

227

FANNY SHERRER)
Non Compos etal)
Complainant.)
VS)
IDA E. HARTMAN)
etal)
Respondant)

NO
IN EQUITY
IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT:-

Whereas, by a decree of this Court, made and entered in the above entitled cause on the 16th day of April 1920, an order was made, directing the Register of this Court to execute to Ort H. Ertzinger, a full and proper deed, conveying to him the interests of all parties to this cause in the property described in the bill of complaint, for the sum of NINE HUNDRED and SIXTY DOLLARS; and

Whereas I, the said Register, have executed such deed, conveying to Ort H. Ertzinger, all of the interests of the parties in and to the land aforesaid and have received therefore the sum of NINE HUNDRED and SIXTY DOLLARS, out of which I have paid Thirty Dollars for an abstract of the land, Thirty Three and 30/100 dollars, accrued taxes thereon and Fifty Six and 17/100 dollars as costs of court, a total of \$109.47 leaving a balance of Eight Hundred, Fifty and 53/100 Dollars, which is now in the Registry of this Court, awaiting the further orders thereof; and

Whereas said decree further contains an order directing the Register of this Court to hold a reference for the purpose of ascertaining the respective interests of the several parties to the cause and the proportion to which each is entitled of the net amount realized from the sale of said land, after the deduction of all reasonable costs and expenses; and

Whereas, in accordance with said order, a reference was held by me at my office in the town of Bay Minette, Ala-

bama, on the 29th day of November, 1920, at ten O'clock A. M. of which said reference due notice had been given to the solicitors of the parties; and the cause having been submitted to me upon the allegations of the bill and answer as to the several relationships, I reached the conclusions, which I submit as follows:

FIRST. That the fair valuation of the widow's dower interest is one-sixth of the value of the lands; and that the remaining parties to the cause, whose relationship to the decedent, Louis A. Sherrer, are set out below, are entitled to share in the following proportions:

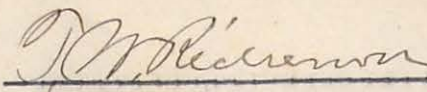
Ida E. Hartman, a sister,-----	1/6
Lillian Coleman, a sister,-----	1/6
Vitalis C. Newman, son of a de-	
ceased sister-----	1/6
Rose Wolff, a sister-----	1/6
Eugene H. Sievert and Edwin A. Sie-	
vert, sons, and Clara Epping,	
daughter, of a deceased sister,	
and Victor Epping, a grandson	
of said sister, each 1/24,	
making in all-----	1/6

That the net proceeds of the sale, after payment of all costs and expenses, and subject to the division aforesaid, is Eight Hundred, Fifty and 53/100 Dollars.

SECOND. That the complainant, Fanny Sherrer, the widow of the original decedent, is non compos and that John B. Nixon is her guardian; and that Victor Epping is a minor under the age of fourteen years, for whom no guardian has been appointed.

There was no oral testimony introduced upon the reference, same being submitted by counsel, upon the allegation as to relationship contained in the bill and answer.

All of which is respectfully submitted this the 29th, day of November, A. D. 1920.



Register.

No.

CIRCUIT COURT OF BALDWIN
COUNTY: IN EQUITY.

FANNIE SHERRER,
et al.

vs

IDA HARTMAN, et al.

Register's report of reference,

all costs and expenses, and subject to the division agreement, in
Right of the said FANNIE SHERRER, et al.
of the original settlement, as set forth in the said report of
is her husband, and the said FANNIE SHERRER, et al. are of
collected years, for which no provision has been appointed.
of the said settlement, and the said FANNIE SHERRER, et al. are
of the said settlement, and the said FANNIE SHERRER, et al. are
of the said settlement, and the said FANNIE SHERRER, et al. are
of the said settlement, and the said FANNIE SHERRER, et al. are

FANNY SHERRER,)	IN THE CIRCUIT COURT OF BALDWIN
Non compos, et al)	COUNTY, ALABAMA.
-Vs-)	IN EQUITY,
IDA E. HARTMAN, et al.)	

