

STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ In Vacation \_\_\_\_\_ Term, 192<sup>4</sup>/<sub>34</sub>

JOSEPH SPACEK \_\_\_\_\_, Complainant

vs.

MARY SPACEK \_\_\_\_\_, Defendant

To M. A. STONE \_\_\_\_\_, Register :

In the above stated cause a Decree Pro Confesso 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 \_\_\_\_\_ Hybart, Heard & Chason,

\_\_\_\_\_ 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.

*Hybart, Heard & Chason*  
Solicitor for Complainant.

THE STATE OF ALABAMA,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. \_\_\_\_\_ In Vacation \_\_\_\_\_ Term, 193<sup>4</sup>.

JOSEPH SPACEK, \_\_\_\_\_, Complainant

Vs.

MARY SPACEK, \_\_\_\_\_ Defendant

Motion is hereby made for a Decree Pro Confesso against Mary Spacek \_\_\_\_\_ Defendant

in the annexed stated cause, on the ground that more than thirty days have elapsed since the perfection of publication was made under the order of this Court; and it having been shown by due proof to the Court that said Defendant is a non-resident of the State of Alabama, and has failed to answer, plead or demur to the Bill in this cause, to the date hereof.

This 1st day of November 193<sup>4</sup>.

*Hybart, Heard & Chason*  
Solicitor.

No. 74 **RECORDED**  
Page 1

THE STATE OF ALABAMA  
BALDWIN COUNTY  
CIRCUIT COURT, IN EQUITY

VS.

REQUEST FOR DECREE IN  
VACATION

FILED

Nov 1st 1934  
*[Signature]*  
Register

RECORDED IN ..... RECORD

VOL. .... PAGE .....

Register

74

No. 74 **RECORDED**  
Page 1

State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

VS.

Complainant

Defendant

Motion for Decree Pro Confesso  
On Publication.

Filed

Nov 1st 1934  
*[Signature]*  
Register

Recorded in ..... Record,

Vol. .... Page .....

Register,

74

JOSEPH SPACEK  
 vs. Complainant  
 MARY SPACEK  
 Respondent.

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, \_\_\_\_\_

Affidavit of Publication, Order of Publication, Motion for Decree Pro Confesso on Publication, Decree Pro Confesso on Publication, Request for Decree in Vacation, and Testimony of Joseph Spacek.

and in behalf of Defendant upon \_\_\_\_\_

*M. A. Stone*  
 Register.

74  
 BAY MINETTE, ALA. *Aug 25-34*  
*M. A. Stone*

**THE BALDWIN TIMES**

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$1.50 PER YEAR IN ADVANCE  
 ADVERTISING RATES GIVEN ON APPLICATION

*Aug 23 - Notice to Mrs. Respondent Mary Spacek*

NON-RESIDENT  
 Court in Equity,  
 Baldwin County,  
 vs. Complainant, vs.  
 Respondent.  
 made to appear in  
 court the Affidavit of  
 for the Bill of Complaint  
 in said cause, that Mary  
 inhabitant of the State of  
 of Alabama, residing  
 of in the State of  
 re particular address  
 ordered, adjudged and  
 said Defendant, Mary  
 in this court and an-  
 nouncement to the Bill of  
 cause filed, on or be-  
 y of September, 1934,  
 failed to do so, at the  
 ly days from said date  
 fesso be taken against  
 ordered, adjudged, and  
 Register of this court  
 published in the Bald-  
 ewspaper, published in  
 Alabama, once a week for  
 weeks, and further  
 ty days from the mak-  
 ter-post a copy of this  
 on-ment of the court  
 in County Alabama.  
 S. WHERLOCK, J., M. A.  
 ster, hereunto set my  
 on this, the 18th day of  
 A. STONE, Register.  
 ARD & CHASON, AP-  
 pllicant. 30-4t

**RECORDED**  
*Book*

No. \_\_\_\_\_

**The State of Alabama**  
BALDWIN COUNTY

**IN EQUITY**  
Circuit Court of Baldwin County

VS.

**NOTE OF TESTIMONY**

Filed in Open Court this \_\_\_\_\_

day of \_\_\_\_\_ 1935

*[Signature]*  
REGISTER

MOORE PRINTING CO., MAY NINETEEN, A.D.

74

NOTICE

NOTICE

NOTICE

NOTICE

*Official Seal*

*Copies*

270

JOSEPH SPACEK,  
Complainant,  
-vs-  
MARY SPACEK,  
Defendant.

)  
) IN THE CIRCUIT COURT-IN EQUITY  
)  
) STATE OF ALABAMA  
)  
) BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT OF ALABAMA:-

The undersigned, Robert S. Duck, Register of the afore-said Court, in pursuance to that certain Order made by your Honor on November 3rd, 1934, directing him, as Register, to sell the property described in the Bill of Complaint, for the satisfaction of a vendor's lien, in that certain cause wherein Joseph Spacek was Complainant and Mary Spacek was Defendant, and also ordering that said Register shall duly report said sale to the Court as provided for by the statutes and rules of said Court.

That on, to-wit, the 28th day of January, 1935, after publication for four successive weeks in the Baldwin Times, a newspaper published in Baldwin County, Alabama, and in pursuance to said Decree, he did sell the property described in said Bill of Complaint, as Register, to the highest bidder, for cash, in front of the Courthouse Door of Baldwin County, Alabama, at public outcry, during the legal hours of sale, and at said sale the said Joseph Spacek became the purchaser of the undivided one-half interest of Mary Spacek in and to the following described property in Baldwin County, Alabama, viz:-

The Northeast Quarter of Southwest Quarter of Southeast Quarter of Section 3, Township 6 South of Range 3 East of St. Stephens Meridian;

at and for the sum of Seven Hundred Three & 50/100 Dollars (\$703.50), that being the highest, best and last bid for same.

Respectfully submitted, this 1 day of February, 1935.

  
Register.

REGISTER'S REPORT.

74

JOSEPH SPACEK,

Complainant,

vs.

MARY SPACEK,

Defendant.

IN THE CIRCUIT COURT--IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Issued February 1, 1935

*Robert Black*  
Register.

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.  
No. .... In Vacation ..... Term, 192/34

..... JOSEPH SPACEK ..... Complainant..

vs. .... MARY SPACEK ..... Defendant..

In this cause it appears to the Register ..... M. A. Stone ..... that the order of publi-  
cation heretofore made in this cause, was published for four consecutive weeks, commencing on the  
..... 23rd ..... day of ..... August ..... , 192/34, 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 ..... Baldwin ..... County, on the ..... 18th ..... day of  
..... August ..... 192/34, and .....

.....  
And it now further appearing to the Register ..... M. A. Stone ..... , that the said  
Mary Spacek  
.....  
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.....  
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.....  
.....  
.....  
.....  
.....

having to the date hereof failed to demur, plead to or answer the Bill of Complaint in this cause, it  
is now, therefore, on motion of Complainant... , ordered and decreed by the Register ..... M. A. ...  
Stone ..... that the Bill of Complaint in this cause be, and it hereby is in all things  
taken as confessed against the said ..... Mary Spacek. ....

This ..... 1st ..... day of ..... November ..... 192/34.

..... M A Stone ..... Register.

74



No. .... Page .....

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY.

vs.

DECREE PRO CONFESSO  
OF PUBLICATION

Issued Nov 1st 1927

*M. R. Stearns*

Register,

Recorded in ..... Record

Vol. .... Page .....

Register,

Moore Printing Company, Bay Minette, Ala.



JOSEPH SPACEK,  
Complainant,  
-vs-  
MARY SPACEK,  
Respondent.

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

It having been made to appear in the above cause from the Affidavit of R. C. Heard, one of the Solicitors for Complainant in said cause, that Mary Spacek, the Defendant to the Bill of Complaint in said cause, is a non-resident of the State of Alabama, residing when last heard of in the State of California, a more particular address being unknown;

It is therefore ORDERED, ADJUDGED AND DECREED that said Defendant, Mary Spacek, appear in this Court and answer, plead or demur to the Bill of Complaint in this cause filed, on or before the 24 day of September, 1934, or, on her having failed to do so, at the expiration of thirty days from said date a decree pro confesso be taken against her.

It is further ORDERED, ADJUDGED AND DECREED that the Register of this Court have this order published in the Baldwin Times, a newspaper published in Bay Minette, Alabama, once a week for four consecutive weeks, and further, that within twenty days from the making of this order, post a copy of this order at the front door of the Courthouse of Baldwin County, Alabama.

IN WITNESS WHEREOF, I, M. A. Stone, as Register, hereunto set my hand and seal on this, the 18<sup>th</sup> day of August, 1934.

M. A. Stone  
Register.

HYBART, HEARD & CHASON,  
Attorneys for Complainant.

(HL)

**RECORDED**  
*copy*

NO. 74

JOSEPH SPACEK,

Complainant,

VS.

MARY SPACEK,

Respondent.

--- ORDER OF PUBLICATION

Filed August 18, 1934.

*J. A. Stone*

Register of the  
Circuit Court -

74

The State of Alabama }  
Baldwin County

Circuit Court of Baldwin County, Alabama,  
(In Equity)

JOSEPH SPACEK

COMPLAINANT

VS.

MARY SPACEK

RESPONDENT

I, M. A. Stone,

~~as Register and Commissioner~~

have called and caused to come before me Joseph Spacek

witness named in the Requirement for Oral Examination, on the 1st day of November

1954, at the office of Clerk of the Circuit Court

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said

Joseph Spacek

doth depose and say as follows:

JOSEPH SPACEK,

-VS-

MARY SPACEK, &

)  
) IN THE CIRCUIT COURT OF BALDWIN  
)

COUNTY, ALABAMA.

)  
) IN EQUITY.  
)

This matter coming on for hearing, is submitted on the Register's report reporting that she had sold the property involved in these proceedings on the 28th day of January, 1935, as directed in the decree of this Court made and entered on November 3, 1934, and that at said sale Joseph Spacek was the purchaser, he being the highest bidder for the same.

And it further appearing to the Court that there were no exceptions filed to the Register's report within the time as required by law, all of which being understood by the Court;

It is ordered, adjudged and decreed that said Register's report be, and the same is confirmed.

It is further ordered, adjudged and decreed that the Register of the Court will execute his deed to said Joseph Spacek conveying to him the real estate contained in this proceeding, upon the payment of the purchase price by him, together with the cost of these proceedings.

Dated this 16th day of February, 1935.

A. W. Rase  
Judge.

JOSEPH SPACEK,

Complainant,

-VS-

MARY SPACEK,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT:-

Your Orator, Joseph Spacek, humbly complaining of the Defendant, Mary Spacek, in a matter as will hereinafter appear, shows unto your Honor as follows:-

FIRST:

That both he and the Defendant are over the age of twenty-one years; that he is a resident of Baldwin County, Alabama, residing at Silverhill, and that Mary Spacek's residence is unknown; when last heard of she was somewhere in the state of California.

SECOND:

Your Orator further shows unto your Honor that he owns a half interest in the Northeast Quarter of Southwest Quarter of Southeast Quarter of Section 3, Township 6 South of Range 3 East of St. Stephens Meridian in Alabama, containing 10 acres, more or less. That the said Mary Spacek owns the other one-half interest in said lands. Your Orator further shows unto your Honor that on March 5th, 1928, that he purchased this property from Hans G. Erickson and wife, and that on said date he executed a Mortgage to the said Hans G. Erickson in the sum of One Thousand Dollars on said property. That on October 1st, 1929, he executed a Deed to Mary Spacek for an undivided one-half interest in the aforesaid mentioned lands. That the said Deed of Conveyance was made to said Mary Spacek with the understanding that she was to pay one-half of said Mortgage indebtedness. Your Orator further shows unto your Honor that on August 25th, 1930, he was forced to pay to the said Hans G. Erickson said sum of One Thousand Dol-

(page two)

lars due on said Mortgage, and that the said Mary Spacek has failed and refused, and still fails and refuses, to contribute her portion of said Mortgage indebtedness, as she was in duty bound to do, as per her agreement with him, and she still fails to reimburse him for said amount so expended to protect the title to said lands and to relieve it of the pressing and immediate lien which was then past due and payable to the said Hans G. Erickson.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your orator prays that notice be given to the said Mary Spacek by publication in some newspaper published in the Baldwin County, Alabama, of the filing of this Bill of Complaint and its contents and purposes, and that the said Mary Spacek be required to plead, answer or demur to the foregoing Bill of Complaint within the time as required by law.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your orator prays that your Honor on a final hearing of this cause will fasten by decree a lien on said property; that is, the one-half undivided interest belonging to the said Mary Spacek, and that she will be required to refund to your orator one-half the said Mortgage indebtedness, plus the interest, and in the event that she fails to do so that your Honor will decree that said property; that is, her one-half interest, be sold, and the proceeds subjected to the payment of the amount of money that your orator has paid to the said Hans G. Erickson for the use and benefit of the said Mary Spacek. In the event that your orator is mistaken in the relief prayed for, your orator prays your Honor to fasten a Vendor's Lien on the undivided one-half interest of the said Mary Spacek, and that your Honor will in that event order that a sale be had of her one-half interest in said property for the satisfaction of said Vendor's

(page two)

(page three)

Lien and the costs of these proceedings. Your Orator prays for such other, further, different and general relief as in equity may seem just and meet.

Attorneys for Complainant.

FOOT NOTE:-

Respondent is required to answer Paragraphs One and Two of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, \_\_\_\_\_, a Notary Public in and for said State and County, personally appeared R. C. Heard, who, being duly sworn, says:-

That he is one of the Solicitors for Complainant in this cause, and as such is authorized to make this Affidavit; that the allegations contained in the foregoing Bill of Complaint are true and correct to the best of his knowledge, information and belief.

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this \_\_\_\_\_ day of August, 1934.

Notary Public, Baldwin County,  
State of Alabama.

IMOGENE ALBRIZIO,  
 COMPLAINANT,  
 VS  
 WILLIAM SHOCK AND MRS.  
 WILLIAM SHOCK,  
 DEFENDANTS.

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 )

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

Come the Defendants in the above styled cause and answering Complainant's bill of complaint say:

1.

That they admit the allegations in paragraph one of the said bill of complaint.

2.

That they have no personal knowledge of whether or not Complainant owns a parcel of land described in paragraph two of the bill of complaint and demands strict proof of the same.

3.

That they do not know if there is a public road leading from the Dixie Graves Parkway to lands of the Complainant but say, if there is a public road from the said Parkway to the lands of the Complainant, said public road is not across the land of the Defendants.

4.

Answering the fourth paragraph of the bill of complaint, Defendants say that there is not a public road leading from Dixie Graves Parkway to the property of the Complainant across the land of the Defendants or either of them.

5.

Answering the allegations in the fifth paragraph of the bill of complaint, the Defendants say they have not interfered or attempted to interfere with the right of Complainant to use or pass over a public road leading from Dixie Graves Parkway to Complainant's property; but say that prior to the issuance of the injunction of this cause, the Complainant was unlawfully and without authority hauling and driving over and across Defendant's land and greatly damaging the same and



the Defendants did, as they had the right to do, forbid Complainant, her agents and employees from hauling and driving across their lands and across and over a private roadway of Defendants.

6.

Answering the sixth paragraph in the said bill of complaint, the Defendants say that the lands described in paragraph six of the bill of complaint are not now and never have been a public road and neither the Complainant, her agents and employees, or any other person or persons, nor the public generally have any right to use the said property as a roadway, but that the said lands are, and have always been, private property and are the property of these Defendants.

Defendants further say that the roadway described in said bill of complaint was constructed by Defendants at their expense, and without public aid, for their own private use and not for the public; and that neither the Complainant nor the public generally have any right to the use of the same; and that the Complainant, since the issuance of the injunction in this cause, her agents and employees, are hauling excessively heavy loads over said road and greatly damaging the same, and have failed and refused to repair the same, all to the damage of the Defendants.

And now having fully answered the bill of complaint, these Defendants move that the injunction heretofore issued in this cause be dissolved, vacated, and held for naught, and that they go hence with their reasonable costs in this behalf expended.

William Schrock

Mrs William Schrock

STATE OF ALABAMA,  
Mobile COUNTY.

Before me, the undersigned authority in and for said State and County, personally appeared William Shock and Mrs. William Shock, each of whom being by me first duly sworn deposes and says that the facts alleged in the foregoing answer in the cause of Imogene Albrizio virsus William Shock and Mrs. William Shock, Number 1894, in the Circuit Court of Baldwin County, Alabama, in Equity, are true.

William Shock

Mrs. William Shock

Sworn to and subscribed before me on this the 16 day of October, 1947.

Wes B. Jones  
Notary Public, Mobile  
County, Alabama, My Commission  
expires 16 1951.

