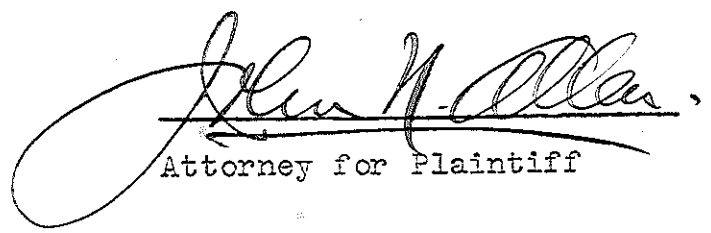

A. B. TURNER, Manager,
YORKSHIRE INSURANCE COMPANY,
PLAINTIFF,
-vs-
HENRY D. MOORER,
DEFENDANT.

NO.-----
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

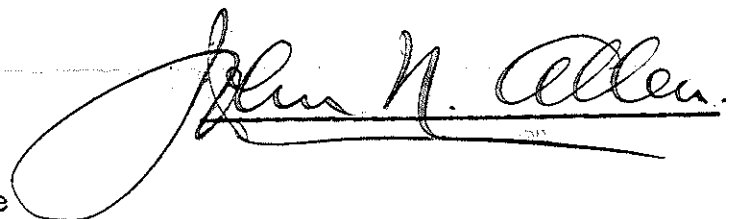
Comes the plaintiff in the above styled cause and shows unto the Court that the defendant, Henry D. Moorer has died since the commencement of ^{this} action against him, and within the past 12 months, and that Ruth Y. Moorer has been appointed as executrix of his last will and testament, which has been duly probated in the Probate Court of Baldwin County, Alabama.

Wherefore, the premises considered, the Plaintiff moves that this action be revived on his behalf against the said Ruth M. Morrer, as executrix of the last will and testament of said Henry D. Moorer.


Attorney for Plaintiff

STATE OF ALABAMA,
MOBILE COUNTY.

Before me, Julia P. McMillan a Notary Public in and for said State and County, personally appeared John N. Allen, who is known to me, and who, being by me first duly sworn, deposes and says he is attorney of record for the plaintiff in the above intitlled cause and that the facts stated in the foregoing ^{motion} ~~notice~~ are true and correct.



Subscribed and sworn to before
me this 24 day of August, 1936.

Julia P. McMillan
Notary Public, Mobile County, Ala.

*-----:

A. H. Turner, Manager, :

No. _____

Yorkshire Insurance Company, :

Plaintiff, :

IN THE CIRCUIT COURT

vs :

OF BALDWIN COUNTY,

Henry D. Moorér, :

ALABAMA.

Defendant. :

Comes the Defendant and moves the Court to require
the Plaintiff to deposit cost in this case as required by
law of non-residents.


Henry D. Moorér.

37
[REDACTED]
[REDACTED]

Civil

57

Copy sent to J. H.
[REDACTED]
[REDACTED] 4/25/34

Filed April 24,
1934

M. A. Stouden
Clerk

THE STATE OF ALABAMA

BALDWIN COUNTY.....

CIRCUIT COURT---LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Henry D. Moorer to appear within thirty days from the service of this Writ in the Circuit court, to be held for said County, at the place of holding the same, then and there to answer the Complaint of A. H. Turner, Manager Yorkshire Insurance, Company.

1934.

Witness my hand, this 27 day of March,

Wm. A. Stone
Clerk.

A. H. TURNER, Manager,
YORKSHIRE INSURANCE COMPANY,

Plaintiff,

-vs-

HENRY D. MOORER,

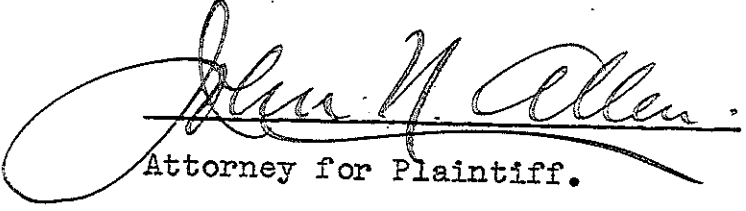
Defendant.

NO. _____

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

1. The plaintiff claims of the defendant the sum of One Hundred Twenty-Nine & 27/100 Dollars (\$129.27), balance due by promissory note for the sum of Four Hundred & 00/100 Dollars (\$400.00), made by him on the 16th day of October, 1931, and *at the Bank of Atmore, in Atmore, Alabama,* payable ninety days after said date, to the order of Goldsmith & Maxwell, Agents, by whom said note was endorsed and assigned to the plaintiff.

Plaintiff avers that under the terms of said note, and as to the debt evidenced thereby, the defendant waives all rights of exemption of personal property under the constitution and laws of the State of Alabama, and agrees, in event of suit filed for the collection of said note, to pay a reasonable attorney's fee for filing suit; and plaintiff avers further that Twenty-Five & 00/100 Dollars (\$25.00) is a reasonable attorney's fee herein, and claims such additional amount of the defendant.


Attorney for Plaintiff.

