

570

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER \_\_\_\_\_.

DEMAND FOR ABSTRACT.

TO A. A. CORTE, DEFENDANT, AND MESSRS. BEEBE AND HALL, ATTORNEYS FOR  
DEFENDANT:

Demand is hereby made upon you as provided by Section 7455  
of the 1923 Code of Alabama for an abstract in writing of the title  
or titles on which the Defendant will rely for defense of this suit.

J. B. Blackburn  
Attorney for Plaintiffs.

We hereby accept service of the copy of the foregoing in-  
strument and waive further notice of same.

Dated this 22nd day of August, 1940.

BEEBE AND HALL,  
Attorneys for Defendant,

By W. C. Beebe  
As a Member of the Firm.

570

RECORDED

DEMAND FOR ABSTRACT.

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER \_\_\_\_.

*Filed Aug 22 1940*  
*James*  
*Chen*

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_.

MOTION.

Now comes the Plaintiffs in the above entitled cause, by their attorney, and respectfully represent unto the Court as follows:

1. To enable Plaintiffs to properly prosecute this suit and to present their side of this controversy it is necessary that the property for which this suit is brought be surveyed and a plat made thereof in order that the kind and location of the improvements thereon, if any, can be shown in order that the jury trying the case can arrive at a proper verdict.

2. Plaintiffs employed a surveyor to go on the said property and survey it, such surveyor being authorized by law to enter upon lands and make a survey in an orderly manner at the request of any interested person without the consent of the person in possession but the Defendant or his agents, servants or employees refused to allow Plaintiffs' surveyor to go on the said property and make an orderly survey thereof, and is thereby illegally and unfairly attempting to prevent Plaintiffs from securing valuable evidence that is necessary in the trial of this case.

3. The land for which this suit is brought is entirely surrounded by other land of the Defendant and roads or highways that he has inclosed, and is inclosed by a fence.

4. Plaintiffs desire to have a survey and plat made of the property for which this suit is brought and are willing to employ a surveyor and pay for his services, or they are willing that the said property be surveyed under order of the Court by a surveyor to be appointed by the Court and that costs thereof be taxed as a part of the costs of this proceeding. The furtherance of justice requires

that such survey be made.

5. Plaintiffs suggest Mr. W. L. Durant, of Mobile, Alabama, as a person who is a competent and qualified surveyor or engineer to make the said survey.

WHEREFORE, Plaintiffs move the Court for an order granting the following separate and several relief:

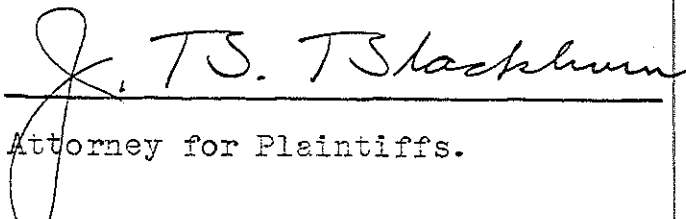
1. That an order be made authorizing Plaintiffs to have a survey made of the said property at their own expense by a surveyor or engineer to be employed and paid by them.

2. That an order of survey of the said property be made by the Court directing that it be surveyed and platted by a competent surveyor or surveyors to be selected by the Court, that plats thereof be furnished to each of the parties to this proceeding and that the costs thereof be taxed as a part of the costs of this proceeding.

3. That the Defendant be ordered not to interfere with such survey so ordered.

4. If the Plaintiffs are mistaken in the relief prayed for they move the Court to grant such other and further relief as they may be entitled to in the premises.

Respectfully submitted,

  
Attorney for Plaintiffs.

597

RECORDED

MOTION.

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiff,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.          NUMBER \_\_\_\_.

*Filed Aug 5 1940*  
*Rosenthal*  
*Clint*

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by JULIA JENKINS  
ROSENTHAL, as his next friend,  
and JULIA JENKINS ROSENTHAL,  
Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER \_\_\_\_.

DEMURRER.

Now come the Plaintiffs and demur to the Plea in Abatement filed by the Defendant and as grounds therefor sets down and assigns, separately and severally the following:

1. It does not allege sufficient facts to show that one suit is a bar to the other.

2. It does not allege that a final judgment rendered in the first case would be good as a bar to the second.

J. T. T. Blackman  
Attorney for Plaintiffs.

570

RECORDED

DEMURRER.

