

343

Published Every Thursday

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

## LEGAL NOTICE

In the Circuit Court of Baldwin County, Alabama.

Joe F. Schoen, Complainant, Vs:  
Land described as Northwest Quarter of the Northwest Quarter of Section Twenty Two, Township Seven South of Range Five East in Baldwin County, Alabama, and J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a corporation, Respondents.

It having been made to appear in the above cause from the Affidavit of Orvis M. Brown, one of the Solicitors of Record in said cause, that the Defendants in said cause are residents of the State of Alabama, a more particular address being Bay Minette, Alabama:

Notice is hereby given to J. Fink, Ignatz Fink, Marie Fink, Henry C. Bartling, individually and Henry C. Bartling, as trustee of said land, and Baldwin County Colonization Co., Inc., and to any and all persons, firms or corporations who claim any title to, interest in, lien or encumbrance on the lands hereinafter described, that on the 21st day of June, 1937, the said Joe F. Schoen filed in the Equity Side of the Circuit Court of Baldwin County, Alabama, their Bill of Complaint against the following described lands in Baldwin County, Alabama, viz:-

The Northwest Quarter of the Northwest Quarter of Section 22, Township 7 South of Range 5 East in Baldwin County, Alabama, containing 40 acres more or less.

And against any and all persons, firms or corporations claiming any interest in, lien or encumbrance upon the above described land; said parties are hereby notified to appear and plead, answer or demur within thirty days from July 21st, 1937, or a decree pro confesso will be rendered against them.

That the title to said land stands in the name of Complainants, and is filed for the purpose of establishing the title of said Complainants to said lands, and for the purpose of quieting title thereto, and clearing up all doubts and disputes concerning the same.

That Complainants acquired title to said lands by Deed executed by State Land Commission

BAY MINETTE, ALA.

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

*J. H. Faulkner* being duly sworn, deposes and says that he is the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

*Joe F. Schoen, Complainant, Vs: Lands*

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

<i>June 24, 1937</i>	Vol. <u>48</u> No. <u>21</u>
<i>July 1, 1937</i>	Vol. <u>48</u> No. <u>22</u>
<i>" 8, 1937</i>	Vol. <u>48</u> No. <u>23</u>
<i>" 15, 1937</i>	Vol. <u>48</u> No. <u>24</u>

I, the undersigned this 24 day of

1937

*J. H. Faulkner*  
Publisher

Circuit  
Alaba  
COURT  
Com

BILL OF COMPLAINT

JOE F. SCHOEN,

Complainant,

IN THE CIRCUIT COURT OF

VS

BALDWIN COUNTY, ALABAMA

LAND DESCRIBED AS NORTHWEST  
QUARTER OF THE NORTHWEST QUARTER  
OF SECTION TWENTY TWO, TOWNSHIP  
SEVEN SOUTH OF RANGE FIVE EAST  
IN BALDWIN COUNTY, ALABAMA, and  
J. FINK, IGNATZ FINK AND MARIE  
FINK, HENRY C. BARTLING, indivi-  
dually and HENRY C. BARTLING as  
Trustee of the said land, and  
BALDWIN COUNTY COLONIZATION CO-  
MPANY, INC., A CORPORATION,

Respondents.

Comes your Complainant, JOE F. SCHOEN and shows  
this his bill of complaint against the following described tract  
of land situated in the County of Baldwin, State of Alabama,  
to-wit: <sup>1/</sup> The Northwest Quarter of the Northwest Quarter of  
Section Twenty two, Township Seven South of Range Five East  
in Baldwin County, Alabama, containing forty acres more or less <sup>1/</sup>  
and J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling,  
individually, and Henry C. Bartling as Trustee of the said land,  
and Baldwin County Colonization Company, Inc., a Corporation,  
and Complainant further brings his bill of complaint against any  
and all persons, firms, or corporations claiming any title, to,  
interest in, lien or incumbrance upon said land or any part  
thereof and Complainant further respectfully shows unto your  
Honor as follows:

FIRST

That he is in the actual, peaceable possession of  
the said tract of land heretofore mentioned and has been for the  
past six years claiming to own the same in his own right in fee  
simple;

SECOND

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

THIRD

Complainant further shows that he claims the entire

fee simple title in and to the said land having acquired same as per attached copy of deed which is marked and made Exhibit "A" as made a part of the same;

FOURTH

Complainant further shows that the title to said land stands on the record of the Probate Court of Baldwin County, Alabama in the name of your Complainant; your Orator further shows unto your Honor that the said J. Fink, is reputed to have been the last owner of this land before your complainant and is reputed to claim some right, title or interest in or incumbrance upon the said land and your Orator shows further that Henry C. Bartling as Trustee under a Trust Deed on the said land and the Baldwin County Colonization Company and Ignatz and Marie Fink are reputed to claim some right, title or interest in or incumbrance upon said lands and your Orator respectfully calls upon the parties mentioned in this paragraph to set forth and specify their title, claim, interest or incumbrance upon the said and how and by what instrument the same was derived, and created;

FIFTH

Complainant further shows unto your Honor that the above named individuals, firm, or corporation has not assessed or paid taxes upon the aforesaid lands during the past six years and that during the past ten years, namely, from 1926 to 1930, taxes were paid and assessed on this property in the name of J. Fink, that in the year of 1921 Baldwin County Colonization Company assessed this land but did not pay taxes and that the land remained in the State until 1936 at which time the State of Alabama sold this land to your Complainant upon the payment of taxes levied against said property, together with fees and costs thereto attached, and your Complainant shows further that during the past ten years no one has been in the actual possession of this land aforesaid under any claim or title from or in the name of any of the Respondents to this bill of complaint and that your Complainant has been in the peaceable actual possession of the same for the past six years. Complainant further shows unto your Honor that he has assessed the property, that he has paid the taxes upon the

said land within the last six years in which time the title of the same was held in the State preceeding the filing of this bill of complaint.

SIX

Complainant further shows unto your Honor that he knows of no one other than himself who have been in the actual possession of the said land and that no one is known to your Complainant to claim this land or any part thereof and any interest therein ~~except~~ the Complainant and the Respondents in the proceeding and the Complainant calls upon the Respondents herein or any one else interested to set forth and specify, his, her or its title, claim, interest or incumbrance upon the said land and how and by what instrument or otherwise the same is derived and created. Complainant further avers that he has made a diligent search and inquiry to ascertain the addresses of all persons, firms, and corporations herein interested and whether or not any of them be dead and if dead, to ascertain the names and addresses of their heirs, devisees, successors and assigns and the grantees of such deceased persons. That in this investigation and inquiry Complainant has had a complete abstract of title on the said real estate made on the records of Baldwin County, Alabama, that he has made a diligent inquiry in the neighborhood of said lands as to the ownership of the same, the possession of the same and the whereabouts of any and all persons who are interested in said land or may be interested in the same and who may claim any interest therein. That in making the said inquiry in the neighborhood of the said lands he has inquired of all old settlers and people who are acquainted with the history of the community, and the residents, so far as your Complainant has learned Henry C. Bartling is in Chicago and the records show that Henry C. Bartling is Secretary of the Baldwin County Colonization Company.

SEVENTH

Complainant further shows unto your Honor that he received his title to the above described property by Tax Deed dated September 3rd, 1936 and executed by State Land Commissioner of Alabama by Henry S. Long as State Land Commissioner, copy of

-Page Four-

which deed is hereto attached and marked Exhibit "B" That on January 2nd, 1922 there was executed by Ignatz Fink and Marie Fink to Henry C. Bartling of the City of Chicago as Trustee a trust deed conveying the above described property, a copy of which deed is hereto attached and marked Exhibit "B", which is executed in the consideration of Twelve Hundred Dollars and which said trust deed constitutes a cloud upon the title of the above described land, and that it is necessary that this action be taken in order to clear the title of the above described property from this shadow on the title and other incumbrances which may be against title to the above described land.

