

234

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 GUSTAV A. ZILGITT, Ludington,
Michigan; HERMAN STROTHENKE and CLARA STROTHENKE, R. F. D. at Howell
and Bolivar Avenues, Milwaukee, Wisconsin; LYDIA WOODWORTH, Comstock
Park, Michigan, c/o A. J. Denoncie, Route 1,

of _____ 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 a Bill of Complaint lately exhibited by

AUGUST ROTERMUND

against said GUSTAV A. ZILGITT, HERMAN STROTHENKE, CLARA STROTHENKE and
LYDIA WOODWORTH,

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

WITNESS, Robert S. Duck, Register of said Circuit Court, this 25th day
of JUNE 1936 •

Robert S. Duck Register

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

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

Your Orator, August Rotermond, brings this his Bill of Complaint against Gustav A. Zillgitt, Herman Strothenke, Clara Strothenke and Lydia Woodworth, and thereupon your Orator complains and shows unto the Court and your Honor, as follows:

1. Your Orator is over twenty-one years of age and resides in Addison, Illinois. The Respondent, Gustav A. Zillgitt, is over twenty-one years of age and a non-resident of the State of Alabama, whose post office address is Ludington, Michigan; the Respondents, Herman Strothenke and Clara Strothenke, are each over twenty-one years of age and non-residents of the State of Alabama, who reside in Milwaukee, Wisconsin, their address being R. F. D. at Howell and Bolivar Avenues; the Respondent, Lydia Woodworth, is over twenty-one years of age and a non-resident of the State of Alabama, who resides at Comstock Park, Michigan, her address being in care of A. J. Denoncie, Route 1.

2. On to-wit, March 6, 1926, your Orator was the owner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 7 South Range 5 East, of St. Stephens Meridian in Baldwin County, Alabama, and on or about the date executed and delivered a Warranty Deed dated March 6, 1926, a true copy of which is hereto attached, marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein conveying the said land to the Respondent, Gustav A. Zillgitt, and while the said deed recites a consideration and your Orator as the Grantor therein acknowledged the receipt whereof, no part of the consideration or the agreed purchase price which the Respondent, Gustav A. Zillgitt was to pay your Orator for the said lands was paid by him, but simultaneous with the execution and delivery of the said deed the Respondent, Gustav A. Zillgitt, executed a note for Two Thousand Dollars dated March 6, 1926, due five years after date with interest at

six per cent, a true copy of which is hereto attached marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein which said note represented the entire purchase price which the Respondent, Gustav A. Zillgitt, agreed to pay your Orator for the said lands. Your Orator is the owner and holder of the said note which is long past due and no part of the indebtedness evidenced thereby has been paid except \$120.00 which was the interest thereon from March 6, 1926, to March 6, 1927, and the full amount of the said note and interest thereon from March 6, 1927, is now due, unpaid and owing by the Respondent, Gustav A. Zillgitt, to your Orator. At the time of the execution and delivery of the deed herein referred to as Exhibit "A" and the note herein referred to as Exhibit "B" it was understood and agreed between your Orator and the Respondent, Gustav A. Zillgitt, that your Orator should have and retain a lien on the said property until the indebtedness evidenced by the said note was fully paid.

3. Subsequent to the execution and delivery of the deed hereinabove referred to as Exhibit "A" and the execution, delivery and recording of the note hereinabove referred to as Exhibit "B" the Respondent, Gustav A. Zillgitt, together with his wife, Bertha Zillgitt, conveyed the said property to the said Respondents, Herman Strothenke, Clara Strothenke and Lydia Woodworth, by Warranty Deed dated September 13, 1928, a true copy of which is hereto attached, marked Exhibit "C" and by reference made a part hereof as though fully incorporated herein, which said Respondents, namely: Herman Strothenke, Clara Strothenke and Lydia Woodworth, acquired the said property with full notice of your Orator's claim because of the aforesaid recording of the note hereinabove referred to as Exhibit "B".

4. Your Orator has not had the possession or use of the said property and has derived no income therefrom since the execution and delivery of the said deed hereinabove referred to as Exhibit "A", and during all of the said time has paid taxes on it

EXHIBIT "B"

\$2000.⁰⁹

Elberta Baldwin Co. Ala. March 6th. 1926

Five years after date for value received, I promise to pay to the order of August Rotermund at _____

Two Thousand -----Dollars with interest at 6 per cent per annum after _____ until paid.

