

404

# The State of Alabama, Baldwin County

## CIRCUIT COURT, IN EQUITY

MILDRED JOHNSON, Complainant

vs.

CALVIN JOHNSON, Respondent

This cause coming on to be heard was submitted upon Bill of Complaint, ~~Decree Pro Confesso~~ ~~and~~ ~~Testimony~~ as noted by the Register, and upon ~~consideration thereof~~, the Court is of the opinion that the Complainant is entitled to the relief prayed for in said bill.

It is therefore ordered, adjudged and decreed by the Court that the bonds of matrimony heretofore existing between the Complainant and Defendant be, and the same are hereby, dissolved, and that the said MILDRED JOHNSON, is forever divorced from the said CALVIN JOHNSON,

for and on account of CRUELTY;

It is further ordered, adjudged and decreed that neither party to this suit shall again marry except to each other until sixty days after the rendition of this decree, and that if appeal is taken within sixty days, neither party shall again marry except to each other during the pendency of said appeal.

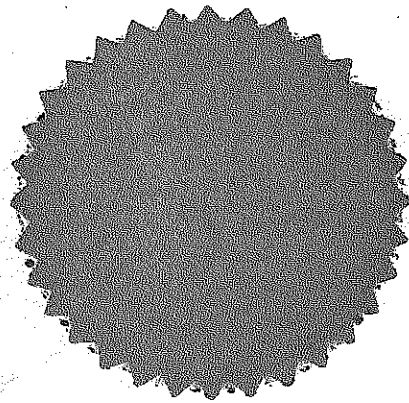
It is further ordered that MILDRED JOHNSON and CALVIN JOHNSON, be, and they are hereby permitted to again contract marriage upon the payment of the cost of this suit.

It is further ordered that CALVIN JOHNSON, the Respondent, pay the cost herein to be taxed, for which execution may issue.

This 4<sup>th</sup> day of April, 1938

*J. N. Stare*  
Judge Circuit Court, in Equity.

I, \_\_\_\_\_, Register of the Circuit Court for Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the above stated cause, which said decree is on file and enrolled in my office.



Witness my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_

Register of Circuit Court, in Equity.

The State of Alabama }  
Baldwin County

Circuit Court of Baldwin County, Alabama,  
(In Equity)

MILDRED JOHNSON

COMPLAINANT

VS.

GALVIN JOHNSON

RESPONDENT

I, R. S. DUCK

as Register and Commissioner of the Circuit Court of Baldwin County, Alabama,

have called and caused to come before me Mildred Johnson

witness named in the Requirement for Oral Examination, on the 1 day of April  
1938, at the office of Clerk of the Circuit Court of Baldwin County, Alabama,  
in Bay Minette, Alabama, and having first sworn said witness to speak the  
truth, the whole truth, and nothing but the truth, the said Mildred Johnson

doth depose and say as follows:

# CHANCERY EXECUTION

## BILL OF COSTS

No. 484

VS.

*Mildred Johnson*

PLAINTIFF

*Calvin Johnson*

DEFENDANT

FEES OF REGISTER	Dollars	Cents	Brought Forward .....	\$ 10	10
Filing each bill and other papers .....	\$ 10	70	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 subpoena .....	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof .....	40	40	Each notice sent by mail to creditor ...	15	
Entering each return thereof .....	15	15	Filing receipting for and docketing each claim, etc. ....	25	
For each order of publication .....	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 100 words .....	15	3 50
Entering each return thereof .....	15		Certified copy of decree .....	1 00	2 00
Issuing Writ of Attachment .....	1 00		Report of divorce to State Health Office (Acts 1915)	50	50
Entering each return thereof .....	15		<b>TOTAL FEES OF REGISTER..</b>		
Docketing each case .....	1 00	1 00	<b>FEES OF SHERIFF</b>	16	10
Entering each appearance .....	25		Serving and returning subpoena on deft. \$1 50	1	50
Issuing each decree pro confesso on per ser. 1 00			Serving and returning subpoena for witness .....	65	
Issuing each decree pro confesso on publica 1 00			Levying attachment .....	3 00	1 50
Each order appointing guardian .....	1 00		Entering and returning same .....	25	
Any other order by Register .....	50	50	Selling property attached .....		
Issuing Commission to take testimony .....	50		Impaneling Jury .....	75	
Receiving and filing .....	10	10	Executing Writ of possession .....	2 50	
Endorsing each package .....	10	50	Collecting execution for costs .....	1 50	
Entering order submitting cause .....	50		Serving and returning sci. fa., each .....	65	
Entering any other order of court .....	25		Serving and returning notice .....	65	
Noting all testimony .....	50	50	Serving and returning writ of injunction 1 50		
Abstract of cause, etc. ....	1 00		Serving and returning writ of exeat. .... 1 50		
Entering each decree .....	75	75	Taking and approving bonds, each .....	75	
For every 100 words over 500 .....	15		Collecting money on execution .....		
Taking account, etc. ....	3 00	5 00	Making Deed .....	2 50	
Taking testimony, etc. ....	15		Serving and returning application, etc. .... 1 00		
Each report, 500 words or less .....	2 50		Serving attachment, contempt of court. .... 1 50		
For every 100 words over 500 .....	15		<b>TOTAL FEES OF SHERIFF..</b>		
Amount claimed less than \$500, etc. .... 2 00			<b>RECAPITULATION</b>		
Issuing each subpoena .....	25		Register's Fees .....	16	10
Witness certificate, each .....	25		Sheriff's Fees .....	1	50
Issuing execution, each .....	75		Commissioner's Fees .....		
Entering each return .....	15		Solicitor's Fees .....		
Taking and approving bond, each .....	1 00		Witness Fees .....		
Making copy of bill, etc. ....	15		Guardian Ad Litem .....		
Each notice not otherwise provided for ... 50			Printer's Fees .....		
Each certificate or affidavit, with seal ... 50			Trial Tax .....	3 00	3 00
Each certificate or affidavit, no seal .....	25		Recording Decree in Probate Court .....		
Hearing and passing on application, etc. .... 3 00			<b>TOTAL .....</b>	920	60
Each settlement with Receiver, etc. .... 3 00					
Examining each voucher of Receiver, etc. .... 10					
Examining each answer, etc. ....	3 00				
Recording resignation, etc. ....	75				
Entering each certificate to Supreme Court 50					
Taking questions and answers, etc. ....	25				
For all other ser relating to such proceedings 1 00					
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc: 1st \$100, 2 per cent: all over \$100 and not exceeding \$1,000, 1 1-2 per cent; all over \$1,000, and not exceeding \$20,000, 1 per ct; all over 20,000, 1-4 of 1 per cent.					
<b>Sub Total Carried Forward .....</b>	<b>10</b>	<b>10</b>			