*Filed & Recorded 27-94
W. W. Stone
Clerk.*

RECORDED

Executed March 27th 1934
by serving copy of within Summons and
Complaint on

Henry D. Moorer

W.R. Stuart Sheriff
By M. M. M. M. Deputy Sheriff

Docket Page 17

O R I G I N A L

Civil Case No. 37

RECORDED

A.H. TURNER, Manager,
YORKSHIRE INSURANCE COMPANY,
Complainants,

VS

HENRY D. MOORER,
Defendant.

SUMMONS & COMPLAINT

FILED on this the 27 day of
March, 1934.

M. A. Stone
Register.

(23)

The State of Alabama }
Baldwin County }

CIRCUIT COURT

No. 37 1/2 Fall Term, 1935

To Any Sheriff of the State of Alabama--Greeting:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

Lucile Kersch Pch - Defendants

you cause to be made the sum of Reimburse by P.H. Dollars

which Sara Miller, Plaintiff

recovered of him on the 9 day of Sept 1932 by

the Judgment of our Circuit Court, held for the County of Baldwin, besides the sum of _____

Twenty-two & 53/100 _____ Dollars

costs of suit, and have the same to render to the said Robert L. Hirsch

and make return of this Writ and the execution thereof, according to law.

Interest from _____, 193____, to date of collection.

Witness my hand, this 7 day of Sept 1932

Robert F. Muck Clerk

[illegible]

THE STATE OF ALABAMA {
BALDWIN COUNTY }

IN JUSTICE COURT OF

J.M. Franklin

TO ANY LAWFUL OFFICER OF SAID COUNTY, GREETING:

Lucile.Kershhaving complained on oath before me, J.M. Franklin, N.P. Ex-O.J.Pa Justice of the Peace in and for Precinct No. 4 Baldwin County, Alabama, thatTena. Milleris justly indebted to ^{her} ~~him~~ in the sum of Sixty and No/100 dollars(Sixty) Dollars, and has made affidavit and given bond as required by law; you arehereby commanded to attach so much of the estate of Tena. Miller

as will be of value sufficient to satisfy the complaint and costs; and such estate, unless replevied you will so secure that the same may be liable to further proceedings thereon, to be had before me on the

5th 8th day of March 1934, at my office at My officein the court house Baldwin County, Alabama, when and where you must make return how you have executed this writ.Witness my hand this the 3rd day of March 1934J.M. Franklin
N.P. Ex-O Justice of Peace,Precinct 4 Baldwin County, Ala.

RECORDED

WRIT OF ATTACHMENT

RECORDED

Lucile Korsh Plaintiff
VS

Eena Miller Defendant

JUSTICE COURT OF

Bayminetta at

Alabama.

Issued 3rd day of March 1934

N.P. EX-O--Justice of Peace.

MOORE PRINTING CO., BAY MINETTE, ALA.

Filed August 16, 1934
M. A. Stone
clerk

May 3 75
executed March 5th 1934
by attaching and taking
into my possession the
property listed on the
attached sheet as the
property of Eena Miller

W. R. Stuart
Sheriff

By M. A. Stone

Transcript of Civil Cases from Justice's Court of

J. M. Franklin, Baldwin County, Ala.

ATTORNEYS	NAMES OF PARTIES	CAUSE OF ACTION	ITEMIZED BILL OF COSTS
H. M. Hall Pltiff	Lucile Kersh VS Tina Miller	For Possession of Reverted Premises Wrongfully withheld by Tenant	<p>JUSTICE'S FEES</p> <p>Issuing Summons \$ 50 50</p> <p>Issuing Original Process writ <i>Original writ</i> 50 50</p> <p>Issuing Subpoena for each witness.. 15</p> <p>Issuing Execution and Taxing Cost 50 50</p> <p>Issuing Relieving filer counter affidavit <i>Relieving filer counter affidavit</i> 50</p> <p>Issuing Summons to Garnishee and taking answer 50</p> <p>Issuing Attachment Writ 50 50</p> <p>Attachment Bond and Affidavit 1 50 1 50</p> <p>Garnishment Bond and Affidavit 50</p> <p>Appeal or Certiorari, including Bond 1 00</p> <p>For Bond entering final judgment <i>For Bond entering final judgment</i> 1 00 1 00</p> <p>Administering Oath and Certifying Same 25</p> <p>Certificate not otherwise provided for 25</p> <p>Docketing Cause 10 10</p> <p>Judgment on Forthcoming Stay or Replevin Bond 50</p> <p>Judgment on Summary Proceeding 75</p> <p>Issuing Venire Facias 50</p> <p>Transcript of Proceeding 50 50</p> <p>Attending Trial or Right of Property 1 00</p> <p>Sci. Fa. or notice in nature thereof 50 5 10</p> <p>Making Return of Certiorari 50</p> <p>Notice to Defendant 15</p> <p>Release 25</p> <p>SHERIFF'S FEES CIVIL CASES</p> <p>Serving Summons 1 50</p> <p>Serving Summons on Each Witness 25</p> <p>Serving Garnishment 25</p> <p>Levyng Attachment under \$50.00 1 00 3 00</p> <p>Levyng Execution under \$50.00 1 00</p> <p>Making Money, 3 per cent, not less than 75</p> <p>Serving Original writ detinue <i>Original writ detinue</i> 25 1 00</p> <p>Serving Relieving filer counter affidavit <i>Relieving filer counter affidavit</i> 50 50</p> <p>Taking Bail or other Bond 50 1 00</p> <p>Keeping Property Levied on 50</p>
DATES	DISPOSITION OF CASE		
3/8/34	Bond and Affidavit Filed. March 3rd 1934		
	Summons and Complaint Issued ret. 3/3/34		
	Ret. executed by 3/5/34. By W R Stewart		
3/29/34	Came the parties on the 29th day of March 1934, and upon evidence I find the said Tina Miller guilty of unlawful detainer, as complained against her by Lucile Kersh, and I therefore order and adjudge that the said Tina Miller restore to the said Lucile Kersh the possession of the said tract of land mentioned in the Complaint, to wit: From SW corner of NE 1/4 of Sec 29, T 4 S. of Range 2 East, Run thence east		

