

W. R. DUCKWORTH,  
Complainant,

VS.

SOPHIE MACH and J. B.  
BLACKBURN,  
Respondents.

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 your Complainant, W. R. DUCKWORTH, and humbly complaining against the Respondents, SOPHIE MACH and J. B. BLACKBURN, and each of them, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondents are over twenty-one years of age and residents of Baldwin County, Alabama.

2. That your Complainant is the owner and in possession of the following described real property situated at or near Robertsedale, in Baldwin County, Alabama, described as follows, to-wit:

All the land on the West side of the Bay Minette and Fort Morgan Railroad, in the Southwest quarter of the Southeast quarter of Section 25, Township 5 South of Range 3 East of St. Stephens Meridian, in Alabama, containing 29 acres, more or less.

3. That on to-wit, November 20th, 1936, the Complainant executed to the Respondent, Sophie Mach, a mortgage on the land described in Paragraph 2 hereof, to secure an indebtedness therein recited, which said mortgage is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 69, at pages 252-54.

4. That the Respondent, Sophie Mach, as Mortgagee, and the Respondent, J. B. Blackburn, Attorney for Mortgagee, have given notice of the foreclosure of the said mortgage, described in Paragraph 3; that a copy of said notice is hereto attached, marked Exhibit "A" and asked to be taken and considered as a part hereof as though herein fully set out.

5. That the Complainant has diligently, promptly, faithfully and fully complied with and performed each and all of the covenants, agreements, terms, conditions and provisions set out in the said mortgage; that he is not now and was not at the time that said mortgage foreclosure notice was published in default in the performance of the covenants, agreements, terms, conditions and provisions set out in said mortgage; that said mortgage was not at the time of the publication of the

mortgage foreclosure notice, and is not now, in default and that the Respondents have no right to foreclose the said mortgage; that the foreclosure of the said mortgage and the execution and recording of a foreclosure deed would constitute a cloud on the title to the Complainant's said property.

6. That The Complainant submits himself to the jurisdiction of the Court and agrees to abide by any orders or decrees rendered.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Sophie Mach and J. B. Blackburn, party respondents to this 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; that your Honor will immediately issue a temporary injunction restraining the said Sophie Mach and J. B. Blackburn, or either of them, from either directly or indirectly foreclosing or attempting to foreclose, or in any manner changing the status quo of the said property herein described.

Complainant further prays that upon a final hearing of this cause, your Honor will enter an order and decree that the Complainant has diligently, promptly, faithfully and fully complied with and performed each and all of the covenants, agreements, terms, conditions and provisions set out in the said mortgage, and that the said mortgage is not subject to foreclosure; and that the said Respondents, and each of them, be perpetually enjoined from foreclosing or attempting to foreclose said mortgage so long as the covenants, agreements, powers, provisions and conditions of said mortgage are complied with. Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.

Buchanan & Buche  
Solicitors for Complainant.

FOOT NOTE:

The Respondents, Sophie Mach and J. B. Blackburn, and each of them, are required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 6, inclusive, but not under oath, oath being hereby expressly waived.

Buchanan & Buche  
Solicitors for Complainant.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, the undersigned authority, in and for said County, in said State, personally appeared W. R. DUCKWORTH, who is known to me and who having been by me first duly sworn, deposes and says, that he is the Complainant in the foregoing cause, styled "W. R. DUCKWORTH, Complainant, VS. SOPHIE MACH and J. B. BLACKBURN, Respondents", in the Circuit Court of Baldwin County, Alabama, in Equity; that he has read over and understands the allegations contained in the said Bill of Complaint; that the said allegations are true.

X W. R. Duckworth

Sworn to and subscribed before me this 19 day of September, 1938.

Thomas Vorashels  
Notary Public, Baldwin County, Ala.  
Justice of Peace Prec. No. 9  
My comm. exp. Jan. 16-1941

EXHIBIT "A"

MORTGAGE FORECLOSURE NOTICE

Default having been made by the Mortgagors in certain terms and provisions contained in the purchase money mortgage from W. R. Duckworth and Emily Bell Duckworth, his wife, to Sophie Mach, dated November 20, 1936, and recorded in Mortgage Book Number 69 at pages 252-54, Baldwin County Records, the said Mortgagee has declared the entire indebtedness secured by the said Mortgage to be due and payable as provided therein and the said default still continuing, notice is hereby given that the undersigned Mortgagee will sell to the highest bidder for cash, at 12:00 o'clock noon at the front door of the Court House in Bay Minette, Baldwin County, Alabama, on September 26, 1938, the following described property situated in Baldwin County, Alabama, to-wit:

All the land on the west side of the Bay Minette and Fort Morgan Railroad, in the Southwest quarter of the Southeast quarter of Section Twenty-five (25), Township Five (5) South, Range Three (3) East, of St. Stephens Meridian in Alabama, containing twenty-nine (29) acres, more or less.