**The State of Alabama,** {  
**Baldwin County** }

No. 484

Circuit Court, In Equity

April

Term, 1935

To any Sheriff of the State of Alabama—GREETING:

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

*Calvin Johnson*

Defendant

you cause to be made the sum of \_\_\_\_\_ Dollars,

which \_\_\_\_\_ Plaintiff

recovered of \_\_\_\_\_ on the 4 day of April 1935

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of \_\_\_\_\_ Dollars,

\$ 20.60

costs o' suit, and have the same to render to the said R. S. Duels and make return of this Writ and the execution thereof, according to law.

Interest from \_\_\_\_\_ 1935 to date of collection.

Witness my hand, this 4 day of July 1935

R. S. Duels

Register

MILDRED JOHNSON,  
Complainant,  
VS.  
CALVIN JOHNSON,  
Respondent.

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

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

Comes the Complainant, MILDRED JOHNSON, and humbly complaining against the Respondent, CALVIN JOHNSON, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is over 20 years of age and a resident of Baldwin County, Alabama; that she has been a resident of Baldwin County, Alabama, for more than three years next preceding the filing of this Bill of Complaint; that the Respondent is over twenty-one years of age and a resident of Baldwin County, Alabama.

2. That the Complainant and the Respondent were married at Prichard, in Mobile County, Alabama, on March 2nd, 1936, and lived together as husband and wife until on to-wit, March 1st, 1937.

3. That on to-wit, March 1st, 1937, and various times prior thereto, the Respondent threatened and abused the Complainant; that the conduct of the Respondent was such to give the Complainant every reasonable apprehension to believe and she did actually believe that if she continued to live with the Respondent as his wife, he would carry out his threats and do actual violence to her person, which would necessarily endanger her life and health.

4. That there was born to said marriage between your Complainant and the Respondent one child, a boy, George Edward Johnson, now six months old; that the said child has been with your Complainant all of its life; that the Complainant is ready, able and willing to care and provide for said child; that the Respondent is not a suitable person, nor is he in position to care and provide for said child.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said CALVIN JOHNSON party respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause, your

Honor will give and grant unto her a decree of absolute divorce, forever barring the bonds of matrimony existing between her and the Respondent; that your Honor will enter a further order and decree awarding to her the care, custody and control of the said child, George Edward Johnson; that your Honor will give and grant unto her such other, further, different or general relief as she may be in equity and good conscience entitled to receive, and as in duty bound she will ever pray.

Mildred Johnson  
Complainant.  
Bebe Nell & Bebe  
Solicitors for the Complainant.

FOOT NOTE:

The Respondent, CALVIN JOHNSON, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 4, inclusive, but not under oath, oath being hereby expressly waived.

Mildred Johnson  
Complainant.  
Bebe Nell & Bebe  
Solicitors for the Complainant.

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

CALVIN JOHNSON,

of BALDWIN 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 Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

MILDRED JOHNSON,

against said CALVIN JOHNSON,

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

WITNESS, Robert S. Duck, Register of said Circuit Court, this 29th day of March 1938

*Robert S. Duck* Register

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







No. 404

THE STATE OF ALABAMA  
Baldwin County.

Circuit Court, In Equity

*Mildred Johnson*  
vs. *Complainant*

*Edwin Johnson*  
*Respondent*

CHANCERY EXECUTION  
Fi. Fa.

\$ 20.00

Total \$

Fee Book Page

Execution Docket *Quoad* Page 404

*John, wife of Buck*  
Complainant's Solicitor

*Pro Prop.*  
*FB*

THE STATE OF ALABAMA  
Baldwin County.

ha \_\_\_\_\_ duly waived \_\_\_\_\_ right  
to the exemption of personal property as to  
the collection of the debt for which this execu-  
tion is issued.

Register.

Received in office this 26

day of July 1938

*M. H. Williams*  
Sheriff

Execution Docket 1 Page 151

*Returned 10-4-38 to  
property of Edwin Johnson  
found in Baldwin County  
M. H. Williams  
Sheriff*

The State of Alabama, }  
Baldwin County

By virtue of the within execution I have levied

ORAL EXAMINATION

I, R. S. DUCK, as Register and Commissioner hereby certify that the foregoing deposition . . . on Oral Examination was taken down in writing by me in the words of the witness . . . and read over to her and she signed the same in the presence of myself . . . at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness . . . or had proof made before me of the identity of said witness . . . ; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 1<sup>st</sup> day of April 1938.

R. S. Duck (L. S.)

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

**The State of Alabama**  
**BALDWIN COUNTY**

IN CIRCUIT COURT, IN EQUITY

MILDRED JOHNSON

COMPLAINANT

vs.

CALVIN JOHNSON

RESPONDENT

**ORAL DEPOSITION**

Filed April 4, 1938

R. S. Duck, Register  
RECORDED IN

Record

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

Register

No. 404 Page

The State of Alabama  
Baldwin County

In Circuit Court, In Equity

WILFRED JOHNSON,

vs. Complainant.

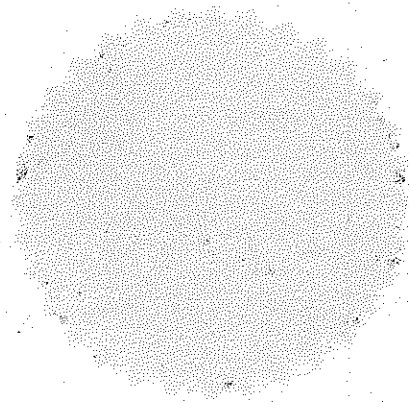
CALVIN JOHNSON,

Respondent.