HARRY ANDREW ROSENTHAL, JR., a  
minor, by JULIA JENKINS ROSENTHAL,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_.

*Filed July 22 1948*  
*J. S. Smith*  
*Clk*

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins  
Rosenthal, as his next friend,  
and JULIA JENKINS ROSENTHAL,

Plaintiffs,

vs.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER \_\_\_\_\_.

Comes the defendant in the above styled cause and shows to the Court that the plaintiffs are non-residents of the State of Alabama, and moves this Honorable Court to require the plaintiffs to deposit security for cost in such amount as this Court shall direct, and in default of which defendant moves that said cause be dismissed.

*Beebe & Hall*  
*by W. C. Beebe*  
Attorneys for Defendant.



RECORDED

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins  
Rosenthal, as his next friend,  
and JULIA JENKINS ROSENTHAL,  
Plaintiffs,

vs.

A. A. CORTE,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER \_\_\_\_\_

M O T I O N

Filed February 26, 1940.

R. S. Duck  
Clerk.

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins  
Rosenthal, as his next friend,  
and JULIA JENKINS ROSENTHAL,

Plaintiffs,

vs.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER 570.

(a) Comes the defendant in the above styled cause and pleads in abatement to the suit filed in said cause, that the plaintiffs ought not to have and maintain this suit for that heretofore on, to-wit, the 28th day of January, 1939, Julia Jenkins Rosenthal, as Executrix of the estate of Harry Andrew Rosenthal, deceased, and Julia Jenkins Rosenthal instituted suit in the Circuit Court of Baldwin County, Alabama, which said court had jurisdiction of the parties and subject matter of this suit, said suit being numbered 499 in the Circuit Court of Baldwin County, Alabama, against this identical defendant upon the identical cause of action stated in this suit filed in this cause, which said suit is still pending in the said Circuit Court of Baldwin County, Alabama, undisposed of; for that long prior to the institution of the above styled cause this identical defendant impleaded in the said suit numbered 499 in the said Circuit Court in the identical cause of action heretofore instituted in said Circuit Court on the 28th day of January, 1939, as heretofore stated; *and a response in the said suit first instituted was made by a box to this suit*

Wherefore, the defendant prays judgment of this Honorable Court whether the plaintiffs herein ought to further maintain this suit.

*Beulah T. Hall*  
Attorneys for Defendant.

(b) Comes the defendant in the above entitled cause in his own proper person and pleads in abatement to the suit filed in said cause, that the plaintiff, Julia Jenkins Rosenthal, ought not

to have and maintain this suit for that heretofore on, to-wit, the 28th day of January, 1939, the said Julia Jenkins Rosenthal instituted suit in the Circuit Court of Baldwin County, Alabama, which said court had jurisdiction of the parties and the subject matter of this suit, said suit being numbered 499 in the Circuit Court of Baldwin County, Alabama, against this identical defendant upon the identical cause of action stated in the suit filed in this cause, which said suit is still pending in said Circuit Court of Baldwin County, Alabama, undisposed of; for that long prior to the institution of the above styled cause this identical defendant impleaded in the said suit numbered 499 in the said Circuit Court in the identical cause of action heretofore instituted in said Circuit Court on the 28th day of January, 1939, as heretofore stated; *and as recovery was obtained in said suit and would have been given to the plaintiff* Wherefore, the defendant prays judgment of this Honorable Court whether the plaintiff herein, Julia Jenkins Rosenthal, ought to further maintain this suit.

*Bebe O'Fall*  
*W C Beebe*  
Attorneys for Defendant.

STATE OF ALABAMA.

BALDWIN COUNTY.

Before me, the undersigned, a Notary Public in and for said State and County, this day personally appeared W. C. BEEBE, who being by me duly sworn, on oath deposes and says that he is attorney for defendant in the cause pending in the Circuit Court of Baldwin County, Alabama, numbered 499, wherein Harry Andrew Rosenthal, Jr., a minor, by Julia Jenkins Rosenthal, as his next friend, and Julia Jenkins Rosenthal are plaintiffs, and A. A. Corte is defendant, and says that he has read the foregoing pleas (a) and (b); that the facts therein stated are true and correct, and that the said Julia Jenkins Rosenthal, plaintiff in the above styled cause, is one and the same person as Julia Jenkins Rosenthal, plaintiff in that certain suit filed in the Circuit Court of Baldwin County, Alabama, numbered 499, by Julia Jenkins Rosenthal, as Executrix of the estate of Harry Andrew Rosenthal, deceased, and Julia Jenkins Rosenthal, against A. Corte, and that the said A. Corte in the aforesaid suit is one and the same person as A. A. Corte, defendant in this suit.

