned, or any part of the same, other than Complainant and the Baldwin County Colonization Company, a Corporation. Complainant has used such diligence in trying to ascertain these facts as shown by Paragraph "6" of this Bill of Complaint.

6. Complainant further shows unto the Court that he is in the actual, peaceable possession of said land, claiming to own the same under his said purchase aforesaid and that no one is known

to have been in the possession of said land for the past ten years except himself and the Baldwin County Colonization Company. And Plaintiff avers that there are no other persons that are known to Complainant to have had any possession of said land or any part thereof within the last ten years next preceding the filing of this Bill of Complaint except those heretofore mentioned, under and through whom Complainant claims title and ownership to the aforesaid lands. And Plaintiff further avers that no one is known to your Complainant to claim this land or any part thereof, or any interest thereon, except the Complainant and the following named persons:- Mrs. Susie Thomas, Luverne, Alabama; Mrs. Lillian Vaughn, Georgianna, Alabama, devisees under the Will of J. W. Thomas. And Complainant further shows unto your Honor that all of the persons mentioned in this paragraph are over the age of twenty-one years. And Complainant further avers that he has made a diligent search and inquiry to ascertain the residences and addresses of all persons, firms and corporations hereinabove named, and whether or not any of them be dead and if dead to ascertain the names and addresses of the heirs and devisees, successors or assigns of such deceased persons. Complainant avers that in his effort to ascertain these facts he had a complete Abstract of Title made to this property; that he then employed attorneys to examine the same and ascertain whom the records show to have some claim to this property; that he has made a thorough inquiry in the community where this land is located and situated seeking to get any information whatsoever about said named parties or any other persons who might claim any title to or interest in said lands; that he has interviewed numerous people and made special effort to locate old residents who have inhabited the country near these lands for a long time, and all of the information he has been able to accumulate relative to prior ownership and possession is herein set out.

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises, Complainant prays that your Honor will cause the usual Writ of Process to issue to Mrs. Susie Thomas and Mrs. Lillian

Vaughn making them parties Defendant in this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law in the practice of this Honorable Court and that your Honor will cause notice to be published of these proceedings instituted by the filing of this Bill of Complaint, as required by law of the State of Alabama, authorizing the quieting of title in rem.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause your Honor will be pleased to establish Complainant's right of title to, and will decree that Complainant is the owner in fee simple of said land above described and that no other person has any title to, or interest in, or lien or encumbrance upon said land or any part thereof, and that in said decree your Honor will direct in whose name it shall be indexed upon the direct index and whose name it shall be indexed in the indirect index of the records thereof in the Probate Court of Baldwin County, Alabama; that your Honor will order a certified copy of said Decree to be copied in the Probate Court of Baldwin County, and Complainant further prays for such other, further and different relief as in equity may seem just and meet, and Complainant will ever pray.

Hybark Heard & Chason
Solicitor for Complainant.

FOOT NOTE:-

All persons claiming any title to, interest in, lien or encumbrance upon the property described in the Bill of Complaint or any part thereof, and all persons mentioned as Defendants in this Bill of Complaint are required to answer all of the allegations of said Bill of Complaint from Paragraphs "1" to "6" inclusive, but answer under oath is hereby expressly waived.

Hybark Heard & Chason
Solicitor for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Personally appeared before me, Katherine Hicks
a Notary Public in and for said State and County, R. C. Heard, who
upon oath deposes and says:-

That he is the agent of the Complainant in the above
cause and duly authorized by him to make this oath and that the
facts stated in the foregoing Bill of Complaint upon knowledge are
true, and that he is informed as to the facts stated upon inform-
ation and belief as therein stated and verily believes, and so
states, that the same are true.

R. C. Heard

Sworn to and subscribed before
me this 17th day of June, 1931.

Katherine Hicks
Notary Public, Baldwin County,
Alabama.

FRANK SWARTZ,

Complainant,

VS.

THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF
THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF
SECTION TWENTY (20) IN TOWNSHIP
SEVEN (7) SOUTH OF RANGE SIX (6)
EAST, in Baldwin County, Alabama;
Mrs. Lillian Vaughn; Vencille
Vaughn and Susan Kathryn Vaughn,
Minors,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 973.

ANSWER AND CROSS BILL.

Come the minor Respondents, Vencille Vaughn and Susan Kathryn Vaughn, minors under the age of fourteen (14) years, by J. B. Blackburn, as Guardian ad litem, and file this their answer to the Bill of Complaint as last amended of Frank Swartz, and this their Cross Bill against the said Frank Swartz, and show unto this Honorable Court as follows:

FIRST: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered One of the Bill of Complaint as last amended.

SECOND: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered Two of the Bill of Complaint as last amended.

THIRD: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered Three of the Bill of Complaint as last amended.

FOURTH: These Respondents and Cross Complainants deny each and every allegation of paragraph numbered Four of the Bill of Complaint as last amended.

FIFTH: These Respondents and Cross Complainants deny

each and every allegation of paragraph numbered Five of the Bill of Complaint as last amended.

SIXTH: These Respondents and Cross Complainants admit and aver that they and Mrs. Lillian Vaughn claim title to the land described in the Bill of Complaint as last amended, as devisees under the last will of J. W. Thomas, deceased, but deny each and all other allegations of paragraph numbered Six of the Bill of Complaint as last amended and deny each and every other allegation of the said Bill of Complaint not herein specifically answered.