W. A. Clark
Filed Aug 16 1934

To the Clerk of the Circuit Court of Baldwin County:

I hereby certify that the foregoing is a full, complete, and exact transcript from my docket of the judgment and proceedings in the above cause, and I herewith send to the Clerk of the Circuit Court of Baldwin County, Alabama, all the original and other papers pertaining to said cause.

Given under my hand this *31st* day of *March* 1934

J. M. Dransfield N.P. & Justice of the Peace.

RECORDED

May 37 1934

LUCILLE KERSH, Plaintiff)

vs

Circuit Court; Baldwin County.

TENA MILLER, Defendant.)

Defendant demands a jury trial.

P. F. McMillan

CLERK COURT NO. 1234

RECORDS SECTION, BALDWIN COUNTY, ALA.

RECORDS SECTION, BALDWIN COUNTY, ALA.

RECORDS SECTION, BALDWIN COUNTY, ALA.

RECORDS SECTION, BALDWIN COUNTY, ALA.

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RECORDS SECTION, BALDWIN COUNTY, ALA.

RECORDS SECTION, BALDWIN COUNTY, ALA.

RECORDS SECTION, BALDWIN COUNTY, ALA.

CIVIL JURY NO. 37

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

LUCILE KERSH,
Plaintiff,

VS.

TENA MILLER,
Defendant.

DEMAND FOR JURY TRIAL

Filed on this the 2nd day of
April, 1934.

W. A. Stone

TINA MILLER,

Plaintiff,

-VS-

J. M. FRANKLIN, As Justice of
the Peace, Beat 4, Baldwin
County, Alabama,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA, IN EQUITY

No. _____

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

Your petitioner, Tina Miller, a resident citizen of Baldwin County, Alabama, and over the age of twenty-one years, respectfully shows unto your Honor:

FIRST: Petitioner is a resident citizen of Baldwin County, Alabama and is over the age of twenty-one years, and is the defendant in a cause filed against her by Lucille Kirsh in the Justice of the Peace Court of J. M. Franklin, the defendant herein named.

SECOND: The said J. M. Franklin is a Justice of the Peace of Beat 4 in Baldwin County, Alabama, and is over the age of twenty-one years.

THIRD: The said J. M. Franklin is an uncle of Lucille Kirsh, the plaintiff in a suit filed by her in the Justice Court of J. M. Franklin against petitioner and the cause is now pending in said court.

FOURTH: In consideration of the foregoing facts petitioner alleges that the said J. M. Franklin is disqualified to try said cause because he is related to the plaintiff therein within the fourth degree of consanguinity or affinity, under section 8570 of the Code of Alabama, and petitioner further shows that she has petitioned said J. M. Franklin to certify his disqualifications and recuse himself from acting as such Judge in said cause and he refuses to do so and petitioner alleges that she has no adequate remedy at law because if the said J. M. Franklin enters a judgment in said cause petitioner could not have the same set aside as void because of such disqualifications and she further shows that she has a right to have her cause tried by a Judge who is not disqualified because of the said relationship.

WHEREFORE, Petitioner prays that your Honor will grant an order for the issuance of an alternative writ of mandamus, commanding and directing the said J. M. Franklin to forthwith certify his incompetency to try said cause and that he be required to recuse himself as Judge in said cause.

And petitioner respectfully prays for such other, further and general relief as she may be entitled to in the premises.

TINA MILLER

By

B. X. Lee Miller Jr.
Her Solicitor.

FOOT NOTE:, The Respondent, J. M. Franklin, is required to answer each and every allegation and paragraph in the foregoing bill but his oath thereto is hereby strictly waived.

B. X. Lee Miller Jr.
Solicitor for Complainant

STATE OF ALABAMA, |
 *
COUNTY OF MOBILE. |

Before me, Ruth Macdonald, a Notary Public in and for said State and County, personally appeared Tina Miller, who is known to me and who being sworn says on oath that she is the defendant named in the case of Lucille M. Kirsh vs Tina Miller on proceedings now pending in the Justice of the Peace Court of J. M. Franklin at Bay Minette, Alabama.