Sworn to and subscribed before me on this the 26 day of February, 1940.

*Ida M. Turnbull*  
Notary Public, Baldwin County, Alabama.

*W C Beebe*

RECORDED

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins  
Rosenthal, as his next friend,  
and JULIA JENKINS ROSENTHAL,  
Plaintiffs,

vs.

A. A. CORTE,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. \_\_\_\_\_

P L E A S

Filed February 26, 1940.

*R. S. Duck*

Clerk.

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins  
Rosenthal, as his next friend,  
and JULIA JENKINS ROSENTHAL,

Plaintiffs,

vs.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_\_.

Comes the defendant in the above styled cause, and without waiving his pleas in abatement heretofore filed in said cause, but insisting upon the same, files the following pleas:

1st. He has for more than three years before the commencement of this suit had adverse possession of the lands described in the plaintiffs' complaint.

2nd. For further answer to plaintiffs' complaint, defendant says: That for the year 1929 the lands described in the complaint were regularly assessed for State and County taxes in Baldwin County, Alabama, to H. A. Rosenthal; that the taxes not having been paid thereon as assessed, the said lands were, after all due notices and decrees, sold for the satisfaction of the taxes assessed against the same on May 26, 1930; that at such sale the defendant purchased the said property; that the said property not having been redeemed from the said tax sale, a deed was executed to defendant by the Probate Judge of Baldwin County, Alabama, on June 17, 1932, which said deed was filed for record by this defendant on June 21, 1932, and that this defendant immediately went into possession of the said lands and has remained in the continuous, adverse possession of the same for more than three (3) years next preceding the filing of this complaint, and that the plaintiffs' action is barred by the statute of limitation of three years.

3rd. For further answer to plaintiffs' complaint, defendant says that he is not guilty of the matters therein alleged.

*Deke H. Lee*  
Attorneys for Defendant.

**RECORDED**

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins  
Rosenthal, as his next friend,  
and JULIA JENKINS ROSENTHAL,  
Plaintiffs,

vs.

A. A. CORTE,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER \_\_\_\_\_

P L E A S

Filed February 26, 1940. \

R. S. Durb  
Clerk.

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

NUMBER \_\_\_\_\_.

LIS PENDENS NOTICE

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Plaintiffs in the above  
entitled cause did on the 29th day of January, 1940  
commence suit in the Circuit Court of Baldwin County, Alabama, Law  
Side, against the Defendant, A. A. Corte, to recover possession of  
the following described property situated in Baldwin County, Alabama,  
to-wit:

Farms No. Two (2) and Three (3), Section No. 27, Township  
Five (5) South, Range Two (2) East, as per plat of "Highland  
Farms" recorded in Miscellaneous Book 1, pages 290 and 291  
of the Baldwin County, Alabama Public Records,

from the said Defendant, together with damages for the detention  
thereof.

The said suit affects the title to the above described  
property and all persons are cautioned against attempting to acquire  
any right, title or interest therein except subject to the rights of  
the Plaintiffs in this cause.

*J. T. S. Blackman*  
Attorney for Plaintiffs.

Original

1-29-40

LIS PENDENS NOTICE 93

HARRY ANDREW ROSENTHAL, JR.,  
a minor, by Julia Jenkins Rosenthal  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

53

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_\_.

State of Alabama, {  
Baldwin County.

Probate Court

Filed in office this \_\_\_\_\_ day of JAN 29 1940

is \_\_\_\_\_ at \_\_\_\_\_ and duly recorded  
in \_\_\_\_\_ Book No. \_\_\_\_\_ at page 182-3

and I certify that \_\_\_\_\_  
tax and \$ \_\_\_\_\_  
has been paid as required by law.

*[Signature]*  
Judge of Probate

2 B 15  
30



HARRY ANDREW ROSENTHAL, JR.,  
et al,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 570.