PRAYER FOR PROCESS

TO THE END THEREFORE, that equity may be had in the premises Complainant prays that your Honor will cause the usual writ of process to issue to the above named Respondents in the usual form and according to the practice of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law, and the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceeding instituted by the filing of this bill of complaint as required by the laws of the State of Alabama authorizing the quieting of title by proceedings in rem and that this Honorable Court will also order that notice be given of the filing of this bill of complaint to F. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation, and the heirs of the above named respondents, and by publication in some newspaper published in Baldwin County, Alabama make them parties to this bill of complaint requiring them to plead, answer or demur to the same within the time required by law.

PRAYER FOR RELIEF

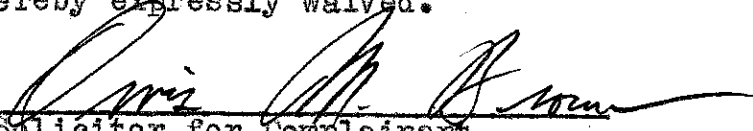
And Complainant prays further that upon the hearing of this cause your Honor will be pleased to establish Complainant's right of title to and will decree that Complainant is the owner

in fee simple of the said lands above described and that no other person, firm or corporation have any title to, or interest in or lien or incumbrance upon the said lands or any part thereof and in the said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama and to be recorded therein and that the said decree your Honor will direct in whose name it shall be indexed in the direct indexes and in whose name it shall be indexed in the indirect indexes of the records thereof in the said Probate Office of Baldwin County, Alabama, and Complainant prays further that such other further or different and general relief be given him as in equity may seem just and meet and Complainant will ever pray, etc.

  
Solicitor for Complainant.

FOOT NOTE:

All persons claiming any title to, interest in, lien or incumbrance upon the property described in the foregoing bill of complaint or any part thereof will be required to answer to paragraphs one to seven inclusive but answer under oath is hereby expressly waived.

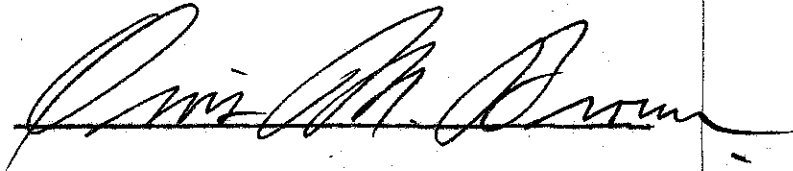
  
Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, John J. Ganus, a Notary Public in and for said State and County, Orvis M. Brown, who upon oath deposes and says;-

That he is the solicitor, or agent, for the Complainant in the above styled cause, and is therefore duly authorized to make this oath; that the facts stated in the foregoing Bill of Complaint upon knowledge are true; that he is informed as to the facts stated upon information and belief as therein stated, and verily believes, and so states, that the same are true.



Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 21 day of June, 1937.

John J. Ganus.  
Notary Public, Baldwin County,  
State of Alabama.

*My Commission  
Expires March 16th 1939*

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 8th day of June, A. D. 1931, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from J. Fink the owner of said lands and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 8th day of July 1931, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title hereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of One Hundred Thirty-Five and No/100 (\$135.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees and costs, and officers' fees which were run upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by Joe F. Schoen to purchase said lands, and said sum of one Hundred Thirty-Five and No/100 (\$135.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold and conveyed, and by these presents does grant bargain, sell and convey unto the said Joe F. Schoen, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

NW $\frac{1}{4}$  OF NW $\frac{1}{4}$  Sec. 22 Tp. 7s. R. 5e.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Joe F. Schoen and his heirs and assigns forever.

In Testimony whereof I have hereunto set my hand and seal this the 3rd., day of September 1936

STATE LAND COMMISSIONER OF ALABAMA

By: HENRY S. LONG  
State Land Commissioner.

BIBB GRAVES  
Governor.



THE STATE OF ALABAMA

MONTGOMERY, COUNTY

I, Mrs. Clay Willingham , a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me in this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner executed the same voluntarily on the day the same bears date.

Given under my hand this the 3rd day of September, 1936.

MRS. CLAY WILLINGHAM  
Notary Public.

EXHIBIT "B"

Ignatz Fink and Marie Fink,  
his wife,

to,

Henry C. Bastling of the City  
of Chicago, Trustee.

TRUST DEED

Dated : January 2, 1922  
Recorded: February 10, 1922  
Recorded in 26 Mtg. 316-318  
Consideration \$1200.00  
Signed:

Ignatz Fink, (seal)

Marie Fink (seal)

Acknowledgment : Before  
L. Lindorfer, Notary  
Public, State of Alabama,  
Baldwin County, Separate  
acknowledgment of wife.

Conveys:

Lands in Baldwin County, to-wit:

Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest  
Quarter (NW $\frac{1}{4}$ ) of Section Twenty-two (22) Township  
Seven (7) South, Range Five (5) East of St. Stephens  
Meridian, otherwise known as Lot Number Four (4)  
of said Section Twenty-two (22).

Note: Trust deed contains all covenants of rights of  
foreclosure in case of default.

T A X E S

- 1926- Marked paid J. Fink, Vol. 3, 1926 Tax Assessment Book, page 64, Beat 13, #31.
- 1927- Marked paid J. Fink, Vol. 3, 1927 Tax Assessment Book, page 64, Beat 13, #28
- 1928- Marked paid J. Fink, Vol. 3, 1928 Tax Assessment Book, page 68, Beat 13, #37
- 1929- Marked paid J. Fink, Vol. 3, 1929 Tax Assessment Book, page 89, Beat 13 #3
- 1930- Marked paid J. Fink, Vol. 3, 1930 Tax Assessment Book, page 77, Beat 13 #48
- 1931- In State, Baldwin County Colonization Company, Vol. 3, 1931, Assessment Book, Page 157, Beat 13, #7  
Northwest Quarter of the Northwest Quarter, Section 22,  
Township Seven South, Range Five East.
- 1932- in State
- 1933- in State
- 1934- in State
- 1935- in State
- 1935- in State

JOB F. SCHORN,

VS.

Land described as Northwest quarter of the Northwest quarter of Section twenty two, Township Seven South of Range Five East in Baldwin County, Alabama, and J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation,

Respondents.

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
EQUITY

*Handwritten notes:*  
Circuit Court of Baldwin County Alabama  
Equity  
1937

This being the day heretofore fixed by the Court for the hearing of the Complainants' motion for an order directing the publication of notice of the proceeding to quit title in the above styled matter and thereon upon consideration of such motion by the court it is the order and judgement of the Court that the said motion be and it is hereby granted and directed that the Honorable Robert S. Duck, Register and Chancery of Baldwin County, be and he is hereby directed to publish the said legal ad in the Baldwin Times a weekly newspaper published at Bay Minette, Alabama in Baldwin County for four consecutive weeks.

*June 22, 1937*

*J. P. Hare*  
Judge of Twenty-First Judicial Circuit.

*Myrdal*  
JOE F. SCHEEN,

Complainant,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

VS

LAND DESCRIBED AS NORTHWEST  
QUARTER OF THE NORTHWEST QUARTER  
OF SECTION TWENTY TWO, TOWNSHIP  
SEVEN SOUTH OF RANGE FIVE EAST  
IN BALDWIN COUNTY, ALABAMA, and  
J. FINK, IGNAPE FINK AND SARIE  
FINK, HENRY C. BARTLING, indivi-  
dually and HENRY C. BARTLING as  
Trustee of the said land, and  
BALDWIN COUNTY COLONIZATION CO-  
MPANY, INC., A CORPORATION,

Respondents.