Affiant further says that she has read the allegations in the petition hereto attached and that the allegations of fact stated in said petition are true.

Tina Miller

Sworn to and subscribed before me this 26th day of March, 1934.

Ruth Macdonald
Notary Public, Mobile County, Alabama.

STATE OF ALABAMA, I
 *
COUNTY OF MOBILE. I

Before me, Ruth Macdonald, a Notary Public in and for said State and County, personally appeared B. F. McMillan, Jr., who is known to me and who being sworn says on oath that he is attorney for the defendant in the case of Lucille Kirsh vs Tina Miller, pending before J. M. Franklin, Justice of the Peace in Baldwin County, Alabama; that the case was called for trial in said Justice of the Peace Court in Bay Minette, Alabama, on to-wit; March 23rd, 1934; that at said trial affiant appeared as attorney for the defendant and made a motion before the Judge to disqualify himself as Judge in said cause because he was an uncle of the plaintiff or related to plaintiff within the Fourth degree of consanguinity or affinity; that the said Judge then stated that he was so related but thought he could try the case fairly and he refused to certify his incompetency or to recuse himself as Judge in said cause. The cause was then re-set for trial on Thursday, March 29th, 1934.

B. F. McMillan, Jr.

Sworn to and subscribed before me this 26th day of March, 1934.

Ruth Macdonald
Notary Public, Mobile County, Alabama.

RECORDED

NO 37 1/2

Lucille Kersh

V.S.

Tena Miller

Applied

Filed April 9 1904

W. G. Spivey

6706473

Record to get sold with an order addressed for any at above

W. G. Spivey

OFFICE OF
SHERIFF BALDWIN COUNTY
W. R. STUART, Sheriff

RECORDED
DEC.

Jury sale = Oct 27th in 5th Mo 1893
Bay Minette, Ala., 10

Copy of Judgment

3/8
1894 Judgment for Plaintiff
and against the defendant
for amount due for \$60⁰⁰
Cash.

after judgment was entered
and the pt said it was closed
the pt at Mr Hall's request changed
the judgment by adding
It was further ordered that the prop-
erty attached by said judgment be
sold to satisfy said judgment and
disburse as follows

OFFICE OF
SHERIFF BALDWIN COUNTY
W. R. STUART, Sheriff

Bay Minette, Ala., _____ 193__

Marsh

vs. Rufus Franklin P. on
Miller = 9/5/34

- Ordinances admit to the trial
- 1 = Kelly used mtg to Stencil on 10/1/28
Rec Book 44 page 178
 - 2 = Stencil transferred mtg to White-
Plum Co after Book 67/586
 - 3 = W. R. Stuart transferred mtg to
plaintiff on 6/10/33 Book

Plaintiff admits the land sold for
taxes on property of Kelly on 6/13/32
for taxes of 1931.

- 2 = Certificate of sale and right to remove
as transferred by me to Kelly 1/5/34

Civil Jury

37 1/2

VERNON HOFFMAN THREE
AND NINE

July 37 1/2

RECORDED
W. B. Stone

Filed August 16, 1934

M. A. Stone, Clerk-

LUCILLE KIRSH,

Plaintiff,

vs

TINA MILLER,

Defendant.

IN THE JUSTICE COURT OF J. M.

FRANKLIN, ESQ., No. _____

STATE OF ALABAMA,

COUNTY OF MOBILE.

Before me, Ruth Macdonald, a Notary Public in and for said State and County, personally appeared Tina Miller, who is known to me and who being sworn says:

Affiant is the person named as defendant in the foregoing cause and she makes oath and says that her lease or term of rent has not expired, that she is not holding possession of the premises over and beyond her term or that her right of possession has not terminated or been forfeited and that she has a good and lawful right to the possession of said premises.

Tina Miller

Sworn to and subscribed before me this 21st day of March, 1934.

Ruth Macdonald
Notary Public, Mobile County, Alabama.

Recd 3/25/34
July 37 1/2

RECORDED
INDEXED

EXHIBIT

AS

100-100000-100000

EXHIBIT, NO. 1, 100-100000-100000

Filed August 16, 1934
M.A. Stone
Clerk

STATE OF TEXAS
COUNTY OF DALLAS

Before me, the undersigned authority, on this day personally appeared _____, known to me and being duly sworn, who depose and say that she is the lawful possessor of the premises described in the foregoing and that she has a good and lawful right to the possession of said premises.

Witness my hand and seal of office this _____ day of _____, 1934.

[Signature]

Given to me and subscribed before me this 31st day of _____, 1934.

Notary Public

[Signature]

STATE OF ALABAMA.