#### REPLICATION.

Now come the Plaintiffs in the above entitled cause and for replication to the Defendant's Pleas numbered 1st and 2nd, separately and severally set down and assign and assign separately and severally the following:

1. The tax sale under which the Defendant claims title is void.

2. The tax sale under which the Defendant claims title is void because the taxes assessed against the property for the year 1929 were paid by H. A. Rosenthal before the alleged sale.

3. The tax sale under which the Defendant claims title is void because the 1929 taxes assessed against a part of the property for which this suit is brought, namely: Begin at the Southeast Corner of the Northeast Quarter of Section Twenty-seven (27), Township Five (5) South Range Two (2) East, Baldwin County, Alabama, and run thence South Three Hundred Twenty feet (320), West Eleven Hundred Ten (1110) feet, North Three Hundred Twenty (320) feet, East Eleven Hundred Ten (1110) feet to beginning; were paid by H. J. Burroughs before the alleged sale.

4. The tax sale under which the Defendant claims title is void because the tax collector did not report that he was unable to collect the 1929 taxes assessed against the property for which this suit is brought, without a sale thereof.

5. The tax sale under which the Defendant claims title is void because service of notice was not perfected on H. A. Rosenthal ten days before the commencement of the term of the Probate Court in which the Decree of Sale under which the Defendant claims title was rendered.

6. The tax sale under which the Defendant claims title

is void because a Decree of Sale was rendered before a Default Judgment could be rendered.

7. The tax sale under which the Defendant claims title is void because a Decree of Sale was prematurely rendered.

8. The tax sale under which the Defendant claims title is void because the Decree of Sale was not signed by the Probate Judge of Baldwin County, Alabama.

9. The tax sale under which the Defendant claims title is void because the Tax Collector did not at the expiration of the term of Probate Court in which the Decree of Sale was rendered, give thirty days notice of the tax sale by publication for three successive weeks in some newspaper published in Baldwin County, Alabama, or by posting a notice at the Court House door of Baldwin County, Alabama, and at some public place in the precinct where the said real estate is situated three weeks before the date of sale.

J. T. Blackburn  
Attorney for Plaintiffs.

**RECORDED**

REPLICATION.

HARRY ANDREW ROSENTHAL, JR.,  
et al,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.                  NUMBER 570.

*Filed 2/27/41.*  
*J. W. Hare*  
*Judge*

HARRY ANDREW ROSENTHAL, JR., a  
minor, by JULIA JENKINS ROSENTHAL,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER       .

DEMURRER.

*one and two.*

Now come the Plaintiffs and demur to the Pleas <sup>one and two.</sup> filed herein  
by the Defendant, each separately and severally, and as grounds there-  
for set down and assign separately and severally, the following:

1. The said Pleas do not set up a defense against the  
Complaint.
2. The facts alleged in said pleas can be shown under  
the general issue.

J. T. T. Blackburn  
Attorney for Plaintiffs.

570  
**RECORDED**  
DEMURRER.

HARRY ANDREW ROSENTHAL, JR., a  
minor, by JULIA JENKINS ROSENTHAL,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.          NUMBER \_\_\_\_.

*Filed May 22, 1940*  
*R. H. [unclear]*  
*Clark*

Harry A Rosenthal Jr, }  
it at Plaintiff  
vs

A. A. Corte,  
Defendant }

Comes the defendant and suggest  
~~that he has been~~ <sup>the record</sup> for more than

3 years prior to the commence-  
ment of this suit in the adverse  
possession of the property sued  
for.

Dube & Hall  
by W C Dube  
for defendant

570

RECORDED

RECORDED

Filed 7/27/41  
J. W. Hare  
Judge

Harry Andrew Rosenthal, Jr.  
et al, Plaintiffs

vs  
A.A. Carter

Circuit Court  
Mason County  
Ala. At Law  
# 570

comes the defendant and demurs to  
plaintiff's replication over and as grounds  
therefor says: replication

1. Said ~~plea~~ does not allege facts  
showing the tax sale is void.

2. The allegation that the tax sale  
is void is a conclusion of the  
pleader.

Demurring to replication 3 he says  
1. For aught that appears from said  
replication the lands described therein are not  
a portion of the lands described in  
the complaint.

2. Said replication does not allege that  
the taxes on the land described in the  
complaint were paid by the person  
to whom they were assessed before  
the sale of the lands for taxes.

3. Said replication does not allege that  
the taxes on the whole of the land  
described in the complaint were  
paid before the sale of the land  
for taxes.