This cause coming on to be heard upon the report of the Register filed in this cause on the 29th day of December, 1920, pursuant to a decree heretofore made on the 16th day of April 1920, ordering sale of the property described in the bill of Complaint and directing the Register to make a deed therefor to the purchaser and said Register having reported that pursuant to the terms of said order, he did, ~~on the xxxxx day of xxxxxxx, 1920,~~ execute such deed and received therefor the sum of nine hundred and sixty dollars, the agreed purchase price, that there has been paid therefrom \$109.47 for costs of court and proper charges, leaving a balance of eight hundred and fifty dollars and fifty-three cents, which said sum is now in the Registry of this Court, and further reporting that pursuant to the terms of the decree aforesaid, he held a reference in the cause after due notice to the parties, for the purpose of ascertaining the parties entitled to such funds and their respective proportions, and report of said reference having laid over for three days and no objections having been interposed thereto:

IT IS HEREBY ORDERED AND DECREED that the sale as aforesaid be, and it is, hereby confirmed, that the report of the Register as to said sale and as to the respective proportions due the parties be in all respects ratified, and that the Register distribution of the funds in his hands amounting to \$850.52 to the parties or their solicitors of record as follows:

To John B. Nixon, as guardian of Fanny Scherrer,		
non compos-----	1/6 or	\$141.76
To Ida E. Hartman-----	1/6 or	\$141.75
To Lillian Coleman, a sister-----	1/6 or	141.76
To Vitalis C. Newman-----	1/6 or	141.75
To Rose Wolffe-----	1/6 or	141.76
To Eugene H. Sievert-----	1/24 or	35.43
To Edwin A. Sievert-----	1/24 or	35.44
To Clara Epping-----	1/24 or	35.44
To Victor Epping-----	1/24 or	35.44
	Total	\$ 850.53

Done in Term Time, but not in open Court, this the
17th day of December, 1920.

John D. Leige
JUDGE OF THE CIRCUIT COURT, BALDWIN COUNTY,
ALABAMA.

Notice of Amount Necessary to Redeem.

The State of Alabama, }
BALDWIN COUNTY.

OFFICE OF JUDGE OF PROBATE.

Baldwin Ala., *Aug 17* 19*20*

Dear Sir:

The following described real estate assessed to *Louis Scherrer* was sold to *W S and W R Sikes* on the *1st* day of *June* 19*20*

for taxes for the year 19*19* and the costs incident to such sale, to-wit:

N 1/2 of NE 1/4 and NE 1/4 of NW 1/4 of Sec 28 T 4 S. R 3 E

And the following is an itemized statement of the amount necessary to redeem said property, to-wit:

Amount of Taxes and Costs for which property sold	\$	<i>17.60</i>
<i>15</i> per cent interest on same from date of sale to <i>Oct 1st 1920</i>		<i>.88</i>
Taxes for the year 19 <i>20</i>		<i>11.88</i>
8 per cent interest on taxes of 19.....		<i>1.98</i>
Taxes for the year 19.....		
8 per cent interest on taxes of 19.....		
Taxes for the year 19.....		
8 per cent interest on taxes of 19.....		
Taxes for the year 19.....		
8 per cent interest on taxes of 19.....		
Taxes for the year 19.....		
8 per cent interest on taxes of 19.....		
Certificate of Redemption		<i>1.00</i>
Total Amount Due	\$	<i>33.84</i>

18.94
44.36

Please remit in cash, New York exchange, or money order. Do not send individual checks. Return this statement with your remittance.

Yours very truly,

James M. Salt
Judge of Probate.
by J. Schermer, Clerk

Office of the Judge of Probate, Baldwin County.

Sale Docket 4 P.

WHEREAS, on the 1st day of June AD 1920, the real property hereinafter described was sold, in substantial conformity with all the requisitions of the statutes in such cases made and provided, by Geo. W. Humphreys Tax Collector of said County, to H. S. and W. B. Sikes for the taxes, interests, penalties and costs, then due and remaining unpaid on said property; and whereas, Ort St Ertzinger has made application to redeem said land:

NOW, THEREFORE, I, James M. Vocht, Judge of the Probate Court of the said County of Baldwin, being satisfied that the said Ort St Ertzinger is the owner of said property, and has a right to redeem the same, do hereby certify that the said Ort St Ertzinger has deposited with me, on this 18th day of August AD 1920,

Eighteen and 90/100 Dollars, for the redemption of the following real estate: N 1/2 of NE 1/4 and NE 1/4 of NW 1/4 of Section 28, T 4 S R 3 E,

situated in Baldwin County, Alabama.