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS, that WHEREAS, heretofore on, to-wit, October 11, 1928, Catherine M. Kelly and James H. Kelly, husband and wife, executed and delivered to William Stenzel and Arthur Stenzel a mortgage recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 44, pages 178-9, conveying the property hereinafter described and conveyed to secure an indebtedness therein recited; and

WHEREAS, the said William Stenzel and Arthur Stenzel, by instrument dated June 1st, 1932, transferred and assigned said mortgage with the indebtedness thereby secured to W. D. Stapleton, Jr., by instrument recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 54, pages 536-7; and

WHEREAS, W. D. Stapleton, Jr., did on June 20, 1935, transfer and assign the said indebtedness to Lucile Kersh by instrument recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 56, pages 584-5; and

WHEREAS, the said Catherine M. Kelly and James H. Kelly, husband and wife, did vest the said William Stenzel and Arthur Stenzel, their heirs and assigns, with full power and authority, upon the happening of a default in the payment of said indebtedness, to sell said real estate at auction, for cash, at the front door of the Court House of Baldwin County, Alabama, after having given notice for two consecutive weeks in any newspaper published in Baldwin County, Alabama, and did authorize the said William Stenzel and Arthur Stenzel, their heirs or assigns, agents or attorneys, to conduct the sale and to make deed to the purchaser in their names and as their attorneys in fact, and did authorize the said William Stenzel and Arthur Stenzel, their heirs or assigns, to bid at any sale held thereunder as though a stranger to the instrument; and

WHEREAS, default having been made and continuing in the payment of the indebtedness secured by the said mortgage, the said Lucile Kersh, as transferee and owner of the mortgage and the indebtedness secured thereby, after giving notice of the time, place and terms of sale, together with a description of the property, by publication once a week for two consecutive weeks in The Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, acting by and through H. M. Hall, as attorney, did offer the said property for sale at auction, in front of the Court House door of Baldwin County, Alabama, at twelve o'clock noon on the 26th day of February, 1954, and at such sale the said Lucile Kersh became the purchaser for and at the sum of One Hundred Eighty Dollars (\$180.00), the same being the highest, best and last bid; that notice of the said sale was given and the said sale held and made in all things in strict compliance with said mortgage and with the statutes made and provided;

NOW THEREFORE, in consideration of the premises and of the sum of ONE HUNDRED EIGHTY DOLLARS (\$180.00) to them in hand paid, the said CATHERINE M. KELLY and JAMES H. KELLY, husband and wife, acting by and through H. M. Hall, as attorney conducting the sale and as their attorney in fact, under and by virtue of the powers contained in said mortgage and of the statutes made and provided, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said LUCILE KERSH all the following described real property situated in Baldwin County, Alabama, to-wit:

From Southwest corner of Northeast quarter of Section 29, Township 4 South of Range 3 East, run thence East 205 feet for a point of beginning; thence North 455 feet to Bay Bridge Road, thence North 82½ degrees East 205 feet, thence South 459 feet, thence West 205 feet to beginning, the tract described contains two acres;

TO HAVE AND TO HOLD unto the said LUCILE KERSH, her heirs and assigns, forever.

IN WITNESS WHEREOF, said CATHERINE M. KELLY and JAMES H. KELLY, husband and wife, by H. M. Hall, as attorney conducting the

sale, and as their attorney in fact, have hereunto set their hands and seals, on this the 26th day of February, 1934.

Catherine M. Kelly (SEAL)

BY Sturtevant (SEAL)
As attorney conducting the sale
and as attorney in fact.

James H. Kelly (SEAL)

BY Sturtevant (SEAL)
As attorney conducting the sale
and as attorney in fact.

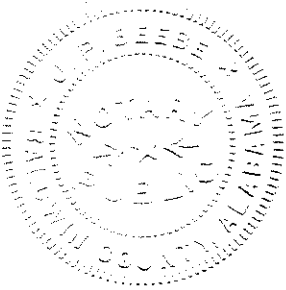
STATE OF ALABAMA.

BALDWIN COUNTY.

I, J. P. Beebe, a Notary Public in and for said State and County, hereby certify that H. H. Hall, ~~whose name as attorney conducting the sale and as attorney in fact for Catherine M. Kelly and James H. Kelly, husband and wife,~~ 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 attorney conducting the sale and as attorney in fact for Catherine M. Kelly and James H. Kelly, husband and wife, executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 26 day of February, 1934.

J. P. Beebe
Notary Public, Baldwin County, Alabama.



July 31st
Fclose Deed
Catherine M^{rs} James H. Kelly
by Auct.

RECORDED
87
89
Lucile Kersh

2-26-34

State of Alabama, } Probate Court
Baldwin County. }
Filed in office this 8 day of May 1934
at 9:25 a.m. and duly recorded
in Deed Book No. 557.5 at page 218
and I certify that \$ Deed
tax and \$ Mfg tax, has
been paid as required by law.