**DIVORCE DECREE**

Filed this 5 day of  
April, 1938.

*Orsburn*  
Register.



RECORDED *Duck*  
7-4-13

WAIVER:

MILDRED JOHNSON,

Complainant,

VS.

CALVIN JOHNSON,

Respondent.

IN THE CIRCUIT COURT OF

BALTIMON COUNTY, ALABAMA,

IN EQUITY.

Filed this 29 day March 1935

*P. S. Duck*  
Clerk-Register

RECORDED

*Duck*

ANSWER:

*7-4/12*

MILDRED JOHNSON,

Complainant,

VS.

CALVIN JOHNSON,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed this *29* day *Nov* 19*35*

*R.S. Duck*  
Clerk-Register

Original

Serve on \_\_\_\_\_  
**Circuit Court of Baldwin County**  
**IN EQUITY**

No. 404

**SUMMONS**

MILDRED JOHNSON,  
Complainant,

vs.

CALVIN JOHNSON,  
Respondent.

BERBE, HALL & BERBE,  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

**RECORDED** *Over*  
*9-411*

**THE STATE OF ALABAMA,**  
**BALDWIN COUNTY**

Received in office this 29

day of Nov 1935

*W. H. Williams*  
SHERIFF

Executed this 29 day of  
Nov 1935

by leaving a copy of the within Summons with

*Calvin Johnson*

*W. H. Williams*  
Sheriff

By \_\_\_\_\_  
Deputy Sheriff

*Quack*  
**RECORDED**  
*9-4/12*

BILL OF COMPLAINT

1  
2  
3  
4

MILDRED JOHNSON,

Complainant,

VS.

CALVIN JOHNSON,

Respondent.

IN THE CIRCUIT COURT OF

BAWDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed this 29 day April 1935  
*R. S. Quack*  
CLERK JOHNSON

*M. L. P. Magney*

Bay Minette, Ala.

*June 7* 1938

IN ACCOUNT WITH

**G. W. ROBERTSON**

Judge of Probate, Baldwin County

Please Return Bill With Remittance

Recording from to Privilege Tax Rec. Fee Total

*To preparing copy of will of Wm H. Ludwig and Order of Court admitting will to probate and record*

*\$ 100*

*To certificate and seal on above*

*50*

*\$ 150*

*Paid  
6/20/38  
G. W. Robertson, Judge  
by Kessler, C. J.  
J. Hanks*

*1575  
200  
1775*



CECELIA LUDEWIG,  
Complainant,  
VS.  
CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY  
CERTIFICATE OF REGISTER

STATE OF ALABAMA )  
BALDWIN COUNTY )

I, R. S. Duck, Register in Chancery of Baldwin County, Alabama, do hereby certify:-

That upon filing and reading the Bill of Complaint in the above entitled cause and it appearing therefrom that the Respondent, Clara Gerhardt is a non-resident of the State of Alabama, residing at 580 Funston Avenue, San Francisco, California, I did issue a summons to said Respondent commanding her to answer, plead or demur to such Bill of Complaint within thirty days from the service of such summons and did enclose the same, together with a true copy of the Bill of Complaint in a sealed envelope addressed to the Respondent, Clara Gerhardt at 580 Funston Avenue, San Francisco, California, said envelope being endorsed:

"REGISTERED: RETURN RECEIPT DEMANDED: FOR DELIVERY ONLY TO THE PERSON TO WHOM ADDRESSED", and I did place upon such sealed envelope the proper amount of United States Postage and deposited the same in the United States mail, all on the 6th day of April, 1938.

That thereafter and on the 18th day of April, 1938, I did receive through the United States mail the receipt of the Respondent, Clara Gerhardt, for such envelope containing said summons and copy of the Bill of Complaint as aforesaid and did file the said receipt in this case.

IN WITNESS WHEREOF: I have hereunto set my hand this 18th day of April, 1938.

R. S. Duck  
Register

QUIT-CLAIM DEED

STATE OF ALABAMA }  
BALDWIN COUNTY }

KNOW ALL MEN BY THESE PRESENTS: That we, Louise Kriewitz, a widow, and Louise Mildred Kriewitz, a single woman, being the widow and only child and the sole and only heirs at law of Charles Kriewitz, deceased, for and in consideration of other valuable considerations and the sum of ONE DOLLAR (\$1.00) to us in hand paid by Cecelia Ludewig, the receipt whereof being hereby acknowledged, do hereby REMISE, RELEASE, QUIT-CLAIM and CONVEY unto the said Cecelia Ludewig, her heirs and assigns, all of the following described real estate in Baldwin County, Alabama, to-wit:

Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13), in the Town of Foley.....

together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, TO HAVE AND TO HOLD the same unto the said Cecelia Ludewig, her heirs and assigns, FOREVER.

IN WITNESS WHEREOF: We have hereunto set our hands and seals this 24<sup>th</sup> day of March, 1938.

Louise Kriewitz (SEAL)

Louise Mildred Kriewitz (SEAL)

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES }

I, [Signature], a Notary Public, in and for said County and State, do hereby certify that Louise Kriewitz, a widow and Louise Mildred Kriewitz, a single woman, whose names are signed to the foregoing conveyance and who are known to me, acknowledged before me on this day that, being informed of the contents of the said conveyance, they executed the same voluntarily on the day the same bears date.

IN WITNESS WHEREOF: I have hereunto set my hand and official seal this 24<sup>th</sup> day of February, 1938.

[Signature]  
Notary Public  
Los Angeles County, California

My Commission Expires on the May day of 13 1941  
*My Commission Expires May 13, 1941*

LLOYD A. MAGNEY  
LAWYER  
FOLEY, ALABAMA

June 6, 1938

Hon. R. S. Duck,  
Clerk of Circuit Court,  
Bay Minette, Alabama.

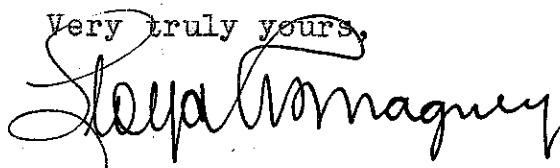
RE: LUDEWIG VS. GERHARDT

Dear Sir:-

When Judge Hare's decree over-ruling de-  
murrers comes in, I wish you would notify John Chason  
who has agreed to file his answer at once.

