

JULIA ROCKSTUHL ROGERS,
Complainant,

-vs-

CHARLES A. SHARON,
Respondent,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DECREE

~~This cause coming on to be heard upon the pleadings~~
and the evidence as noted by the Register and the Decree pro
confesso, was submitted to the court and upon consideration thereof
the court finds:

That the service upon the respondent was in all res-
pects due and regular and in conformity with the laws of the
State of Alabama, and that the respondent has entered his gen-
eral appearance herein by demurrer to the bill of complaint,
which said demurrer was duly presented to and over-ruled by
the court and the said respondent having failed to plead
further with the time allowed by the court and having permitted
a decree pro confesso to be entered against him, the court finds
that it has jurisdiction of the parties and the subject matter
of the cause.

And upon consideration the evidence as noted by the

intention of either the Complainant or the Respondent to convey any interest in said Lots 11 and 12, in Block 35.

That said Bill of Sale was prepared for the Complainant and Respondent by a scrivener, who was not learned in the law, and by mistake of the scrivener said Bill of Sale was so drawn and worded as to make it appear that Complainant was selling and the Respondent buying a one-half interest in said real estate above mentioned, and that this was a mistake on the part of the scrivener and a mistake as between the Complainant and Respondent which was a mutual mistake, and which should be corrected.

That said Bill of Sale should be, and the same hereby is, reformed so as to make the same express the true intention of the parties, which was that only personal property was conveyed by said Bill of Sale, and by inserting in said Bill of Sale before the words "Modern Hotel", the words "the personal property now contained in".

The court further finds that Complainant is the owner in fee simple of said Lots 11 and 12, in Block 35, in the Town of Foley, Baldwin County, Alabama; that she is and for more than 10 years last past has been in the peaceful, exclusive and uninterrupted possession of said real estate; that said

IT IS THEREFORE ORDERED, AND JUDGED AND DECREED, that the Bill of Sale between Complainant and Respondent, dated October 31st, 1923, and recorded in the office of the Judge of Probate, of Baldwin County, Alabama, on August 4th, 1924, in Miscellaneous Book number 2, at page 538, be and the same hereby is reformed and corrected by inserting in said Bill of Sale immediately before the words "Modern Hotel", the following words "the personal property now contained in". That the said Bill of Sale as the same now appears on the public records, of Baldwin County, Alabama, is a cloud upon the title of the Complainant in and to Lots 11 and 12, in Block 35, in the Town of Foley, Baldwin County, Alabama, and that the same should be, and it hereby is, removed. That the Respondent, Charles A. Sharon, has no right, title, interest or claim to or encumbrance upon said Lots 11 and 12, in Block 35, in the Town of Foley, Baldwin County, Alabama, and that the title of the Complainant, in and to, said real estate is hereby quieted and confirmed in the Complainant.

That the Complainant pay the cost of this action taxed at \$19.75.

Dated this 20th day of September, 1934.

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 CHARLES A SHARON

8424 Dexter Avenue , Tampa, Florida.

of XXXX 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

Julia Rockstuhl Rogers

against said Charles A. Sharon

JULIA ROCKSTUHL ROGERS,
Complainant,

-vs-

CHARLES A. SHARON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

CERTIFICATE OF REGISTER

STATE OF ALABAMA:

BALDWIN COUNTY:

I, Mary Alice Stone, register in Chancery, do hereby certify that upon the reading and filing of the bill of complaint on the 7th day of March, 1934, I made an order against Charles A. Sharon, the above named defendant, requiring him to answer or demur to said bill of complaint on or before the 9th day of April, 1934, a copy of such order being attached hereto and by reference made a part hereof.

That thereafter I caused a copy of said notice to be published for four consecutive weeks in the Onlooker, a newspaper published at Foley in Baldwin County, Alabama, on the 15th, 22nd and 29th days of March and the 5th day of April, 1934 all as more particularly appears by the affidavit of the publisher of such newspaper heretofore filed in this case.

That on the 7th day of March, 1934 I posted a copy of said notice at the door of the Court House of Baldwin County, Alabama and

JULIA ROCKSTUHL ROGERS,
Complainant,

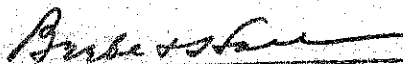
vs.

CHARLES A. SHARON,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN CHANCERY.

Comes the Respondent and demurs to the Bill of
Complaint in this cause, and for ground thereof, and to each
Count separately says:

There is no equity.


Solicitors for Respondent.

Julia Rogers

Charles A. Sharon

vs.

CIRCUIT COURT OF
Baldwin County.

IN EQUITY.