4. Said replication does not allege that  
H. J. Burroughs was the owner of  
lands at the time of the assessment.



of the sum for taxes or the payment  
of the taxes thereon.

5. For aught that appears from said  
replication the assessment of said  
lands and the payment of taxes  
thereon by H J Burroughs was  
through error.

6. For aught that appears from said  
replication the payment of the  
taxes on said lands was intended  
to be the payment of taxes on  
lands owned by him. And that the  
described lands

According to replications, 5, 6, 7, and  
8, the said

1. Said replications do not set up facts  
showing the tax was paid

2. The allegations of said repli-  
cations are not conclusive of  
the issues

By R. H. Hall  
for C. Beebe  
for Defendant

570  
RECORDED

Filed July 27/84  
J. M. Lane  
Chgo

BALDWIN COUNTY

You are hereby commanded to summon A. A. Corte 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 same, then and there to answer the complaint of Harry Andrew Rosenthal, Jr., a minor, by Julia Jenkins Rosenthal, as his next friend, and Julia Jenkins Rosenthal.

R. S. DUCK, Circuit Clerk

By H. E. Smith  
As Deputy Clerk.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Plaintiffs,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER .

Defendant.

Farms No. Two (2) and Three (3), Section No. 27, Township Five (5) South, Range Two (2) East, as per plat of "Highland Farms" recorded in Miscellaneous Book 1, pages 290 and 291 of the Baldwin County, Alabama Public Records.

J. T. Blackburn  
Attorney for Plaintiffs.

Plaintiffs demand a trial of said  
cause by jury.

J. B. Blackburn

Attorney for Plaintiffs.

Received in Sheriff Office  
this 29th day of January 1940.  
*W.R. Stuart* Sheriff.  
\*\*\*\*\*

Executed *Jan 29<sup>th</sup>* 1940  
by serving copy of within Summons and  
Complaint on  
*A.A. Corte*

*W.R. Stuart* Sheriff  
By *A.P. Smith* Deputy Sheriff

*Civil Trial Record 8.*

*423*  
RECORDED Original

SUMMONS AND COMPLAINT.

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. . . . . NUMBER     .

*Filed Jan. 29-1940*  
*R.S. Duval*

*We the jury find for  
the Defendants*

*J. H. Faulkner*  
*Foreman*

In Sheriff Office  
day of January 1940.  
Sheriff.  
\*\*\*\*\*

Civil Trial Record 8.  
423  
RECORDED Original

Jan 29 1940  
Copy of within Summons and

C. Corte  
R. Short Sheriff  
P. Smith Deputy Sheriff

SUMMONS AND COMPLAINT.

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_.

Filed Jan. 29-1940

R. S. Duck  
Clerk  
By It is signed  
Deputy

We the jury find for  
the Defendant

J. H. Faulkner  
Greene

HARRY ANDREW ROSENTHAL, JR., a  
minor, by Julia Jenkins Rosenthal,  
as his next friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_.

INTERROGATORIES TO BE PROPOUNDED TO THE DEFEND-  
ANT, A. A. CORTE, UNDER SECTION 7764 OF THE 1923  
CODE OF ALABAMA.

1. State your name, age and occupation.
2. Do you claim any interest in the property for  
which this suit is brought? If your answer is yes, attach to your  
answers to these interrogatories a copy of the deed or other instru-  
ment under which you claim title.
3. If your answer to the foregoing interrogatory dis-  
closes that you claim under a tax title please attach to your answers  
to these interrogatories a full, true, correct and exact copy of the  
assessment on which the said tax sale was made.
4. Did the Tax Collector of Baldwin County, Alabama,  
in holding the tax sale under which you claim title to the property  
involved in this suit enter, in the manner usual in docketing causes  
for trial in the Circuit Court, each parcel of real estate, assessed  
to any person against whom taxes have been assessed which are not paid  
describing the same in the same manner as it is described in the  
assessment list, and stating the amount of the unpaid taxes, penalties  
fees and charges due by such person, specifying the amount due the  
State, and due the county, and to special tax districts, and that for  
fees and charges? Did such entry show the precinct in which the said  
real estate is situated? If so, attach a full, true, correct and  
exact copy of the said entry in so far as it applies to the property  
here sued for to your answers to these interrogatories.
5. When was the book for the entry of delinquent taxes  
referred to in the preceding interrogatory, delivered to the Judge of

Probate of Baldwin County, Alabama?