It having been made to appear in the above cause from  
the Affidavit of Orvis M. Brown, one of the Solicitors of  
Record in said cause, that the Defendants in said cause are  
residents of the State of Alabama, a more particular address  
being Bay Minette, Alabama:

NOTICE IS HEREBY GIVEN TO J. Fink, Ignape Fink, Marie  
Fink, Henry C. Bartling, individually and Henry C. Bartling  
as trustee of said land, and Baldwin County Colonization Co.,  
Inc., and to any and all persons, firms or corporations who  
claim any title to, interest in, lien or encumbrance on the  
lands hereinafter described, that on the 21st day of June,  
1937, the said Joe F. Scheen filed in the EQUITY Side of the  
Circuit Court of Baldwin County, Alabama, their Bill of  
Complaint against the following described lands in Baldwin  
County, Alabama, viz:-

The Northwest Quarter of the Northwest Quarter of  
Section 22, Township 7 South of Range 5 East in  
Baldwin County, Alabama, containing 40 acres more  
or less.

and against any and all persons, firms or corporations claim-  
ing any interest in, lien or encumbrance upon the above

-page five-

described land; said parties are hereby notified to appear and plead, answer or demur within thirty days from July 21st, 1937, or a decree pro confesso will be rendered against them.

That the title to said land stands in the name of Complainants, according to the records in the office of the Judge of Probate Baldwin County, Alabama.

That said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainants to said lands, and for the purpose of quieting title and clearing up all doubts and disputes concerning the same.

That Complainants acquired title to said lands by Deed executed by State Land Commissioner of Alabama, Henry S. Long, to Complainants on September 3rd, 1935, which Deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 61 D.S., Page 327.

Complainants further allege in their Bill of Complaint that they are in the quiet and peaceable possession of said land, claiming to own the same absolutely and in fee simple; that Complainants and those under whom they claim have paid taxes on said land and held same under color of title for more than ten years next preceding the filing of said Bill of Complaint, and that no other person, firm or corporation has paid taxes on said lands during said ten year period.

Witness my hand this 21 day of June, 1937.

H. S. Long  
As Register of the Circuit  
Court of Baldwin County, Ala.

ORVIS W. BROWN,  
Solicitor for Complainants.

LIS PENDENS NOTICE

NOTICE IS HEREBY GIVEN, that on this day Joe F. Schoen has as filed in the Circuit Court of Baldwin County, Alabama, in Equity, said Bill of Complaint against the following described lands in Baldwin County, Alabama, to-wit:-


Land described as Northwest Quarter of the Northwest Quarter of Section Twenty Two, Township Seven South of Range Five East in Baldwin County, Alabama, and J. Fink, Ignatz Fink, and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation.

and against the following named Defendants, viz:-

J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation, and heirs of all the said defendants.

The prayer of said Bill is to have declared in the said Joe F. Schoen the title to the aforesaid lands, and the claims, interests, title, lien or encumbrance of all persons whomsoever to be declared a cloud upon the title of the said Joe F. Schoen to said lands and by appropriate decree to be removed therefrom.

Dated this 21st day of June 1937.

  
Solicitor for Joe F. Schoen.

BILL OF COMPLAINT

JOE P. SCHORN,

Complainant,

VS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAND DESCRIBED AS NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION TWENTY TWO, TOWNSHIP SEVEN SOUTH OF RANGE FIVE EAST IN BALDWIN COUNTY, ALABAMA, and J. PINK, IGNAZ PINK AND MARIE PINK, HENRY C. BARTLING, individually and HENRY C. BARTLING as Trustee of the said land, and BALDWIN COUNTY COLONIZATION COMPANY, INC., A CORPORATION,

Respondents.

Comes your Complainant, JOE P. SCHORN and shows this his bill of complaint against the following described tract of land situated in the County of Baldwin, State of Alabama, to-wit: The Northwest Quarter of the Northwest Quarter of Section Twenty two, Township Seven South of Range Five East in Baldwin County, Alabama, containing forty acres more or less and J. Pink, Ignatz Pink and Marie Pink, Henry C. Bartling, individually, and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation, and Complainant further brings his bill of complaint against any and all persons, firms, or corporations claiming any title, to, interest in, lien or incumbrance upon said land or any part thereof and Complainant further respectfully shows unto your Honor as follows:

FIRST

That he is in the actual, peaceable possession of the said tract of land heretofore mentioned and has been for the past six years claiming to own the same in his own right in fee simple;

SECOND

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

THIRD

Complainant further shows that he claims the entire



LIS PENDENS NOTICE

NOTICE IS HEREBY GIVEN, that on this day Joe F. Schoen has filed in the Circuit Court of Baldwin County, Alabama, in Equity, his Bill of Complaint against the following described lands in Baldwin County, Alabama, to-wit:-

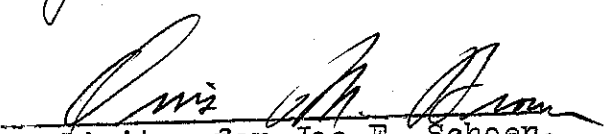
Land described as Northwest Quarter of the Northwest Quarter of Section Twenty Two, Township Seven South of Range Five East in Baldwin County, Alabama, and J. Fink, Ignatz Fink, and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation.

and against the following named Defendants, viz:-

J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., A Corporation, and heirs of all the said defendants.

The prayer of said Bill is to have declared in the said Joe F. Schoen the title to the aforesaid lands, and the claims, interests, title, lien or encumbrance of all persons whomsoever to be declared a cloud upon the title of the said Joe F. Schoen to said lands and by appropriate decree to be removed therefrom.

Dated this 21st day of June 1937.

  
Solicitor for Joe F. Schoen.



The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. FALL Term, 1927

JOB F. SCHORN Complainant
LANDS DESCRIBED AS NORTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION
TWENTY TWO TOWNSHIP SEVEN SOUTH OF RANGE FIVE EAST IN BALDWIN COUNTY,
ALABAMA; & J. FINK, IGNATZ FINK & MARIE FINK, HENRY C. BARTLING,
INDIVIDUALLY, & HENRY C. BARTLING AS TRUSTEE OF SAID LANDS Defendant.
& BALDWIN COUNTY COLONIZATION COMPANY, INC., A CORPORATION.

In this cause it appears to the Register Robert S. Duck that the order of publi-
cation heretofore made in this cause, was published for four consecutive weeks, commencing on the
24 day of June, 1927, in the Baldwin Times

a newspaper published in Bay Minette, Alabama, that a copy of said order was posted
at the Court House door in Baldwin County, on the 24 day of
June 1927, and

And it now further appearing to the Register Robert S. Duck, that the said
Defendants, "Above described lands and J. Fink, Ignatz Fink & Marie
Fink, Henry C. Bartling, individually, and Henry C. Bartling as
Trustee of said lands, & the Baldwin County Colonization Company, Inc.,
A corporation"

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it
is now, therefore, on motion of Complainant, ordered and decreed by the Register Robert S.
Duck that the Bill of Complaint in this cause be, and it hereby is in all things
taken as confessed against the said Defendants.

This 18 day of August 1927

R. S. Duck Register.

RECORDED

*Over*  
7-22-29

No. ....

Page .....

# The State of Alabama,

Baldwin County.

## CIRCUIT COURT, IN EQUITY.

JOE W. SCHOEN

LANDS DESCRIBED AS NO. 1174 PART OF SECTION 10, TOWNSHIP 12 NORTH, RANGE 12 WEST, SECTION 10, TOWNSHIP 12 NORTH, RANGE 12 WEST, IN BALDWIN COUNTY, ALABAMA, & PINK INDIAN BANKING AND TRADING COMPANY, INC. OF BALDWIN COUNTY, ALABAMA, AS PLAINTIFF, VS. JOE W. SCHOEN, AS DEFENDANT.