Gustav A. Zillgitt

Post Office Address.

Due March 6th 1931

(On back of note)

This note covers the price of a forty acres of Land

The following described lands situated in Baldwin Co. Alabama. The North-West N. W. 1/4 Quarter of the North-East N. E. 1/4 Quarter of Section Thirty-three (33) in Township Seven (7) South of Range Five (5) East of St. Stephens Meridian, and containing forty (40) Acres, more or less:

Interest Paid in full \$120.00 in advance for year until 1927 6th.

Aug. Rotermund

THE STATE OF ALABAMA }
BALDWIN COUNTY } X

PROBATE COURT.

Filed in office this 30 day of April, 1928, 8 A.M. and duly recorded in Mtg. Book No. 41 pages 459; and I certify that \$3 cts 00 license or privilege tax, paid as required by an Act of the Legislature approved August 22, 1923.

G. W. Humphries
Judge of Probate.
By J. L. Kessler, Clerk.

EXHIBIT "C"

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, to them in hand paid by HERMAN STROTHENKE and CLARA STROTHENKE, his wife, and LYDIA WOODWORTH, all of Milwaukee County, Wisconsin, the receipt whereof is hereby acknowledged, we, Gustav A. Zillgitt and Bertha Zillgitt, his wife, of Milwaukee County, Wisconsin, do grant, bargain, sell and convey unto the said Herman Strothenke and Clara Strothenke, his wife, and Lydia Woodworth, the following described lands situated in Baldwin County, Alabama, to-wit:

Northwest (NW $\frac{1}{4}$) quarter of the Northeast (NE $\frac{1}{4}$) quarter of Section Thirty-three (33) in township seven (7) South of Range Five (5) East of St. Stephens, Meridian, and containing Forty (40) acres more or less.

TO HAVE AND TO HOLD, to the said Herman Strothenke and Clara Strothenke, his wife, and Lydia Woodworth, their heirs and assigns, forever.

And we do covenant with the said Herman Strothenke and Clara Strothenke, his wife, and Lydia Woodworth, that we are seized in fee of the above described premises; that we have the right to sell and convey the same, that the said premises are free from all encumbrances; and that we will and our heirs, executors and administrators shall forever warrant and defend the same to the said Herman Strothenke and Clara Strothenke, his wife, and Lydia Woodworth, their heirs and assigns, against the lawful claims of all persons whomsoever.

Witness our hands and seals this 13th. day of September A. D. 1928.

Gustav A. Zillgitt L. S.
Bertha Zillgitt L. S.

In the presence of:
Mathew Horivitz
Jessie Golester

STATE OF WISCONSIN
MILWAUKEE COUNTY SS

I, Mathew Horwitz, a Notary Public, in and for said state and county do hereby certify that Gustav A. Zillgitt and Bertha Zillgitt, his wife, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand this 13th. day of September, A.D. 1928.

Mathew Horwitz,
Notary Public, Milwaukee County,
Wis.

My commission expires Oct. 4, 1931.

(SEAL)

THE STATE OF ALABAMA
BALDWIN COUNTY

Y
I

PROBATE COURT.

Filed in office this 5 day of October 1928 at 8:00 A. M. and duly recorded in Deed Book Number 45 N. S. Pages 310-11 and I certify that \$1 Cts 00 license or privilege tax paid as required by an act of the Legislature approved September 14, 1923.

G. W. Humphries,

Judge of Probate

By J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate.

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

Your Orator, August Rotermund, brings this his Bill of Complaint against Gustav A. Zillgitt, Herman Strothenke, Clara Strothenke and Lydia Woodworth, and thereupon your Orator complains and shows unto the Court and your Honor, as follows:

1. Your Orator is over twenty-one years of age and resides in Addison, Illinois. The Respondent, Gustav A. Zillgitt, is over twenty-one years of age and a non-resident of the State of Alabama, whose post office address is Ludington, Michigan; the Respondents, Herman Strothenke and Clara Strothenke, are each over twenty-one years of age and non-residents of the State of Alabama, who reside in Milwaukee, Wisconsin, their address being R. F. D. at Howell and Bolivar Avenues; the Respondent, Lydia Woodworth, is over twenty-one years of age and a non-resident of the State of Alabama, who resides at Comstock Park, Michigan, her address being in care of A. J. Denoncie, Route 1.