6. Was a delinquent tax notice given to H. A. Rosenthal during the year of 1930? If so, attach a full, true, correct and exact copy of the said notice to your answers to these interrogatories.

7. How was the notice referred to in the foregoing interrogatory served on H. A. Rosenthal?

8. If your answers to the foregoing interrogatories disclose that service of the delinquent notice was given by publication, attach a full, true, correct and exact copy of the delinquent notice in so far as the same relates to the property involved in this suit to your answers to these interrogatories.

9. State what newspaper in which the said delinquent notice was published and give the date of each publication thereof.

10. State whether or not the tax collector of Baldwin County, Alabama reported to the Probate Court of Baldwin County, Alabama that he was unable to collect the taxes assessed against the lands for which this suit was brought for the year of 1929, or from the owner thereof, without a sale of such land and if such report was given attach to your answers to these interrogatories a full, true, correct and exact copy of such report and show fully when and how the same was made.

11. State whether or not the Probate Court of Baldwin County, Alabama, made and entered a decree of sale of the lands for which this suit was brought for delinquent taxes for the year of 1929 and if so attach a full, true, correct and exact copy of the said decree to your answers to these interrogatories showing fully when the same was made and how and by whom the same was signed.

12. If the decree referred to in the foregoing interrogatory was made, state how the tax collector enforced the decree of sale and state fully the length of the notice given by him, attach a copy of the notice so given by him in so far as it relates to the property here sued for, state what newspaper in which the said notice was published and give the dates of each and every publication thereof.



13. State when and where the tax sale under which you claim title to the said property was held, by whom it was conducted and the time thereof.

14. State whether or not the Probate Judge of Baldwin County, Alabama personally attended such sale and whether he made a record thereof in a book kept by him in his office for that purpose and state whether the record described the real estate for which this suit is brought, did it state to whom it was sold, the price paid by the purchaser, the date of sale, the amounts of each kind of tax penalties and of the fees and costs in this case? If so, attach a full, true, correct and exact copy of the said record in so far as the same relates to the property here sued for.

15. State whether or not the Probate Judge of Baldwin County, Alabama entered on the delinquent tax docket in each case the land sold under the decree in that case, the purchaser thereof and the amount for which the said land was sold. If so, attach a full, true, correct and exact copy of the said delinquent decree and the entry thereon covering the property here sued for.

16. Was a certificate made out by the tax collector of Baldwin County, Alabama and delivered to the purchaser covering the property here sued for if the same was sold for taxes during the year of 1930? If so, attach to your answers hereto a copy of such certificate.

17. Are you or not in possession of this land? If your answer is yes, state the date you went into possession and the nature, character and extent of your possession, also state whether the land is vacant or improved and describe its general character. State what improvements are on the land.

18. If you answer that you have in any way purchased said land or have a deed thereto and that you are in possession thereof, state the general character of the land at the time you went into possession.

19. Were there any trees growing on the land at the time you went into possession and if so, what kind and how many?

20. Did you or your agents, servants or employees cut all of these trees or are they still growing on the land, and if cut when was this done?

21. How many superficial feet, board measure, were there in the timber cut?

22. Is this land now cleared and fenced, and on what date was it cleared and fenced? If so, what is a reasonable yearly rental for the same?

23. If you answer that you purchased this land, state the purchase price paid and to whom?

24. Have you paid any taxes on the said land since you have been claiming it and if so, give dates and amounts?

25. Were there any improvements on the property for which this suit is brought at the time the Defendant was served with process in this suit and if so explain fully and in detail the kind and nature of each and all of the said improvements and give the location of each.

26. Attach to your answers to these interrogatories a plat of the property for which this suit is brought prepared by a competent surveyor showing the exact location thereof with reference to the section lines and corners and also showing the exact location of any fences and other improvements that are located on the said property. (Plaintiffs agree to pay the cost of such plat and survey provided the same is made by a surveyor approved by them.

*J. B. Blackburn*  
Attorney for Plaintiffs.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Ora S. Nelson, a Notary Public, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is attorney for the Plaintiffs in the above entitled cause and that the answers to the foregoing interrogatories, if well and truly made, will be material testimony for the Plaintiffs in the said

cause.