### DECREE PRO CONFESSO OF PUBLICATION

Issued August 12 1927.

*W. S. Over*  
Register.

Recorded in ..... Record

Vol. .... Page .....

Register.

Moore Printing Company, Bay Minette, Ala.

fee simple title in and to the said land having acquired same as per attached copy of deed which is marked and made Exhibit "A" as made a part of the same;

FOURTH

Complainant further shows that the title to said land stands on the record of the Probate Court of Baldwin County,

Alabama in the name of your Complainant; your Orator further shows unto your Honor that the said J. Fink, is reputed to have been the last owner of this land before your complainant and is reputed to claim some right, title or interest in or incumbrance upon the said land and your Orator shows further that Henry C. Bartling as Trustee under a Trust DSSB on the said land and the Baldwin County Colonization Company and Ignatz and Marie Fink are reputed to claim some right, title or interest in or incumbrance upon said lands and your Orator respectfully calls upon the parties mentioned in this paragraph to set forth and specify their title, claim, interest or incumbrance upon the said and how and by what instrument the same was derived, and created;

FIFTH

Complainant further shows unto your Honor that the above named individuals, firm, or corporation has not assessed or paid taxes upon the aforesaid lands during the past six years and that during the past ten years, namely, from 1926 to 1930, taxes were paid and assessed on this property in the name of J. Fink, that in the year of 1921 Baldwin County Colonization Company assessed this land but did not pay taxes and that the land remained in the State until 1926 at which time the State of Alabama sold this land to your Complainant upon the payment of taxes levied against said property, together with fees and costs thereto attached, and your Complainant shows further that during the past ten years no one has been in the actual possession of this land aforesaid under any claim or title from or in the name of any of the Respondents to this bill of complaint and that your Complainant has been in the peaceable actual possession of the same for the past six years. Complainant further shows unto your Honor that he has assessed the property, that he has paid the taxes upon the

said land within the last six years in which time the title of the same was held in the State preceding the filing of this bill of complaint.

SIX

Complainant further shows unto your Honor that he knows of no one other than himself who have been in the actual possession of the said land and that no one is known to your Complainant to claim this land or any part thereof and any interest therein except the Complainant and the Respondents in the proceeding and the Complainant calls upon the Respondents herein or any one else interested to set forth and specify, his, her or its title, claim, interest or incumbrance upon the said land and how and by what instrument or otherwise the same is derived and created. Complainant further avers that he has made a diligent search and inquiry to ascertain the addresses of all persons, firms, and corporations herein interested and whether or not any of them be dead and if dead, to ascertain the names and addresses of their heirs, devisees, successors and assigns and the grantees of such deceased persons. That in this investigation and inquiry Complainant has had a complete abstract of title on the said real estate made on the records of Baldwin County, Alabama, that he has made a diligent inquiry in the neighborhood of said lands as to the ownership of the same, the possession of the same and the whereabouts of any and all persons who are interested in said land or may be interested in the same and who may claim any interest therein. That in making the said inquiry in the neighborhood of the said lands he has inquired of all old settlers and people who are acquainted with the history of the community, and the residents, so far as your Complainant has learned Henry C. Bartling is in Chicago and the records show that Henry C. Bartling is Secretary of the Baldwin County Colonization Company.

SEVENTH

Complainant further shows unto your Honor that he received his title to the above described property by Tax Deed dated September 3rd, 1936 and executed by State Land Commissioner of Alabama by Henry S. Long as State Land Commissioner, copy of

which deed is hereto attached and marked Exhibit "A". That on January 2nd, 1922 there was executed by Ignatz Fink and Marie Fink to Henry C. Bartling of the City of Chicago as Trustee a trust deed conveying the above described property, a copy of which deed is hereto attached and marked Exhibit "B", which is executed in the consideration of Twenty Hundred Dollars and which said trust deed constitutes a cloud upon the title of the above described land, and that it is necessary that this action be taken in order to clear the title of the above described property from this shadow on the title and other incumbrances which may be against title to the above described land.

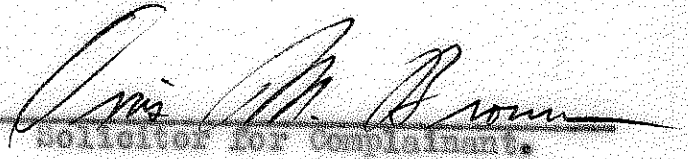
PRAYER FOR PROCESS

TO THE END THEREFORE, that equity may be had in the premises Complainant prays that your Honor will cause the usual writ of process to issue to the above named respondents in the usual form and according to the practice of this Honorable Court, requiring them to plead, answer or demur to the same within the time required by law, and the practice of this Honorable Court, and that your Honor will also cause notice to be published of the proceeding instituted by the filing of this bill of complaint as required by the laws of the State of Alabama authorizing the quieting of title by proceedings in rem and that this Honorable Court will also order that notice be given of the filing of this bill of complaint to F. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation, and the heirs of the above named respondents, and by publication in some newspaper published in Baldwin County, Alabama make them parties to this bill of complaint requiring them to plead, answer or demur to the same within the time required by law.

PRAYER FOR RELIEF

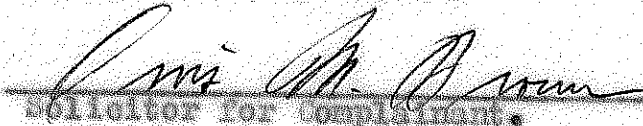
And Complainant prays further that upon the hearing of this cause your Honor will be pleased to establish Complainant's right of title to and will decree that Complainant is the owner

in fee simple of the said lands above described and that no other person, firm or corporation have any title to, or interest in or lien or incumbrance upon the said lands or any part thereof and in the said decree your Honor will cause a certified copy of the decree to be filed in the Probate Office of Baldwin County, Alabama and to be recorded therein and that the said decree your Honor will direct in whose name it shall be indexed in the direct indexes and in whose name it shall be indexed in the indirect indexes of the records thereof in the said Probate Office of Baldwin County, Alabama, and Complainant prays further that such other further or different and general relief be given him as in equity may seem just and meet and Complainant will ever pray, etc.

  
Solicitor for Complainant.

FOOT NOTE:

All persons claiming any title to, interest in, lien or incumbrance upon the property described in the foregoing bill of complaint or any part thereof will be required to answer to paragraphs one to seven inclusive but answer under oath is hereby expressly waived.

  
Solicitor for Complainant.



STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, John J. Gannus, a Notary Public in and for said State and County, Orvis H. Brown, who upon oath deposes and says:-

That he is the solicitor, or agent, for the Complainant in the above styled cause, and is therefore duly authorized to make this oath; that the facts stated in the foregoing Bill of Complaint upon knowledge are true; that he is informed as to the facts stated upon information and belief as therein stated, and verily believes, and so states, that the same are true.

*Orvis H. Brown*

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 21 day of June, 1937.

*John J. Gannus*  
Notary Public, Baldwin County,  
State of Alabama.

*My Commission  
Expires March 14th  
1939*

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 8th day of June, A. D. 1931, the Probate Court of Baldwin County rendered a decree for the sale of lands herein-after described and conveyed, for the payment of State and County taxes then due from J. Fink the owner of said lands and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 8th day of July 1931, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title hereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of One Hundred Thirty-Five and No/100 (\$135.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees and costs, and officers' fees which were run upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by Joe F. Schoen to purchase said lands, and said sum of one Hundred Thirty-Five and No/100 (\$135.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold and conveyed, and by these presents does grant bargain, sell and convey unto the said Joe F. Schoen, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

NW $\frac{1}{4}$  OF NW $\frac{1}{4}$  Sec. 22 Tp. 7s. R. 5s.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Joe F. Schoen and his heirs and assigns forever.