When his answer is filed, please issue  
commission to take the testimony to Edith Howell  
and send it to me.

Very truly yours,



LAM:E

BAY MINETTE, ALA.

July 16, 1938

Mr. Lloyd A. Magney  
Foley, Alabama.

IN ACCOUNT WITH

**J. A. ERTZINGER & SON**

ABSTRACTS, INSURANCE, BONDS

ERTZINGER BUILDING

ESTABLISHED 1909

---

For continuation to lots 23 and 24 block 13, Foley,

\$15.00

*Paid 8/13/38*  
*J. A. Ertzinger & Son*

LLOYD A. MAGNEY  
LAWYER  
FOLEY, ALABAMA

August 12, 1938

Hon. R. S. Duck,  
Clerk of Circuit Court,  
Bay Minette, Alabama.

RE: LUDEWIG VS. GERHARDT

Dear Sir:-

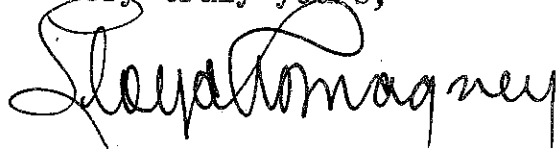
I enclose herewith Cashier's check to your order in the amount of \$2,586.27 the proceeds of the sale in this matter after deducting the items authorized by the decree. I also enclose receipts as follows:

Town of Foley-----\$16.73  
Chas. J. Ebert----- 75.00  
Lloyd A. Magney-----300.00  
Barchard Publishing Co.- 7.00

The other receipt from Ertzinger for \$15.00, he will file with you shortly.

You will, doubtless, receive from Judge Hare an order as to the disbursement of these funds within a day or two.

Very truly yours,



LAM:E  
Encl.



and reasonable and in line with fees usually allowed and charged in cases of this nature.

  
\_\_\_\_\_

CERTIFICATE:

I, R. S. DUCK, Register in Chancery, do hereby certify that on the 4th day of August, 1938, in accordance with the attached stipulation, I caused H. M. Hall to appear before me, in my office at Bay Minette, Alabama, and after having been duly sworn, the said H. M. Hall testified as is hereinbefore set forth; that such testimony was reduced to writing under my direction, read over by the witness and by him signed; that I am not of counsel or kin to any of the parties to this cause nor in any manner interested in the result thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of August, 1934.

  
\_\_\_\_\_

Register.

CECELIA LUDEWIG,  
Complainant,

vs.

CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

REPORT OF COMMISSIONER

Comes now Chas. J. Ebert, by virtue of the prior decree of this Court, dated June 21st, 1938, commissioner to sell the lands hereinafter described and makes this report of his acts and doings under and execution of said decree.

That in accordance with said decree, he caused a notice to be published in The Foley Onlooker in its issues of June 30th, July 1st and July 8th; that on the 19th day of July, 1938, he did offer for sale, at public auction, at the door of Farmers & Merchants Bank of Foley, at the hour of 12:00 o'clock noon, the property described in the Bill of Complaint and said decree which said property is described as follows, to-wit:-

Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13) in The Town of Foley, Baldwin County, Alabama.....

Proof of the publication of such notice is attached hereto and filed herewith.

That at the time and place mentioned in said notice, he offered said lands for sale at a public auction to the highest bidder for cash and received, as the highest and best bid therefor, the bid of S. F. Parker in the amount of \$3,000.00 for said lands, free and clear of all liens and encumbrances.

That such sale was in all respects fairly conducted, that said bid for the land is for an amount not greatly less than its real value, that in the opinion of affiant, a larger bid could not be obtained upon another sale, that your affiant has no personal pecuniary interest in the sale and is not, directly or indirectly, a purchaser at such sale.



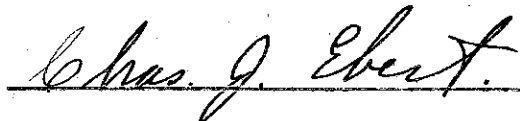
That in connection with said sale, affiant has incurred certain expenses as follows:-

Abstract of title	\$15.00
Barchard Publishing Company, Notice of Sale	7.00
Town of Foley, sidewalk assessment	16.73
	<hr/>
	\$38.73

Wherefore, affiant asks the authority of the Court to pay said expenses out of the proceeds of the sale.

Affiant further reports that the statutory commission to which he is entitled to is  $2\frac{1}{2}\%$  of the amount of the sale, or the sum of \$75.00 and asks that the court authorize him to retain this amount from the proceeds of said sale.

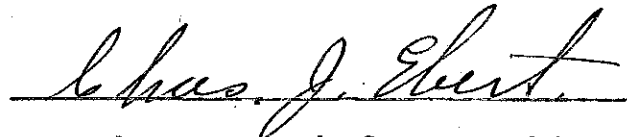
Dated this 20th day of July, 1938.



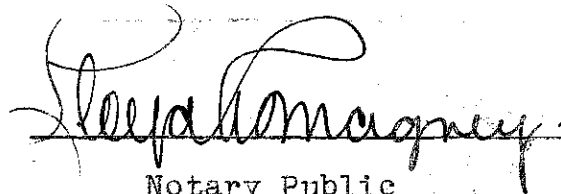
Commissioner

STATE OF ALABAMA }  
BALDWIN COUNTY }

Chas. J. Ebert, being first duly sworn, on oath deposes and says: That he has read and knows the contents of the foregoing report and that the facts therein set forth are true.



Subscribed in my presence and sworn to before me this 20th day of July, 1938.



Notary Public

CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

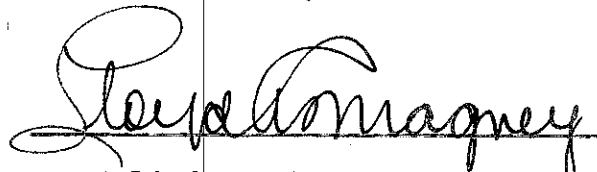
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY  
APPLICATION

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

Comes now, Lloyd A. Magney, solicitor for the Complainant in the above entitled cause, and respectfully shows to the Court, that the above is a proceeding for the sale of real estate for the division of proceeds and that the services of affiant as such solicitor have been for the common benefit of all interested and that he is entitled to a solicitor's fee to be paid out of the proceeds of sale.

