

219

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.....

John W Hadley.

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.....

Ella Posten.

against said

John W Hadley,

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, T. W. Richerson, Register of said Circuit Court, this 10th day of February,

1920, 191.....

T. W. Richerson

Register.

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

2nd Original

copy
Serve/on John W Hadley,
near Perdido
CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No. 217.

SUMMONS.

Ella posten

vs.

John W Hadley et als.

Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA,
BALDWIN COUNTY.

Received in office this 10th
day of February, 1920. 191

Sheriff.

Executed this 19th day of
February 1920

by leaving a copy of the within Summons with

~~John W Hadley~~
John W Hadley
Defendant

W. B. Stuard.
Sheriff

By B. O. Wiggins
Deputy Sheriff.

The State of Alabama)
Baldwin County.)

Before me, J. A. Shinn, a ^{J.P.} Notary

Public in and for said County in said State, personally appeared Ella Poston, who, upon oath, deposes and says that B.J. Poston and Alice Poston, defendants in the bill of complaint here exhibited, against them, are non-residents of the State of Alabama, and that they reside at Bratt, Escambia County, Florida; that each of said defendants is over the age of twenty-one years.

J. A. Shinn

Ella Poston
mat.

Subscribed and sworn to before me this 27

day of December, 1919.

J. A. Shinn
Notary Public, Baldwin County,
Alabama.

Witness:

Carrie Shiver

Ella Poston,
Complainant,
vs.
B. J. Poston,
Alice Poston, and
John W. Hadley,
Defendants.

In the Circuit Court of
Baldwin County, Alabama.

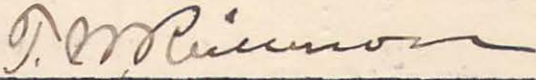
EQUITY SIDE.

.....

In this cause it being made to appear to the Register of the Circuit Court of Baldwin County, Alabama, that a summons was served upon the defendant John W. Hadley, by the sheriff of Baldwin County, Alabama, on the ~~12~~ day of February, 1920, requiring the said John W. Hadley to appear and plead, answer or demur to the bill of complaint in this cause within thirty days from the service of said summons, and the said defendant having failed to plead, answer or demur to the said bill to the date hereof:

It is now, therefore, on motion of complainant, ordered and decreed that the said bill of complaint in this cause, be, and the same hereby is, in all things, taken as confessed against the said John W. Hadley, defendant aforesaid.

Granted this 24th day of May, 1920.


Register Circuit Court of
Baldwin County, Alabama.

6w

#217.

Ella Poston,

vs.

B. J. Poston, et als.

.....

Circuit Court of Baldwin

County, Alabama,

Equity Side.

Decree Pro-Confesso against

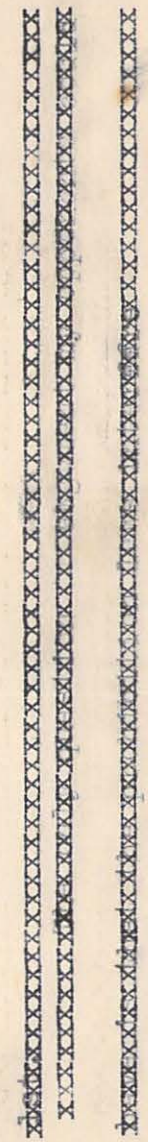
John W. Hadley, defendant.

.....

Filed this 26th day of May,
1920.

T. W. [Signature]

Register.



Ella Poston,	:	In the Circuit Court of
Complainant,	:	Baldwin County, Alabama.
vs.	:	EQUITY SIDE.
B. J. Poston,	:	
Alice Poston, and,	:	
John W. Hadley.	:	
.....	:	

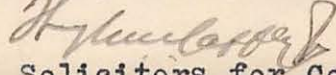
Comes the complainant in the above entitled cause and shows unto the register of the Circuit Court of Baldwin County, Alabama, that an order of publication was made on the 18th day of February, 1920, and which was duly published in the Baldwin County Times, a newspaper published in Baldwin County, Alabama, for consecutive weeks, commencing with the issue of February 19th, 1920 and ending with the issue of March 11th, 1920, and that due notice as required by law was posted at the Court House at Bay Minette, Baldwin County, Alabama, which publication and notice was directed to B. J. Poston and to Alice Poston, defendants in said cause who reside outside the State of Alabama, and which required the defendants above named, and each of them to answer or demur to the Bill of Complaint in this cause within 30 days after the 19th day of March, 1920, and which the said defendants have to this date failed to do: Wherefore, the complainant moves the Register of the Circuit Court of Baldwin County, Alabama, to grant a decree pro-confesso against the said defendants B. J. Poston and Alice Poston.

Complainant further shows unto the Register of the Circuit Court of Baldwin County, Alabama, that a summons was issued out of this Court on the 10th day of February, 1920, directed to the defendant John W. Hadley, ordering him to appear and plead, answer or demur, within 30 days after the service thereof to the Bill of Complaint filed in said cause; that the same was duly served upon the said John W. Hadley by the sheriff of Baldwin County, Alabama, on the 18th

day of February, 1920, and that the said defendant has to this date failed to plead, answer or demur to said complaint, wherefore the complainant moves that a decree pro-confesso be entered against defendant.

HAMILTON, PAGE & CAFFEY,

By



Solicitors for Complainant.

Star

#217.

Ella Poston,
Complainant,

vs.

B. J. Poston, et als.

.....

Circuit Court of Baldwin
County, Alabama,

EQUITY SIDE.

.....

Request for Decrees

Pro-Confesso.

.....

Filed this 24th day of May,
1920.

J. W. Beckwith
Register.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

} CIRCUIT COURT, IN EQUITY.
No. 217 Spring Term, 1920

Ella Poston

Complainant.....

vs. B. J. Poston, et als,

Defendant.s

In this cause it appears to the Register..... of the Circuit Court that the order of publication here-
tofore made in this cause, was published for four consecutive weeks, commencing on the 19th day of
February, 1920, in the Baldwin Times
a newspaper published in Bay Minette, Alabama, that a copy of said order was posted at the Court
House door in Bay Minette, Baldwin County, on the 19th day of
February 1920, and remained there posted for a period of
thirty days thereafter

And it now further appearing to the Register..... of the said Circuit Court, that the said
B. J. Poston and Alice Poston, defendants, in the above entitled cause,

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it is now, there-
fore, on motion of Complainant....., ordered and decreed by the Register..... of the Circuit Ct that the
Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said.....

B. J. Poston and Alice Poston

This 24th day of May, 1920

T. W. Ricman

Register.

No. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY

Ella Poston

vs.

B. J. Poston, et als.

DECREE PRO CONFESSO ON
PUBLICATION.

Issued May 26th, 1920

D. W. Riccardi

Register.

Recorded in _____ Record

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Register.

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RECORDED IN EQUITY
CIRCUIT COURT BALDWIN COUNTY ALABAMA

RECORDED IN EQUITY
CIRCUIT COURT BALDWIN COUNTY ALABAMA

RECORDED IN EQUITY
CIRCUIT COURT BALDWIN COUNTY ALABAMA

Ella Poston,	:	In the Circuit Court of
Complainant,	:	
	:	Baldwin County, Alabama.
vs.	:	
	:	Equity Side.
B. J. Poston,	:	
Alice Poston,	:	
John W. Hadley,	:	
Defendants.	:	
.....	:	

This cause having been submitted upon the Bill of Complaint, and decrees pro-confesso against the defendants B. J. Poston, Alice Poston, and John W. Hadley, for final decree therein, the Court is of the opinion that the complainant is entitled to the relief prayed for in her said Bill of Complaint.

It is, therefore, ordered, adjudged and decreed by the Court that the said B. J. Poston and Alice Poston are jointly indebted to the said Ella Poston on account of money loaned to the said B. J. Poston and Alice Poston by the said Ella Poston on September 9th, 1916, as evidenced by the promissory notes of the defendant set out in the bill of complaint.