In this cause it being made to appear to the Register that on the 7
day of March 1934, a copy of the Bill of Complaint filed in this cause was
sent to Charles A. Sharon

Defendant, by registered mail, postage prepaid, marked "For delivery only to the person to whom
addressed," and return receipt demanded addressed to the Register of this Court; and that on the
19th day of March 1934, such receipt was duly
received and filed in this cause:

entered his personal appearance but has
And it further appearing to the Register that the said Defendant has failed to plead, answer
~~or demur~~ to the said Bill to the date hereof, it is now, therefore, on motion of Complainant, ordered,
adjudged and decreed by the Register that the said Bill of Complaint be, and it hereby is in all
things taken as confessed against the said

Charles A. Sharon

Defendant

This the 17 day of

Sept 1934

M. A. Stone Register.

JULIA ROCKSTUHL ROGERS,
Complainant,

-vs-

CHARLES A. SHARON,
Respondent.

27
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

BILL OF COMPLAINT

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

PART ONE

Your complainant Julia Rockstuhl Rogers respectfully shows to the court that she is over the age of twenty-one years and a resident of Baldwin County, Alabama, residing at Foley therein; that the respondent Charles A. Sharon is also over the age of twenty-one years and is a non-resident of the state of Alabama, residing at 8424 Dexter Avenue in Tampa in the State of Florida.

PART TWO

For complaint against said respondent your complainant alleges:

1. That on or about the 31st day of October, 1923, your complainant, who at that time was the wife of one George Rockstuhl, made and executed to the respondent a bill of sale which was in the words and figures following, to-wit:-

BILL OF SALE.

STATE OF ALABAMA:

said conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 31st day of October, 1923.

(SEAL)

P J Cooney,
Notary Public, for Baldwin
County, Ala.,

2. That by said bill of sale it was intended by both the respondent and your complainant that complainant should sell and respondent should buy an undivided one half interest in and to all of the personal property owned by the complainant and used by her in conducting a hotel business in the Town of Foley; that at that time your complainant did not own the real estate mentioned in said bill of sale, towit: lots 11 and 12 in block 35 in the Town of Foley but did have an interest therein by virtue of a real estate contract with Magnolia Springs Land Company.

3. That said bill of sale was drawn up and prepared by one P. J. Cooney, who is now dead, acting for both the respondent and your complainant and the said P. J. Cooney in preparing said instrument hereinabove set out and intending to make the same a conveyance merely of personal property so drew the same as to make it appear that your complainant was also selling to the respondent an undivided one half interest in ant to said real estate; that the words of conveyance used by the said P. J. Cooney are those ordinarily used for the con

mistake of the said P. J. Cooney in preparing the same and was due to a mutual mistake on the part of both complainant and respondent.

5. That the said P. J. Cooney was a notary public but was not learned in the law and in preparing said instrument, acting as the agent for both complainant and respondent, he made the mistake of so drawing the instrument as to make it appear that it was the intention to convey thereby an interest in real estate when that was not the intention of either the complainant or respondent.

6. That by reason of said mistake, which was a mutual mistake as between the complainant and respondent, the records of Baldwin County now apparently disclose an interest in the respondent in and to said lots 11 and 12 in block 35 in the Town of Foley; that your complainant has since acquired the title to said real estate and in its present form the bill of sale hereinabove set forth constitutes a cloud upon the title of your complainant which should be removed; that said bill of sale should be reformed by the court so as to speak the true intention of the parties hereto and so that the same will convey only what it was intended to convey, personal property and not any interest in the real estate mentioned therein.

7. Your complainant further alleges that she owns and for more than ten years last past has been in the peaceable, exclusive and

PART FOUR

PRAYER FOR RELIEF

WHEREFORE, the complainant prays that Your Honor will take jurisdiction of this her cause and proceed to a hearing thereof and that upon such hearing a decree be entered reforming the bill of sale set out herein so as to make the same conform to the intention of the parties thereto and to convey only the personal property mentioned therein and so as to exclude from the operation of such conveyance any interest in the real estate described as lots 11 and 12 in block 35 in the Town of Foley, Baldwin County, Alabama; that Your Honor will further decree that the respondent has no right, title or interest in or encumbrance upon such lands, to-wit: lots 11 and 12 in block 35 in the Town of Foley, Baldwin County, Alabama, or any part thereof and that the title of the complainant in and to said lands is quieted and confirmed in her forever.