That 10% of the amount of such sale or the sum of \$300.00 is a reasonable solicitor's fee for the services rendered.

Wherefore, he asks the Court to allow said sum of \$300.00 to him as a solicitor's fee and that the commissioner be directed to pay the same out of the proceeds of the sale.

  
Solicitor for Complainant.



CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

STIPULATION

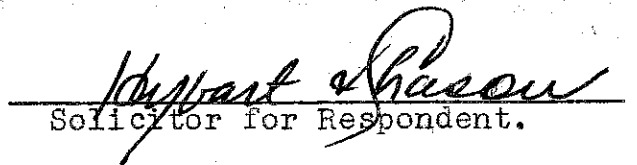
It is hereby stipulated and agreed between the above named parties, by their respective solicitors, as follows:

~~. That the deed from Louise Kriewitz and Louise Mildred Kriewitz to Plaintiff be admitted in evidence without objection.~~

~~That the certified copy of the Last Will and Testament of William H. Ludewig, deceased, be received in evidence without objection.~~

That the testimony of Chas. J. Ebert be taken before Edith Howell as commissioner and the issuance of commission is waived.

  
Solicitor for Complainant.

  
Solicitor for Respondent.

CERTIFICATE

I, Edith Howell, Commissioner to take the testimony of Chas. J. Ebert, by virtue of the stipulation hereto attached, do hereby certify that I called the said Chas. J. Ebert before me at my office in Foley, Alabama, on the 10th day of June, 1938; that after first being duly sworn, the said witness testified as hereinbefore set forth; that this testimony was by me taken down in shorthand, later transcribed on the typewriter, read over by the witness and signed by him in my presence.

That I am not of counsel or of kin to any of the parties to this cause and have no interest in the result of the same.

IN WITNESS WHEREOF: I have hereunto set my hand this 11th day of June, 1938.

Edith Howell

Commissioner

CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

NOTE OF TESTIMONY

At the hearing of this cause, the following evidence was noted:-

FOR THE COMPLAINANT

1. Bill of Complaint.
2. Demurrers to Bill of Complaint.
3. Order over-ruling demurrers to Complaint.
4. Answer.
5. Stipulation of counsel.
6. Stipulation of Counsel.
7. Plaintiff's Exhibit 1, being certified copy of Will of William H. Ludewig, deceased, and decree of the Probate Court of Baldwin County, admitting said will to probate.
8. Plaintiff's Exhibit 2, being deed from Louise Kriewitz and Louise Mildred Kriewitz to Complainant.
9. Deposition of Chas. J. Ebert for the Respondent.

FOR THE RESPONDENT

- Admissions in the
1. Bill of Complaint.
  2. Answer.

  
Register.

CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

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, IN CHANCERY SITTING:

PART ONE

Your Complainant, Cecelia Ludewig, respectfully shows to the Court that she is over the age of twenty-one years and a bona fide resident of Baldwin County, Alabama, residing at Foley therein. That the Respondent, Clara Gerhardt is also over the age of twenty-one years and is a non-resident of the State of Alabama, residing at 580 Funston Avenue, in San Francisco, in the State of California.

PART TWO

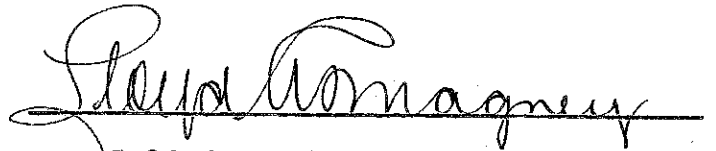
1. Your Complainant avers that she and the Respondent are joint owners of the following described real estate in Baldwin County, Alabama, to-wit:

Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13), in the Town of Foley.....

2. The interest of your Complainant in and to said real estate is the ownership in fee simple of an undivided one-half interest therein and an estate for and during the life of your Complainant in and to the other undivided one-half interest while the interest of the Respondent in and to said real estate is an estate in remainder of an undivided one-half interest in said land, subject to the life estate of your Complainant.

3. That said land consists of two adjoining town lots, each fifty by one hundred forty feet, on which there is erected a large two-story modern house which occupies a part of each of said lots and said land cannot be equitably divided or partitioned between your Complainant and the Respondent.

under oath, oath to answer being hereby expressly waived.

  
Solicitor for Complainant



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

CLARA GERHARDT

of 580 Funston Avenue, SAN Francisco, California  
####y, 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

CECELIA LUDEWIG,

against said CLARA GERHARDT,

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

WITNESS, Robert S. Duck, Register of said Circuit Court, this 6th day  
of April 1938

  
Register


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

CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

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

It is hereby stipulated and agreed between the above named parties, by their respective solicitors, as follows:-

That this cause be submitted to the Court in vacation, for decree upon the pleadings and the testimony as noted by the Register.

  
Solicitor for Complainant

  
Solicitor for Respondent



CECELIA LUDEWIG,

Complainant,

-vs-

CLARA GERHARDT,

Respondent.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the Respondent and for answer to the Complaint heretofore filed in this cause, says:-

FIRST:

Respondent admits the allegations of Part 1 of the Bill of Complaint.

SECOND:

In answer to Subdivision 1 of Part 2 of the Bill of Complaint Respondent admits that she owns an interest in Lots 23 and 24, Block 13, in the Town of Foley, but denies the allegation that Complainant owns an interest in said real estate, and demands strict proof of the same.

In answer to Subdivision 2 of Part 2 of the Bill of Complaint Respondent admits that she owns an estate in remainder of an undivided half interest in said land, subject to the life estate of the Complainant in and to said undivided half interest, but denies the allegation of Complainant that Complainant is the owner in fee simple of an undivided half interest in said lands.

In answer to Subdivision 3 of Part 2 of the Bill of Complaint Respondent admits that said land consists of two adjoining town lots, each 50x140 feet, on which there is erected a large two story modern house which occupies a part of each of said lots, but Respondent denies that said land cannot be equitably divided or partitioned between the Complainant and Respondent.

Respondent denies the allegations of Subdivision 4 of Part 2 of the Bill of Complaint, and demands strict proof thereof.

Having fully answered the Bill of Complaint Respondent asks that she be dismissed with her reasonable costs.

*Hyatt & Person*  
Solicitors for Respondent.

Cecelia Ludwig, )  
Complainant, ) Circuit Court, Baldwin County,  
Vs. ) Alabama.  
Clara Gerhardt, ) In Equity.  
Respondent. )

This cause is submitted for decree on demurrer to the original Bill of Complaint, and upon consideration I am of the opinion that said demurrer is not well taken.

It ~~is~~ therefore, ordered, adjudged and decreed by the Court that said demurrer be, and same hereby is, overruled and denied.

Respondent is allowed thirty days from date to file answer.

This June 7th, 1938.

F. W. Hare

LAST WILL AND TESTAMENT.

STATE OF ALABAMA, |  
: |  
BALDWIN COUNTY. |

Know all men by these presents, that I, Wm. H. Ludewig of Foley, Baldwin County, Alabama, considering the uncertainty of this mortal life, and being of sound mind and memory, do make and publish this, my last Will and Testament, That is to say:

First:- It is my will that all of my just debts and funeral expenses shall be by my Executrix hereinafter named be paid out of my estate as soon after my decease as is convenient.

SECOND:- I give, devise and bequeath to my wife Cecelia Ludewig all of my Real Estate, Personal and Mixed Property of which I shall die seized and possessed, or to which I shall be entitled to at the time of my decease, together with all interest, income and revenue from said Estate, during the term of her natural life.

Third:- That upon the decease of my said wife, Cecelia Ludewig, it is my will, that out of my Estate my wife's sister Maggie Mc'Cann shall get \$2000.00, should she survive my said wife,

The residue or remainder of my said Estate to go to my sister Matilda Kriewitz's two children, namely Charles Kriewitz and Clara Gerhard, to be divided equally between the two, share and share alike.

Fourth:- I do nominate and appoint my said wife Cecelia Ludewig to be the sole executrix of this my last will and testament, and she shall not be required to furnish bond.

In testimony whereof, I the said Wm. H. Ludewig, have to this my last Will and Testament subscribed my name and affixed my seal this 20th day of April, 1923.

WM. H. LUDEWIG (Seal)

CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

DECREE

This cause coming on to be heard on this 21<sup>st</sup> day of June, 1938, upon the pleadings and the evidence and was submitted to the Court and it appearing to the Court from the proof on file that the Respondent has entered a general appearance in the cause and that the Court has jurisdiction of the parties and of the subject matter of the action and having read and considered the evidence as noted by the Register, the Court finds:-

That the Complainant and the Respondent are joint owners of the land described in the Bill of Complaint, to-wit:- Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13) in the Town of Foley, Baldwin County, Alabama, in the following proportions:

Cecelia Ludewig, an undivided one-half interest and a life estate in the whole.

Clara Gerhardt, an undivided one-half interest, subject to the life estate of Cecelia Ludewig.

That said land consists of two adjacent town lots in the Town of Foley on which there is erected a two-story and basement frame dwelling house which stands partly upon each of said lots and that the same cannot be equitably divided or partitioned between the parties in interest.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the interest of the Complainant and the Respondent in and to the lands hereinbefore described be, and the same hereby are, established by the Court and confirmed in the parties. That the lands hereinbefore described cannot be equitably divided or partitioned and that the same be sold. That Chas J. Ebert be, and he hereby is, appointed commissioner for the purpose

of making such sale. That the said sale be held within the legal hours of sale at the door of Farmers & Merchants Bank of Foley, Alabama, upon a date to be fixed by the Commissioner and after due and lawful notice of such sale and the time and place thereof. That at such sale the land be sold at public auction to the highest bidder for cash. That immediately upon making such sale, the commissioner report the same to this Court for confirmation and pay to the Register of said Court the proceeds of said sale for disposition according to the further order of the Court.

Dated this 21<sup>st</sup> day of June, 1938.

*F. W. Hare*

Judge



RECORDED *Book 1*  
IN THE CIRCUIT COURT OF *7-464*  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

CECELIA LUDWIG,

Complainant,

vs.

CLARA GERHARDT,

Respondent

STIPULATION

*Filed June 11 1938*  
*L. A. Magney*

LLOYD A. MAGNEY  
Attorney  
Foley, Alabama.

RECORDED *Out*  
7-4-36

DEMURRER.

CECELIA LUDWIG,

Complainant,

-vs-

CLARA GERHARDT,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

465

Filed May 28, 1938

R.S. *Quack*  
Register.

RECORDED  
9-466

ANSWER.

CECELIA LUDWIG,

Complainant,

-VS-

CIARA GERRARDT,

Respondent.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed June 10, 1938

*Edwards*  
Register.

COPY

RECORDED

*Book 23420*

Serve on Clara Gerhardt,

580 Baldwin Avenue  
Circuit Court of Baldwin County

San Francisco IN EQUITY

No. 405

# SUMMONS

CECELIA EUDENIG,  
Complainant,

vs.

CLARA GERHARDT,  
Respondent.

## THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this

day of \_\_\_\_\_, 193

SHERIFF

Executed this \_\_\_\_\_ day of

193

by leaving a copy of the within Summons with

Defendant

Sheriff

By \_\_\_\_\_  
Deputy Sheriff

LLOYD A. MAGNEY,  
Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

RECORDED *Sheet*  
2-368  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

CECELIA LUDWIG,

Complainant,

vs.

CLARA GERHARDT,

Respondent.

---

NOTE OF TESTIMONY

---

*Filed June 13 1938*  
*R. H. Beck*  
*Beck*

LLOYD A. MAGNEY  
Attorney  
Foley, Alabama.

CECELIA LUDEWIG,  
Complainant,

vs.

CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

DECREE

This cause coming on to be heard on the report of the commissioner, Chas. J. Ebert and said report having been on file for ten days as provided by law, the same was submitted to the Court.

Upon consideration of said report the same being duly verified by the commissioner, the Court finds:

That in accordance with the prior decree of this Court, the said commissioner duly advertised said lands for sale and offered the same for sale in accordance with such notice and that upon said sale, S. F. Parker bid for such lands, free and clear of all liens and encumbrances, the sum of \$3,000.00, the same being the highest and best bid received; that such sale was fairly conducted, that the land sold for an amount not greatly less than its real value, that upon confirmation of the sale, the whole purchase price will be paid in cash by the purchaser and that such sale should be confirmed.

The Court further finds that the commissioner has lawfully expended in and about the conduct of such sale, the following sums:

J. A. Ertzinger & Son, for abstract of title	\$15.00
Barchard Publishing Company, publication of Notice	7.00
Town of Foley, sidewalk assessments	16.73

That the commissioner is entitled to the fees allowed by statute for his services in the amount of \$75.00.

That Lloyd A. Magney has rendered services as solicitor which were of benefit to all of the parties interested and that he is entitled to a fee as such solicitor in the amount of \$300.00.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that said sale be and the same hereby is, confirmed; that Chas. J. Ebert, commissioner, is hereby authorized to make, execute and deliver to S. F. Parker, a deed of conveyance of the lands described as Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13) in the Town of Foley, Baldwin County, Alabama, upon the payment to him of the sum of \$3,000.00 cash; that out of the proceeds of such sale, the commissioner pay, to J. A. Ertzinger for the abstract of title, \$15.00; to Barchard Publishing Company, for publication of notice, \$7.00; to the Town of Foley, for sidewalk assessments against the property \$16.73; to himself as fees for his services as commissioner, the sum of \$75.00 and to Lloyd A. Magney, as solicitor's fee, the sum of \$300.00 and that the balance of the purchase price remaining in his hands be paid in to the register of this court, to be held subject to the further order of the Court.

Dated this 7th day of August, 1938.

F. W. Stone  
Judge

CECELIA LUDEWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

STIPULATION

It is stipulated and agreed by and between the Complainant and Respondent, by their respective solicitors that there is now in the hands of the register of this Court, as the proceeds of the sale heretofore held, the sum of TWO THOUSAND FIVE HUNDRED EIGHTY SIX & 27/100 (\$2,586.27) DOLLARS, subject to the order of this Court.

That out of said sum there is due the register, as costs of Court, the sum of THIRTY TWO & 80/100 (\$32.80) DOLLARS, which should be paid, leaving a balance of TWO THOUSAND FIVE HUNDRED FIFTY THREE & 47/100 (\$2,553.47) DOLLARS.

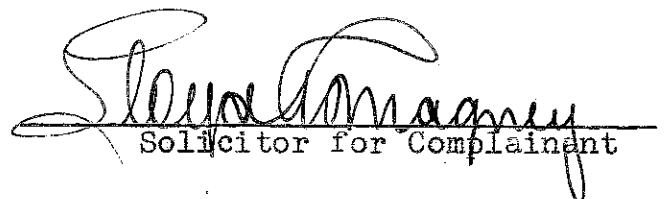
That there is due to Lloyd A. Magney for money expended, with the Judge of Probate for certified copies necessary to this proceeding, the sum of ONE DOLLAR & 50/100 (\$1.50) which should be paid leaving a balance of TWO THOUSAND FIVE HUNDRED FIFTY ONE & 97/100 (\$2,551.97) DOLLARS belonging to the parties hereto.

That said sums should be paid and distributed by the register as follows:-

To the Complainant	\$1,350.99
To the Respondent	1,200.98

It is further agreed that the Court may enter an order to this effect.

Dated this 15<sup>th</sup> day of August, 1938.

  
Solicitor for Complainant

  
Solicitor for Respondent.



(copy)

GECELIA LUDEWIG,  
Complainant  
vs.  
CLARA GERHARDT,  
Respondent.

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

This cause coming on to be heard on the report of the commissioner, Chas. J. Ebert and said report having been on file for ten days as provided by law, the same was submitted to the Court.

Upon consideration of said report the same being duly verified by the commissioner, the Court finds:

That in accordance with the prior decree of this Court, the said commissioner duly advertised said lands for sale and offered the same for sale in accordance with such notice and that upon said sale, S. F. Parker bid for such lands, free and clear of all liens and encumbrances, the sum of \$3,000.00, the same being the highest and best bid received; that such sale was fairly conducted, that the land sold for an amount not greatly less than its real value, that upon confirmation of the sale, the whole purchase price will be paid in cash by the purchaser and that such sale should be confirmed.

The Court further finds that the commissioner has lawfully expended in and about the conduct of such sale, the following sums:-

J.A. Ertzinger & Son, for abstract of title	\$15.00
Barchard Publishing Company, publication of Notice	7.90
Town of Foley, sidewalk assessments	16.73

That the Commissioner is entitled to the fees allowed by statute for his services in the amount of \$75.00.

That Lloyd A. Magney has rendered services as solicitor which were of benefit to all of the parties interested and that he is entitled to a fee as such solicitor in the amount of \$300.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said sale be and the same hereby is, confirmed; that Chas. J. Ebert, commissioner, is hereby authorized to make, execute and deliver to S. F. Parker, a deed of conveyance of the lands described as Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13) in the Town of Foley, Baldwin County, Alabama, upon the payment to of the sum of \$3,000.00 cash; that out of the proceeds of such sale, the commissioner pay, to J. A. Ertzinger for the abstract of title, \$15.00; to Barchard Publishing Company, for publication of notice, \$7.00; to the Town of Foley, for sidewalk assessments against the property \$16.73; to himself as fees for his services as commissioner, the sum of \$75.00 and to Lloyd A. Magney, as solicitor's fees, the sum of \$300.00, and that the balance of the purchase price, remaining in his hands be paid in to the register of this court, to be held subject to the further order of the Court.

DATED this 5th day of August, 1938.

F. W. HARE,  
Judge.

.....  
REGISTER'S CERTIFICATE.

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing is a true, correct and complete copy of the decree rendered in the above entitled cause, by the Judge of the Circuit Court in Equity on the 5th day of August, 1938; the original of which is on file and enrolled in my office.

GIVEN under my hand and seal of office, this the 8th day of August, 1938.

Register, Circuit Court of  
Baldwin County, Alabama.  
In Equity.

CECELIA LUDEWIG,  
Complainant,

vs.

CLARA GERHARDT,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

ORDER

This matter coming on to be heard on the stipulation of the parties, the Court finds that such stipulation is proper and that an order should be entered in accordance therewith.

It is, therefore, ordered that the register of this court pay out of the money in his hands in this case, the following:

To himself, as the costs of court	\$32.80
To Lloyd A. Magney	1.50
To the Complainant, Cecelia Ludewig	1350.99
To the Respondent, Clara Gerhardt	1200.98

Dated this 15<sup>th</sup> day of August, 1938.

*J. W. Stare*

Judge

RECORDED

*Book 2: 579*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

CECELIA LUDEWIG,

Complainant,

vs.

CLARA GERHARDT,

Respondent.

ORDER

Filed this 15<sup>th</sup> day Aug 1938

*R. S. Dudd*  
Clerk-Register

LLOYD A. MAGNEY  
Attorney  
Foley, Alabama.

In Equity,  
Belgium County, Virginia,  
Register, Circuit Court of

day of August, 1928.

GIVEN under my hand and seal of office, this the 8th  
day of August, 1928, the original of which is on  
file in the office of the Register, and a copy of the  
same is filed in the office of the Clerk of the Court in  
the case of the above entitled cause, by the Judge of the Circuit Court in  
the County of Virginia, do hereby certify that the above and  
I, H. S. DUCKERT, Register of the Circuit Court of Belgium

CECELIA LUDWIG,  
Complainant,  
vs.  
CLARA GERHARDT,  
Respondent.

CERTIFIED COPY  
REGISTER OF BELGIUM COUNTY

.....

Judge  
E. M. HAYES

DAVED this 8th day of August, 1928.

subject to the further order of the Court.  
in his hands be paid in to the Register of this Court, to be held  
sum of \$200.00, and that the balance of the purchase price, remaining  
the sum of \$42.00 and to H. S. Duckert, as collector, a fee, the  
property \$12.00; to himself as fees for his services as commissioner,  
\$1.00; to the Town of Roanoke, for ad valorem assessments against the  
\$12.00; to Belknap Building Company, for publication of notice,  
the commissioner pay to J. A. Hestinger for the draft of title,  
of the sum of \$2,000.00 cash; that out of the proceeds of such sale,  
the Town of Roanoke, Belgium County, Virginia, upon the payment to him  
twenty-three (23) and twenty-four (24) in Block Fifteen (15) in  
S. E. Parker, a deed of conveyance of the lands described as lots  
commissioner, is hereby authorized to make, execute and deliver to  
said sale be and the same hereby is, confirmed; that Chas. J. Ebert,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

CECELIA LUDWIG,

Complainant,

vs.

CLARA GERHARDT,

Respondent.

STIPULATION

Filed this 15<sup>th</sup> day Aug 1935

*R. S. Black*  
Clerk-Register

LLOYD A. MAGNEY  
Attorney  
Foley, Alabama.

NOTICE OF SALE OF REAL ESTATE

NOTICE IS HEREBY GIVEN that by virtue and in execution of a decree of the Circuit Court of Baldwin County, Alabama, in a proceeding therein pending entitled Cecelia Ludewig vs. Clara Gerhardt dated June 21st, 1938, by which decree I was appointed Commissioner to make sale, I will proceed to sell the property ordered to be sold by such decree and described as follows, to-wit:

Lots Twenty-three (23) and Twenty-four (24) in Block Thirteen (13) in the Town of Foley, Baldwin County, Alabama.

Said sale will be held at the hour of 12:00 o'clock noon at Farmers & Merchants Bank in Foley, Alabama, the 19th day of July, 1938, to the highest bidder.

The terms of sale will be one-third cash and the balance, one-half in one year and one-half in two years, secured by a mortgage on real estate.

Upon confirmation of sale by the said Circuit Court, deed will be executed by me as Court Commissioner and abstract of title showing good and merchantable title will be furnished.

Dated this 25th day of June, 1938.

CHAS. J. EBERT, Commissioner.

LLOYD A. MAGNEY, Attorney.

30-7-14

AFFIDAVIT OF PUBLICATION

I, Frank V. Barchard

Editor of The Onlooker, published at

Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any

supplement thereof, for 3 consecutive weeks, com-

mencing with the issue dated June 30, 1938, and

ending with the issue dated July 14, 1938.

*Frank V. Barchard*

Subscribed and sworn to before me this 20 day

of July, 1938.

*Lloyd A. Magney*  
Notary Public.

FRANK V. BARCHARD  
MAYOR

ARTHUR A. RICH  
CLERK

TOWN OF  
**FOLEY**

COUNCIL MEMBERS:

- W. S. BEESLEY
- CHAS. J. EBERT
- D. H. GAAR
- MAX JEWELL
- E. F. SANDERS

August 12th. 1938

Received of Chas. J. Ebert \$16.73 in full payment of  
Sidewalk Assesments against lots numbered 23 & 24  
in Block Numbered 13 in the Town of Foley Ala.

*Arthur A. Rich*

Town Clerk

Post Office Registration

OFFICIAL BUSINESS

REGISTERED ARTICLE

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

INSURED PARCEL 7938

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

Return to R. A. Duck, Car Clerk

Street and Number, or Post Office Box \_\_\_\_\_

Post Office at \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE \$100

POSTMARK OFF DELIVERING  
BUY U.S. SAVINGS  
BONDS  
ASK YOUR POSTMASTER

RECEIPT FOR REGISTERED ARTICLE No. \_\_\_\_\_

15 fee paid, 1st class postage paid, 4-6, 1938

Declared value, \$ 500.00 surcharge paid, \$ \_\_\_\_\_

From R. A. Duck, Car Clerk

Addressed to Miss Clara Gerhardt

586 Huntington Ave., San Francisco, Calif.

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

Return receipt fee 3 in person \_\_\_\_\_ or order \_\_\_\_\_ Special delivery fee \_\_\_\_\_  
Delivery restricted to addressee Fee paid 10 Postmaster, per MR







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August 10th

19 38

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*Ray Amagney*

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

August 10th

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*Chas. J. Ebert*

*L. L. Magney*

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