SEVENTH: Answering further the Bill of Complaint as last amended, these Respondents and Cross Complainants show unto this Honorable Court that they, together with Mrs. Lillian Vaughn, claim to own and do own the title to the lands described in the Bill of Complaint as last amended by adverse possession under the Short Statute of Limitations for actions or suits to recover lands claimed and held under tax deeds or titles. These Respondents and Cross Complainants further show that the lands described in the Bill of Complaint as last amended were assessed for taxes owing to the State of Alabama and the County of Baldwin for the tax year 1917 to Martin Portel; that the taxes due to the State of Alabama and the County of Baldwin on the said lands which were assessed for taxation by the said Martin Portel for the tax year of 1917 were not paid by the said Martin Portel or by anyone else assessing and claiming to own the said lands for the said year; these Respondents and Cross Complainants further show that the said Martin Portel failed to pay the taxes due on the said lands assessed to him for the year of 1917 and the said lands were sold for the said taxes by the Tax Collector of Baldwin County, Alabama, on to-wit, June 1, 1918, for the taxes due on the said lands for the year of 1917; that as a result of the said sale the said Tax Collector did on to-wit, the 1st day of June, 1918, sell the lands described in the Bill of Com-

plaint as last amended for the said taxes and that at the sale so held, J. W. Thomas was the highest, best and last bidder for the said property; that the said J. W. Thomas, at that time, received from the said Tax Collector of Baldwin County, Alabama, a certificate of purchase dated to-wit, the 1st day of June, 1918; these Respondents and Cross Complainants further show that thereafter the said J. W. Thomas delivered his said certificate of purchase to the Judge of Probate of Baldwin County, Alabama, and that James M. Voltz, Judge of Probate of Baldwin County, Alabama, executed to the said J. W. Thomas, a tax deed for the land described in the Bill of Complaint as last amended, with other property, on to-wit, June 3, 1920, which said deed was filed for record by the said J. W. Thomas on to-wit, June 3, 1920, and thereafter recorded in Deed Book Numbered 29 N. S. at page 553 in the Probate Records of Baldwin County, Alabama.

These Respondents and Cross Complainants further show unto this Honorable Court that the said J. W. Thomas thereafter held the land described in the Bill of Complaint as last amended, under and by virtue of the tax deed hereinbefore fully described, said lands having been adversely held thereunder for a period of more than three years and the said J. W. Thomas, Mrs. Lillian Vaughn and these Respondents and Cross Complainants have been for the said period of more than three years consecutively in the open, notorious, hostile, continuous and peaceable possession of the said lands claiming to own the same and claiming the said lands under and by virtue of the aforesaid deed:

That the interest of the said J. W. Thomas was devised to Mrs. Lillian Vaughn and to these Respondents and Cross Complainants by the last will and testament of the said J. W. Thomas, dated the 24th day of September, 1924, and of record in Book Two (2) ^{Will} at pages 13-14 in the Probate Records of Crenshaw County, Alabama.

EIGHTH: For further answer to the Bill of Complaint as

last amended, these Respondents and Cross Complainants allege and show that they, together with the said Mrs. Lillian Vaughn, have a lien on the land described in the said Bill of Complaint as last amended for taxes due on the said lands for the year of 1917 and for which the said lands were sold on to-wit, the 1st day of June, 1918, for the sum of \$12.46, half of which said sum covers the land described in the Bill of Complaint as last amended, together with interest from that date to the present time at the rate of 15% per annum; these Respondents and Cross Complainants further show that they and the said Mrs. Lillian Vaughn have a further lien for taxes on the said property for the year of 1918 to the amount of \$3.60; for an additional sum of \$3.78 for the year of 1919; for an additional sum of \$4.20 for the year of 1920; for an additional sum of \$4.20 for the year of 1921; for the additional sum of \$2.96 for the year of 1922; ~~for the additional sum of \$2.96 for the year of 1923;~~ and for the additional sum of \$3.00 for the year of 1925 together with a lien for interest on each of said amounts from the date of the payment of the same to the present time, the interest being at the rate of 15% per annum.

PRAYER FOR PROCESS.

The said Voncille Vaughn and Susan Kathryn Vaughn, Minors, having now answered the Bill of Complaint as last amended, pray that this their Answer may be taken and treated in all respects as a Cross Bill and that the said Frank Swartz may be made a party Respondent to this their Cross Bill and that they have notice of the same according to the practice of this Honorable Court.

PRAYER FOR RELIEF.

These Respondents and Cross Complainants pray that this Honorable Court will, when this cause comes on to be heard, enter

a decree denying to the Complainant and Cross Respondent the relief prayed for by him and will enter a decree to the effect that these Respondents and Cross Complainants are the owners of the land involved in this suit and particularly described in the Bill of Complaint as last amended and these Respondents and Cross Complainants further pray that if this Honorable Court should determine that the Respondents and Cross Complainants are entitled to the land made the subject of this suit, you Honor will enter a decree to that effect in their favor quieting their title against the Complainant and Cross Respondent, Frank Swartz, and these Respondents and Cross Complainants further pray that if this Court shall determine that they are not entitled to a decree awarding them the land made the subject of this suit, that then this Honorable Court will determine the amount which they and their predecessors in title have paid as taxes together with interest due them, that this Honorable Court will further award in addition to the purchase price, taxes, interest and Court costs, and a reasonable attorney's fee to these Respondents and Cross Complainants. And if these Respondents and Cross Complainants are mistaken in the relief prayed for, that the Court will grant unto them such other, further and general relief as they may be entitled to the premises considered.



As Guardian ad litem for Voncille
Vaughn and Susan Kathryn Vaughn.

FOOT NOTE: The said Frank Swartz, is required to answer each and every allegation of the above Cross Bill but not under oath, his oath thereto being hereby expressly waived.



As Guardian ad litem for Voncille
Vaughn and Susan Kathryn Vaughn.

FRANK SWARTZ,
Complainant,

-VS-

THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER, SECTION
TWENTY, TOWNSHIP SEVEN SOUTH OF
RANGE SIX EAST, BALDWIN COUNTY,
ALABAMA, MRS. LILLIAN VAUGHN,
VONCILLE VAUGHN, a Minor under
the age of fourteen years and
SUSAN KATHRYN VAUGHN, a Minor
under the age of fourteen years,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

SITTING IN EQUITY.