PART FIVE

PRAYER FOR PROCESS

And your complainant further prays that Your Honor will direct the register of this court to make out and superintend the appropriate order of publication to the non-resident defendant Charles A. Sharon, commanding him to appear before this court within the time allowed by

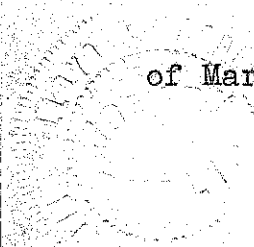
STATE OF ALABAMA)
BALDWIN COUNTY)

Julia Rockstuhl Rogers being first duly sworn on her oath deposes and says that she is the above named complainant; that she has heard read and knows the contents of the foregoing bill of complaint and that the facts therein set forth are true.

Julia Rockstuhl Rogers.

Subscribed in my presence and sworn to before me this 6 day of March, 1934.

Stuart Magney
Notary Public.



The State of Alabama,
Baldwin County.

No. ... CIRCUIT COURT IN EQUITY.

Julia Rogers

Complainant

vs.

Charles A. Sharon

Defendant

Motion is hereby made for a Decree Pro Confesso against

Charles A. Sharon

Defendant

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

This ... day of

Sept 34

19

Loeyd Tomagney

Solicitor

29

BAY MINETTE, ALA.,

Sept 25 1934

M. A. Stone

Att. Clk.

IN ACCOUNT WITH

G. W. HUMPHRIES

JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

	Deed- Rec. Mort. from	to	Privilege Tax	Rec. Fee	Total
2	Deed of Julia R. Rogers,	to Clara A. Chorum		1.15	
<p style="text-align: center;">Paid</p> <p style="text-align: center;">9/25/34</p> <p style="text-align: center;">G. W. Humphries Judge</p> <p style="text-align: center;">by <u>Reed, Clk.</u></p>					

Julia Rockstuhl Rogers

vs.

Charles A. Sharon

CIRCUIT COURT OF

Baldwin COUNTY.

IN EQUITY.

I, M. A. Stone, Register of said Court, do hereby certify that I

did, on the 7th day of March 1924, send to Charles A.

Sharon Defendant.

whose address was 8424 Dexter Avenue, Tampa, Florida

by registered mail, postage prepaid, marked "For delivery only to the person to whom addressed," a copy of the Bill

of Complaint filed in this cause; that I demanded a return receipt addressed to the Register of this Court; and that such

receipt was duly received and filed by me in this cause, on the 19th day of March 1924.

Witness my hand, this 19th day of March 1924

M. A. Stone

Register.

Julia Rockstuhl Rogers,

vs.

Charles A. Sharon,

THE STATE OF ALABAMA
Baldwin County

IN EQUITY
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,
Bill of complaint, Certificate of Register as to service by
Registered Mail, Certificate showing service by Publication,
Decree Overruling Demurrer, Decree Pro Confesso, Proof of Pub-
lication,

and in behalf of Defendant upon Demurrer,

W. A. Stone

Register.

29

No. 29

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

Julia R. Rogers,

vs.

Charles A. Sharron

NOTE OF TESTIMONY

Filed in Open Court this 20th

day of September 1934

M. A. Stone
REGISTER

RECORDED
W.P.H.

29

No. 29

CIRCUIT COURT OF
BALDWIN COUNTY.
IN EQUITY.

Julia Rockstuhl Rogers

vs.

Charles A. Sharon

CERTIFICATE OF REGISTER AS TO NOTICE
BY REGISTERED MAIL.

Filed in office on this 19th
day of March 1924
W.P.H.
Register.

No. 29

Page _____

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Julia Rogers

vs.

Charles A. Sharron

**MOTION FOR DECREE PRO
CONFESSO ON PERSONAL SERVICE**

Filed September 1934

M. A. Stone
Register.

Recorded in _____ Record,

Vol. _____ Page _____

Register.

Moore Printing Company, Bay Minette, Ala.

29

Handwritten notes and signatures on the right side of the page, including a large '29' at the top and various illegible scribbles and lines.

No 29

29

Julia R. Rogers

~~Julia R. Rogers~~
VS

Charles A. Sharron
Plaintiff

Proof of Publication

Affidavit

Filed May 8, 1934

M. A. [Signature]
Register

RECORDED & INDEXED
MAY 10 1934
COURT CLERK

Circuit Court, Baldwin County, Ala.,

IN EQUITY.

