

510

The State of Alabama, }  
Baldwin County

CIRCUIT COURT

To O'Byrne Jones

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

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

Complainant  
and FRED LURWIG

Defendant,

on oath to be by you administered, upon them to take and certify the deposition... of the witness.... and return the same to our Court, with all convenient speed, under your hand.

Witness 20th day of February 19 39

**R. S. DUCK**

clerk, register

REGISTER

By Handwritten Signature  
Deputy

COMMISSIONER'S FEE, \$ \_\_\_\_\_

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

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

FRED LURWIG,

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

STELLA LURWIG,

against said FRED LURWIG,

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 14th day of December, 1938

R. S. DUCK  
clerk, - register

By *[Signature]*, Register  
Deputy

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

STELLA LURWIG,

Complainant,

VS.

FRED LURWIG,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NUMBER 509.

This cause coming on to be heard was submitted upon the original Bill of Complaint, and Pleadings and Proof as noted by the Register, and after due consideration, the Court is of the opinion that the Complainant is entitled to the relief prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the bonds of matrimony heretofore existing between the Complainant and the Respondent be, and the same are hereby dissolved, and the Complainant is forever divorced from the Respondent on the ground of cruelty.

IT IS FURTHER ORDERED that the Complainant and Respondent be and they are hereby permitted to again contract marriage upon the payment of the costs in this cause.

IT IS FURTHER ORDERED that the Respondent pay the costs herein taxed, for which execution may issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said STELLA LURWIG shall not again marry except to the said FRED LURWIG, until sixty days after this date, and that if an appeal is taken within sixty days, she shall not again marry, except to the said FRED LURWIG, during the pendency of the appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant, STELLA LURWIG, have the custody, care and control of the minor child, nemely: Mary Lurwig.

Dated at Monroeville, Monroe County, Alabama, this 24<sup>th</sup> day of February, 1939.

*F. W. Hare*

Judge of the Circuit Court of  
Baldwin County, Alabama.



as tenant of the Complainant, on to-wit, October 13th, 1937, he secured a deed from George K. Hansen, who formerly owned said lands, as shown by deed of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 63 NS, page 276;

9. That your Complainant is informed and believes that the consideration paid by the Respondent for said deed from George K. Hansen was Fifty (\$50.00) Dollars;

10. That at the time Respondent secured said deed from the said Hansen, he was occupying the said land as tenant of your Complainant, and the relationship of landlord and tenant existed between them;

11. That the Respondent is now in possession of said lands, having acquired such possession as tenant of your Complainant, and is attempting to set up the title by him from George K. Hansen as against your Complainant;

12. That the Respondent secured deed to said lands during the time he was occupying the same as tenant of your Complainant, and the title so acquired was for the use and benefit of the Complainant and any title so acquired by the Respondent is now held in trust for the Complainant;

13. That the Complainant submits himself to the jurisdiction of this Court, and agrees to do equity and abide by any orders and decrees of this Court.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said J. A. RHODES 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.

PRAYER

Complainant further prays that upon a final hearing of this cause, this Honorable Court will enter an order and decree establishing the title of the Complainant to said lands and that any title acquired by the said Respondent is held by the Respondent as Trustee for the Complainant and not in his own right, and that he be restrained from asserting any title to said lands by virtue of said deed; that a further order and decree be made and entered directing and requiring the Respondent to convey any title held by him to said lands to the Complainant, upon the Complainant paying to the said Respondent such amount as the Court may ascertain to be due by the Complainant to the Respondent; that in the event that the Respondent fails or refuses to convey the said land to the Complainant, then an order and

decree be made and entered authorizing, directing and empowering the Register of this Court, upon the payment into Court of the amount ascertained to be due by the Complainant to the Respondent, to convey such title as the Respondent may have in and to said lands, <sup>to Complainant;</sup> that your Honor and this Honorable Court will give and grant unto your Complainant 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;

That in the event your Complainant has not prayed for proper relief, that this Honorable Court will enter an order and decree giving and granting unto him such relief as he may be entitled to under the allegations of this Bill.

Beebe, Isaac & Beebe  
Solicitors for Complainant.

FOOT NOTE:

The Respondent, J. A. RHODES, is required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 13, inclusive, but not under oath, oath being hereby expressly waived.

Beebe, Isaac & Beebe  
Solicitors for Complainant.

GEORGE MARINOS,  
Complainant,  
vs.  
J. A. Rhodes,  
Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN CHANCERY

ANSWER AND CROSS-BILL

Comes now J. A. Rhodes, the above named respondent, and for answer to the Bill of Complaint, and by way of cross-bill against the complainant, respectfully represents and shows to the Court as follows:

1. He admits the averments of Paragraph 1 of the Bill.
2. He denies that the complainant is the owner of the following described lands in Baldwin County, Alabama, to-wit:-

The East half ( $E\frac{1}{2}$ ) of the Northwest quarter ( $NW\frac{1}{4}$ ) of the Northwest quarter ( $NW\frac{1}{4}$ ) of Section Twenty-two (22), Township Seven (7) South of Range Three (3) East.....

and avers that he is the owner of said land.

That one George K. Hansen became the owner of said lands on the 30th day of July, 1907 by warranty deed from Magnolia Springs Land Company, the then owner of said lands, which said deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 26 N.S. at Page 429 thereof. That thereafter the said George K. Hansen regularly assessed said lands for taxes and paid the taxes thereon, except that in the year 1908 he inadvertently omitted to assess said lands and the same were by the assessor of Baldwin County assessed to "owner unknown No. 44".

But respondent avers that such assessment against "owner unknown No. 44" was unauthorized, illegal and void for the reason that on the date of said assessment the said George K. Hansen was in the actual possession of said land and the assessor of Baldwin County was without authority to assess said land to owner unknown.

Beginning again with the year 1910 the said George K. Hansen regularly assessed said lands for taxes and paid the taxes thereon.

3. Respondent admits that said lands were on July 18th, 1910 sold to the State of Alabama under said assessment for the year 1909 against "owner unknown No. 44", but avers that said sale was

based upon a void assessment and was itself void and conveyed no title to said lands.

4. Respondent admits that on May 22nd, 1916 the State of Alabama, acting through its State Auditor, made a deed to said lands to B. L. Gaddis and Charles H. Allen, but respondent avers that such deed conveyed no title and that during all of said years from 1910 and through the year 1916 the said George K. Hansen regularly assessed said lands for taxes and paid the taxes thereon; respondent further admits that such title as was acquired by the said Gaddis and Allen passed by mesne conveyances to the complainant.

5. Respondent denies that the complainant ever acquired any title to said lands but admits that he received a quit-claim deed from J. S. Lowry and J. C. Grimes on February 3rd, 1937 and further avers that the said Lowry and Grimes received a quit-claim deed from the First National Bank of Wetumpka on October 2nd, 1934 and that said Bank of Wetumpka received a quit-claim deed from the afore mentioned Gaddis and Allen on October 1st, 1923, but your respondent avers that none of said deeds conveyed any title to said lands and that during all of said time and from the 30th day of July, 1907 the said George K. Hansen was at all times in the actual, continuous, exclusive, uninterrupted and peaceable possession of said lands, claiming to own the same against the world and, except for said year 1909, regularly assessed said lands for taxes and paid the taxes thereon.

6. Respondent denies that in January, 1937 he leased the said lands from the complainant and his predecessors in title and denies that he paid any rental for the same.

7. Respondent denies that he again leased and occupied the said lands as a tenant of said complainant for the year 1938 and denies that the relationship of landlord and tenant ever existed between the complainant and the respondent.

8. Respondent admits that on October 13th, 1937 he procured a deed to said lands from the afore mentioned George K. Hansen and that said deed is recorded in the office of the Judge of Probate of Baldwin County, Alabama in Deed Book 63 N.S. at Page 276.



9. Respondent admits that the consideration paid by him to said George K. Hansen for said Deed was FIFTY & 00/100 (\$50.00) DOLLARS.

10. Respondent denies that at the time he secured said deed from the said Hansen he was occupying the said lands as the tenant of the complainant and denies that the relationship of landlord and tenant existed between them then, or at any other time. Respondent avers that he has been in possession of said lands continuously since the year 1934, as the tenant of the said George K. Hansen, until October 13th, 1937, when he became the owner thereof by deed from the said Hansen.

11. Respondent admits that he is now in possession of said lands but denies that he acquired such possession as the tenant of complainant and admits that he is setting up the title he acquired from the said George K. Hansen against the complainant.

12. Respondent denies the allegations of Paragraph 12 of the Bill of Complaint.

13. Respondent further avers that he had been occupying and using said land, but without any claim of ownership thereof, for several years prior to the year 1936; that during said year 1936 he heard that the complainant was claiming to own said lands and during the month of August, 1936 Respondent went to see the complainant with reference to buying said lands but was informed by the complainant that he had not as yet acquired the title, but expected to do so shortly and that while he, the complainant, could not sell said land and convey a good title, he would rent the same to respondent for the balance of the year 1936 and all of the year 1937 for a rental of FIFTY & 00/100 (\$50.00) DOLLARS and that he would acquire the title and then negotiate with the respondent concerning a sale. Respondent agreed that if the complainant could deliver to him the peaceable possession of said lands for such term he would pay such rental; but respondent had no sooner begun to plow said lands then he was notified by Dr. W. C. Holmes, who was then the State Land Agent for Baldwin County, that the title to said lands was in the State under a tax sale, that complainant had

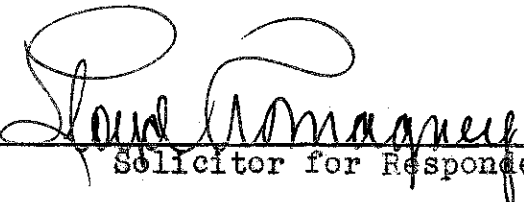
to said lands is the taxes he has paid thereon; that the respondent is the vendee of the owner of the land at the time of the sale and respondent moves the Court to ascertain the amount of taxes paid by the complainant and that he may be permitted to pay said amount.

WHEREFORE, respondent prays that this answer may be taken as a cross bill and that the complainant, George Marinos, be required to plead thereto as required by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

Your respondent further prays that upon the final hearing of this cause, Your Honor will ascertain the amount of taxes paid by the complainant upon the East half ( $E\frac{1}{2}$ ) of the Northwest quarter ( $NW\frac{1}{4}$ ) of Section Twenty-two (22), Township Seven (7) South of Range Three (3) East in Baldwin County, Alabama, and make and enter a decree ordering your respondent to pay such amount to the Register of the Court for the complainant and that upon such payment, the complainant be decreed to have no right, title, interest, claim or demand in or to the said land, or any part thereof, and if your respondent has not asked for the proper relief, he prays that Your Honor will grant to him such other different and further relief in the premises as may be just and equitable.

Your respondent hereby submits himself to the jurisdiction of the Court and offers to do whatever the Court may deem necessary to make the decree which your respondent asks, just and equitable to the complainant.

  
Solicitor for Respondent.

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

J. A. RHODES,

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

GEORGE MARINOS,

against said J. A. RHODES,

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 15th day of

December, 1938.

R. S. DUCK  
clerk, - register

*Amelia Thompson*, Register  
Deputy

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

GEORGE MARINOS,

Complainant,

vs.

J. A. RHODES,

Respondent.

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

DEMURRER

Comes now the above named respondent and demurs to the  
bill of complaint and as grounds for such demur says:

There is no equity in the bill.

  
Solicitor of Respondent.

(original)

RECORDED

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

**Circuit Court of Baldwin County  
IN EQUITY**

No. 509

**Summons**

STELLA LURWIG,

Complainant,

vs.

FRED LURWIG,

Respondent.

**THE STATE OF ALABAMA,  
Baldwin County**

Received in office this \_\_\_\_\_

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

Sheriff.

Executed this 21<sup>st</sup> day of

Dec, 1938

by leaving a copy of the Summons with

*Fred Lurwig*

Defendant

*M. Williams*

Sheriff

By

*John P. Glass*

Deputy Sheriff

HUBERT M. HALL

Solicitor for Complainant

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

The State of Alabama  
BALDWIN COUNTY  
CIRCUIT COURT

Complainant

vs.

Defendant

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

RECORDED

RECORDED

*Book*  
*2-180*

FINAL DECREE OF DIVORCE.

STELLA LURWIG,

Complainant,

VS.

FRED LURWIG,

Respondent.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

NO. 509.

*Filed February 25, 1939*  
*K.S. Buck, Reporter*  
*By Madeline Thompson*  
*Myrtle Report*

*Summons*  
BILL OF COMPLAINT

GEORGE MARINOS,  
Complainant,

VS.

J. A. RHODES,  
Respondent.

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

*Filed December 15, 1935*

R. S. DUCK

clerk, - register

By *Walter Thompson*

Deputy.



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

570

GEORGE MARINOS,

Complainant,

vs.

J. A. RHODES,

Respondent.

DEMURRERS

RECORDED

8-1185

Filed September 6, 1938

R. S. DUCK

clerk, register

By *W. H. Thompson*

Deputy

LLOYD A. MAGNEY

Solicitor for Respondent.

(original) *Summons*

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

**Circuit Court of Baldwin County  
IN EQUITY**

No. 510

**Summons**

GEORGE MARINOS,

Complainant.

**VS.**

J. A. RHODES,

Respondent.

**BEEBE, HALL & BEEBE,  
Solicitor for Complainant**

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

**THE STATE OF ALABAMA,  
Baldwin County**

Received in office this \_\_\_\_\_

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

**Sheriff.**

Executed this 18<sup>th</sup> day of

January, 1938

By leaving a copy of the Summons with

*J. A. Rhodes*

Defendant

*W. B. Stuart*

Sheriff

By *D. J. Frazier*

Deputy Sheriff