# Circuit Court, Baldwin County, Ala.,

## IN EQUITY.

74

*Joseph Spaul*  
263

PLAINTIFF

VS.

DEFENDANT

### BILL OF COST

	Dollars	Cts.		\$	Cts.
<b>Fees of Register</b>			<b>AMOUNT BROUGHT FORWARD</b>		
Filing each bill and other papers	\$	10	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.	25	00
Issuing each Subpoena		50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.		
Issuing each copy thereof		40	Each Notice Sent by Mail to Creditors		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	For all entries on Commission Docket, etc.		50
For each Copy thereof		50	Making Final Record, per hundred 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>28</b>	<b>56</b>
Docketing each case		1 00	<b>FEEES OF SHERIFF</b>		
Entering each Appearance		25	Serving and Returning Subpoena on Deft.	\$	1 50
Issuing each Decree Pro Confesso on personal service		1 00	Serving and Returning Subpoena for Witness		65
Issuing each Decree Pro Confesso on publication		1 00	Levying Attachment		3 00
Each Order Appointing Guardian		1 00	Entering and Returning same		25
Any other order by Register		50	Entering and Returning Execution		25
Issuing Commission to Take Testimony		50	Selling Property Attached		25
Receiving and Filing		10	Impaneling Jury		75
Endorsing each package		10	Executing Writ of Possession		2 50
Entering Order Submitting Cause		50	Collecting Execution for Costs		1 50
Entering any other Order of Court		25	Serving and Returning Sci. Fa., each		65
Noting all Testimony		50	Serving and Returning Notice		65
Abstract of Cause, etc.		1 00	Serving and Returning Writ of Injunction		1 50
Entering each Decree		75	Serving and Returning Writ of Exeat		1 50
For Every Hundred Words Over Five Hundred		15	Taking and Approving Bonds, each		1 00
Taking Account on Reference		3 00	Collecting Money on Execution		
Taking Testimony, etc.		15	Making Deed		2 50
Each Report, Five Hundred Words or less		2 50	Serving and Returning Application		1 00
For every Hundred Words Over Five Hundred		15	Serving Attachment, Contempt of Court		1 50
Amount Claimed, Less than Five Hundred Dollars, etc.		2 00	<b>TOTAL FEES OF SHERIFF</b>		
Issuing each Subpoena		25	<b>Recapitulation</b>		
Witness Certificate, each		25	Register's Fees	12	70
Issuing Execution, each		75	Sheriff's Fees	8	15 56
Entering each Return		15	Commissioner's Fees		
Taking and Approving Bond, each		1 00	Solicitor's Fees		
Making Copy of Bill, etc.		15	Witness Fees		
Each notice not otherwise provided for		50	Guardian Ad Litem		
Each Certificate or Affidavit, with Seal		50	Printer's Fees	2	11 52 = 7 92
Each Certificate or Affidavit, no Seal		25	Trial Tax		3 00
Hearing and passing on application for Receiver or Trustee		3 00	Recording Decree in Probate Court		
Each Settlement with Receiver or Trustee		3 00	<b>Total</b>	<b>50</b>	<b>00</b>
Examining each Voucher of Receiver or Trustee		10			
Examining each Answer on Exception		3 00			
Recording Resignation or Suggestion of Death of Trustee		75			
Entering each Certificate to Supreme Court		50			
Taking Questions and Answers, etc.		25			
For all other service relating to such proceedings		1 00			
For service in proceeding to relieve minors, etc. same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.					
<b>Sub Total Carried Forward</b>					

200.6

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

Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

The State of Alabama }  
Baldwin County

Circuit Court of Baldwin County, Alabama,  
(In Equity)

JOSEPH SPACEK

COMPLAINANT

VS.

MARY SPACEK

RESPONDENT

I, M. A. Stone,

as Register and Commissioner

have called and caused to come before me Joseph Spacek

witness named in the Requirement for Oral Examination, on the 1st day of November

1934, at the office of Clerk of the Circuit Court

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said

Joseph Spacek

doth depose and say as follows:

ORAL EXAMINATION

I, M. A. Stone, as Register and ~~Commissioner~~ hereby certify that the foregoing deposition ... on Oral Examination was taken down in writing by me in the words of the witness ... and read over to him and he signed the same in the presence of myself John Ch... at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness ... or had proof made before me of the identity of said witness ...; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof.