In Testimony whereof I have hereunto set my hand and seal this the 3rd., day of September 1936

STATE LAND COMMISSIONER OF ALABAMA

By: HENRY S. LONG  
State Land Commissioner.

BIRD GRAVES  
Governor.

THE STATE OF ALABAMA

MONTGOMERY, COUNTY

I, Mrs. Clay Willingham, a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me in this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner executed the same voluntarily on the day the same bears date.

Given under my hand this the 3rd day of September, 1936.

MRS. CLAY WILLINGHAM  
Notary Public.

EXHIBIT "B"

Ignatz Fink and Marie Fink,  
his wife,

to,

Henry C. Bartling of the City  
of Chicago, Trustee.

TRUST DEED

Dated : January 2, 1922  
Recorded: February 10, 1922  
Recorded in 26 Mtg. 516-818  
Consideration \$1200.00

Signed:

Ignatz Fink, (seal)  
Marie Fink (seal)  
Acknowledgment : Before  
L. Lindorfer, Notary  
Public, State of Alabama,  
Baldwin County, Separate  
acknowledgment of wife.

Conveys:

Lands in Baldwin County, to-wit:

Northwest Quarter (NW $\frac{1}{4}$ ) of the Northwest  
Quarter (NW $\frac{1}{4}$ ) of Section Twenty-two (22) Township  
Seven (7) South, Range Five (5) East of St. Stephens  
Meridian, otherwise known as Lot Number Four (4)  
of said Section Twenty-two (22).

Note: Trust deed contains all covenants of rights of  
foreclosure in case of default.

P A I D S

1926- Marked paid J. Fink, Vol. 3, 1926 Tax Assessment Book, page 64, Beat 13, #81.

1927- Marked paid J. Fink, Vol. 3, 1927 Tax Assessment Book, page 64, Beat 13, #82

1928- Marked paid J. Fink, Vol. 3, 1928 Tax Assessment Book, page 66, Beat 13, #87

1929- Marked paid J. Fink, Vol. 3, 1929 Tax Assessment Book, page 69, Beat 13, #92

1930- Marked paid J. Fink, Vol. 3, 1930 Tax Assessment Book, page 77, Beat 13, #18

1931- In State, Baldwin County Colonization Company, Vol. 3, 1931, Assessment Book, Page 157, Beat 13, #7 Northwest Quarter of the Northwest Quarter, Section 22, Township Seven South, Range Five East.

1932- in State

1933- in State

1934- in State

1935- in State

1936- in State

JOE F. SCHOEN,

Complainant,

VS.

Land described as Northwest quarter of the Northwest quarter of Section Twenty Two, Township Seven South of Range Five East in Baldwin County, Alabama, and J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling, individually and Henry C. Bartling as Trustee of the said land, and Baldwin County Colonization Company, Inc., a Corporation,

Respondents.

CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
EQUITY

This being the day heretofore fixed by the Court for the hearing of the Complainants' motion for an order directing the publication of notice of the proceeding to quit title in the above styled matter and thereon upon consideration of such motion by the court it is the order and judgement of the Court that the said motion be and it is hereby granted and directed that the Honorable Robert S. Duck, Register and Chancery of Baldwin County, be and he is hereby directed to publish the said legal ad in the Baldwin Times a weekly newspaper published at Bay Minette, Alabama in Baldwin County for Four consecutive weeks.

*June 22, 1937-*

*J. W. Hale*  
\_\_\_\_\_  
Judge of Twenty-First Judicial  
Circuit.

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To MISS JOYCE GANUS

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine JOE F. SCHOEN and M. DRAVES

as witnesses in behalf of the Complainant in a cause pending in our Circuit Court of Baldwin County, of said State, wherein

Joe F. Schoen is

Complainant

and Lands Described as Northwest Quarter of Northwest Quarter of Section Twenty two, Township Seven South of Range Five East in Baldwin County, Alabama; and J. Fink, Ignatz Fink & Marie Fink, Henry C. Bartling, individually, and Henry C. Bartling as Trustee of said Lands, & Baldwin County Colonization Company, Inc., a Corporation,

Defendants

on oath to be by you administered, upon Joe F. Schoen and M. Draves to take and certify the deposition s of the witness es and return the same to our Court, with all convenient speed, under your hand.

Witness 16 day of August 1937

R. E. Duck

REGISTER

COMMISSIONER'S FEE, \$ 5.00

WITNESS' FEES, \$ \_\_\_\_\_

STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA.  
IN EQUITY.

JOE E. SCHOEN,

Complainant,

Vs.

LANDS DESCRIBED AS NORTHWEST  
QUARTER OF THE NORTHWEST  
QUARTER OF SECTION TWENTY-  
TWO, TOWNSHIP SEVEN SOUTH OF  
RANGE FIVE EAST IN BALDWIN  
COUNTY, ALABAMA; and J. FINK,  
IGNATZ FINK and MARIE FINK,  
HENRY C. BARTLING, INDIVIDUALLY,  
AND HENRY C. BARTLING AS TRUS-  
TEE OF SAID LAND; and BALDWIN  
COUNTY COLONIZATION COMPANY, INC.,  
A CORPORATION.

Respondents.

I, Joyce Ganus, as register and commissioner, have  
caused and called to come before me Joe F. Schoen and  
M. Draves, witnesses named in the requirement for  
oral examination, on the 17th day of August, 1937 at the office  
of Orvis M. Brown, in Robertsdale, Alabama, and having first duly  
sworn said witnesses to speak the truth, the whole truth, and  
nothing but the truth, said witnesses doth depose and say as  
follows:

(Testimony of Joe F. Schoen and M. Draves  
which is hereto attached and made part hereof and is  
herein inserted and marked Exhibit "A".

I, Joyce Ganus, as register and commissioner hereby  
certify that the foregoing depositions upon oral examination were  
taken down in writing by me in the words of the witnesses and  
read over to them and they signed the same in the presence of  
myself and Orvis M. Brown at the time and place herein mentioned;  
that I have personal knowledge of personal identity of the said  
witnesses or have proof made before me of the identity of said  
witnesses, that I am not of counsel or of kin to any of the par-  
ties to the said cause, or in any manner interested in the result  
thereof.

I enclose the said oral examinations in an envelope to  
the Register of the said Court.

Given under my hand and seal this 17th day of  
August, 1937.

*Joyce Ganus*  
COMMISSIONER.



Exhibit "A"