The said sale will be made under and by virtue of the power of sale contained in the said mortgage and is for the purpose of paying the indebtedness secured thereby. The proceeds of the said sale will be applied as provided in and by the said mortgage.

SOPHIE MACH, Mortgagee.

J. B. BLACKBURN, Attorney for Mortgagee.

# CIRCUIT COURT, BALDWIN COUNTY, ALA. IN EQUITY

No. 490 W. R. Dueschumpe vs. Sybil Mack, et al. PLAINTIFF  
DEFENDANT

## BILL OF COSTS

FEES OF REGISTER	Dollars	Cents	Brought Forward -----	\$
Filing each bill and other papers -----	\$ 10	40	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%.	430
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		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	1 50	For all entries on commission docket, etc.	50
For each copy thereof -----	50		Making final record, per 100 words -----	15
Entering each return thereof -----	15		Certified copy of decree -----	1 00
Issuing Writ of Attachment -----	1 00		Report of divorce to State Health Office (Acts 1915) -----	50
Entering each return thereof -----	15		<b>TOTAL FEES OF REGISTER</b> -----	<b>7 80</b>
Docketing each case -----	1 00	1 00	<b>FEES OF SHERIFF</b>	
Entering each appearance -----	25	25	Serving and returning subpoena on deft. -----	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 -----	1 50
Each order appointing guardian -----	1 00		Entering and returning same -----	25
Any other order by Register -----	50		Selling property attached -----	75
Issuing Commission to take testimony -----	50		Impaneling Jury -----	75
Receiving and filing -----	10		Executing Writ of possession -----	2 50
Endorsing each package -----	10		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	25	Serving and returning notice -----	65
Noting all testimony -----	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		Taking and approving bonds, each -----	75
For every 100 words over 500 -----	15		Collecting money on execution -----	2 50
Taking account, etc. -----	3 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> -----	<b>3 00</b>
Amount claimed less than \$500, etc -----	2 00		<b>RECAPITULATION</b>	
Issuing each subpoena -----	25		Register's Fees -----	7 80
Witness certificate, each -----	25	4 30	Sheriff's Fees -----	3 00
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
Each certificate or affidavit, no seal -----	25		Recording Decree in Probate Court -----	3 00
Hearing and passing on application, etc. -----	3 00		<b>TOTAL</b> -----	<b>13 80</b>
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> -----				

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

Register.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.  
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

SOPHIA MACK and J. B. BLACKBURN,

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

W. R. DUCKWORTH

against said SOPHIA MACK and J. B. BLACKBURN

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, R. S. Duck, Register of said Circuit Court, this 21st day of September, 1938.

By: R. S. Duck, Register  
Nankie Thompson, Deputy-Register

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

THE STATE OF ALABAMA, }  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

We command you that without delay you execute this Writ, and due return thereof how you have executed the same make to us immediately.

To SOPHIA MACK and J. B. BLACKBURN:

WHEREAS, W. R. DUCKWORTH

has this day filed a Bill of Complaint in said Court against SOPHIA MACK and J. B. BLACKBURN

praying, among other things, that SOPHIA MACK and J. B. BLACKBURN, or either of them, be restrained and enjoined from either directly or indirectly foreclosing or attempting to foreclose that certain mortgage from W. R. Duckworth, the Complainant, to the Respondent, Sophia Mack, dated November 20th, 1936, and recorded in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 69, at pages 252-54; or in any manner changing the status quo of the property described in said mortgage, to-wit:-

All the land on the West side of the Bay Minette and Fort Morgan Railroad, in the Southwest quarter of the Southeast quarter of Section 25, Township 5 South of Range 3 East of St. Stephens Meridian, in Alabama, containing 29 acres, more or less;

And whereas, on said Bill of Complaint being exhibited to the Hon. F. W. HARE, Judge of the Circuit Court of Baldwin County, of the State of Alabama, on the 20th day of September 1938, he did order that, upon Complainant entering into bond, with sureties, in the sum of ONE HUNDRED (\$100.00) Dollars, payable to the Defendant and approved by the Clerk of this Court, and conditioned according to law, a Writ of Injunction issue out of said Court, according to the prayer of said Bill; and whereas, bond has been given, as required by said order.

These, therefore, are to command and strictly enjoin you from either directly or indirectly foreclosing or attempting to foreclose that certain mortgage from W. R. Duckworth, the Complainant, to the Respondent, Sophia Mack, dated November 20th, 1936, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Mortgage Book 69, at pages 252-54; or in any manner changing the status quo of the property described in said mortgage, to-wit:-

All the land on the West side of the Bay Minette and Fort Morgan Railroad, in the Southwest quarter of the Southeast quarter of Section 25, Township 5 South of Range 3 East of St. Stephens Meridian, in Alabama, containing 29 acres, more or less:-

until further order of this Court. And this you will in nowise omit, under penalty.

WITNESS, R. S. DUCK, Register, as Clerk of said Court, at office, in Bay Minette, Alabama, this 21st day of September 1938.