W. H. Humphries
Judge of Probate
By *J. H. Kersh* Clerk

filed August 16, 1934
W. H. Kersh, Clerk
Mrs. Lucile Kersh
atty
Rec'd 12:00

W. H. Kersh
9:25 a.m.

BEEBE & HALL
LAWYERS

ALTERNATIVE WRIT OF MANDAMUS

STATE OF ALABAMA, |
 *
COUNTY OF BALDWIN. |

TO J. M. FRANKLIN, as Justice of the Peace of Beat 4, Baldwin
County, Alabama:-

It being made to appear to this court by petition
of Tina Miller that she is defendant in the Court of J. M.
Franklin, Justice of the Peace, Beat 4, Baldwin County, Alabama,
in a suit filed against her by Lucille Kirsh and that said J.M.
Franklin is related to the plaintiff, Lucille Kirsh within the
Fourth degree of consanguinity or affinity and is therefore dis-
qualified to act as Judge in said cause:

THEREFORE, we command you that you immediately certify
your incompetency as such Judge and recuse yourself as Judge
from trying said cause or appear before this court on the 18th
day of April, 1934, and then and there show cause if any there
be why you should not certify your incompetency and recuse your-
self as Judge in said trial.

Herein fail not and have you then and there this writ.

Dated this 4th day of March, 1934.

F. W. Hare

JUDGE, CIRCUIT COURT, BALDWIN COUNTY, ALA.,

Executed

7th day April 1934

by serving ~~subpoena~~ notice

on

J. W. Franklin

~~Subpoena~~

W. R. Stuart

Sherriff

For

~~W. R. Stuart~~

Deputy Sheriff

No. 374

Levitt Rensh

Plaintiff

VS

Lera Miller

Alternative Writ

of Habeas Corpus

Filed April 9th 1934

M. A. Stone
Clerk

Code 8570

LUCILE KERSH,

Plaintiff,

VS.

TENA MILLER,

Defendant.

IN THE JUSTICE COURT OF

J. M. FRANKLIN, ESQUIRE.

JUSTICE OF PEACE. BEAT 4.

Comes the Defendant and moves the Court to set aside the judgment entered in this case on to-wit, March 8, 1934, for that, the Justice of the Peace trying the cause, namely J. M. Franklin, is related to the Plaintiff ^{by consanguinity} within the third degree, and is therefore disqualified to try said cause.

B. F. McMillan, Jr.
Attorney for Defendant.

STATE OF ALABAMA

COUNTY OF BALDWIN

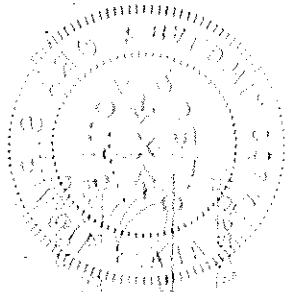
Before me, Ora Sirmon, a Notary Public, within and for said County in said State, personally appeared B. F. McMillan, Jr., who is known to me and who, having been by me duly sworn doth depose and say: That he is informed and believes and upon such information and belief states that the allegations and facts of the foregoing motion are true. Affiant further says that he did not know of the fact alleged in said motion until after the cause was tried.

B. F. McMillan, Jr.

Sworn to and subscribed before me on
this the 8th day of March, 1934.

Ora Sirmon

Notary Public, Baldwin County, Alabama.



THE SIXTH OF MARCH, 1934.
TO THE SPECIFIED PERSONS OR

REPORT, DEPARTMENT OF JUSTICE.

THE CASE WAS FIRST

John J. Connelley

He did not know of the fact alleged to said motion until after
reads of the foregoing motion are true. He has never seen any
upon such information and belief states that the allegations are
shown upon belief and say: that he is informed and believes and
wishes to say that he is informed and believes and wishes to say
and for said County in said State, personally observed E. B. Mc-
before me, one William E. Hensley, Sheriff, within

COUNTY OF PITKIN
STATE OF COLORADO

Witness my hand and seal of office this 16th day of August, 1934.

John J. Connelley

July 37.3
~~RECORDED~~
~~INDEXED~~

*Kirsh
&
Meiller*

William E. Hensley

Filed August 16, 1934
W. A. [unclear]
Clk.

IN THE DISTRICT COURT OF

John J. Connelley

KNOW ALL MEN BY THESE PRESENTS, That we, Tina Miller, Cyrus Wilson and *C. S. Woodson*, are held and firmly bound unto W. R. Stuart, as Sheriff of Baldwin County, Alabama, and his successors in office as such Sheriff, in the sum of Seven Hundred Twenty and 00/100 (\$720.00) dollars and costs of this proceeding for the payment of which we jointly and severally bind ourselves, our heirs, executors or administrators, firmly by these presents.

Sealed with our seals and dated this 29th day of March, 1934.

The condition of the above obligation is such that Whereas the above bounden Tina Miller has this day applied for and obtained an appeal returnable to the next term of the Circuit Court of Baldwin County, Alabama, to supersede a judgment recovered by Lucille Kirsh against the said Tina Miller in unlawful detainer and said Justice has issued writ of restitution and this bond is given for the purpose of superceding said writ in the amount of twice the yearly value of the rent of the premises ascertained by said Justice, J. M. Franklin.

Now therefore, if the said Tina Miller shall pay to the said plaintiff all such damages as she may sustain by the prosecution of this appeal, this obligation to become void, otherwise to be and remain in full force and effect.