29

Julia R. Rogers
vs.
Charles A. Shannon

PLAINTIFF

DEFENDANT

BILL OF COST

		Dollars	Cts.			Dollars	Cts.
Fees of Register				AMOUNT BROUGHT FORWARD			
Filing each bill and other papers	10	\$	100	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 perct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 perct.; all over \$10,000, 1-4 of 1 per ct.		\$	690
Issuing each Subpoena			50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received			
Issuing each copy thereof	40		40	Each Notice Sent by Mail to Creditors	15		15
Entering each return thereof	15			Filing, Receipting for and Docketing each Claim, etc	25		
For each Order of Publication	1 00		1 00	For all entries on Subpoena Docket, etc.	50		
Issuing Writ of Injunction	1 50			For all entries on Commission Docket, etc.	50		
For each Copy thereof	50			Making Final Record, per hundred words	15		
Entering each return thereof	15			Certified Copy of Decree	1 00		
Issuing Writ of Attachment	1 00			Report of Divorce to State Health Office Acts 1915	50		
Entering each return thereof	15			Total Fees of Register			9.55
Docketing each case	1 00		1 00	FEEES OF SHERIFF			
Entering each Appearance	25		25	Serving and Returning Subpoena on Deft.	\$ 50		
Issuing each Decree Pro Confesso on personal service	1 00			Serving and Returning Subpoena for Witness	65		
Issuing each Decree Pro Confesso on publication	1 00		1 00	Levying Attachment	3 00		
Each Order Appointing Guardian	1 00			Entering and Returning same	25		
Any other order by Register	50			Entering and Returning Execution	25		
Issuing Commission to Take Testimony	50			Selling Property Attached	25		
Receiving and Filing	10			Impanelling Jury	75		
Endorsing each package	10			Executing Writ of Possession	2.50		
Entering Order Submitting Cause	50		50	Collecting Execution for Costs	1.50		
Entering any other Order of Court	25		50	Serving and Returning Sci. Fa., each	65		
Noting all Testimony	50		75	Serving and Returning Notice	65		
Abstract of Cause, etc.	1 00			Serving and Returning Writ of Injunction	1.50		
Entering each Decree	75			Serving and Returning Writ of Exeat	1.50		
For Every Hundred Words Over Five Hundred	15			Taking and Approving Bonds, each	1.00		
Taking Account on Reference	3 00			Collecting Money on Execution			
Taking Testimony, etc.	15			Making Deed	2.50		
Each Report, Five Hundred Words or less	2 50			Serving and Returning Application	1.00		
For every Hundred Words Over Five Hundred	15			Serving Attachment, Contempt of Court	1.50		
Amount Claimed, Less than Five Hundred Dollars, etc.	2 00			TOTAL FEES OF SHERIFF			
Issuing each Subpoena	25			Recapitulation			
Witness Certificate, each	25			Register's Fees	5		9.55
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						
Each Certificate or Affidavit, no Seal	25						
Hearing and passing on application for Receiver or Trustee	3 00						
Each Settlement with Receiver or Trustee	3 00						
Examining each Voucher of Receiver or Trustee	10						
Examining each Answer on Exception	3 00						

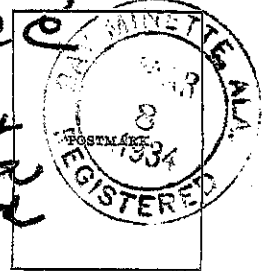
RECEIPT FOR REGISTERED ARTICLE NO.

29 517 Papers

15 fee paid. 1 class postage paid. 3-8-1934
From Mrs Mary Alice Stone Co
(Sender)

Addressed to Mrs Charley Shroyer
6428 Dexter Ave Tampa
(Street and number) (Post office and State)

Accepting employee will place initials in space below, indicating restricted delivery.
Return receipt fee 3 in person Special delivery fee 7.00
Delivery restricted to addressee or order Postmaster, per 2



Handwritten notes and signatures, including a large signature at the top and several lines of text below, possibly related to the return receipt.

RETURN RECEIPT. 29

Received from the Postmaster the Registered or Insured Article, the original number of which appears on the face of this Card.

Handwritten signature
(Signature of name of addressee)

Date of delivery *MAR 17 1924*

Date of delivery _____ 192

Form 3541

RECORDED 29

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

JULIA ROCKSTUHL ROGERS,
Complainant,

-VS-

CHARLES A. SHARON,
Respondent,

9 20 34

DECREE

State of Alabama, }
Baldwin County. } Probate Court.
Filed in office this 25 day of Sept. 1934, at 7:05 a.m. and duly recorded in Deed Book No. 56 N.S. at page 108.
~~County of Baldwin, Alabama, has been paid as required by law.~~

Wm. Humphries
Judge of Probate
J. Wheeler Clk.

Filed Sept 26-1934
W. A. Stump

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

11/15/34

29

RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

JULIA ROCKSTUHL ROGERS,
Complainant,

-VS-

CHARLES A. SHARON,
Respondent.

BILL OF COMPLAINT

*Filed March 7th 1934
W. A. Stone
Register*

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA