

JOHN FORGAC and ANNI
FORGAC,
Complainants,

vs.

RUDOLF SISLAK and MARY
SISLAK,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

STATE OF ALABAMA.

BALDWIN COUNTY.

LIS PENDENS.

NOTICE is hereby given that on the 10th day of June, 1938, there was filed in the office of the Register in Chancery for Baldwin County, Alabama, a proceeding in which John Forgae and Anni Forgae, his wife, are complainants, and Rudolf Sislak and Mary Sislak, his wife, are respondents, with respect to the following described real estate situated in Baldwin County, Alabama, to-wit:

The Northeast quarter of the Southeast quarter of Section fourteen (14), Township six (6) South, Range two (2) East, containing forty (40) acres more or less, in Baldwin County, Alabama.

That the said proceeding is to declare null and void a certain mortgage secured by the above described property executed by the said complainants to the said respondents, being in the sum of Twelve Hundred Dollars (\$1200.00), dated December 31, 1936, which said mortgage is due five (5) years from date and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 69, at pages 399-400.

Dated this the 10th day of June, 1938.

JOHN FORGAC and

ANNI FORGAC,

By

Their solicitors of record.

RECORDED
J. H. H. H.
J. H. H. H.

CHANCERY EXECUTION

BILL OF COSTS

No. 429

John Fozgac and Annie Fozgac,
Complainant

VS. *Rudolph Sulac and Mary Sulac,*
Respondents
PLAINTIFF
DEFENDANT

FEES OF REGISTER		Dollars	Cents	Brought Forward	\$	Cents
Filing each bill and other papers	⑦	\$ 10	40		4	10
Issuing each subpoena		50	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	③	40	80	For 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		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	300
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			
Entering each appearance		25	25	TOTAL FEES OF REGISTER	7	10
Issuing each decree pro confesso on per ser.		1 00		FEES OF SHERIFF		
Issuing each decree pro confesso on publica		1 00		Serving and returning subpoena on deft.	\$1 50	
Each order appointing guardian		1 00		Serving and returning subpoena for witness	65	
Any other order by Register		50		Levying attachment	3 00	
Issuing Commission to take testimony		50		Entering and returning same	25	
Receiving and filing		10		Selling property attached		
Endorsing each package		10		Impaneling Jury	75	
Entering order submitting cause		50		Executing Writ of possession	2 50	
Entering any other order of court		25	25	Collecting execution for costs	1 50	150
Noting all testimony		50		Serving and returning sci. fa., each	65	
Abstract of cause, etc.		1 00		Serving and returning notice	65	
Entering each decree		75		Serving and returning writ of injunction	1 50	
For every 100 words over 500		15		Serving and returning writ of exeat.	1 50	
Taking account, etc.		3 00		Taking and approving bonds, each	75	
Taking testimony, etc.		15		Collecting money on execution		
Each report, 500 words or less		2 50		Making Deed	2 50	
For every 100 words over 500		15		Serving and returning application, etc.	1 00	
Amount claimed less than \$500, etc.		2 00		Serving attachment, contempt of court.	1 50	150
Issuing each subpoena		25		TOTAL FEES OF SHERIFF		1 50
Witness certificate, each		25	75	RECAPITULATION		
Issuing execution, each		75		Register's Fees	7 10	
Entering each return		15	15	Sheriff's Fees	1 50	
Taking and approving bond, each		1 00		Commissioner's Fees		
Making copy of bill, etc.		15		Solicitor's Fees		
Each notice not otherwise provided for		50		Witness Fees		
Each certificate or affidavit, with seal		50		Guardian Ad Litem		
Each certificate or affidavit, no seal		25		Printer's Fees		
Hearing and passing on application, etc.		3 00		Trial Tax	3 00	300
Each settlement with Receiver, etc.		3 00		Recording Decree in Probate Court		
Examining each voucher of Receiver, etc.		10		TOTAL	11	60
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		4	10			

The State of Alabama,
Baldwin County

No. 429
Circuit Court, In Equity Fall Term, 1939

To any Sheriff of the State of Alabama—GREETING:

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

John Fozgac & Annie Fozgac Plaintiff *Rudolph Sulac and Mary Sulac* Defendant

you cause to be made the sum of \$11.60 Dollars,

which _____ Plaintiff

recovered of _____ on the 23 day of August 1939

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____

Dollars,

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

Interest from _____ 1939 to date of collection.

Witness my hand, this 23 day of October 1939

R.S. Dush Register

JOHN FORGAC and ANNI
FORGAC,

Complainants,

vs.

RUDDOLF SISLAK and MARY
SISLAK,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

STATE OF ALABAMA.

BALDWIN COUNTY.

LIS PENDENS.

NOTICE is hereby given that on the 10th day of June, 1938, there was filed in the office of the Register in Chancery for Baldwin County, Alabama, a proceeding in which John Forgae and Anni Forgae, his wife, are complainants, and Rudolf Sislak and Mary Sislak, his wife, are respondents, with respect to the following described real estate situated in Baldwin County, Alabama, to-wit:

The Northeast quarter of the Southeast quarter of Section fourteen (14), Township six (6) South, Range two (2) East, containing forty (40) acres more or less, in Baldwin County, Alabama.

That the said proceeding is to declare null and void a certain mortgage secured by the above described property executed by the said complainants to the said respondents, being in the sum of Twelve Hundred Dollars (\$1200.00), dated December 31, 1936, which said mortgage is due five (5) years from date and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 69, at pages 399-400.

Dated this the 10th day of June, 1938.

JOHN FORGAC and

ANNI FORGAC,

By

Beebe Hall Beebe
Their solicitors of record.

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

RUDOLF SISLAK and MARY SISLAK

5656 A Munkwitz Ave., Cudahy, Wisconsin

of ~~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

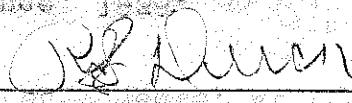
JOHN FORGAC and ANNI FORGAC

against said **RUDOLF SISLAK and MARY SISLAK**

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 10th day

of June 1938



Register

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

DEMURRER AND ANSWER

JOHN FORGAC AND
ANNI FORGAC,

Complainants

-vs-

RUDOLF SISLAK AND
MARY SISLAK,

Respondents.

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

TO THE HONORABLE F. W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY:

Comes your Respondents, Rudolf Sislak and Mary Sislak by their attorney and for demurrer and answer to the said complaint and each of them and to each paragraph separately and severally respectfully represent and show unto your Honor and to this Honorable Court as follows:

FIRST: There is no equity in the bill.

SECOND: Complainants do not offer to do equity in their bill of complaint.

THIRD: Said complaint is vague and indefinite and does not appraise the Respondents of what they are called upon to defend.

FOURTH: Said complainants in their complaint do not state a cause of action.

FIFTH: Said complaint does not state sufficient facts to show that they do not have a proper remedy at law.

SIXTH: Said complaint shows upon its face that the instrument marked exhibit "A" was executed for a valid consideration.

SEVENTH: Said complaint shows upon its face that the alleged mortgage was issued for a valid consideration and so acknowledged by the complainants.

And for answer to each and every paragraph of the said bill of complaint the Respondents both jointly and severally answer as follows:

ONE: As to paragraph One the Respondents jointly and

severally admit the facts alleged therein.

TWO: The Respondents both jointly and severally admit the statements contained in paragraph Second of the bill of complaint.

THREE: The Respondents admit the statements as contained in paragraph Third of said bill of complaint and admit the same as true and correct.

FOUR: The Respondents both jointly and severally deny each and every allegation contained in paragraph Four of said bill of complaint and allege that the said mortgage was executed for a valid cash consideration without any promise to maintain and support the Complainants and demand strict proof of each and every allegation contained therein.

FIVE: The Respondents both jointly and severally deny that the Complainants have any right to file this bill of complaint under Section 8046 of the Code of Alabama of 1923 and demand strict proof of Complainants' rights thereunder.

SIX: For further answer to the said bill of complaint the Respondents jointly and severally allege that the mortgage marked exhibit "A" in said bill of complaint was executed for a valid consideration of Twelve Hundred Dollars and the Respondents at one time advanced Three Hundred Dollars cash and on another occasion One Hundred Dollars cash and numerous payments of Five to Ten Dollars and that the Complainants executed to the Respondents a promissory note in the amount of One Thousand Dollars and that the said note was duly recorded in the Probate Records of Baldwin County, Alabama in Mortgage Book 61 at page 10 and that the Complainants had an existing mortgage on this property described in this bill of complaint in the amount of Two Hundred Dollars. Upon agreement that the Respondents pay this Two Hundred Dollar mortgage, the Complainants were to execute and did execute to your Respondents the mortgage herein referred to for the amount of Twelve Hundred Dollars and at no time was there any mention made of any agreement for support and maintenance of the Complainants, the sole consideration of the said mortgage being the actual cash advanced by the Respondents to the Complainants.


ATTORNEY FOR RESPONDENTS.

JOHN FORGAC and ANNI
FORGAC,

Complainants,

vs.

RUDOLF SISLAK and MARY
SISLAK,

Respondents.

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

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

Come your complainants, JOHN FORGAC and ANNI FORGAC,
and humbly complaining against the respondents, RUDOLF SISLAK and
MARY SISLAK, and each of them, respectfully represent and show unto
your Honor and to this Honorable Court as follows:

FIRST:

That your complainants are each over the age of twenty-one
years and are residents of Fairhope, Baldwin County, Alabama.

SECOND:

That the respondents, RUDOLF SISLAK and MARY SISLAK, are
each over the age of twenty-one years and are non-residents of the
State of Alabama, their post-office address being 3656 A Munkwitz
Ave., Cudahy, Wisconsin.

THIRD:

That on, to-wit, the 31st day of December, 1936, your com-
plainants executed and delivered to the respondents a mortgage show-
ing a consideration of Twelve Hundred Dollars (\$1200.00), due in
five (5) years after date, conveying the following described proper-
ty situated in Baldwin County, Alabama, to-wit:

The Northeast quarter of the Southeast quarter of Sec-
tion fourteen (14), Township six (6) South, Range two
(2) East, containing forty (40) acres more or less, in
Baldwin County, Alabama;

which said mortgage is recorded in the office of the Judge of Pro-
bate of Baldwin County, Alabama, in Mortgage Book 69, at pages 399-
400; that a copy of the same is attached hereto, marked Exhibit "A"
and made a part of this bill of complaint.

FOURTH:

That all or a material part of the consideration for the execution of this said mortgage was a promise on the part of the respondents, Rudolf Sislak and Mary Sislak, that they would maintain and support the complainants during their lifetime; that the said property conveyed by the said mortgage was the homestead of your complainants. That the respondents have failed and refused to maintain and support your complainants in accordance with the said agreement, but have removed from the said premises and are now domiciled in the State of Wisconsin.

FIFTH:

That your complainants have elected and do hereby declare the said conveyance void and file this proceeding to have the said conveyance declared null, as provided by law under Section 8046 of the Code of Alabama of 1923.

WHEREFORE, the premises considered, complainants pray that your Honor will by proper process make the said RUDOLF SISLAK and MARY SISLAK parties respondent to this their bill of complaint, requiring them 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.

Complainants further pray that upon a final hearing of this cause your Honor will make and enter an order and decree declaring that the said mortgage executed by the complainants to the respondents is null and void and of no effect, and that a proper decree be made and entered expunging the same from the records in the office of the Judge of Probate of Baldwin County, Alabama.

Complainants pray for such other, further or different relief as in equity and good conscience they are entitled to receive; and as in duty bound they will ever pray.


Solicitors for Complainants.

of them, are required to plead, answer or demur to each and every allegation contained in the foregoing bill of complaint, Paragraphs FIRST to FIFTH inclusive, but not under oath; oath being hereby expressly waived.

Beebe Hall Beebe
Solicitors for Complainants.

EXHIBIT "A".

KNOW ALL MEN BY THESE PRESENTS, that John Forgac and Anni Forgac, husband and wife, hereinafter called mortgagor, in consideration of the sum of Twelve Hundred Dollars to us in hand paid by Rudolf Sislak and Mary Sislak, husband and wife, hereinafter called mortgagees, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell and convey unto said mortgagee, Rudolf Sislak and Mary Sislak, their heirs and assigns forever, all

The Northeast quarter of the Southeast quarter of Section fourteen, Township six South, Range two East, containing forty acres more or less, in Baldwin County, Alabama;

Together with all and singular the tenements, rights, privileges and appurtenances to said described premises in anywise belonging, TO HAVE AND TO HOLD the same forever. PROVIDED ALWAYS and these presents are upon the express condition that if the said mortgagor shall well and truly pay to the mortgagee, Rudolf Sislak and Mary Sislak, Twelve Hundred Dollars five years from the date hereof as further evidenced by one promissory note of the same date hereof, with interest of five per cent. per annum, payable annually, and shall also discharge all the duties imposed upon said mortgagee by said mortgage, then these presents shall become void, otherwise remain in full force.

In event of default in the payment at maturity of said mortgage debt, or any amount secured hereby, Rudolf Sislak and Mary Sislak are hereby authorized to sell said property at auction, for cash, after giving notice by advertisement once a week for three consecutive weeks in any newspaper then published in Baldwin County, Alabama, to make proper conveyance to purchaser, and the proceeds of sale to apply, first, to the payment of the cost of said sale, including a reasonable attorney's fee, second, to the payment of said mortgage debt, and any sums herein provided for, and balance, if any, to be paid over to the said mortgagor. Mortgagee may purchase said property at such sale, and in that event the auctioneer conducting the sale is authorized under the name of the mortgagor, and as their attorney in fact, to make deed to mortgagees. Mortgagors agrees to pay such mortgage debt or otherwise by reason of any default on the part mortgagor covenants that they are seized in fee simple of said property, that is free from all incumbrances, that they will warrant the same to mortgagee, and to the purchaser thereof, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said mortgagor has hereunto set their hand and seal this 31st day of December 1936.

John Forgac (Seal)
Anni Forgac (Seal)

STATE OF ALABAMA.
BALDWIN COUNTY.

I, Thomas Vonashek, a Justice of the Peace in and for said County and State, hereby certify that John Forgac and Anni Forgac, husband and wife, 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,

Given under my hand and official seal this 31st day of December, 1936.

Thomas Vonashek
J. P.

THE STATE OF ALABAMA.
BALDWIN COUNTY.

I, Thomas Vonashek, a Justice of the Peace in and for said County and State, do hereby certify that on the 31 day of December, 1936, came before the within named Anni Forgac, known to me to be the wife of the within named John Forgac, who being examined separate and apart from the husband touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord and without fear, constraints or threats on the part of her husband.

In Witness Whereof, I hereunto set my hand and official seal this 31 day of December 1936.

Thomas Vonashek
Justice of the Peace.

STATE OF ALABAMA.
BALDWIN COUNTY.

PROBATE COURT.

Filed in office this 1st day of January, 1937, at 8 A.M. and duly recorded in Mtge. Book No. 69, pages 399-400, and I certify that \$1. cts. 80 Mtge. tax has been paid as required by law.

G. W. Robertson,
Judge of Probate."

his name

John Forger

Arnie Forger camp

Rudolph Dulato

Mary Dulato et.
6-10-38

3 11
7 20

State of Missouri
JUN 10 1938

Filed to enter this
and duly recorded

Book No. 240 Page 175

and I hereby state that
said party has

been paid for
and I hereby state that

[Signature]
Judge of Probate

15
[Signature]
[Signature]

Fairhope Ala

No. 429

THE STATE OF ALABAMA

Baldwin County.

Circuit Court, In Equity

John Foyac and Carrie

Foyac, Plaintiffs

Martha Sibal and Mary

Sibal, Defendants

CHANCERY EXECUTION
Fi. Fa.

\$ 11.60

Total \$ 11.60

Fee Book Revised Page 429

Execution Docket " " Page " "

Buck, Hall & Buck
Complainant's Solicitor

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

23rd

day of

Oct

1939

W.B. Stuart
Sheriff

Execution Docket _____ Page _____

The State of Alabama, }
Baldwin County

By virtue of the within execution I have ~~levied~~ *collected* This 19th day of December
collected the within named cost.

W.B. Stuart Sheriff
M.B. Hamilton DS.

RETURN RECEIPT

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

(Signature or name of addressee)

(Signature of addressee's agent)

Date of delivery _____, 19__

Form 3871

RETURN RECEIPT

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

(Signature or name of addressee)

(Signature of addressee's agent)

Date of delivery _____, 19__

Form 3871

RECEIPT FOR REGISTERED ARTICLE No. _____

15 fee paid, 1 class postage paid, 6/10, 1933

Declared value, \$ 1000 Surcharge paid, \$ _____

From R. S. Daulton, Register, Clerk of the Court, Madison, Wis.

Addressed to Francis A. Clark, 3656 A. Membership Ave., Cudahy, Wis.

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 18



RECEIPT FOR REGISTERED ARTICLE No. _____

15 fee paid, 1 class postage paid, 6/10, 1933

Declared value, \$ 1000 Surcharge paid, \$ _____

From R. S. Daulton, Register, Clerk of the Court, Madison, Wis.

Addressed to Joseph S. Clark, 3656 A. Membership Ave., Cudahy, Wis.

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 18