J. B. Blackburn

Sworn to and subscribed before me on  
this the 21st day of January, 1941.

Ora S. Nelson

Notary Public, Baldwin County, Alabama.

this 21 day of Jan, 1941

W. R. STUART, Sheriff

Executed this 21 day  
of January 1941 by  
Serving a copy of  
within writ on W. E. Beebe  
a member of firm of  
Beebe & Hall as  
Solicitors for Defendant  
A. A. Corte.

W. R. Stuart  
Sheriff

By O. B. Guerra  
Jd

INTERROGATORIES  
TO BE PROPOUNDED TO THE DE-  
FENDANT, A. A. CORTE, UNDER  
SECTION 7764 OF THE 1923  
CODE OF ALABAMA.

HARRY ANDREW ROSENTHAL, JR.  
a minor, by Julia Jenkins  
Rosenthal, as his next  
friend, and  
JULIA JENKINS ROSENTHAL,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER \_\_\_\_\_.

Filed January 21, 1941  
R. S. Rush, Clerk

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

THE STATE OF ALABAMA  
BALDWIN COUNTY

No. \_\_\_\_\_

CIRCUIT COURT

Judgment \_\_\_\_\_

Term, 193 \_\_\_\_\_

VS. \_\_\_\_\_

DEAR SIR: At the \_\_\_\_\_ Term, 193 \_\_\_\_\_, of the Circuit Court of said County,

recovered a judgment against \_\_\_\_\_  
for the sum of \_\_\_\_\_ Dollars  
besides \_\_\_\_\_ Dollars, cost of suit, and execution  
was duly issued thereon, commanding any Sheriff of the State that he cause to be made of the goods and chattels, land and tene-  
ments of said \_\_\_\_\_

\_\_\_\_\_ the amount of the judgment and costs, and the Sheriff has re-  
turned said exception indorsed, "No Property Found," and the costs have never been paid. In order to save you the additional ex-  
pense of an execution against you, I herewith inclose an itemized statement of the costs which have accrued in said cause, and  
respectfully request that you will, on receipt of this, remit the amount. If I do not hear from you in a few days I will forward the  
execution to the Sheriff of your County for collection.

Respectfully yours, \_\_\_\_\_, Clerk.