This cause being submitted on the original Bill of
Complaint, Amended Bill of Complaint, Answer and Cross Bill
of Respondent Minors, Voncille Vaughn and Susan Kathryn Vaughn,
as filed by their Guardian ad litem, J. B. Blackburn, esq., upon
the Decree pro confesso against Mrs. Lillian Vaughn and the
Testimony of Frank Swartz and L. Lindoerfer and R. C. Heard
as noted by the Register. *and answer of complainant
to Cross Bill.*

The pleading and evidence in this cause shows
that The Baldwin County Colonization Company, during the
year 1914, was in the peaceable and actual possession of
the aforesaid lands. That on the 1st. day of November,
1919, The Baldwin County Colonization Company sold said
lands to the Complainant, Frank Swartz, who immediately
went into the actual, open, notorious, exclusive and ad-
verse possession of said lands, and has continued in said
actual, open, notorious and exclusive possession of said
lands ever since, and that the said Frank Swartz has paid the
taxes upon said lands ever since 1919, and has been claiming
the lands since that time.

The records further disclose that on the 1st. day
of June, 1918, said lands were sold for taxes due thereon for
the year 1917, and that these lands were purchased at said
tax sale by J. W. Thomas, who has since died. That on June
3, 1920, a tax deed was duly executed to J. W. Thomas in and
to said lands by the Probate Judge of Baldwin County, Alabama,
and that J. W. Thomas paid the taxes on said lands from 1918

to 1925 inclusive, and that whatever interest the said J. W. Thomas had in and to said lands by way of said tax deed and the payment of the aforesaid taxes as aforestated, was devised by the said Thomas in his Last Will and Testament dated the 24th. day of September, 1924, and which has been duly probated, to Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn. That the total amount due the said Respondents as agreed upon by and between Complainant and J. B. Blackburn as Guardian ad litem for Voncille Vaughn and Susan Kathryn Vaughn, minors, is SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, said amount covering the purchase price of said lands paid by the said J. W. Thomas at the tax sale thereof and the several items of taxes paid by him, together with the interest thereon at the legal rate of interest.

It being agreed by and between the parties that the aforesaid amount is now due the Respondents and Cross Complainants by way of payment of purchase price at the tax sale and the payment of the taxes during the several years heretofore mentioned takes out of this cause the question as to the liability of the Complainant for the aforesaid amount, and also the question as to whether the Respondents have a lien on said lands for the amount of money that has been expended by their testator in and by said taxes.

The records disclose that the Complainant, Frank Swartz, has the fee simple title in and to said lands, and is entitled to have his said title to be declared absolute and in fee simple, subject, however, by his agreement to have fastened thereon a lien in favor of the Respondents and Cross Complainants in the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, being the amount paid by the testator and respondents and Cross Complainants as aforestated.

D E C R E E .

It is, therefore, ordered, adjudged and decreed

that the Complainant, Frank Swartz, is the absolute owner of the following described property, to-wit:-

The Northwest Quarter of the South-
West Quarter of Section Twenty, in
Township Seven South of Range Six
East, in Baldwin County, Alabama,

in fee simple in his own right, and that no other party, individual, or corporation has any interest, right, title lien or incumbrance upon the same except Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn, jointly who have a lien upon said lands for the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, expended by their testator, J. W. Thomas.

It is further ordered, adjudged and decreed that all claims, rights, title, interest in, or incumbrance upon said lands held by any one other than Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn are hereby and herein declared null and void, and is decreed to be a cloud upon the title of Complainant and removed as such.

It is further ordered, adjudged and decreed that upon the payment, within sixty days from the date of this decree into the Registry of this Court by Complainant, the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, for the use and benefit of the said Lillian Vaughn, Voncille and Susan Kathryn Vaughn, together with the cost of these proceedings will be in complete satisfaction of all claims, rights, title, interest in, or incumbrance upon said lands, that the said Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn hold in and to the same, and that upon the payment of said amounts Frank Swartz' title in and to said lands shall be forever quieted, as to all claims, demands, rights or incumbrances held by any one whomsoever, and that said tax deed executed by the Probate Judge of Baldwin County, Alabama, to J. W. Thomas in and to said lands be held for naught and of no effect, and removed forever as a cloud upon the title of Frank Swartz to said lands.

It is further ordered, adjudged and decreed that upon the payment of the aforesaid sum, together with the cost of these proceedings to the Register of this Court by the Complainant that the Register then is to indorse the fact upon this decree, and also upon the margin of the record where this decree is recorded in the Probate Judge's Office of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that J. B. Blackburn is allowed the sum of THIRTY-FIVE AND 00/100 (\$35.00) DOLLARS as a guardian ad litem fee in representing Voncille and Susan Kathryn Vaughn, minors, which is to be taxed as a part of the cost.

It is further ordered, adjudged and decreed that a copy of the foregoing opinion and this decree shall be filed in the Probate Judge's Office by the Register of this Court and recorded there, and is to be indexed in the direct index in said office in the name of J. W. Thomas, and in the indirect index in the name of Frank Swartz.

This January 1, 1932.

J. M. Hare
Judge of the Twenty-first
Judicial Circuit of Alabama.

Original

RECORDED

Frank Swartz

V.S.

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec. 20,

Tp. 7, Range 6 & 7

William Vaughn, Etal

1120 words

Opinion and Decree

Filed Jan 25th 1882

W. H. McLean

Register

FRANK SWARTZ,

Complainant,

-vs-

THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER SECTION 20
TOWNSHIP SEVEN SOUTH OF RANGE
SIX EAST, MRS. SUSIE THOMAS,
MRS. LILLIAN VAUGHN, VONCILLE
VAUGHN and SUSAN KATHRYN VAUGHN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes the Complainant in the above stated cause and
amends the Amended Bill of Complaint to read as follows:-

"FRANK SWARTZ,

Complainant,

-vs-

THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER SECTION 20
TOWNSHIP SEVEN SOUTH OF RANGE
SIX EAST, MRS. SUSIE THOMAS,
MRS. LILLIAN VAUGHN, VONCILLE
VAUGHN and SUSAN KATHRYN VAUGHN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Now comes the Complainant in the above stated cause and
amends the "6th" Paragraph of the Original Bill of Complaint to
read as follows:-