Assessed to Louis Scherrer
Amount of Purchase Money \$ 17.60
Interest at 10% \$ 34
Cost of Certificate of Redemption \$ 1.00
Subsequent Taxes and Interest \$ _____
Total \$ 18.94

WITNESS, James M. Vocht,
Judge Probate Court of said County, this 18 day of August AD 1920
James M. Vocht
Judge Probate.

Countersigned by: James M. Vocht
County Treasurer.
James M. Vocht
Judge of Probate

Gammie Scherrer
et al

vs.

Ida E Hartman, et al

THE STATE OF ALABAMA,
BALDWIN COUNTY

IN EQUITY,
CIRCUIT COURT OF BALDWIN COUNTY.

This cause is submitted in behalf of Complainant upon the original Bill of Complaint,

and testimony of Oscar Johnson, Frank B
Nehart and Lily M Nye and Wessie

and in behalf of Defendant upon

answer

D W Johnson

Register

FANNY SCHERRER, ET AL,)
Complainants,)
-Vs-)
IDA E. HARTMAN, ET AL,)
Respondents.)

No.
IN EQUITY.
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

I, Irma V. Pope, as Commissioner, under and by authority of the attached commission issued to me in the above styled cause, pending in the Circuit Court of Baldwin County, Alabama, hereby certify that pursuant to the instructions in said commission I caused to come before me at my office in the Baldwin County Bank Building witnesses for/ ^{hereinafter named} Complainants, who having been by me first, sworn to speak the truth, the whole truth and nothing but the truth, upon examination by Complainants Solicitors, respondents waiving the right of cross examination, testified as follows:

FRANK B. NYHART, testified as follows:

I am a resident of Bay Minette, Baldwin County, Alabama, and have lived in this county for three years. For the past seven years I have been actively engaged in the Real Estate business, handling Baldwin County lands, and consider that from the nature of my business I am familiar with the value of lands in Baldwin County, especially in the southern and South central parts. I am acquainted with the lands described in the Bill of Complaint, namely:

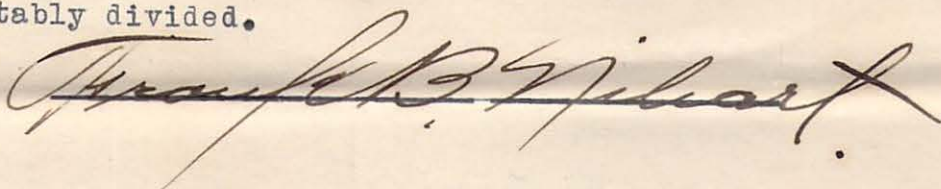
North half of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter, Section Twenty-eight, Township Four South, Range Three East. This contains about one hundred twenty acres and is situated about six miles South of the villiage of Stapleton. This tract is wild land that has never been cleared.

I made a sale of some land in this Section of about the same grade last year, and obtained either six or six dollars and fifty cents an acre, to the best of my recollection. There is not much demand of land of that character. In my opinion this price that I got for the other tract would be a fair one for this, and I would

X

begin here
consider an offer of eight dollars per acre cash for this land as a very good price for same, and if it were mine I would not hesitate to accept this at once, as the land can not be farmed without expensive clearing, and is now bringing no revenue.

With the present difficulty about getting labor it is difficult to find purchasers for wild land at this time. These lands can not be equitably divided.



OSCAR JOHNSON, testified as follows:

I have been living in Baldwin County for the last twenty-two years, and am engaged in business at Silverhill, Alabama. During this time I have handled real estate extensively, both buying and selling for myself, and buying and selling for other, and am well acquainted with land values in central and south Baldwin. I know the North half of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section 28, Township Four South, Range Three East. This one hundred twenty acres is raw cut-over land, with no improvements, and will need to be cleared to be available. In its present condition it is entirely unremunerative, and it would cost about thirty dollars per acre to get it ready for farming under present prices for labor. There are not many sales for raw farm lands at this time and in my opinion a cash offer of eight dollars an acre would be a good price, and one I would readily accept if it were mine. I consider this a very good price for the land, and if as I understand, is the case, it is owned by non-residents, who do not expect to use it themselves, it would be very much to their advantage to sell it at the price offered rather than hold it and continue to pay taxes on it, without getting any returns. These lands can not be equitably divided.