2. On to-wit, March 6, 1926, your Orator was the owner of the Northwest Quarter of the Northeast Quarter of Section 33, Township 7 South Range 5 East, of St. Stephens Meridian in Baldwin County, Alabama, and on or about the date executed and delivered a Warranty Deed dated March 6, 1926, a true copy of which is hereto attached, marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein conveying the said land to the Respondent, Gustav A. Zillgitt, and while the said deed recites a consideration and your Orator as the Grantor therein acknowledged the receipt whereof, no part of the consideration or the agreed purchase price which the Respondent, Gustav A. Zillgitt was to pay your Orator for the said lands was paid by him, but simultaneous with the execution and delivery of the said deed the Respondent, Gustav A. Zillgitt, executed a note for Two Thousand Dollars dated March 6, 1926, due five years after date with interest at

six per cent, a true copy of which is hereto attached marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein which said note represented the entire purchase price which the Respondent, Gustav A. Zillgitt, agreed to pay your Orator for the said lands. Your Orator is the owner and holder of the said note which is long past due and no part of the indebtedness evidenced thereby has been paid except \$120.00 which was the interest thereon from March 6, 1926, to March 6, 1927, and the full amount of the said note and interest thereon from March 6, 1927, is now due, unpaid and owing by the Respondent, Gustav A. Zillgitt, to your Orator. At the time of the execution and delivery of the deed herein referred to as Exhibit "A" and the note herein referred to as Exhibit "B" it was understood and agreed between your Orator and the Respondent, Gustav A. Zillgitt, that your Orator should have and retain a lien on the said property until the indebtedness evidenced by the said note was fully paid. ~~deed of foreclosure be entered covering and~~ 3. Subsequent to the execution and delivery of the deed hereinabove referred to as Exhibit "A" and the execution, delivery and recording of the note hereinabove referred to as Exhibit "B" the Respondent, Gustav A. Zillgitt, together with his wife, Bertha Zillgitt, conveyed the said property to the said Respondents, Herman Strothenke, Clara Strothenke and Lydia Woodworth, by Warranty Deed dated September 13, 1928, a true copy of which is hereto attached, marked Exhibit "C" and by reference made a part hereof as though fully incorporated herein, which said Respondents, namely: Herman Strothenke, Clara Strothenke and Lydia Woodworth, acquired the said property with full notice of your Orator's claim because of the aforesaid recording of the note hereinabove referred to as Exhibit "B".

4. Your Orator has not had the possession or use of the said property and has derived no income therefrom since the execution and delivery of the said deed hereinabove referred to as Exhibit "A", and during all of the said time has paid taxes on it

Solicitor for Complainant.

THE STATE OF ALABAMA
BALDWIN COUNTY

PROBATE COURT.

Filed in office this 5 day of October 1928 at 8:00 A. M. and duly recorded in Deed Book Number 45 N. S. Pages 310-11 and I certify that \$1 Cts 00 license or privilege tax paid as required by an act of the Legislature approved September 14, 1923.

G. W. Humphries,

Judge of Probate

By J. L. Kessler, Clerk.

G. W. Humphries, Judge of Probate.

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 GUSTAV A. ZILLGITT, Ludington,
Michigan; HERMAN STROTHENKE and CLARA STROTHENKE, R. F. D. at Howell
and Boliver Avenues, Milwaukee, Wisconsin; LYDIA WOODWORTH, Comstock
Park, Michigan, c/o A. J. Denoncie, Route 1,

of _____ 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 a Bill of Complaint lately exhibited by

AUGUST ROTERMUND

against said GUSTAV A. ZILLGITT, HERMAN STROTHENKE, CLARA STROTHENKE and
LYDIA WOODWORTH,

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

WITNESS, Robert S. Duck, Register of said Circuit Court, this 25th day
of JUNE 1936 *