6th. Complainant further shows unto the Court that he
is in the actual, peaceable possession of said land, claiming to
own the same under his said purchase aforesaid and that no one is
known to have been in the possession of said land for the past ten
years other than the Complainant and Complainant avers that there
are no other persons that are known to Complainant to have had any
possession whatsoever of said land or any part thereof within the
last ten years next preceding the filing of this Bill of Complaint
except those heretofore mentioned. And Complainant further avers
that no one is known to your Complainant to claim this land or any
part thereof or any interest therein, except the Complainant and
the following named persons:-

Mrs. Lillian Vaughn, over twenty-one years of
age, Georgianna, Alabama;

Voncille Vaughn, a minor under the age of four-
teen years;

(page two)

Susan Kathryn Vaughn, a minor about one year of age;

both of said minors residing with their mother, Mrs. Lillian Vaughn, the said Mrs. Lillian Vaughn and her two children mentioned herein being the devisees under the Last Will of J. W. Thomas, deceased. Complainant avers that he has made a diligent search through his agents and attorneys and has made diligent inquiry to ascertain the residences and addresses of all persons, firms and corporations hereinabove named, whether or not any of them be dead and if dead to ascertain the names and addresses of the heirs and devisees, successors or assigns of such deceased person. Complainant avers that in his effort to ascertain these facts he had a complete Abstract of Title made of this property, he then employed attorneys to examine the same and ascertain whom the record showed to have some claim to this property; that they have made a thorough inquiry in the community where this land is located and situated seeking to get any information whatsoever about the said named parties or any other persons who might claim any title to or interest in the said land; that they have interviewed numerous people and made special effort to locate old residents who have inhabited the county near these lands for a long time and all the information they have been able to accumulate relative to prior ownership and possession is herein set out.

Complainant amends his said Bill of Complaint by striking out the name of Mrs. Susie Thomas as a party defendant wherever the same appears in said Original Bill of Complaint.

Complainant also amends his Prayer for Process to read as follows:

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises Complainant prays that your Honor will cause the usual Writ of Process to issue to Mrs. Lillian Vaughn, Voncille Vaughn and Susan Kathryn Vaughn, making them parties defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law and the practice of this

(page two)

(page three)

Honorable Court, and that your Honor will cause notice to be published of the proceedings instituted by the filing of this Bill of Complaint as required by law in the State of Alabama authorizing the quieting of the title in rem."

Thos. L. Ward & Chas. W. Chason
Solicitors for Complainant.

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 Mrs. Lillian Vaughn,
(Voncille Vaughn, and Kathryn Vaughn,) (Minors)

Georgianna Ala,

i

of Butler 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 Sum-
mons, and there to answer, plead or demur, without oath, to ^{Amended} a Bill of Complaint lately exhibited by
Frank Swartz,

against said Mrs. Lillian Vaughn, over twenty one years of age, Von-
cille Vaughn, a minor under 14 years of age and Kathryn Vaughn, a
minor about one year of age,

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 10th day of
August, 1931

T. W. Richerson Register.

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

ORIGINAL

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Frank Swartz,

vs.

Mrs. Lillian Vaughn, Von-

cille Vaughn, a minor under
the age of 14 years, Susan

Kathryn Vaughn, a Minor about

one year of age,

Luverne, Ala.

Hybart, Heard & Chason
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

RECORDED
The State of Alabama,
BALDWIN COUNTY.

Received in office this _____

day of _____ 1931

Sheriff.

Executed this 11th day of

August 1931

by leaving a copy of the within Summons with
Mrs. Lillian Vaughn and also
serving a copy for the mother
Vaughn upon her as the mother
of Voncille Vaughn, a minor
and also serving a copy on her
for Kathryn Vaughn as the moth
er of Kathryn Vaughn Defendants.

Sheriff.

By *W. L. Conway*
Deputy Sheriff.

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 Mrs. Susie Thomas, Luverne,
Alabama, devisees under the
Will of J.W. Thomas

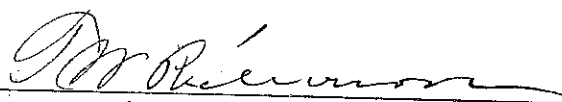
of Crenshaw County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by Frank Sewartz

against said Certain lands, Mrs. Susie Thomas, Et al.,

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 18th day of

June 1931



Register

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

ORIGINAL

Serve on _____

Circuit Court of Baldwin County
In Equity.

No. _____

SUMMONS

Frank Swartz,

vs.

Mrs. Lillian Vaughn, Von-

cille Vaughn, a minor under
the age of 14 years, Susan

Kathryn Vaughn, a Minor about

one year of age,

Luverne, Ala.

Hybart, Heard & Chason
Solicitor for Complainant.

Recorded in Vol. _____ Page _____

RECORDED
The State of Alabama,
BALDWIN COUNTY.

Received in office this _____

day of _____ 1931

Sheriff.

Executed this 11th day of

August 1931

by leaving a copy of the within Summons with
Mrs. Lillian Vaughn and also
giving a copy to the mother
of Voncille Vaughn, a minor
and also serving a copy on her
for Kathryn Vaughn as the moth
er of Kathryn Vaughn Defendants.

Sheriff.

Deputy Sheriff.

FRANK SWARTZ,
Complainant,

-VS-

THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER, SECTION
TWENTY, TOWNSHIP SEVEN SOUTH OF
RANGE SIX EAST, BALDWIN COUNTY,
ALABAMA, MRS. LILLIAN VAUGHN,
VONCILLE VAUGHN, a Minor under
the age of fourteen years and
SUSAN KATHRYN VAUGHN, a Minor
under the age of fourteen years,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

SITTING IN EQUITY.

This cause being submitted on the original Bill of
Complaint, Amended Bill of Complaint, Answer and Cross Bill
of Respondent Minors, Voncille Vaughn and Susan Kathryn Vaughn,
as filed by their Guardian ad litem, J. B. Blackburn, esq., upon
the Decree pro confesso against Mrs. Lillian Vaughn and the
Testimony of Frank Swartz and L. Lindorfer and R. C. Heard
Answer of Complainant to Cross Bill
as noted by the Register.