TESTIMONY OF JOE F. SCHOEN

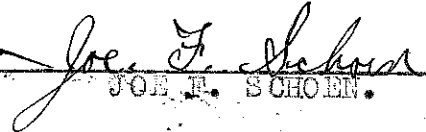
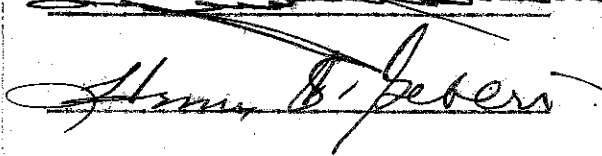
My name is Joe F. Schoen. I am the owner of the land herein described as "The Northwest Quarter of the Northwest Quarter of Section Twenty-two, Township Seven South of Range Five East in Baldwin County, Alabama, containing Forty acres more or less". I purchased that property from the State of Alabama by State Tax Deed on the 3rd day of September, 1936. Your Complainant has been in actual peaceable possession of the land mentioned for the past six years. This land was sold to the State of Alabama for taxes then due to Baldwin County on June 8th, 1931 which said taxes were due from J. Fink and this deed was issued from the State of Alabama by the State Land Commissioner, Henry S. Long, and duly approved by Hon. Bibb Graves on 3rd of September, 1936, which said deed is numbered 1384 and which is duly recorded in Volume 61 N.S., page 427 and in the Probate Records of Baldwin County, Alabama, and which said deed is attached to the original bill of complaint and marked Exhibit A, which said deed covers the Northwest Quarter of the Northwest Quarter of Section Twenty two, Township Seven South of Range Five East in Baldwin County, Alabama. The records show that Ignatz Fink and Marie Fink, husband and wife, obtained this land now in question from the Baldwin County Colonization Company, a corporation, on January 2, 1922 by warranty deed which is recorded in Book 31 N.S., page 487-488 of the Records of Baldwin County, Alabama, and that on January 2, 1922 Ignatz Fink and Marie Fink gave to Henry C. Bartling of the City of Chicago, Illinois, as trustee, a trust deed which is recorded in 26 Mortgages, page 316-318 and which deed recites "in the consideration of \$1200.00" which covers the land now in question and which deed contains all the provisions for foreclosure in case of default and on April 22, 1930 Ignatz Fink and Marie Fink, husband and wife, sold to the Baldwin County Colonization Company the lands now in question by warranty deed which is recorded in Deed Book 58 N.S., page 498 in the Records of Baldwin County, Alabama, and on June 2, 1930 the Baldwin County Colonization Company, a corporation, gave to Bearer, no mortgagee being named anywhere in the instrument, a mortgage in the amount of One Thousand Dollars (\$1000.00) due in notes on or before five years from date, which said mortgage is duly recorded in 29 Mortgages, page 13014 of the Probate Records of Baldwin County, Alabama. The Cash Receipt Books show that this deed was recorded and returned to H.C. Bartling of Chicago, Illinois, the Bearer who recorded this instrument. On November 19, 1921 there was issued a notice filed by the Baldwin County Colonization Company, a corporation, by Henry C. Bartling as Secretary which notice is duly recorded in Volume 32 N.S., page 30 notifying that the turpentine lease issued to Baldwin Brothers Company of Josephine, Baldwin County, Alabama on the pine timber standing on certain lands, notifying that they had no further right, title, or interest or claim to said timber. And in the Sales Book Volume 8, page 93 the property now in question was sold to the State of Alabama for the 1930 taxes and sold as the property of J. Fink and was later sold September 3, 1936 to Joe F. Schoen for taxes due thereon. And the 1936 taxes were paid in this sale. That all these transfers and conveyances constitute a cloud on the title to this property, therefore it is necessary for this procedure to clear this title and since the time the application was filed by your Complainant to purchase this land your Complainant has had actual, peaceable possession of this tract of land, claiming to own the same in his own right in fee simple for more than twelve months prior to the filing of the bill of complaint in this cause and that no suit is pending to test complainant's title to, interest in or right to possession of the said land, and Complainant and those under whom he claims have paid the taxes on this land for more than ten years next preceeding the filing of the bill of complaint in this cause, and that no other person, firm or corporation has paid any taxes on this land during that period of time or claimed the same in so far as I know or have been able to ascertain.

That the allegations contained in the bill of complaint

are true and correct in all respects to my belief, information and knowledge.

I have paid the taxes on this land during the past six years and previous thereto the taxes were paid in the name of J. Fink under whom I claim my right, title and interest to this property. That no other person has been in actual peaceable possession of this land other than myself during the last ten years and that I have been in actual peaceable possession of the same for the past six years.

WITNESSES:

  
\_\_\_\_\_  
JOE F. SCHORN.  
  
\_\_\_\_\_

TESTIMONY OF M. Draves

My name is M. Draves, I know that Joe F. Schoen is the owner of the land herein described as "The Northwest Quarter of the Northwest Quarter of Section Twenty-two, Township Seven South of Range Five East in Baldwin County, Alabama, containing forty acres more or less". I know that he purchased the property from the State of Alabama by State Tax Deed on the 3rd day of September, 1936. I also know that the Complainant in this cause has been in actual peaceable possession of the land mentioned above for the past six years. That this land was sold to the State of Alabama for taxes then due to Baldwin County on June 8th, 1931 which said taxes were due from J. Fink and this deed was issued from the State of Alabama by the State of Alabama by the State Land Commissioner, Henry S. Long, and duly approved by Hon. Bibb Graves on 3rd day of September, 1936, which said deed is numbered 1384 and which is duly recorded in Volume 61 N.S., page 427 and in the Probate Records of Baldwin County, Alabama, and which said deed is attached to the original bill of complaint and marked Exhibit "A", which said deed covers the Northwest Quarter of the Northwest Quarter of Section Twenty two, Township Seven South of Range Five East in Baldwin County, Alabama. The records show that Ignatz Fink and Marie Fink, husband and wife, obtained this land now in question from the Baldwin County Colonization Company, a corporation, on January 2, 1922 by warranty deed which is recorded in Book 31 N.S., page 487-488 of the Records of Baldwin County, Alabama, and that on January 2, 1922 Ignatz Fink and Marie Fink gave to Henry C. Bartling of the City of Chicago, Illinois, as trustee, a trust deed which is recorded in 26 Mortgages, page 316-318 and which deed recites in the consideration of \$1200.00 which covers the land now in question and which deed contains all the provisions for foreclosure in case of default and on April 22, 1930 Ignatz Fink and Marie Fink, husband and wife, sold to the Baldwin County Colonization Company the lands now in question by warranty deed which is recorded in Deed Book 58 N.S., page 498 in the Records of Baldwin County, Alabama, and on June 2, 1930 the Baldwin County Colonization Company, a corporation, gave to Bearer, no mortgagee being named anywhere in the instrument, a mortgage in the amount of One Thousand Dollars due in notes on or before five years from date, which said mortgage is duly recorded in 29 Mortgages, page 13-14 of the Probate Records of Baldwin County, Alabama. The Cash Receipt Books show that this deed was recorded and returned to H.C. Bartling of Chicago, Illinois, the Bearer, who recorded this instrument. On November 19, 1921 there was issued a notice filed by the Baldwin County Colonization Company, a corporation, by Henry C. Bartling, its Secretary, which notice is duly recorded in Volume 32 N.S., page 30 notifying that the turpentine lease issued to Baldwin Brothers Company of Josephine, Baldwin County, Alabama on the pine timber standing on certain lands, notifying that they had no further right, title or interest or claim to said timber. And in the Sales Book Volume 8, page 93 the property now in question was sold to the State of Alabama for the 1930 taxes and sold as the property of J. Fink and was later sold on September 3rd, 1936 to Joe F. Schoen for taxes due thereon. And the 1936 taxes were paid in this sale. That all these transfers and conveyances constitute a cloud on the title to this property, therefore it is necessary for this procedure to clear this title and since the time the application was filed by the Complainant in this cause to purchase this land that your Complainant, Joe F. Schoen, has had actual, peaceable possession of this tract of land, claiming to own the same in his own right in fee simple for more than twelve months prior to the filing of the bill of complaint in this cause, and that no suit is pending to test the Complainant's title to, interest in or right to possession of the said land, and the Complainant and those under whom he claims have paid the taxes on this land for more than ten years next preceeding the filing of the bill of complaint in this cause, and that no other person, firm or corporation has paid any taxes on this land during that period of time or claimed the same in so far as I know or have been able to ascertain.

That the allegations contained in the bill of Complaint

in so far as I know and believe are true and correct in all respects according to my knowledge and information.

I know that Joe F. Schoen has paid the taxes on this land during the past six years and previous to that time the taxes were paid in the name of J. Fink under whom Joe F. Schoen claims his right, title and interest to this property. That no other person has been in actual peaceable possession of this land other than the said Joe F. Schoen during the last ten years and that he has been in actual peaceable possession of the same for the past six years.

WITNESSES:

*M. D. Dancy*

*James C. Guber*

COURT DECREE

JOE F. SCHOEN,

Complainant,

vs.