Oscar Johnson

L. M. WETZEL testified as follows:

My name is L. M. Wetzel. I am a resident of Baldwin County, Alabama, and for about ~~fifteen~~ years I have lived within five miles of the North half of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter, Section Twenty-eight, Township Four South, Range Three East, Baldwin County, Alabama.

I have frequently ridden over these lands and am thoroughly familiar with their location, and with the character of the land. The lands are rolling and somewhat broken; are inclined to wash, and are not well adaptable to farm purposes. The greater part of timber, or practically all the timber has been cut from the land. Expense of putting these lands in cultivation would be extremely heavy and as I have before said, they are not well adaptable for farming purposes, owing to their location, and that they are rolling and broken, and could not be equitably divided.

The lands are not fenced. There is no merchantable timber or turpentine timber on the land, consequently the lands are unremunerative. Eight dollars an acre is a fair value for this land, and I should think it would be to the interest of minors and persons of unsound mind owning this land, or an interest therein that it be sold at this price. I know of no lands of the same character in this vicinity selling for more than Eight dollars an acre.

L. M. Wetzel.

W. C. BEEBE *testified as follows*

I am a practising solicitor residing and practising in Bay Minette, Alabama. My firm represents the Complainants in this cause. Some weeks ago our firm was informed that the Schezrer heirs had received an offer for the purchase of the one hundred and twenty acres they own in Section 28, Township 4 South, Range 3 East in this County and after some negotiations, conducted through the State Bank of Chicago, which looks after the interests of some of these heirs, the matter was referred to my firm for advice as to whether title could be given provided a satisfactory offer was received for the lands which were unproductive and only an expense to the estate. We advised that this could be done and were then advised to take charge of negotiations. The offer came through a responsible real estate firm, but the name of the person to whom the deed was to be made was not given us until after the bill was filed. We were informed that the money would be forthcoming as soon as a deed could be drawn. We have since learned that the title is to be taken in the name of Mr. *Ort* *Certzinger*, who would place in the Baldwin County Bank the Nine Hundred and Sixty Dollars required to pay for the land. as soon as notified that a decree was signed, that the Register was authorized to deliver a deed and that we were authorized to draw the deed accordingly.

W. C. Beebe

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I, Irma Pope, Commissioner in said Commission named, do hereby certify that the foregoing testimony and answers taken down and written by me in words of the witnesses, F. B. Nihart, Oscar H. Johnson, and L. M. Wetzel, and W.C. Beebe, respectively were read over to them, that each one assented, swore to and subscribed the same in my presence and place mentioned; that I have personal knowledge of the identity of said witnesses; that I am not of counsel, or kin to either of said parties for said cause, nor to the attorneys appearing therein, nor am I interested in the result thereof. And I inclose the said testimony together with the said commission to the said Register of the Circuit of Baldwin County, Alabama, whence the same emanated as my full execution of said commission.

Given under my hand and seal this the 24th day of March, 1920.

Irma Pope. (SEAL)

STATE OF ALABAMA,)
BALDWIN COUNTY)

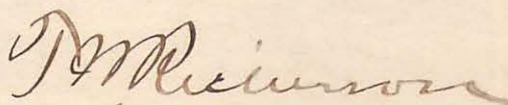
In the Circuit Court of said State and
County.

IN EQUITY SITTING.

To Irma Pope, who resides in Baldwin County, State
of Alabama, Greetings.

Know you, that we, reposing confidence in your in-
tegrity, skill and ability, have appointed you Commissioner
to take the testimony of Frank B. Nihart, Oscar H. Johnson,
and L. M. Wetzel, ^{and W.C. Beebe} material witnesses in a suit now pending
in our Circuit Court of Baldwin County, Alabama, sitting in
equity, wherein FANNY SCHERRER, et al, Complainants, and IDA
E. HARTMAN, et al are defendants, and we hereby authorize
and empower you to call and cause to come before you the
said witnesses, and their depositions on oath to take, as
well as for the plaintiffs as for the defendants, touching
their knowledge of the matters and things in controversy in
said suit, which depositions when so taken shall be signed
by said witnesses and certified by you as such Commissioner
herein; and you are further commanded that the depositions
when so taken with this Commission to return, with your hand
and seal, to the Register of said Court, with all convenient
speed.

WITNESS my hand and seal this 25th day of March, 1920.



REGISTER.

COMMISSIONERS FEE, \$5.00

WITNESSES FEES, \$4.50

Assessment Book No. 2 Page 112

No. **4073** Beat 4 1423 1920

Received of Louis A. Schmitt

the sum of June 30 Dollars,
in full amount of Taxes due the State of Alabama and County of Baldwin, 1920.

Total Value of Real Estate, \$ 660 Total Value of Personal Property, \$ _____
Tax Rate, \$1.80 per \$100 Valuation

State Tax 4 29

County Tax 7 59

Special District School Tax _____

Fees Assessor 50

Total State and County Tax 12 38

Tax _____ Fee _____

Interest _____

Printer _____ Judge _____ Notice _____

Aggregate Amount _____

Wm. Humphreys
Tax Collector, Baldwin County, Ala.

ORIGINAL

by J. Richardson
C. J. ...
...

Hon. T.W.Richerson, Register,

IN ACCOUNT WITH

W.C.Beebe,

To Abstract lands ordered sold in the cause of
Fannie Scherrer, et al, vs Ida E. Hartman \$30.00

FANNIE SCHERRER, et al,)
Complainants)

vs)

IDA E. HARTMAN, et al)
Defendants)

CIRCUIT COURT BALDWIN COUNTY,
ALABAMA. IN EQUITY.

Come the respondents in the above styled cause and
move the court to have an abstract made to the lands
ordered to be sold and to tax the cost therefor in the costs
of the cause.

Reekasky Beebe
Solicitors for complainants..

W.C.Beebe, Esquire, is hereby authorized and directed
to make an abstract of the lands described in the bill of
complaint in the above styled cause and file the same in
the Court on or before the 28 day of July, 1920.

This the 23 day of July, 1920.

T. W. Richardson
Register.

Came W.C.Beebe, Esquire, and this day filed abstract
of the lands described in the bill of Complaint and presented
his bill therefor.

This the 28 day of July, 1920.

T. W. Richardson
Register.

Filed July 23, 1920

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT, IN EQUITY.

No. Term, 191.....

Fannie Scherrer, et al

Complainant *S*

vs.

Ida E. Hartman, et al

Defendant *S*

To *T W Recheeran*, Register:

In the above stated cause a ~~Decree Pro Confesso~~ ^{*defendants having answered*} having been taken against the Defendant, and evidence having been taken, and the cause being ready for submission for final decree, and no defense having been interposed, the

Complainant, by *Recharby Troyer & Bube*

Solicitors of record, now files with the Register of this Court this written request to deliver the papers in this cause to the Judge for final decree in vacation.

Recharby Troyer & Bube
Solicitor for Complainant.

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No. Page

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

vs.

REQUEST FOR DECREE IN
VACATION.

Filed April 13 19120

T. W. Rice

Register

RECORDED

Recorded in Record

Vol. Page

Register

Recorded

FANNY SCHERRER, ET AL,
Complainants,

-Vs-
IDA E. HARTMAN, ET AL,
Respondents.

NO.
IN EQUITY.
In the Circuit Court of Baldwin
County, Alabama.

Comes the Complainants by RICKARBY, FRAZER, & BEEBE, so-
licitors of Record and make application to the Register of said
Court to issue a Commission to take the testimony in said cause
on oral examination of the following witnesses for Complainants,
namely: F. B. NIHART, who resides at Bay Minette, Alabama;
OSCAR H. JOHNSON, who resides at Silverhill, Alabama; and L. M.
WETZEL, who resides at Loxley, Alabama. W.C. Beebe, who resides
at BayMinette, Alabama.

And Complainants suggest the name of IRMA POPE, who resides
at Bay Minette, Alabama, in said County as a suitable person to be
appointed Commissioner to take the testimony of said witnesses,
this the 25th day of March, 1920.

Rickaby, Frazer & Beebe
SOLICITORS FOR COMPLAINANTS.

TO THE HONORABLE JOHN. D. LEIGH, JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA; SITTING IN EQUITY:

Come FANNY SCHERRER, non compos, who sues by John B. Nixon, her guardian and next friend, and VICTOR EPPING, a minor, who sues by Jonathan Bliss, his next friend, and by this their bill of complaint exhibited against IDA E. HARTMAN, LILLIAN COLEMAN, VITALIS C. NEWMAN, EUGENE H. SIEVERT, EDWIN A. SIEVERT, CLARA EPPING and ROSE WOLFF, show unto your Honor:

1st. That Complainant, Fanny Scherrer, is the widow of Louis A. Scherrer, is insane, and resides in the city of St. Joseph, Michigan, and John B. Nixon, of the said city, is her legal guardian; that Victor Epping is a minor under fourteen years of age, residing in Davenport, Iowa, and here sues by Jonathan Bliss of Loxley, Alabama, his next friend; that all the Defendants, above named, are non-residents of Alabama, and over the age of twenty-one years and reside as follows: Ida E. Hartman, Lillian Coleman, Eugene H. Sievert and Clara Epping in the city of Davenport, Iowa; Vitalis C. Newman in the city of Louisville, Kentucky; Edwin A. Sievert in the city of Donahue, Iowa and Rose Wolff in the city of Chicago, Illinois.

2nd. That the parties plaintiff and defendant to this cause are the only heirs of Louis A. Scherrer, deceased, who died on July 4, 1918, intestate, owning property in several states, including Alabama.

3rd. That the property, owned by the decedent the title to which, according to the laws of inheritance, is vested in the parties hereto, is:

The North Half of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section Twenty-eight, Township Four South, Range Three East, St. Stephens Meridian, in Baldwin County, ^{Alabama} approximately, one hundred twenty acres.

That letters of administration have been taken out upon the estate of decedent and the debts of decedent paid.

4th. That the property, in Baldwin County, above described, was the only property owned by the decedent, and by the parties hereto, in the State of Alabama; that same is wild, cut-over, pine land, in its present condition, not only yielding no revenue, but on the contrary, an expense on account of paying taxes on same; that the several owners, residing in different states, and all non-residents, are not in a position to utilize same in any manner; and that the size of the tract, and the varying interests of the several heirs are such that same can not be equitably subdivided among the parties entitled thereto.

5th. That, for the reasons aforesaid, it is to the interest of all parties concerned that the tract, above described, be sold for division among the parties in interest in the proportions of their respective shares as determined by the laws of inheritance.

6th. That Complainants have recently received a bona fide offer, from a responsible party, to purchase said land at the price of eight dollars per acre, net, to the owners thereof, excepting only the court costs of the legal proceedings necessary to pass title of all parties in interest to the purchaser; that said offer is the only one that said owners have been able to secure, and, to the best of Complainants' belief, is a fair and reasonable price for the land, based upon the price at which other lands have been sold in that vicinity; that said land is not likely to soon increase in value; and that it is to the interest of Complainants that said offer should be accepted and a sale of the land made.

THE PREMISES CONSIDERED, Complainants pray that Ida E. Hartman, Lillian Coleman, Vitalis C. Newman, Eugene H. Sievert, Edwin A. Sievert, Clara Epping and Rose Wolff be, by the appropriate process of publication, made parties defendant to this bill of complaint and required to answer same within the time prescribed by law.

Complainants further pray that upon the hearing of this cause, that your Honor ^Xadjudge that it be to the interest of Complainants

[Handwritten signature]

that the offer of eight dollars per acre for the land herein de-
scribed be accepted; that upon payment of the sum of nine hundred *and*
sixty dollars the Register of this Court be authorised and instruc-
ted to make deed to the purchaser conveying to him the interest of
all of the parties hereto; that an order of reference be made, re-
quiring the Register, after proper notice, to ascertain the propor-
tionate interests of the several parties to this cause and upon the
findings of the Register an order of distribution be made requiring
payment to the parties hereto of the amounts to which they may be
entitled, by law, after deducting all proper costs and charges of this
proceeding; and that such other futher and different relief may be
granted as to equity may seem meet; and as in duty bound Complainants
will ever pray, etc.

Richard Frayer & Becke
Solicitors for Complainants.

The Defendants are required to answer each paragraph
of the foregoing bill, but not under oath.

Richard Frayer & Becke
Solicitors for Complainants.

STATE OF ALABAMA,)
COUNTY OF MOBILE.)

Before me, the undersigned Notary Public, personally appeared this day William C. Beebe, who, being sworn, says that he is of counsel for Complainants in the above entitled cause; and that all of the Defendants in said cause are over the age of twenty-one years and non-residents of the State of Alabama, their respective addresses being as follows:

- Ida E. Hartman, 3110 Rockingham Road, Davenport, Iowa,
- Lillian Coleman, 3110 Rockingham Road, Davenport, Iowa,
- Vitalis C. Newman, 411 West Liberty Street, Louisville, Ky.,
- Eugene H. Sievert, 2323 Jackson Avenue, Davenport, Iowa,
- Edwin A. Sievert, R.R. No.1, Donahue, Iowa,
- Clara Epping, Davenport, Iowa,
- Rose Wolff, 259 North Hoyne Avenue, Chicago, Ill.

William C. Beebe

Subscribed and sworn to before me this the 10 day of March, 1920.

J. W. Harrison
Clerk Circuit Court Baldwin Co., Ala.
~~Notary Public, Baldwin County, Alabama.~~

STATE OF ALABAMA)
) ss.
COUNTY OF BALDWIN)

FANNY SCHERRER,)
a lunatic, ET AL,)
 Complainants)
)
 VS.)
)
IDA E. HARTMAN, ET AL,)
 Respondents)

NO.

IN EQUITY.

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

Come IDA E. HARTMAN, LILLIAN COLEMAN, VITALIS C. NEWMAN, EUGENE H. SIEVERT, EDWIN A SIEVERT, CLARA EPPING and ROSE WOLFF, respondents in the above entitled cause, who for answer to the bill of complaint, show unto your Honor:

1st. Respondents admit all of the allegations of the first paragraph of the bill of complaint.

2nd. Respondents admit all of the allegations of the second paragraph of the bill of complaint, and, for further answer thereto, say that the relationship of the parties defendant to the deceased Louis A. Scherrer are as follows:

That said complainant, Fanny Scherrer, otherwise known as Frances Scherrer, is the widow of said Louis A. Scherrer, deceased; that said Victor Epping, the other party complainant to this suit, is a minor and a child and heir at law of Carrie Epping, who was a daughter of Caroline Sievert, who was a sister of said Louis A. Scherrer, deceased, both of said parties, Carrie Epping and Caroline Sievert, having died before the death of said Louis A. Scherrer, deceased; that said Ida E. Hartman is a sister of said decedent and is the divorced wife of Severin Hartman; that said Lillian Coleman, defendant, is a sister of said decedent and the wife of William Coleman; that said Vitalis C. Newman is a child and heir at law of Mary Newman, who was a sister of said Louis A. Scherrer, deceased, and who died before his death; that said Eugene H.

Sievert, Edwin A. Sievert and Clara Epping (wife of George Epping) are children and heirs at law of Caroline Sievert, who was a sister of said Louis A. Scherrer, deceased, and who died before his death; that said Rose Wolff is a sister of said decedent and ^{is a widow} that her husband's name was William Wolff.

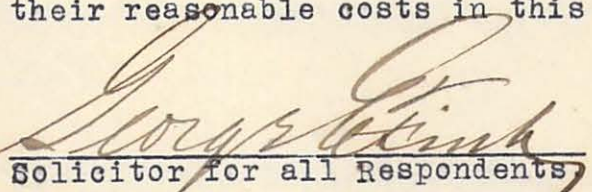
3rd. Respondents admit the allegations of the third paragraph of the bill of complaint and the correctness of the description of the land therein set out.

4th. Respondents admit all of the allegations of the fourth paragraph of the bill of complaint.

5th. Respondents admit the allegations of the fifth paragraph of the bill.

6th. Respondents admit the allegations of the sixth paragraph of the bill as to the offer to purchase the lands described in the bill at the figure named, and further admit that the same is the first and only offer that has been received relating to the purchase of said lands. Respondents, however, are not acquainted with the value of lands in Baldwin County, and are unable to say whether or not the price offered is a fair and reasonable value for said lands. Respondents for further answer say that they admit it would be to the interest of all parties to sell said lands, provided that the full value of same can be obtained, but as to the amount of said value, demand strict proof.

Having thus fully answered, respondents pray that complainants be required to make proof of all of the allegations of the bill not here expressly admitted, and that on failure to do so said bill may be dismissed, and that they may be permitted to go hence with their reasonable costs in this behalf expended.


Solicitor for all Respondents

FANNY SCHERRER,
a lunatic, ET AL,
Complainants,

NO.

IN EQUITY.

VS.

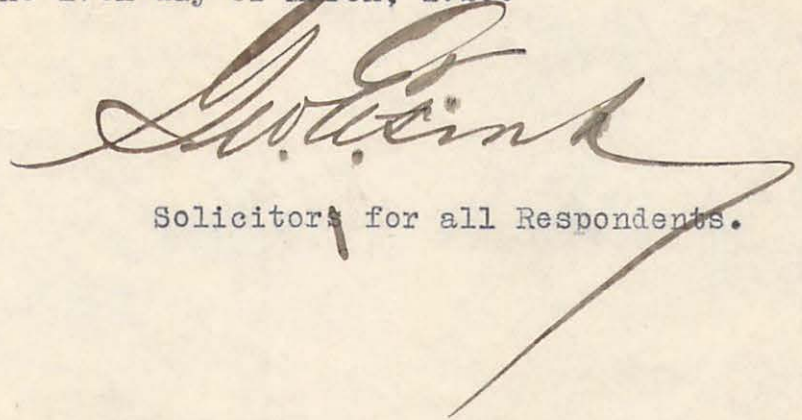
IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IDA E. HARTMAN ET AL,
Respondents.

Come the respondents and waive notice of the issuing of commission to take complainants' testimony, of time and place of taking same, of the right to cross examine complainants' witnesses, and of the right to introduce testimony in their own behalf, also notice of Reference.

Respondents further agree that this cause may be submitted without further notice for final decree, either in term time or vacation, upon the pleadings and complainants' evidence.

Dated this the 17th day of March, 1920.



Solicitors for all Respondents.

Handwritten notes:
L. A. Lott
March 17, 1920
IDA E. HARTMAN ET AL
Respondents

FANNIE SCHERRER, non
compos, et al,
Complainant

NO. 227
IN EQUITY

vs.

IDA E. HARTMAN,
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

This cause coming on to be heard upon the bill of complaint, the answer of all defendants, the evidence submitted in support of the bill, and the agreement of counsel and upon consideration of cause it appearing to the Court that the parties to this cause are the sole owners of undivided interests in and to the lands described in the bill of complaint, viz.,

The North Half of the Northeast Quarter and the Northeast Quarter of the Northwest Quarter of Section Twenty-eight, Township Four South, Range Three East, St. Stephens Meridian, in Baldwin County, ^{Alabama} approximately, one hundred and twenty acres.

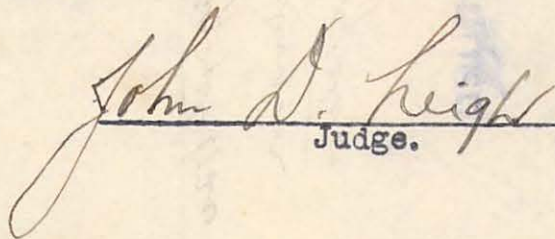
And it further appearing that said property is unremunerative and that it is to the interest of the Complainants that same be sold.

And it further appearing that Complainants have received a bona fide offer of Eight Dollars per acre for said property, which is the highest and best price that they have been able to obtain; that same is a reasonable and fair value for the land and that the acceptance of this offer will be to the interest of the Complainants and to the parties respondent as well and that such sale should be made and confirmed to the purchaser.

It is hereby ORDERED, ADJUDGED and DECREED by the Court that the Register of this Court execute to Ort H. Ertzinger, the proposed purchaser, a full and proper deed conveying to same all of the interest in the property above described, now legally and equitably held by all parties to this cause, upon payment to him of the sum of Nine Hundred and Sixty Dollars, which sum shall be held in the Registry of this Court subject to such further orders as may be made in the premises.

IT IS FURTHER ORDERED, that after the payment to him of the purchase price last above named, the Register of this Court shall hold a reference, the time of which he shall give notice to all parties, or their solicitors of record, as provided by law and at which reference he shall ascertain the respective interests of the several parties to this cause and the proportionate amount of the fund to which each is entitled and report his finding thereon to the Court for further orders in this cause.

ORDERED, ADJUDGED and DECREED this 16th day of April, Nineteen²Hundred and Twenty.



Judge.