CLERK'S FEES			@	Amount	SHERIFF'S FEES			@	Amount
1	Issuing	Summons and Complaint,	\$1.25	1 25	1	Levying	Attachment,	\$3.00	
2	Issuing	copies thereof,	30	30	2	Entering and returning	Attachment,	25	
3	Making every copy thereof, when over 200	words, per 100 words	15	20	3	Summoning	garnishee and return,	1.50	
4	Entering	Sheriff's return or copy thereof	20	25	4	Serving	Summons and Return,	1.50	
5	Docketing cause, to be charged but once,		25	40	5	Serving	Subpoenas,	65	5 85
6	Entering Appearance		20	40	6	Impaneling jury,		75	
7	Filing	pleas, demurrer and other plead- ings, for each,	10	75	7	Making deed,		2.50	
8	Every trial, with or without jury, and its in- cidents, not including judgments by default, or nil dicit,		75	20	8	Serving Summons, forcible entry, etc.,		1.50	
9	Entering	Continuance, (each)	10	30	9	Executing writ of restitution or possession,		5.00	
10	Entering	Judgment, (each)	30	30	10	Collecting, execution for cost		1.50	
11	Entering any other order of Court (each)		30		11	Serving	Sci. Fa. notices, etc.,	1.50	
12	Issuing	Scire Facias, or notice in the nature thereof, (each)	75		12	Serving any summons not provided for and return,		1.50	
13	Issuing	Execution or copy thereof; (each)	50		13	Serving	attachment for contempt,	1.50	
14	Entering return, or copy thereof, for each 100	words, 15 cents; but in no case less than	20		14	Taking and approving	bond,	1.00	
15	Recording award of arbitrators, referees, audi- tors, etc., for each 100 words,		15		15	Seizing personal property in detinue,		3.00	
16	Issuing execution or attachment thereon, and entering return,		1.00		16	Collecting money under execution, 5% first \$200.00; 4% to \$500.00; 3% all over \$500.00,			
17	Taking bond for certiorari supersedeas, or ap- peal, or copy thereof and filing same,		75		17	Selling property attached, same for selling under execution,			
18	Issuing	Subpoenas for Witness, (each)	30	270	18	Former Sheriff's fees,			
19	Administering an oath, not relating to a trial pending and certifying the same,		25						
20	Issuing	Attachment and taking bond, (ea.)	1.00						
21	Filing	papers in attachment, (each)	10						
22	Issuing	Summons for garnishee, (each)	50						
23	Swearing and taking examination for Garni- shee and reco. ding same, for each 100 words		50						
24	Order to advertise, or order of survey, or copy thereof,		50						
25	Certificate of Judgment,		50						
26	Recording each surveyor and surveyor's report or copy thereof, each 100 words 15 cts; but not less than,		25						
27	Issuing	Commission to take depositions, or copy thereof,	75						
28	Making copy of interrogatories accompanying commission,		50						
29	Or for each 100 words,		15						
30	Filing	packages of depositions, (each)	10						
31	Indorsing	package of deposition, opened (each),	10						
32	Issuing	writ of ad quod damnum or writ in the nature thereof,	75						
33	Recording the return and inquest thereon,		50						
34	Or for each 100 words,		15						
35	Issuing	Writ of certiorari, prohibition, mandamus, or writ in the nature thereof,	75						
36	Filing the same and entering return,		15						
37	Making a complete record of a cause or copy thereof, for each 100 words,		15	275					
38	Making copy of any paper not herein provided for, for each 100 words,		15						
39	Making each certificate requiring the seal of office, and affixing seal,		50						
40	Taking any bond not otherwise provided for,		75						
41	Making	necessary certificates not other- wise provided for, (each witness),	25						
42	For certifying abstract, in lieu of fees for transcript under section 2851 of the Code,		5.00						
43	Record for Supreme Court, for each 100 words		15						
44	Each additional copy thereof, each 100 words		05						
45	Collecting money on judgments wherein said judgment has not been paid within 30 days after rendition, one half the per cent allow- ed sheriffs for same services for collecting money on executions,								
Total Clerk's Fees,				950	Total Sheriff's Fees,				7 35
					RECAPITULATION				
					1	Clerk's Fees,			9 50
					2	Clerk's Fees,			
					3	Sheriff's Fees,			7 35
					4	Sheriff's Fees,			18 20
					5	Witness Fees in Circuit Court,			
					6	Justice of the Peace Fees,			
					7	Witness Fees, in Justice of the Peace Court			
					8	Commissioner's Fees,			
					9	Commissioner's Residence,			
					10	Constable's Fees			
					11	Garnishee's Fees,			
					12	Printer's Fees,			
					13	Stenographer's Fees,			
					14	Trial Tax,			3 00
					Total Fees,				38 05
					15	Judgment,			
					16	Date,			
					17	Interest			
					18	Damages,			
					Total Judgment,				
					Interest and Damages,				
					Grand Total,				

HARRY ANDREW ROSENTHAL, JR.,  
et al,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NUMBER 570.

DEMURRER.

I. Now come the Plaintiffs in the above entitled cause, and demur to the Defendant's Plea Numbered 1st, filed in this cause, and as grounds therefor set down and assign separately and severally the following:

1. No facts are alleged to show that the Defendant claims title to the lands here sued for under a tax sale.

2. No facts are alleged to show that the Defendant claims title to the lands here sued for under a valid tax sale.

3. No facts are alleged to show that the Defendant has been in the actual, continuous possession of the lands for which this suit is brought for three years prior to the commencement of this suit and since he became entitled to demand a tax deed therefor.

II. Now come the Plaintiffs in the above entitled cause and demur to the Defendant's Plea Numbered 2nd, filed in this cause, and as grounds therefor set down and assign separately and severally the following:

1. The allegations of the said Pleas are conclusions of the pleader.

2. The allegation: "The said lands were, after all due notices and decrees, sold for the satisfaction of the taxes assessed against the same on May 26, 1930" is a conclusion of the pleader and sufficient facts are not alleged to show a valid tax sale.

3. No facts are alleged to show a strict compliance

with all of the statutory requirements for a valid tax sale.

J. B. Blackburn  
Attorney for Plaintiffs.

RECORDED

DEMURRER.

HARRY ANDREW ROSENTHAL, JR.,  
et al,

Plaintiffs,

VS.

A. A. CORTE,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.          NUMBER 570.

*Filed 7/27/41*  
*J.W. Hare*  
*Judge*