LANDS DESCRIBED AS NORTHWEST  
QUARTER OF NORTHWEST QUARTER  
OF SECTION TWENTY TWO, TOWN-  
SHIP SEVEN SOUTH OF RANGE  
FIVE EAST IN BALDWIN COUNTY,  
ALABAMA; & J. FINK, IGNATZ  
FINK & MARIE FINK, HENRY C.  
BARTLING, INDIVIDUALLY, AND  
HENRY C. BARTLING AS TRUSTEE  
OF SAID LANDS, & BALDWIN  
COUNTY COLONIZATION COMPANY,  
INC., A CORPORATION.,

Defendants.

CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

IN EQUITY.

This cause is submitted upon the original bill of complaint; Notice of Publication; Motion for Decree Pro Confesso; and Decree Pro Confesso against the lands described in the bill of Complaint and the Defendants named in the said bill, and the testimony of Joe F. Schoen and M. Draves.

The pleadings and the evidence in this cause show that the land, "The Northwest Quarter of the Northwest Quarter in Section Twenty two, Township Seven South of Range Five east in Baldwin County, Alabama", which said lands are located as stated in Baldwin County, Alabama, were assessed to J. Fink for the years of 1926, 1927, 1928, 1929 and 1930, and 1931 was assessed by the Baldwin County Colonization Company, but since that time has been in the State of Alabama for non-payment of taxes, and that Joe F. Schoen bought this land from the State of Alabama on the 3rd day of September, 1936 and in this purchase paid the taxes for 1931, 1932, 1933, 1934, 1935 and 1936 and that Joe F. Schoen received the title to this above described property by this State Tax Deed dated September 3rd, 1936 and the said Ignatz Fink and Marie Fink received this property by warranty deed dated January 2, 1922 from the Baldwin County Colonization Company, Inc., a Corporation, who are named as the Respondents in this action to quiet title, and that the said Ignatz Fink and Marie Fink, his wife, have been in possession of the said lands up to the time the same were taken possession by the Complainant, Joe F. Schoen, claiming to own the same in fee simple for more than ten years

prior to the filing of the bill of complaint in this suit. And that on April 22nd, 1930 Ignatz Fink and Marie Fink, husband and wife, conveyed by Warranty Deed to the Baldwin County Colonization Company the lands described above in fee simple. And that the said Complainant, Joe F. Schoen, and those under whom he claims have paid the taxes which have been due for more than ten years prior to the filing of the bill of complaint in this suit, that no other person, firm or corporation has paid any taxes on the same during that period of time; that there are no suits pending to contest Complainant's title to, interest in, or right of possession of the said lands; that the said property stands in the name of Joe F. Schoen on the Records of Baldwin County, Alabama and that he has paid the taxes on the same and those under whom he claims since the year 1926;

It is, therefore, ORDERED, ADJUDGED AND DECREED that the Complainant, Joe F. Schoen, is the absolute owner of the following described property, to-wit: "The Northwest Quarter of the Northwest Quarter of Section Twenty two, Township Seven South of Range Five East in Baldwin County, Alabama, containing Forty acres more or less" in fee simple, in his own right, and that no other person, firm or corporation has any interest, right, title, lien or encumbrance on said lands held by anyone other than the Complainant and that same are hereby and herein declared null and void, and are decreed to be a cloud upon the title of Complainant and moved as such. That a certified copy of this decree be filed in the Probate Office of the County of Baldwin, State of Alabama, and recorded therein, and that it be indexed on the records in the direct indexes in the office of the Judge of the said Court in the name of J. Fink, Ignatz Fink and Marie Fink, Henry C. Bartling, individually, and Henry C. Bartling as trustee of said lands, and the Baldwin County Colonization Company, Inc., a corporation, and in the indirect indexes in the name of Joe F. Schoen.

And it is further ORDERED, ADJUDGED AND DECREED that the Complainant pay the costs of this proceeding.  
Dated this 18<sup>th</sup> day of AUGUST, 1937.

*J. W. Hare*  
Judge of 21st. Judicial Circuit of Alabama.

*Quick*  
RECORDED 7-223

ORDER OF PUBLICATION

2008 June 22 1931  
*W. H. ...*  
*...*

11  
Filed June 21, 1907  
R. S. Duck, Receiver



The State of Alabama

BALDWIN COUNTY

CIRCUIT COURT

JOE F. SCHOEN

Complainant

vs.

LANDS DESCRIBED AS NORTHWEST QUARTER OF NORTHWEST QUARTER SECTION TWENTY TWO TOWNSHIP SEVEN SOUTH OF RANGE FIVE EAST IN BALDWIN COUNTY ALABAMA: MARIE AND J. FINK, IOWA; FINK & MARIE FINK, HENRY AND G. BARTLING, INDIANA; HENRY AND G. BARTLING, INDIANA; AS SUCCESSORS OF SAID LANDS IN BALDWIN COUNTY ALABAMA: A. C. HARRIS, BALDWIN COUNTY ALABAMA, COMPLAINANT, IN vs. A. C. HARRIS, BALDWIN COUNTY ALABAMA, DEFENDANT.

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

Joyce Ganus

WITNESSES:

Joe F. Schoen

M. Draves.

Depositories

or

Complainants

Filed August 18, 1939.

R.S. Dand, Register

DEGREE.

RECORDED

Duck  
1-31/

Filed August 1, 1933  
Robert's Direct Report

**CIRCUIT COURT, BALDWIN COUNTY, ALA.  
IN EQUITY**

No. **343**

*Joe F. Fitch* vs.

*Carlton Land*

PLAINTIFF  
DEFENDANT

**BILL OF COSTS**

FEES OF REGISTER		Dollars	Cents		
Filing each bill and other papers	\$ 10	140		Brought Forward	\$ 810
Issuing each subpoena	50			For Receiving, keeping and paying out or distributing money, etc.: 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.	
Issuing each copy thereof	40			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.	
Entering each return thereof	15			Each notice sent by mail to creditor	15
For each order of publication	1 00	100		Filing receipting for and docketing each claim, etc.	25
Issuing Writ of injunction	1 50			For all entries on subpoena docket, etc.	50
For each copy thereof	50			For all entries on commission docket, etc.	50
Entering each return thereof	15			Making final record. per 100 words	15
Issuing Writ of Attachment	1 00			Certified copy of decree	1 00
Entering each return thereof	15			Report of divorce to State Health Office (Acts 1915)	50
Docketing each case	1 00	100		<b>TOTAL FEES OF REGISTER</b>	
Entering each appearance	25			<b>FEES OF SHERIFF</b>	21 60
Issuing each decree pro confesso on per ser.	1 00			Serving and returning subpoena on deft.	\$1 50
Issuing each decree pro confesso on publica	1 00	100		Serving and returning subpoena for witness	65
Each order appointing guardian	1 00			Levying attachment	1 50
Any other order by Register	50	50		Entering and returning same	25
Issuing Commission to take testimony	50	50		Selling property attached	
Receiving and tiling	10	30		Impaneling Jury	75
Endorsing each package	10	10		Executing Writ of possession	2 50
Entering order submitting cause	50	10		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	50		Serving and returning notice	65
Abstract of cause, etc.	1 00	50		Serving and returning writ of injunction	1 50
Entering each decree	75	75		Serving and returning writ of exeat	1 50
For every 100 words over 500	15	75		Taking and approving bonds, each	75
Taking account, etc.	3 00	75		Collecting money on execution	
Taking testimony, etc.	15	75		Making Deed	2 50
Each report, 500 words or less	2 50	810		Serving and returning application, etc.	1 00
For every 100 words over 500	15			Serving attachment, contempt of court	1 50
Amount claimed less than \$500, etc.	2 00			<b>TOTAL FEES OF SHERIFF</b>	
Issuing each subpoena	25			<b>RECAPITULATION</b>	
Witness certificate, each	25			Register's Fees	12 60
Issuing execution, each	75			Sheriff's Fees	21 60
Entering each return	15			Commissioner's Fees	5 00
Taking and approving bond, each	1 00			Solicitor's Fees	
Making copy of bill, etc.	15			Witness Fees	
Each notice not otherwise provided for	50			Guardian Ad Litem	
Each certificate or affidavit, with seal	50			Printer's Fees	3 00
Each certificate or affidavit, no seal	25			Trial Tax	2 85
Hearing and passing on application, etc.	3 00			Recording Decree in Probate Court	
Each settlement with Receiver, etc.	3 00			<b>TOTAL</b>	53 85
Examining each voucher of Receiver, etc.	10				
Examining each answer, etc.	3 00				
Recording resignation, etc.	75				
Entering each certificate to Supreme Court	50				
Taking questions and answers, etc.	25				
For all other ser relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent; all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
Sub Total Carried Forward		54 85			
		23 25			
		78 10			

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193

*Red 9/22/37*

Register.

Circuit Court, Baldwin County, Ala.  
In Equity.

No. 2013

*Seaman*

VS.

*Walter H. Lee*

**COST BILL**

Paid *PS*, 193

Register:

Statement

# **THE BALDWIN TIMES**

BAY MINETTE, ALABAMA

July 26, 1937, 193

R. S. Duck, Register

Advertising: Joe F. Schoen, Complainant, vs:  
Lands-----

539 Words @  $4\frac{1}{2}$ ¢-----

\$24.25

Job Printing:

STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ Fall \_\_\_\_\_ Term, 193\_7

JOE F. SCHOEN \_\_\_\_\_, Complainant

Vs.

LANDS DESCRIBED AS NORTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION TWENTY TWO, TOWNSHIP SEVEN SOUTH OF RANGE FIVE EAST IN BALDWIN COUNTY, ALABAMA; AND J. FINK, IGNATZ FINK AND MARIE FINK, HENRY C. BARTLING, INDIVIDUALLY, AND HENRY C. BARTLING AS TRUSTEE OF SAID LANDS, AND BALDWIN COUNTY COLONIZATION COMPANY, A CORPORATION.

To Robert S. Luck \_\_\_\_\_, Register :

In the above stated cause a Decree Pro Confesso having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the Complainant, by \_\_\_\_\_ Orvis M. Brown, \_\_\_\_\_

\_\_\_\_\_ Robertsdale, Alabama \_\_\_\_\_ Solicitors of record, now files with the Register of this Court

this written request to deliver the papers in this cause to the Judge for final decree in vacation.

RECORDING

*Duch*  
*9-268*

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

Page \_\_\_\_\_

**The State of Alabama,**

Baldwin County.

CIRCUIT COURT, IN EQUITY

JOE F. SCHOEN

LANDS DESCRIBED AS NORTHWEST  
QUARTER OF NORTHWEST QUARTER  
SECTION TWENTY TWO, TOWNSHIP  
SEVEN SOUTH OF RANGE FIVE EAST  
IN BALDWIN COUNTY, ALABAMA, &  
J. PINK, IGNACE PINK & MARIE  
PINK, HENRY C. BARTLING, INDIVI  
dualy, AND HENRY C. BARTLING  
BALDWIN COUNTY COLONIZATION CO.

**REQUEST FOR DECREE IN  
VACATION**

Filed August 18, 1937

*R. S. Duch*

Register.

Recorded in \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.



JOE F. SCHOEN

THE STATE OF ALABAMA  
Baldwin County

vs.  
LANDS DESCRIBED AS NORTHWEST QUARTER  
OF NORTHWEST QUARTER OF SECTION  
TWENTY TWO, TOWNSHIP SEVEN SOUTH  
OF RANGE FIVE EAST IN BALDWIN COUNTY,  
ALABAMA: AND J. PINK, IGNATZ PINK,  
MARIE PINK, HENRY C. BARTLING, INDIVIDUALLY, AND HENRY C. BARTLING AS  
TRUSTEE OF SAID LANDS; & BALDWIN AS  
COUNTY COLONIZATION COMPANY, INC.,  
A CORPORATION.

IN EQUITY  
Circuit Court of Baldwin County

This cause is submitted in behalf of Complainant upon the original Bill of Complaint, \_\_\_\_\_

Publication, Motion for Decree Pro Confesso, Decree Pro Confesso, \_\_\_\_\_

Notice of Testimony, Testimony of Joe F. Schoen and M Draves. \_\_\_\_\_

and in behalf of Defendant upon the lands above described \_\_\_\_\_

*R. S. Duck*

Register.

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ FALL \_\_\_\_\_, Term, 1937

----- JOE. E. SCHOEN -----, Complainant..

LANDS DESCRIBED AS NORTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION TWENTY TWO, TOWNSHIP SEVEN SOUTH OF RANGE FIVE EAST IN BALDWIN COUNTY, ALABAMA; AND J. FINK, IGWATZ FINK & MARIE FINK, HENRY C. BARTLING, INDIVIDUALLY, AND HENRY C. BARTLING AS TRUSTEE OF SAID LANDS, AND BALDWIN COUNTY COLONIZATION COMPANY, INC., A CORPORATION. Defendant..

Motion is hereby made for a Decree Pro Confesso against LANDS DESCRIBED AS NORTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION TWENTY TWO, TOWNSHIP SEVEN SOUTH OF RANGE FIVE EAST IN BALDWIN COUNTY, ALABAMA; AND J. FINK, IGWATZ FINK & MARIE FINK, HENRY C. BARTLING, INDIVIDUALLY, AND HENRY C. BARTLING AS TRUSTEE OF SAID LANDS, AND BALDWIN COUNTY COLONIZATION COMPANY, INC., A CORPORATION. Defendants..

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 17th day of August 1937

*Oliver M. Brown*  
-----  
Solicitor.

RECORDED *Duch*  
7-268

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

**State of Alabama,  
Baldwin County.**

**CIRCUIT COURT, IN EQUITY.**

JOE F. SCHOEN

Complainant

LANDS DESCRIBED AS NORTHWEST  
QUARTER OF NORTHWEST QUARTER OF  
SECTION TWENTY TWO TOWNSHIP SEVEN  
SOUTH OF RANGE FIVE EAST IN  
BALDWIN COUNTY, ALABAMA; & J.  
J. IGNATZ, FINK & MARIE FINK;  
HENRY C. BARTLING, INDIVIDUALLY,  
& HENRY C. BARTLING, AS TRUSTEE OF  
SAID LANDS & BALDWIN COUNTY  
COLONIZATION COMPANY, INC. A  
CORPORATION. Defendant

**Motion for Decree Pro Confesso  
On Publication.**

Filed *August 17*, 193 *7*

*A. S. Duch*

Register.

Recorded in \_\_\_\_\_ Record,

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register.

RECORDED

*Duch*  
J-311

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

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

JOE F. SCHOEN

LANDS DESCRIBED AS NORTHWEST  
QUARTER OF NORTHWEST QUARTER  
OF SECTION TWENTY TWO, TOWN-  
SHIP SEVEN SOUTH OF RANGE  
FIVE EAST IN BALDWIN COUNTY,  
ALABAMA: & J. FINK, IGNATZ  
FINK & MARIE FINK, HENRY C.  
BARTLING, INDIVIDUALLY, &  
HENRY C. BARTLING AS TRUSTEES  
OF SAID LANDS & BALDWIN COUNTY  
COLONIZATION COMPANY, INC.,  
A CORPORATION.

**NOTE OF TESTIMONY**

Filed in Open Court this 18

day of August 1937

*R. S. Duch*

REGISTER