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 1st day of November 19 54.

M. A. Stone (L. S.)

74

No. 74 Page 1

The State of Alabama  
BALDWIN COUNTY

IN CIRCUIT COURT, IN EQUITY

Joseph Spence

COMPLAINANT

VS.

Mary Spence

RESPONDENT

ORAL DEPOSITION

Filed M. A. Stone, 19 54

RECORDED IN \_\_\_\_\_ Register

RECORDED IN \_\_\_\_\_ Record

Vol. \_\_\_\_\_ Page \_\_\_\_\_

Register

TESTIMONY OF JOSEPH SPACEK.

My name is Joseph Spacek. I am the Complainant in the aforesaid cause. I am 65 years of age, and a resident of Baldwin County, Alabama, residing at Silverhill. Mary Spacek's residence is unknown to me, the last time that I heard of her she was in California. I own a one-half interest in the Northeast Quarter of Southwest Quarter of Southeast Quarter of Section 3, Township 6 South of Range 3 East of St. Stephens Meridian in Alabama, containing 10 acres, more or less, said lands being in Baldwin County, Alabama. Mary Spacek owns the other one-half interest in said lands. On March 5th, 1926, I purchased this property; that is, the 10 acres, from Hans G. Erickson and wife, Anna Erickson, who executed to me a Warranty Deed, said Deed is hereto attached and marked Exhibit "A" to this testimony.

Witness further testifies:- That on October 1st, 1929, he conveyed to Mary Spacek a half interest in the lands herein mentioned, with the understanding, and for the consideration, that she was to pay one-half of the Mortgage indebtedness that he had paid to Hans G. Erickson, <sup>said sum being \$1000.00.</sup> That \$500.00 was one-half of the sum that he paid to Hans G. Erickson on his Mortgage indebtedness growing out of the purchase by him from the said Hans G. Erickson of the aforementioned land. That the said Mary Spacek has never paid him the said sum of \$500.00, which said sum of money represents the amount due him on the purchase price of said lands that he sold to her, plus the interest thereon to the present time, and that she still fails to pay him the balance due on said purchase price of said lands. That Mary Spacek is over twenty-one years of age.

Joseph Spacek

State of Alabama

Baldwin County

I, Oscar Johnson,

a Notary Public,

in and for said State and County, do hereby certify that

Hans G. Erickson and Anna Erickson his wife,

whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me, on this day that being informed of the contents of said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand and seal, this 5th, day of March, 1926,

Oscar Johnson
Notary Public

State of Alabama

Baldwin County

I, Oscar Johnson,

a Notary Public,

in and for said State and County, do hereby certify

that on the 5th, day of March, 1926,

Anna Erickson, known to me to be the wife of the within named

Hans G. Erickson, who being examined separate and apart from

the husband, touching her signature to the within conveyance, acknowledged that she signed the same of her own free will and accord without fear, constraint or threats on the part of the husband.

In Witness Whereof, I have hereunto set my hand and official seal, this 5th, day of March, 1926.

Oscar Johnson
Notary Public

STATE OF ALABAMA, I W. D.
BALDWIN COUNTY, Judge of Probate, for
said county, hereby certify that the fol-
lowing privilege tax has been paid on
the within instrument as required by
Acts 1923 §
W. D. Stapleton
Judge of Probate
W. D. Stapleton
Clerk

1 - Rev. stamp

Hans G. Erickson,
and wife,

DEED WITH WARRANTY

Joseph Spasek.

To

STATE OF ALABAMA, Probate Court
Baldwin County
Filed in my office for record, this 25 day of
March 1926, and recorded in
Deed Book No. 29 N. S., Pages 249
W. D. Stapleton
Judge of Probate

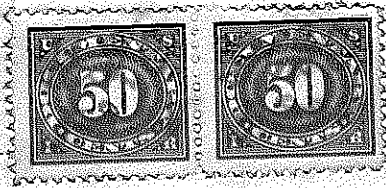
Oscar Johnson
Notary Public

This Indenture, Made the 5th day of March, 1926., between  
Hans G. Erickson, and Anna Erickson, his wife, of Silverhill,  
Baldwin County, Ala. of the first part, and Joseph Spacek,

of the second part: Witnesseth, that the part y  
of the first part in consideration of Ten Dollars and other good and valuable  
Consideration, DOLLARS

hereby acknowledged to have been paid the part y of the first part by the part y of the second part,  
do grant, bargain, sell and convey unto said part y of the second part, his heirs  
and assigns, all the real property in Baldwin County, Alabama described as follows:

North-east quarter of South-west quarter of  
South-east quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ),  
Section Three (3), Township Six (6) south,  
Range Three (3) east, of St. Stephens Meridian  
in Alabama, containing Ten (10) acres more or less.