Witness to
mark y

C. S. Wilson

J. B. B. Lockman

Tina Miller (SEAL)

C. S. Woodson (SEAL)

W. R. Stuart (SEAL)

Taken and
approved this
30th March 1934
W. R. Stuart
Sheriff

Superior Court
in and for the County of
case of Lucile Hersh
vs

Lina Miller

375

MEMORANDUM

filed March 30th 1934

J. M. Franklin
MRE4-0.90

Filed August 16, 1934

N.A. Smith

Clerk

09-07-2016 18:00

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[illegible]

UNIT OF 6407 HERRING LANE S.W. COVINGTON (LA 70429) GOTTFREDSON

Contract # 00069780
Payable to: 0000000000

any severity and nature of symptoms or

[illegible]

(The following names are those appearing on the original document.)

402

City Court of Belgium County, Alsace, to enforce a judgment and obtained an appeal remanded to the next term of the Court. Wherein the above defendant and Miller has this day applied for the completion of the above obligation is such that

recovered by the FBI. The FBI is currently reviewing the information and is expected to release the information within the next few weeks. The FBI is currently reviewing the information and is expected to release the information within the next few weeks.

The following information was obtained from the files of the Federal Bureau of Investigation, Department of Justice, and the Bureau of Customs and Border Protection, Department of Homeland Security, regarding the activities of the [redacted] and the [redacted] in the [redacted] area.

3

1994

1993

LUCILLE KIRSH,
Plaintiff,
vs
TINA MILLER
Defendant.

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IN THE JUSTICE OF THE
PEACE COURT OF J. M.
FRANKLIN, ESQ.,

The defendant takes an appeal to the Circuit
Court of Baldwin County, Alabama, from the judgment
rendered by J. M. Franklin, Justice of the Peace, on
to-wit; March 29th, 1934.

B. X. McMillan
ATTORNEY FOR DEFENDANT.

*We acknowledge our solemn obligation
for costs of this appeal.*

Tina Miller

Witness to mark
C. S. Wilson
J. B. Blackburn

C. S. Wilson
mark

Woodson

B. F. MCMILLAN, JR.
ATTORNEY AT LAW
803-806 VAN ANTWERP BLDG.
MOBILE, ALABAMA

May 8th, 1934.

Hon. J. M. Franklin,
Justice of the Peace,
Bay Minette, Alabama.

Dear Judge Franklin:-

I haven't an answer to letter of Saturday and do not know what has been done with the Kersh case against Miller. I arrived this morning from Montgomery and expected a letter from you but have nothing.

Am advised that Judge Hare on Tuesday filed a writ of mandamus requiring you to recuse yourself from determining any angle of the case and if you should make an order of any kind after this ruling, it will in my opinion be void. Consequently I am not coming to Bay Minette and I don't think that Ram Stuart will sell this property in the present situation. I also think that if you rule in the matter you will be in contempt of court and while I have every friendly feeling for you, I will not consent for my client to be forced to try her case before the uncle of the adverse party.

Judge Franklin, I frankly do not understand your attitude in this case. From the statements you have made in open court you must realize that you are disqualified by Section 8570 of the Code and why in view of objections you insist on trying your brother-in-law's case is beyond me. It is not a question of whether you can render a fair verdict but it is a question of whether you are as a matter of law disqualified. From previous experiences I think I know exactly what rulings you would make but I also know that this defendant has rights to be adjusted by an unprejudiced tribunal. I don't want to get into any personal or professional controversy, not because I am afraid of the ultimate outcome and certainly not because I am afraid of anything that may arise in the trial but it is a case where a litigant whom I represent thinks she has certain rights and she wants them adjudged by a court who is not kin to either side.

Yours very truly,

Mc/M

B. F. McMillan, Jr.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, J. M. FRANKLIN, a Justice of the Peace in and for Beat 4, Bay Minette, Baldwin County, Alabama, personally appeared LUCILE KERSH, who having been by me first duly and legally sworn, deposes and says:

My name is Lucile Kersh. I am the owner of the lands hereinafter described, with the improvements thereon. All Tena Miller's rights to said property and her right to the possession thereof have determined and been forfeited. I have given the said Tena Miller notice to vacate said property, but she has failed or refused to deliver possession after possession demanded.

The said lands being described as follows:

From Southwest corner of Northeast quarter of Section 29, Township 4 South of Range 2 East, run thence East 203 feet for a point of beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}$ degrees East 205 feet, thence South 459 feet, thence West 203 feet to beginning, the tract described contains two acres.

Lucile Kersh

Sworn to and subscribed before me, this the 17th day of March, 1934.

J. M. Franklin
Justice of the Peace, Beat 4,
Baldwin County, Alabama.

June 3 1934
Lucile Hersh
vs

Lucia Miller

~~RECORDED~~

Affidavit

Filed Aug 16, 1934

M. A. Stone
Clerk

LUCILE KERSH,
Plaintiff,
vs.
TENA MILLER,
Defendant.

IN THE JUSTICE COURT OF
J. M. FRANKLIN JUSTICE OF PEACE,
BEAT 4, BAY MINETTE, ALABAMA.

TO HONORABLE W. R. STUART, SHERIFF:

Lucile Kersh having made affidavit as required by law that all the rights of the defendant above named in and to the property hereinafter described have determined or been forfeited, and that the said Tena Miller refuses to deliver up possession after having been duly notified;

YOU ARE HEREBY DIRECTED AND COMMANDED to deliver to Lucile Kersh, as the owner thereof, or her representative, full and quiet possession of the lands or tenements mentioned in the said affidavit, removing the tenant with her property found thereon away from the premises; the property being described as follows, to-wit:

From Southwest corner of Northeast quarter of Section 29, Township 4 South of Range 2 East, run thence East 203 feet for a point of beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}$ degrees East 205 feet, thence South 459 feet, thence West 203 feet to beginning, the tract described contains two acres, in Baldwin County, Alabama.

J. M. Franklin
Justice of the Peace, Beat 4,
Baldwin County, Alabama.

July 37 3
Lucile Keach
vs

RECORDED

Lena Miller

RECORDED
934

Writ of Possession

Executed March 20. 1934
by serving a copy of
Writ of Possession on
Lena Miller

W.R. Stuart Sheriff

[Signature]


Filed August 16, 1934
M. B. Stine
Clerk.

TO TENA MILLER:

~~You are hereby directed and commanded to deliver to~~
Lucile Kersh full and quiet possession of the lands hereinafter described, with the improvements thereon, to-wit:

From Southwest corner of Northeast quarter of Section 29, Township 4 South of Range 2 East, run thence East 203 feet for a point of beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}$ degrees East 205 feet, thence South 459 feet, thence West 203 feet to beginning, the tract contains two acres, in Baldwin County, Alabama.

Unless such possession is delivered, I will, as Sheriff, after the expiration of three (3) days hereafter, proceed with the execution of the writ or process issued out of the Justice Court of J. M. Franklin, Justice of the Peace, Beat 4, Baldwin County, Alabama, and in accordance therewith remove you and your property from the said premises.



Sheriff, Baldwin County, Alabama.

Notice

July 37th

RECORDED
2004

Executed March 20 1934
by serving a copy of Notice
on Lena Miller

W R Stuart Shinn
Hamilton D.C.

Filed August 16, 1934
M. A. Stone
Clerk.

N^o 7104

STATE OF ALABAMA

Baldwin

COUNTY.

Office of the Judge of Probate,

Baldwin

County.

Sale Docket

9

P.

*92*WHEREAS, on the *13* day of *June* *1932*, the real propertyhereinafter described was sold, in substantial conformity with all the requisitions of the statutes in such cases made and provided, by *James M. Smith*Tax Collector of said County, to *State of Alabama*and assigned to *Cyrus S. Nelson*, by *order of Alabama 1934* for the taxes, interests, penalties and costs, then due and remaining unpaid on said property;and whereas, *Lucile Kerch*

has made application to redeem said land:

NOW, THEREFORE, I, *J. M. Humphries*

Judge of

the Probate Court of the said County of *Baldwin*

being satisfied

that the said *Lucile Kerch*is the owner of said property, and has a right to redeem the same, do hereby certify that the said *Lucile Kerch*

has deposited

with me, on this *15th* day of *March* *1934*

Dollars,

for the redemption of the following real estate:

*Tract the 5th cor. NW 1/4 Sec 29 T45. R2E. 1000 E 203 ft. for begin cor. thence N 43 ft. to Bar Bridge Road thence N 82 ft. E 205 ft. S. 45 ft. W 203 ft. to begin Sec 29, T45, R2E.*situated in *Baldwin* County, Alabama.Assessed to *H. Tally*Amount of Purchase Money \$ *27.65*Interest at 15% \$ *7.26*

Interest at 8% if sale took place on or after September 15th, 1932 \$

Cost of Certificate of Redemption \$ *1.00*Subsequent Taxes and Interest \$ *40.62*Total \$ *76.53*WITNESS, *J. M. Humphries*

Judge Probate Court of said County, this

15 day of *March*193*4*

Judge Probate.

Countersigned by: *J. M. Humphries*

County Treasurer.

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MRS. TENA MILLER:

YOU ARE HEREBY NOTIFIED that all your right of possession to the land hereinafter described has determined or been forfeited.

YOU ARE FURTHER NOTIFIED that I, as the owner of the said lands, desire possession of the same. You will please vacate the said lands and the improvements thereon at once; land being described as follows:

From Southwest corner of Northeast quarter of Section 29, Township 4 South of Range 2 East, run thence East 205 feet for a point of beginning; thence North 433 feet to Bay Bridge Road, thence North $82\frac{1}{2}$ degrees East 205 feet, thence South 459 feet, thence West 203 feet to beginning, in Baldwin County, Alabama, the tract described contains two acres.

Dated this March 15, 1934.

Lucile Kersh

RECORDED
RECORDED

(37)
Served this 13th
March at 1.30 PM
by handing her
the original in
the Tourist Camp
lunch room

W.D. Stapleton

Filed August 16, 1934

M.H. Stone

Clark