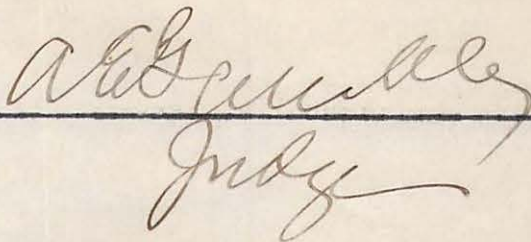
It appearing further to the Court, that that certain mortgage given to the complainant by the defendants B. J. Poston and Alice Poston on the 9th day of September, 1916, to secure the notes above referred to, which mortgage is recorded in Book ~~75~~ of Mortgages, page ~~537-2~~, Probate Records of Baldwin County, Alabama, was intended to be upon land described as the North East Quarter of the North East Quarter of Section 14, Township 1 North of Range 4 East, but that through inadvertence, mistake or through fraud, said mortgage was given upon lands then owned by the complainant herself, namely, upon the South West Quarter of the North West Quarter of Section 14, Township 1 North of Range 4 East, and it further appearing to the Court that the defendant John W. Hadley had notice of this fact prior to his purchase of said land from the defendants B. J. Poston and Alice Poston, It is, therefore,

ordered, adjudged, and decreed by the Court, that said mortgage be, and the same hereby is corrected and reformed so as to conform to the intention of the parties at the time same was executed, and^{so} that the description of the land covered by said mortgage shall be the North East Quarter of the North East Quarter of Section 14, Township 1 North of Range 4 East, instead of the "South West Quarter of the North West Quarter of Section 14, Township 1 North of Range 4 East.;" and so that said mortgage shall be operative upon the said North East Quarter of the North-East Quarter of Section 14, Township 1 North of Range 4 East.

It is further ordered, adjudged and decreed by the Court that the complainant Ella Poston has a lien upon the said North East Quarter of the North East Quarter of Section 14, Township 1 north of Range 4 East, on account of said promissory notes and mortgage, including principal, interest and attorneys fees as provided in said notes, and it is therefore ordered that Register of the Circuit Court forthwith hold a reference to ascertain the amount of principal, interest, and attorneys fees due by the said B. J. Poston and Alice Poston to the complainant Ella Poston, as provided in said notes, giving one days notice on the order book to the said defendants B. J. Poston, Alice Poston and John W. Hadley, and that after his report has been filed and acted upon notice of such action be given said defendants.

And this cause is reserved by the Court for further orders in Vacation.

Ordered, adjudged, and decreed, in Term Time, this 26th day of May, 1920.


A. G. Curdley
Judge

No. 218.

ELLA POSTON

VS

B J POSTON. ALICE POSTON

AND JOHN W HADLEY.

) In the Circuit Court of Baldwin County
) Alabama. Equity Side.

Now comes the respondent John W Hadley, and moves the Court to set aside the Decree Pro Confesso rendered against him in this Cause on May 24th. 1920 and moves the court to allow him to file his answer in this cause.

John W Hadley

By Stone & Stone

By Stone & Stone Solicitors for Respondent

STATE OF ALABAMA
BALDWIN COUNTY.

Before me Frank S Stone a Notary Public in and for said County and State personally appeared John W Hadley, respondent and who after being by me duly sworn doth depose and say under oath that he is one of the respondents in the above entitled cause and that he has a good and complete defence against said action, and that he is an illiterate man of no education and was first informed that he had only 30 days to plead answer or demur to said complaint on May 25th. 1920 and that through ignorance of the rules of pleading he did not file his defence.

John W Hadley

Sworn to and subscribed before me
this May 26th. 1920

Frank S Stone

Notary Public Baldwin County. Ala.

Poston

vs

Hedley

MOTION TO SET ASIDE
DECREE PRO CONFESSO
AND TO GRANT PERMISSION TO PLEAD.

Filed May 26th. 1920.

D. W. Richardson

Register In Chancery

RECORDED
INDEXED

RECEIVED
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NEW YORK

No. 119