Robert S. Duck Register

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

CHANCERY EXECUTION

BILL OF COSTS

No. 234 August Robinson vs. Lucas J. Jellison Plaintiff
DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward	\$
Filing each bill and other papers	\$	10		
Issuing each subpoena	50	50	For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each copy thereof	40	200	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15	160	Each notice sent by mail to creditor	15
For each order of publication	1 00		Filing receipting for and docketing each claim, etc.	25
Issuing Writ of injunction	1 50		For all entries on subpoena docket, etc.	50
For each copy thereof	50		For all entries on commission docket, etc.	50
Entering each return thereof	15		Making final record, per 100 words	15
Issuing Writ of Attachment	1 00		Certified copy of decree	1 00
Entering each return thereof	15		Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00	100	TOTAL FEES OF REGISTER..	
Entering each appearance	25		FEES OF SHERIFF	8 00
Issuing each decree pro confesso on per ser.	1 00		Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on publica	1 00		Serving and returning subpoena for witness	65
Each order appointing guardian	1 00		Levying attachment	3 00
Any other order by Register	50		Entering and returning same	25
Issuing Commission to take testimony	50	60	Selling property attached	75
Receiving and filing	10	700	Impaneling Jury	2 50
Endorsing each package	10		Executing Writ of possession	1 50
Entering order submitting cause	50		Collecting execution for costs	65
Entering any other order of court	25		Serving and returning sci. fa., each	65
Noting all testimony	50		Serving and returning notice	1 50
Abstract of cause, etc.	1 00		Serving and returning writ of injunction	1 50
Entering each decree	75		Serving and returning writ of exeat	75
For every 100 words over 500	15		Taking and approving bonds, each	2 50
Taking account, etc.	3 00		Collecting money on execution	1 00
Taking testimony, etc.	15		Making Deed	2 50
Each report, 500 words or less	2 50		Serving and returning application, etc.	1 50
For every 100 words over 500	15		Serving attachment, contempt of court	1 50
Amount claimed less than \$500, etc.	2 00		TOTAL FEES OF SHERIFF..	
Issuing each subpoena	25		RECAPITULATION	
Witness certificate, each	25		Register's Fees	8 00
Issuing execution, each	75		Sheriff's Fees	
Entering each return	15		Commissioner's Fees	
Taking and approving bond, each	1 00		Solicitor's Fees	
Making copy of bill, etc.	15		Witness Fees	
Each notice not otherwise provided for	50		Guardian Ad Litem	
Each certificate or affidavit, with seal	50		Printer's Fees	
Each certificate or affidavit, no seal	25		Trial Tax	3 00
Hearing and passing on application, etc.	3 00		Recording Decree in Probate Court	
Each settlement with Receiver, etc.	3 00		TOTAL..	11 00
Examining each voucher of Receiver, etc.	10			
Examining each answer, etc.	3 00			
Recording resignation, etc.	75			
Entering each certificate to Supreme Court	50			
Taking questions and answers, etc.	25			
For all other ser relating to such proceedings	1 00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.				
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent				
Sub Total Carried Forward				

The State of Alabama, { No. _____
Circuit Court, In Equity _____ Term, 193 _____
Baldwin County }

To any Sheriff of the State of Alabama—GREETING:
 You are hereby commanded, That of the goods and chattels, lands and tenements of _____
 _____ Defendant
 you cause to be made the sum of _____ Dollars,
 which _____ Plaintiff
 recovered of _____ on the _____ day of _____ 193 _____
 by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____ Dollars,
 costs o' suit, and have the same to render to the said _____
 and make return of this Writ and the execution thereof, according to law.
 Interest from _____ 193 _____ to date of collection.
 Witness my hand, this _____ day of _____ 193 _____
400 _____ Register

RECORDED
INDEXED
6-496

Serve on _____

Circuit Court of Baldwin County
IN EQUITY

No. 234

SUMMONS

August Potomack

vs.

Walter A. Ziegler
et al

A. B. Blackburn
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

Executed this _____ day of _____

SHERIFF

by leaving a copy of the within Summons with _____ 193_____

Defendant

Sheriff

Deputy Sheriff

By _____

Serve on Walter A. Gillitt
Circuit Court of Baldwin County
IN EQUITY

No. 234

SUMMONS

August Robertson

VS.

Walter A. Gillitt,
Hermon Strickhank,
Olson Strickhank,
and Lydia W. W. W.

J. B. Blackburn
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this _____

day of _____, 193_____

SHERIFF

Executed this _____ day of _____

193_____

by leaving a copy of the within Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 662

INSURED PARCEL

No. _____

POST MARK OF DELIVERING OFFICE

DATE OF DELIVERY

Return to Robert S. Duck, Clerk

(NAME OF SENDER)

Street and Number,
or Post Office Box

Post Office at Bay Minette, Ala.

Rev. 4-24

of 416

State _____

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 660

INSURED PARCEL

No. _____

Return to Robert S. Duck

(NAME OF SENDER)

Street and Number,
or Post Office Box

Post Office at Bay Minette

Rev. 4-24

of 416

State Ala.

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 661

INSURED PARCEL

No. _____

POST MARK OF DELIVERING OFFICE

DATE OF DELIVERY

Return to Robert S. Duck, Clerk

(NAME OF SENDER)

Street and Number,
or Post Office Box

Post Office at Bay Minette, Ala.

Rev. 4-24

of 416

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

REGISTERED ARTICLE

No. 661

INSURED PARCEL

No. _____

Return to Robert S. Duck

(NAME OF SENDER)

Street and Number,
or Post Office Box

Post Office at Bay Minette

Rev. 4-24

of 416

State Ala.

Form 4-5

MAIL ORDER RECEIPT

UNITED STATES POSTAL SERVICE

(Date of purchase or return)

(Post office to which return is made)

Receipt from the Postmaster the Registrar of Internal Affairs, the original of which appears on the face of this card.

RETURN RECEIPT

*July 16
D. J. [unclear]*

Form 4-5

MAIL ORDER RECEIPT

UNITED STATES POSTAL SERVICE

(Date of purchase or return)

(Post office to which return is made)

Receipt from the Postmaster the Registrar of Internal Affairs, the original of which appears on the face of this card.

RETURN RECEIPT

*July 6, 1951
D. J. [unclear]*

Form 4-5

MAIL ORDER RECEIPT

1951

(Date of purchase or return)

(Post office to which return is made)

Receipt from the Postmaster the Registrar of Internal Affairs, the original of which appears on the face of this card.

RETURN RECEIPT

*July 16
D. J. [unclear]*

RECEIPT FOR REGISTERED ARTICLE No. 651

15 fee paid, 1 class postage paid. 6-26, 1936 (Date)

Declared value, \$ 1.00 SurchARGE paid, \$ 0.00

From R. S. ... (Sender)

Addressed to ... (Post office and State)

... (Address)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 20 in person ✓ or order ✓ Special delivery fee 2

Delivery restricted to addressee 2 Fee paid 10 Postmaster, per 2



RECEIPT FOR REGISTERED ARTICLE No. 652

15 fee paid, 1 class postage paid. 6-26, 1936 (Date)

Declared value, \$ 1.00 SurchARGE paid, \$ 0.00

From R. S. ... (Sender)

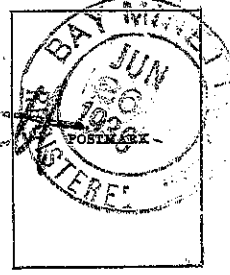
Addressed to ... (Post office and State)

... (Address)

Accepting employee will place initials in space below, indicating restricted delivery

Return receipt fee 20 in person ✓ or order ✓ Special delivery fee 2

Delivery restricted to addressee 2 Fee paid 10 Postmaster, per 2



RECEIPT FOR REGISTERED ARTICLE No. 653

10 fee paid, 1 class postage paid. 6-26, 1936 (Date)

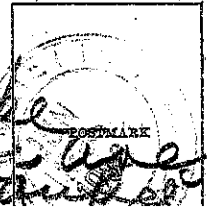
Declared value, \$ 1.00 SurchARGE paid, \$ 0.00

From R. S. ... (Sender)

Addressed to ... (Post office and State)

... (Address)

Accepting employee will place initials in space below, indicating restricted delivery



Handwritten notes, possibly a list or index, with some numbers and illegible text.

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