R. S. Duck, Register  
By: Sandlice Thompson, Deputy-Register

W. R. DICKINSON,

Complainant,

vs.

SOPHIE WASH and  
J. B. BLACKBURN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

TO THE REGISTER OF THE CIRCUIT COURT, IN EQUITY, AT BAY MINETTE, BALDWIN COUNTY,  
ALABAMA:

Upon the Complainant entering into bond with security in the sum of  
\$100.00 Dollars, payable to and approved by you, and conditioned  
according to law, let an injunction issue according to the prayer of the bill.

F. W. Hare

Judge.

RECORDED

W. R. DICKINSON

Complainant

vs.

SOPHIE WASH and  
J. B. BLACKBURN

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

*[Handwritten signature and date]*  
F. W. Hare  
7/1/19



W. R. DUCKWORTH,

Complainant,

VS.

SOPHIE MACH and  
J. B. BLACKBURN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

TO THE REGISTER OF THE CIRCUIT COURT, IN EQUITY, AT BAY MINETTE, BALDWIN COUNTY,  
ALABAMA:

Upon the Complainant entering into bond with security in the sum of  
\$100<sup>00</sup> Dollars, payable to and approved by you, and conditioned  
according to law, let an injunction issue according to the prayer of the bill.

A. W. Hare  
Judge.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

KNOW ALL MEN BY THESE PRESENTS, That We, W. R. DUCKWORTH, as Principal, and the undersigned as Sureties, are held and firmly bound unto the Register of the Circuit Court, in Equity, for said County, in the sum of ONE HUNDRED (\$100.00) DOLLARS, for the payment of which to the said Register, or his successors, we bind ourselves, our heirs and administrators, jointly and severally.

Sealed with our seals and dated the 19 day of September, 1938.

WHEREAS, the said W. R. Duckworth has filed his Bill of Complaint, in the said Circuit Court, in Equity, and has obtained thereon an order for the issuance of an injunction from the Honorable F. W. Hare, Judge, to restrain and enjoin Sophie Mach and J. B. Blackburn, or either of them, from either directly or indirectly foreclosing or attempting to foreclose that certain mortgage from the Complainant to the Respondent, Sophie Mach, dated November 20, 1936, and of record in Mortgage Book 69, at pages 252-54, or in any manner changing the status quo of the property described in said mortgage, to-wit:

All the land on the West side of the Bay Minette and Fort Morgan Railroad, in the Southwest quarter of the Southeast quarter of Section 25, Township 5 South, Range 3 East of St. Stephens Meridian, in Alabama, containing 29 acres, more or less.

NOW, THEREFORE, the condition of the above obligation is such that if the said W. R. Duckworth, his heirs, executors, administrators, or any of them, shall pay or cause to be paid all damages which any person may sustain by the suing out of said injunction, if the same is dissolved by the Circuit Court, in Equity, on the bill filed by the said W. R. Duckworth as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

WITNESS our hands and seals on the day and year first above written.

W. R. Duckworth (SEAL)

Thomas Vasseler (SEAL)

James Lane (SEAL)

Taken and approved on this 21 day of September, 1938.

R. S. Duch  
Register.

By: Nashville Hampton  
Deputy Register

RECORDED

No. 490

Circuit Court, In Equity

W. R. DUCKWORTH,

Complainant,

Vs.

SOPHIA MACK and J. B.

BLACKBURN, Respondents.

Received in office on this, the 21st

day of Sept 1938

W. O. Gilkins

Sheriff.

MOORE PRINTING CO., BAY MINETTE, ALA.

Executed by serving a copy of the within

Writ of Injunction upon

Sophia Mack

Robert Mack

on this the 21st day of

Sept 1938

W. O. Gilkins

Sheriff.

RECORDED

Serve On \_\_\_\_\_

**Circuit Court of Baldwin County  
IN EQUITY**

No. 490

**Summons**

W. R. DUCKWORTH,

Complainant.

**vs.**

SOPHIA MACK and J. B.

BLACKBURN,

Respondents

Beebe, Hall & Beebe,

Solicitor for Complainant

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

**THE STATE OF ALABAMA,  
Baldwin County**

Received in office this 21st

day of Sept, 1938

W. R. Duckworth

Sheriff.

Executed this 29th day of

Sept, 1938

by leaving a copy of the Summons with

Mrs Sophia Mack

Robert Mack

Defendant

W. R. Duckworth

Sheriff

By B. H. Shaw

Deputy Sheriff

RECORDED

INJUNCTION

W. R. DICKWORTH,

Complainant,

VS.

SOPHIE MACH and  
J. B. BLACKBURN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed September 2, 1933*  
R. S. DUCK  
clerk - register

By *Walter W. Wynn*  
Deputy

RECORDED

BOND:

W. R. DUCKWORTH,

Complainant,

VS.

SOPHIE MACH and  
J. B. BLACKBURN,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

*Filed September 21, 1935*

R. S. DUCK

clerk, - register

By *Andriea Huggins*  
Deputy