

STATE OF ALABAMA,)
BALDWIN COUNTY.)

IN THE CIRCUIT COURT,
IN EQUITY.

TO THE HONORABLE, THE CIRCUIT COURT OF BALDWIN COUNTY, ALA-
BAMA, AND TO THE HONORABLE A. E. GAMBLE, JUDGE THEREOF:

Your Orator, Michael & Lyons Grocery Co., a corpora-
tion, respectfully represents and shows unto Your Honor as fol-
lows:

FIRST.

Michael & Lyons Gro. Co.

That Orator, is a corporation doing business and
whose place of residence is Mobile, Alabama.

That A. J. Mathes and Clara Mathes are each over the
age of twenty-one years and residents of Baldwin County, Ala-
bama, residing at Fairhope, Alabama.

SECOND.

That the said A. J. Mathes is indebted to you Orator
in the sum of Three Hundred Fifty-three and 00/100 (\$353.00)
Dollars for goods, wares and merchandise sold by your Orator
to the said A. J. Mathes between the dates of _____, _____,
191 and April 1st, 1919; that the said A. J. Mathes has ruth-
lessly disposed of the greater portion of said goods at a price
greatly below the actual cost of said goods; Orators are infor-
med and beleive that the goods are being sold at such a price
as will greatly prejudice the interest of his creditors; that
the above indebtedness is evidenced by an itemized verified
statement attached hereto and marked exhibit "A" and made a part
hereof as though fully set out herein, leave of reference to
all exhibits being prayed as often as may be necessary.

THIRD.

That at the time the above mentioned goods, wares and
merchandise was sold to the said A. J. Mathes he was the owner
of the following described real estate situated, lying and be-
ing in Baldwin County, Alabama, to-wit:

Commencing at a stake which is thirty feet South of

herein expressed is simulated, fraudulent and void and the said A. J. Mathes reserved unto himself a secret equity in said A. J. Mathes and to the real estate herein set out and described. That the said Clara W. Mathes is the wife of the said A. J. Mathes.

PRAYER FOR PROCESS.

The premises considered, your Orator respectfully prays that the said A. J. Mathes and Clara W. Mathes, defendants herein, be made party respondents to this Original Bill of Complaint by the usual process of this Honorable Court and that they be required to answer, demur or plead to the same within the time and under the pains and penalties as provided by law, or that the same be forever confessed.

PRAYER FOR RELIEF.

That on the final hearing of this cause that the said conveyance be declared fraudulent as to the debt of your Orators, and that it be ascertained by this Honorable Court by a reference, or otherwise, the amount due and owing from the said A. J. Mathes to your Orator; that the said A. J. Mathes and Clara W. Mathes be required by a proper decree of this Honorable Court to surrender up the said conveyance to this Court, and that the said conveyance be cancelled, avoided, annulled and set aside, and that the record of the said conveyance, if there should be any, be so marked by the Register of this Court, and that the said real estate herein described be subjected and sold to the satisfaction of your Orators indebtedness.

That if your Orator is mistaken in the relief above prayed for, that Your Honor will grant unto it such other, further, different and general relief as in justice and equity it may be entitled, it will ever, pray, etc

PAGE & MOORER,

Solicitors for Complainant.

FOOT NOTE:

The defendants, A. J. Mathe and Clara W. Mathe are required to answer each and every paragraph of the foregoing Bill of Complaint, numbered from FIRST to FOURTH, both inclusive, but not under oath, answer under oath being hereby expressly waived.

PAGE & MOORER,

Solicitors for Complainant.

Northeast corner of Southwest quarter of Southwest quarter, Section 17, Township 6 South, Range 2 East, which stake is on South line of Morphy Avenue as per plat filed in the office of Judge of Probate, Bay Minette, Alabama, in Miscellaneous Record pages 274-275, thence run South on quarter Section line 130 feet to a stake, thence West 70 feet to a stake, thence North 130 feet to a stake on South line of said Morphy Avenue, thence East on line of said street 70 feet to point of beginning. Said Lot being on the Northeast ^{Corner} of Southwest quarter of Southeast quarter, Section 17, Township 6 South, Range 2 East, Baldwin County, Alabama. That the said property has always been claimed and owned by the said A. J. Mathes and is all the property owned by the said A. J. Mathes which would be subject to the payment of the indebtedness described herein. That Orator ^{and upon such information and belief alleges the truth to be} is informed and believes that the said A. J. Mathes has conveyed the above described property to his wife Clara W. Mathes. That your Orator is unable to get a copy of the said Conveyance as it is not of record, nor are they able to get the amount of the purported consideration which is alleged to have been received for this property.

Fourth.

Your Orator avers and states the truth to be that the said conveyance, which it is informed by the said A. J. Mathes to have been made, was made and executed by the said A. J. Mathes for the sole and exclusive purpose of defrauding your Orator to whom he is indebted in the sum of Three Hundred Fifty ^{three} and 00/100 (\$353.00) Dollars as is shown by an itemized verified statement hereto attached and marked exhibit "A". That in fact and in truth no consideration was paid by the said Clara W. Mathes to the said A. J. Mathes, and that the said conveyance executed without consideration, is wholly and utterly void as to your Orator and the consideration,

Exhibit "A"

The State of Alabama, }
MOBILE COUNTY

Before me, JOS. F. BULLOCK, a Notary Public, in and for aforesaid State and County personally appeared *E. S. Kiencke, Secy. & Treas. of*

Michael & Lyons Grocery Co. a corporation
and the said *E. S. Kiencke* having been by me first duly sworn

on oath, says: That the annexed statement against *A. J. Mathes*
of *Fairhope, Ala*

amounting to *Three hundred fifty three* % Dollars, (\$ *353.⁰⁰*)

in favor of *Michael & Lyons Gro Co* is correct as stated;
that the said amount has not been paid nor any portion thereof, nor has the same been in any way secured to be paid, but the whole thereof is now justly due and owing to the said.....

Michael & Lyons Grocery Co

E. S. Kiencke

Subscribed and sworn to before me the *5th* day of *April* A. D. 191*9*

Jos. F. Bullock

Notary Public, Mobile County, Ala.



NO CLAIMS FOR RECLAMATION
 ALLOWED UNLESS MADE ON
 RECEIPT OF GOODS.

DISTRIBUTORS FOR
 SAUERS FINE FLAVORING
 EXTRACTS.
 LOOSE-WILES BISCUIT CO.
 THOS. J. LIPSON'S CELEBRATED TEAS
 FLOUR,
 ROB ROY,
 CUPID,
 WHITE LILLY,
 PERFECT SATISFACTION.
 TERMS: 30 DAYS.

MICHAEL & SYONS GROCERY COMPANY

WHOLESALE GROCERS

101-103-105 NORTH COMMERCE STREET.

Mobile, Alabama Mar 31 1919

SHIPPED BY

To _____ SOLD TO A. J. Mathis
Fairhope, Ala.

Date	Description	Quantity	Unit Price	Total Price	Balance
Nov 1, 1918.	1 Co. yeast			60	
	3 Doz 60 W. Thread	3	60	180	
	3 " 50 W. "	3	60	180	
	1 gal Wh. Candy	30	22	660	
	1 Co. 1/2 Qu. Bk Powder	2	145	290	
	1 " 1 " " "			285	
	1 " Tall Can. Milk			540	
	1 " Baby " "			470	
	2 Drum Compound	200	247	4950	
	5 Co. 1/2 Tomatoes	20	87	1750	
	5 " #2 "	10	140	1400	1076
Nov 5, 1918.	2 Box Lab. Salt		150	300	
	1 Co. Pts Wesson Oil			795	1095
Nov 21, 1918.	1 Co. Rex Jelly	4	75	300	
	1 " H. Steak & Onion	4	135	540	
	1 Doz Liquid Shoe Polish Bk			120	
	1 " 20¢ shoe care			225	
	1 " 35¢ " "			325	1510
Dec 3, 1918.	1/2 Bl Lion Sugar	32	42	1344	1344
Dec 11, 1918.	2 Box Lab. Salt		150	300	300
Dec 17, 1918.	2 Drum Crustin Lard	247		4950	4950
Dec 17, 1918.	2 Co. L.H. Raisins	2	250	500	
	1 barrel star flour 122			1165	
	1 " " " 242			1145	
	2 barrel sup	30		60	2870
Dec 19, 1918.	2 boxes Candy Kitchen	2	450	900	900
Dec 30, 1918.	1 Box Jels Napha Soap			665	
	1 Co. 2 1/2 Doz Oil Pickles	2	135	270	
	2 Box Lab. Salt		150	300	
	1 " Wh. Onions			425	1660
					2539

DUPLICATE

NO CLAIMS FOR RECLAMATION
 ALLOWED UNLESS MADE ON
 RECEIPT OF GOODS.

DISTRIBUTORS FOR
 SAUERS FINE FLAVORING
 EXTRACTS.
 LOOSE-WILES BISCUIT CO.
 THOS. J. LIPTON'S CELEBRATED TEAS.
 FLOUR.
 ROSE ROY.
 CUPID.
 WHITE LILLY.
 PERFECT SATISFACTION.

TERMS: 30 DAYS.

MICHAEL & FLYONS GROCERY COMPANY.

WHOLESALE GROCERS

101-103-105 NORTH COMMERCE STREET.

Mobile, Alabama

191

SHIPPED BY

Page 2

To

SOLD TO

A. J. Mathis

Brok forward

253 94

1919 Jan 16, 1919.

1 lb. Stubbs Buckwheat 3 25
 1 r. p. s. soap wh soap 6 95
 1 " h. Cutters Cocoa 6 41 2 46
 2 Doz 5 g Plain Olines 1 45 2 50
 1 lb. Magic yeast 60
 1 Cent Camel Cigarettes 60 1 20 1 69 6

Jan 29, 1919.

5 boxes asst Sugar 65 3 25
 2 lb. King of Flakes 2 40 8 40
 1 Cent Pigeons 200
 1 Box bleach Pils 200
 1 " Cigarette Books 500
 5 lb. Cotton Tami 5 90 4 50
 1 lb. Cayenne Pepper 4 50 200 27 15

Jan 30, 1919.

2 Dms. Compound 20. 24 3/4 49 50

Interest

49 50
 347 55
 5 45
 353 00

DUPLICATE

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 A.J. Mathes and Clara W Mathes.

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

Micheal and Lyons Grocery Company, a Corporation,

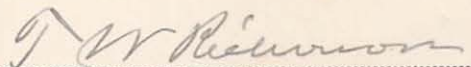
against said

A.J. Mathes and Clara W Mathes.

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 1st, day of April,

1919



Register.

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

W. J. Reginald
Serve ~~COPY ON A. J. Mathes and Clara W Mathes~~

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

No.

SUMMONS.

Micheal and Lyons Grocery Co,

vs.

A. J. Mathes and Clara W Mathes.

Page and Moorer.

Solicitor for Complainant.

Recorded in Vol. Page

Received in office this 1st
day of April 1919

Sheriff.

Executed this 8 day of
April 1919

by leaving a copy of the within Summons with
A. J. Mathes
and Clara W Mathes
Defendant

O. B. Richardson
Sheriff

By A. T. Anderson
Deputy Sheriff.

RECORDED
RECORDED

STATE OF ALABAMA

IN THE CIRCUIT

BALDWIN COUNTY

IN EQUITY . NO. 167

To The Hon. A E Gamble. Judge of the circuit Court of Baldwin County sitting in equity.

~~xxxxxx~~ The answer of A J Mathes and Clara W Mathes respondents.

A J Mathes and Clara W Mathes admit the allegations of the FIRST paragraph of the original bill of complaint.

Respondents deny the allegations of Paragraph SECOND-THIRD and FOURTH and demand strict proff thereof.

Further answering A J Mathes and Clara W Mathes deny that A J Mathes ever before or since the filing of the bill of complaint executed and delivered to Clara W Mathes any conveyance to the lands described in the THIRD paragraph of the original bill of complaint.

A J Mathes Clara W Mathes
By *Stoue & Stoue*

Their Solicitors.

Michael & Lyons Grocery Co

vs

A J Mathes & Clara W Mathes.

ANSWER OF RESPONDENTS

Filed this May 6th. 1919

M. P. ...

Clerk.

RECORDED

RECORDED

REC

ORDED

6