The pleading and evidence in this cause shows
that The Baldwin County Colonization Company, during the
year 1914, was in the peaceable and actual possession of
the aforesaid lands. That on the 1st. day of November,
1919, The Baldwin County Colonization Company sold said
lands to the Complainant, Frank Swartz, who immediately
went into the actual, open, notorious, exclusive and ad-
verse possession of said lands, and has continued in said
actual, open, notorious and exclusive possession of said
lands ever since, and that the said Frank Swartz has paid the
taxes upon said lands ever since 1919, and has been claiming
the lands since that time.

The records further disclose that on the 1st. day
of June, 1918, said lands were sold for taxes due thereon for
the year 1917, and that these lands were purchased at said
tax sale by J. W. Thomas, who has since died. That on June
3, 1920, a tax deed was duly executed to J. W. Thomas in and
to said lands by the Probate Judge of Baldwin County, Alabama,
and that J. W. Thomas paid the taxes on said lands from 1918

to 1925 inclusive, and that whatever interest the said J. W. Thomas had in and to said lands by way of said tax deed and the payment of the aforesaid taxes as aforesaid, was devised by the said Thomas in his Last Will and Testament dated the 24th. day of September, 1924, and which has been duly probated, to Mrs. Lillian Vaughn, Veneille Vaughn and Susan Kathryn Vaughn. That the total amount due the said Respondents as agreed upon by and between Complainant and J. B. Blackburn as Guardian ad litem for Veneille Vaughn and Susan Kathryn Vaughn, minors, is SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, said amount covering the purchase price of said lands paid by the said J. W. Thomas at the tax sale thereof and the several items of taxes paid by him, together with the interest thereon at the legal rate of interest.

It being agreed by and between the parties that the aforesaid amount is now due the Respondents and Cross Complainants by way of payment of purchase price at the tax sale and the payment of the taxes during the several years heretofore mentioned takes out of this cause the question as to the liability of the Complainant for the aforesaid amount, and also the question as to whether the Respondents have a lien on said lands for the amount of money that has been expended by their testator in and by said taxes.

The records disclose that the Complainant, Frank Swartz, has the fee simple title in and to said lands, and is entitled to have his said title to be declared absolute and in fee simple, subject, however, by his agreement to have fastened thereon a lien in favor of the Respondents and Cross Complainants in the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, being the amount paid by the testator and respondents and Cross Complainants as aforesaid.

D E C R E E .

It is therefore, ordered, adjudged and decreed

that the Complainant, Frank Swartz, is the absolute owner of the following described property, to-wit:-

The Northwest Quarter of the South-
West Quarter of Section Twenty, in
Township Seven South of Range Six
East, in Baldwin County, Alabama,

in fee simple in its own right, and that no other party, individual, or corporation has any interest, right, title lien or incumbrance upon the same except Mrs. Lillian Vaughn, Vencille Vaughn and Susan Kathryn Vaughn, jointly who have a lien upon said lands for the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, expended by their testator, J. W. Thomas.

It is further ordered, adjudged and decreed that all claims, rights, title, interest in, or incumbrance upon said lands held by any one other than Lillian Vaughn, Vencille Vaughn and Susan Kathryn Vaughn are hereby and herein declared null and void, and is decreed to be a cloud upon the title of Complainant and removed as such.

It is further ordered, adjudged and decreed that upon the payment, within sixty days from the date of this decree into the Registry of this Court by Complainant, the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, for the use and benefit of the said Lillian Vaughn, Vencille and Susan Kathryn Vaughn, together with the cost of these proceedings will be in complete satisfaction of all claims, rights, title, interest in, or incumbrance upon said lands, that the said Lillian Vaughn, Vencille Vaughn and Susan Kathryn Vaughn hold in and to the same, and that upon the payment of said amounts Frank Swartz' title in and to said lands shall be forever quieted, as to all claims, demands, rights or incumbrances held by any one whomsoever, and that said tax deed executed by the Probate Judge of Baldwin County, Alabama, to J. W. Thomas in and to said lands be held for naught and of no effect, and removed forever as a cloud upon the title of Frank Swartz to said lands.

It is further ordered, adjudged and decreed that upon the payment of the aforesaid sum, together with the cost of these proceedings to the Register of this Court by the Complainant that the Register then is to indorse the fact upon this decree, and also upon the margin of the record where this decree is recorded in the Probate Judge's Office of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that J. B. Blackburn is allowed the sum of THIRTY-FIVE AND 00/100 (\$35.00) DOLLARS as a guardian ad litem fee in representing Voncille and Susan Kathryn Vaughn, minors, which is to be taxed as a part of the cost.

It is further ordered, adjudged and decreed that a copy of the foregoing opinion and this decree shall be filed in the Probate Judge's Office by the Register of this Court and recorded there, and is to be indexed in the direct index in said office in the name of J. W. Thomas, and in the indirect index in the name of Frank Swartz.

Filed 1. Jan 1932

P. W. Hare
Judge of the Twenty-first
Judicial Circuit of Alabama.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT,
IN EQUITY.

I, T.W. Richerson, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 1st day of January, 1932, in the cause of Frank Swartz, complainant, vs. THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION TWENTY, TOWNSHIP SEVEN SOUTH OF RANGE SIX EAST, BALDWIN COUNTY, ALABAMA, MRS. LILLIAN VAUGHN, VONCILLE VAUGHT, a minor under the age of fourteen years and SUSAN KATHRYN VAUGHN, a minor under the age of fourteen years, defendants, as appears of record in said court.

Witness my hand and the seal of said Court, this the 25th day of January, 1932.

T. W. Richerson
Register.

FRANK SWARTZ,
Complainant,

-VS-

THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER, SECTION
TWENTY, TOWNSHIP SEVEN SOUTH OF
RANGE SIX EAST, BALDWIN COUNTY,
ALABAMA, MRS. LILLIAN VAUGHN,
VONCILLE VAUGHN, a Minor under
the age of fourteen years and
SUSAN KATHRYN VAUGHN, a Minor
under the age of fourteen years,
RESPONDENTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

SITTING IN EQUITY.

This cause being submitted on the original Bill of
Complaint, Amended Bill of Complaint, Answer and Cross Bill
of Respondent Minors, Voncille Vaughn and Susan Kathryn Vaughn,
as filed by their Guardian ad litem, J. B. Blackburn, esq., upon
the Decree pro confesso against Mrs. Lillian Vaughn and the
Testimony of Frank Swartz and L. Lindorfer and R. C. Heard &
Answer of Complainant to Cross Bill
as noted by the Register.

The pleading and evidence in this cause shows
that The Baldwin County Colonization Company, during the
year 1914, was in the peaceable and actual possession of
the aforesaid lands. That on the 1st. day of November,
1919, The Baldwin County Colonization Company sold said
lands to the Complainant, Frank Swartz, who immediately
went into the actual, open, notorious, exclusive and ad-
verse possession of said lands, and has continued in said
actual, open, notorious and exclusive possession of said
lands ever since, and that the said Frank Swartz has paid the
taxes upon said lands ever since 1919, and has been claiming
the lands since that time.

The records further disclose that on the 1st. day
of June, 1918, said lands were sold for taxes due thereon for
the year 1917, and that these lands were purchased at said
tax sale by J. W. Thomas, who has since died. That on June
3, 1920, a tax deed was duly executed to J. W. Thomas in and
to said lands by the Probate Judge of Baldwin County, Alabama,
and that J. W. Thomas paid the taxes on said lands from 1916

to 1925 inclusive, and that whatever interest the said J. W. Thomas had in and to said lands by way of said tax deed and the payment of the aforesaid taxes as aforesaid, was devised by the said Thomas in his Last Will and Testament dated the 24th. day of September, 1924, and which has been duly probated, to Mrs. Lillian Vaughn, Veneille Vaughn and Susan Kathryn Vaughn. That the total amount due the said Respondents as agreed upon by and between Complainant and J. B. Blackburn as Guardian ad litem for Veneille Vaughn and Susan Kathryn Vaughn, minors, is SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, said amount covering the purchase price of said lands paid by the said J. W. Thomas at the tax sale thereof and the several items of taxes paid by him, together with the interest thereon at the legal rate of interest.

It being agreed by and between the parties that the aforesaid amount is now due the Respondents and Cross Complainants by way of payment of purchase price at the tax sale and the payment of the taxes during the several years heretofore mentioned takes out of this cause the question as to the liability of the Complainant for the aforesaid amount, and also the question as to whether the Respondents have a lien on said lands for the amount of money that has been expended by their testator in and by said taxes.

The records disclose that the Complainant, Frank Swartz, has the fee simple title in and to said lands, and is entitled to have his said title to be declared absolute and in fee simple, subject, however, by his agreement to have fastened thereon a lien in favor of the Respondents and Cross Complainants in the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, being the amount paid by the testator and respondents and Cross Complainants as aforesaid.

RECEIVED.

It is, therefore ordered, adjudged and decreed

that the Complainant, Frank Swartz, is the absolute owner of the following described property, to-wit:-

The Northwest Quarter of the South-
West Quarter of Section Twenty, in
Township Seven South of Range Six
East, in Baldwin County, Alabama,

in fee simple in his own right, and that no other party, individual, or corporation has any interest, right, title lien or incumbrance upon the same except Mrs. Lillian Vaughn, Vencieille Vaughn and Susan Kathryn Vaughn, jointly who have a lien upon said lands for the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, expended by their testator, J. W. Thomas.

It is further ordered, adjudged and decreed that all claims, rights, title, interest in, or incumbrance upon said lands held by any one other than Lillian Vaughn, Vencieille Vaughn and Susan Kathryn Vaughn are hereby and herein declared null and void, and is decreed to be a cloud upon the title of Complainant and removed as such.

It is further ordered, adjudged and decreed that upon the payment, within sixty days from the date of this decree into the Registry of this Court by Complainant, the sum of SEVENTY-FOUR AND 60/100 (\$74.60) DOLLARS, for the use and benefit of the said Lillian Vaughn, Vencieille and Susan Kathryn Vaughn, together with the cost of these proceedings will be in complete satisfaction of all claims, rights, title, interest in, or incumbrance upon said lands, that the said Lillian Vaughn, Vencieille Vaughn and Susan Kathryn Vaughn hold in and to the same, and that upon the payment of said amounts Frank Swartz' title in and to said lands shall be forever quieted, as to all claims, demands, rights or incumbrances held by any one whomsoever, and that said tax deed executed by the Probate Judge of Baldwin County, Alabama, to J. W. Thomas in and to said lands be held for naught and of no effect, and removed forever as a cloud upon the title of Frank Swartz to said lands.

It is further ordered, adjudged and decreed that upon the payment of the aforesaid sum, together with the cost of these proceedings to the Register of this Court by the Complainant that the Register then is to indorse the fact upon this decree, and also upon the margin of the record where this decree is recorded in the Probate Judge's Office of Baldwin County, Alabama.

It is further ordered, adjudged and decreed that J. B. Blackburn is allowed the sum of THIRTY-FIVE AND 00/100 (\$35.00) DOLLARS as a guardian ad litem fee in representing Voncille and Susan Kathryn Vaughn, minors, which is to be taxed as a part of the cost.

It is further ordered, adjudged and decreed that a copy of the foregoing opinion and this decree shall be filed in the Probate Judge's Office by the Register of this Court and recorded there, and is to be indexed in the direct index in said office in the name of J. W. Thomas, and in the indirect index in the name of Frank Swartz.

Thurs 1, January 1932

P. W. Hurl
Judge of the Twenty-first
Judicial Circuit of Alabama.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT,
IN EQUITY.

I, T.W. Richerson, Register of said Circuit Court of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 1st day of January, 1932, in the cause of FRANK SWARTZ, complainant, vs. THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION TWENTY, TOWNSHIP SEVEN SOUTH OF RANGE SIX EAST, BALDWIN COUNTY, ALABAMA, MRS. LILLIAN VAUGHN, VONCILLE VAUGHN, a minor under the age of fourteen years and SUSAN KATHRYN VAUGHN, a minor under the age of fourteen years, Respondents, as appears of record in said Court.

Witness my hand and the seal of said Court, this the 25th day of January, 1932.

REGISTER.

The State of Alabama,
Baldwin County.

No. 973 CIRCUIT COURT IN EQUITY.

Frank Swartz,

Complainant.....

vs.

Mrs Susie Thomas et al

Defendant.....

Motion is hereby made for a Decree Pro Confesso against Mrs Lillian Vaughn

and Mrs. Susie Thomas,

Defendant .. S

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

This 10th day of October, 19 31

Hyatt, H. C. & H. C. Solicitor.

8581 NOTE OF TESTIMONY

FRANK SWARTZ,

Complainant

vs.

THE LANDS HEREIN DESCRIBED,

ET. AL.

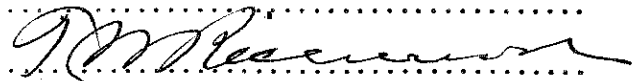
Respondents.

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,-----
Amended Bill of Complaint, Decree pro confesso against Mrs. Lillian
Vaughn and the testimony of L. Lindoerfer and Frank Swartz.....
and R. C. Heard, and Answer to Cross Bill.....

and in behalf of Defendant upon Cross Bill and Answer-----



Register.

Published Every Thursday

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail
Editor and Proprietor

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

R. B. Vail, 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

Frank Swartz
vs

Mrs. Susie Thomas et al

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

<u>June 25</u>	<u>1931</u>	Vol. <u>42</u>	No. <u>21</u>
<u>July 2</u>	<u>1931</u>	Vol. <u>42</u>	No. <u>22</u>
<u>July 9</u>	<u>1931</u>	Vol. <u>42</u>	No. <u>23</u>
<u>July 16</u>	<u>1931</u>	Vol. <u>42</u>	No. <u>24</u>

ore the undersigned this 9 day of

1931

R. B. Vail
Publisher

LEGAL NOTICE

In the Circuit Court-Equity Side,
State of Alabama, Baldwin County.
FRANK SWARTZ, Complainant vs.
THE LANDS DESCRIBED HEREIN,
MRS. SUSIE THOMAS ET AL, De-
fendants.

NOTICE is hereby given to Mrs.
Susie Thomas and Mrs. Lillian Vaughn
who are over the age of twenty-one
years, and to any and all persons,
firms and corporations who claim any
title to, interest in, lien or encumber-
ance on the land hereinafter describ-
ed; that on the 18th day of June,
1931, Frank Swartz filed in the
equity side of the Circuit Court of
Baldwin County, Alabama, a Bill of
Complaint against the following de-
scribed lands in Baldwin County, Ala-
bama, viz:-

The Northwest Quarter of the South-
west quarter (NW1/4 of SW1/4) of Sec-
tion Twenty (20) in Township Seven
(7) South of Range Six (6) East;
that said Bill of Complaint was and
is filed for the purpose of establish-
ing the title of said Complainant to
said lands and for the purpose of
quieting his title thereto and clearing
up all doubts and disputes concerning
the same.

And the Complainant further al-
leges in his Bill of Complaint that
he is in the quiet and peaceful pos-
session of said lands, claiming to own
the same absolutely and in fee simple;
that he, and those under whom he
claims, have paid taxes on said lands
and held the same under color of
title for more than ten years next
preceding the filing of this Bill of
Complaint.

Witness my hand this 18th day of
June, 1931.

T. W. Richerson, as Register of the
Circuit Court-Equity side, State of
Alabama, Baldwin County.

BY BART, HEARD & CHASON, At-
torneys for Complainant. 21-4t.

Bart, Heard & Chason
Attorneys

Copy

Frank Swartz

VS

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 20 Tp
7 R. 6, & Mrs Gilliam
Vaughn, Et al

Opinion and Decree

Filed Jan 25 - 1914
J. W. Pennington
Register

202

FRANK SWARTZ,

Complainant,

-vs-

THE LANDS DESCRIBED HEREIN,
MRS. SUSIE THOMAS ET AL,

Defendants.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

No. _____.


NOTICE IS HEREBY GIVEN to Mrs. Susie Thomas and Mrs. Lillian Vaughn, who are over the age of twenty-one years, and to any and all persons, firms and corporations who claim any title to, interest in, lien or encumbrance on the land hereinafter described; that on the 18th day of June, 1931, Frank Swartz filed in the equity side of the Circuit Court of Baldwin County, Alabama, a Bill of Complaint against the following described lands in Baldwin County, Alabama, viz:-

The Northwest Quarter of the Southwest Quarter
(NW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section Twenty (20) in Township
Seven (7) South of Range Six (6) East;

that said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainant to said lands and for the purpose of quieting his title thereto and clearing up all doubts and disputes concerning the same.

And the Complainant further alleges in his Bill of Complaint that he is in the quiet and peaceable possession of said lands, claiming to own the same absolutely and in fee simple; that he, and those under whom he claims, have paid taxes on said land and held the same under color of title for more than ten years next preceding the filing of this Bill of Complaint.

Witness my hand this 18th day of June, 1931.


As Register of the Circuit Court-
Equity Side, State of Alabama,
Baldwin County.

HYBART, HEARD & CHASON,
Attorneys for Complainant.

FRANK SWARTZ,

Complainant,

-vs-

NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 20, Town-
ship 7 South of Range 6 East,
MRS. SUSIE THOMAS, MRS. LIL-
LIAN VAUGHN, VONCILLE VAUGHN
and SUSAN KATHRYN VAUGHN,

Respondents.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Complainant in the aforesaid cause and
for Answer to the Cross-Bill says:

FIRST:

That neither Mrs. Lillian Vaughn, Voncille Vaughn, Susan
Kathryn Vaughn or Mrs. Susie Thomas have ever been in the adverse,
open, notorious and exclusive possession of said land, nor have
they ever been in the actual or constructive possession of said
lands; that Frank Swartz, and those under whom he claims, have been
in the open, notorious, exclusive, adverse and hostile possession
of said lands for more than fifteen years last past.

SECOND:

Cross-Complainant denies that Mrs. Lillian Vaughn, or
any of the other Defendants heretofore mentioned, or anyone else
except Frank Swartz, has any title to or rights in the aforesaid
lands.

THIRD:

Frank Swartz denies each and every paragraph as contain-
ed in said Cross-Bill, and calls for a strict proof thereof.

Wm. H. Heard & Chas. H. Chason
Attorneys for Complainant.

TO THE HONORABLE JUDGE OF THE TWENTY-FIRST JUDICIAL CIR-
CUIT OF ALABAMA, SITTING IN EQUITY:-

Comes your Complainant, Frank Swartz, who is over the
age of twenty-one years and presents this, his Bill of Complaint
against that certain tract of land in the County of Baldwin, State
of Alabama, described as follows:-

Northwest Quarter of Southwest Quarter (NW $\frac{1}{4}$ of
SW $\frac{1}{4}$) Section Twenty (20) Township Seven (7)
South of Range Six (6) East;

and Complainant further shows and presents this Bill of Complaint
against any and all persons claiming any title to, interest in,
lien or encumbrance upon said lands or any part thereof and Com-
plainant respectfully shows unto your Honor:-

1. That he is in the actual and peaceable possession of
said tract of land, claiming to own the same in his own right in
fee simple.

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

3. Complainant further shows that he claims the entire
fee simple title in and to said land, and acquired the same upon
purchase from the Baldwin County Colonization Company, a Corporation
which has been recently dissolved in accordance with law, who own-
ed the land at the time the same was sold and conveyed to Complainant.

4. Complainant further shows that the title to said land
stands on the record in the Probate Court of Baldwin County in the
name of the Baldwin County Colonization Company, a Corporation,
whose principal place of business is Elberta, Alabama.

5. Complainant further shows that no one has within the
ten years next preceding the filing of this Bill of Complaint paid
any taxes upon the said lands herein mentioned, or any part of the
same, other than Complainant and the Baldwin County Colonization
Company, a Corporation. Complainant has used such diligence in
trying to ascertain these facts as shown by Paragraph "6" of this
Bill of Complaint.

6. Complainant further shows unto the Court that he is
in the actual, peaceable possession of said land, claiming to own
the same under his said purchase aforesaid and that no one is known

to have been in the possession of said land for the past ten years except himself and the Baldwin County Colonization Company. And Plaintiff avers that there are no other persons that are known to Complainant to have had any possession of said land or any part thereof within the last ten years next preceding the filing of this Bill of Complaint except those heretofore mentioned, under and through whom Complainant claims title and ownership to the aforesaid lands. And Plaintiff further avers that no one is known to your Complainant to claim this land or any part thereof, or any interest thereon, except the Complainant and the following named persons:- Mrs. Susie Thomas, Luverne, Alabama; Mrs. Lillian Vaughn, Oregiana, Alabama, devisees under the Will of J. W. Thomas. And Complainant further shows unto your Honor that all of the persons mentioned in this paragraph are over the age of twenty-one years. And Complainant further avers that he has made a diligent search and inquiry to ascertain the residences and addresses of all persons, firms and corporations hereinabove named, and whether or not any of them be dead and if dead to ascertain the names and addresses of the heirs and devisees, successors or assigns of such deceased persons. Complainant avers that in his effort to ascertain these facts he had a complete Abstract of Title made to this property; that he then employed attorneys to examine the same and ascertain when the records show to have some claim to this property; that he has made a thorough inquiry in the community where this land is located and situated seeking to get any information whatsoever about said named parties or any other persons who might claim any title to or interest in said lands; that he has interviewed numerous people and made special effort to locate old residents who have inhabited the country near these lands for a long time, and all of the information he has been able to accumulate relative to prior ownership and possession is herein set out.

PRAYER FOR PROCESS.

To the end, therefore, that equity may be had in the premises, Complainant prays that your Honor will cause the usual Writ of Process to issue to Mrs. Susie Thomas and Mrs. Lillian

Vaughn making them parties Defendant in this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law in the practice of this Honorable Court and that your Honor will cause notice to be published of these proceedings instituted by the filing of this Bill of Complaint, as required by law of the State of Alabama, authorizing the quieting of title in rem.

PRAYER FOR RELIEF.

Complainant further prays that upon the hearing of this cause your Honor will be pleased to establish Complainant's right of title to, and will decree that Complainant is the owner in fee simple of said land above described and that no other person has any title to, or interest in, or lien or encumbrance upon said land or any part thereof, and that in said decree your Honor will direct in whose name it shall be indexed upon the direct index and whose name it shall be indexed in the indirect index of the records thereof in the Probate Court of Baldwin County, Alabama; that your Honor will order a certified copy of said Decree to be copied in the Probate Court of Baldwin County, and Complainant further prays for such other, further and different relief as in equity may seem just and meet, and Complainant will ever pray.

Hyatt, Heard & Shaw
Attorneys for Complainant.

FOOT NOTE:-

All persons claiming any title to, interest in, lien or encumbrance upon the property described in the Bill of Complaint or any part thereof, and all persons mentioned as Defendants in this Bill of Complaint are required to answer all of the allegations of said Bill of Complaint from Paragraphs "1" to "8" inclusive, but answer under oath is hereby expressly waived.

Hyatt, Heard & Shaw
Attorneys for Complainant.

-page four-

STATE OF ALABAMA,
BALDWIN COUNTY.

Personally appeared before me, Walter H. Hales,
a Notary Public in and for said State and County, R. C. Heard, who
upon oath deposes and says:-

That he is the agent of the Complainant in the above
cause and duly authorized by him to make this oath and that the
facts stated in the foregoing Bill of Complaint upon knowledge are
true, and that he is informed as to the facts stated upon inform-
ation and belief as they are stated and verily believes, and so
states, that the same are true.

Sworn to and subscribed before
me this 12 day of June, 1931.

Walter H. Hales
Notary Public, Baldwin County,
Alabama.

R. C. Heard