Together with all the rights and appurtenances to said described premises in anywise belonging: To have and  
to hold the same forever.

And Hans G. Erickson, for  
self and his heirs, the said described premises and appurtenances, will forever Warrant and De-  
fend unto the said part y of the second part, his heirs and assigns, against the lawful claims of all  
persons whatsoever.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set their  
hand and seal the day and year above written.

Signed, sealed and delivered in the presence of  
\_\_\_\_\_  
\_\_\_\_\_

(Hans G Erickson (SEAL)  
Anna Erickson (SEAL))



The State of Alabama }  
Baldwin County

Circuit Court of Baldwin County, Alabama,  
(In Equity)

JOSEPH SPACEK

COMPLAINANT

vs.

MARY SPACEK

RESPONDENT

I, M. A. Stone,

~~as Register and Commissioner~~

have called and caused to come before me Joseph Spacek

witness named in the Requirement for Oral Examination, on the 1st day of November

1934, at the office of Clerk of the Circuit Court

in Bay Minette, Alabama, and having first sworn said witness to speak the

truth, the whole truth, and nothing but the truth, the said

Joseph Spacek

doth depose and say as follows:

74

Joseph Spacek

VS

Mary Spacek-

Published Every Thursday

# THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$2.00 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

R. B. Vail  
Editor and Proprietor

BAY MINETTE, ALA. Nov. 1st. 1934

## AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,  
BALDWIN COUNTY.

.....T. L. C. Vail....., being duly sworn, deposes and says that he is  
the PUBLISHER of THE BALDWIN TIMES, a Weekly Newspaper published at Bay  
Minette, Baldwin County, Alabama; that the notice hereto attached of .....

Notice to Non-Residents, .....

Joseph Spacek vs Mary Spacek, .....

Was published in said Newspaper for 4 consecutive weeks in the following issues:

Date of first publication .....	<u>Aug. 23rd. 1934</u>	Vol. <u>45</u>	No. <u>30</u>
Date of second publication .....	<u>" 30th. "</u>	Vol. <u>45</u>	No. <u>31</u>
Date of third publication .....	<u>Sept. 6th. "</u>	Vol. <u>45</u>	No. <u>32</u>
Date of fourth publication .....	<u>" 13th "</u>	Vol. <u>45</u>	No. <u>33</u>

Subscribed and sworn before the undersigned this 1st day of

November 1934

John P. ...  
Notary Public  
Baldwin Co. Ala.

R. B. Vail  
Publisher Printer

JOSEPH SPACEK,  
Complainant,  
-vs-  
MARY SPACEK,  
Respondent.

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

NO . 74

STATE OF ALABAMA,  
BALDWIN COUNTY.

By virtue of a Decree rendered upon the 3rd day of November, 1934, by the Hon. F. W. Hare, Judge of the Circuit Court, Equity Side, in the above cause, I shall proceed to sell to the highest and best bidder, for cash, in front of the Court-house Door in the City of Bay Minette, Baldwin County, Alabama, during the legal hours of sale, on Monday, the 28th day of January, 1935, the one-half interest belonging to Mary Spacek in the following described real estate in Baldwin County, Alabama, to-wit:-

Northeast Quarter of Southwest Quarter of Southeast Quarter (NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Three (3), Township Six (6) South of Range Three (3) East of St. Stephens Meridian, containing ten (10) acres, more or less.

Witness my hand this 26th day of December, 1934.

  
Register.

JOSEPH SPACEK,  
Complainant,  
-vs-  
MARY SPACEK,  
Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT:-

Your Orator, Joseph Spacek, humbly complaining of the Defendant, Mary Spacek, in a matter as will hereinafter appear, shows unto your Honor as follows:-

FIRST:

That both he and the Defendant are over the age of twenty-one years; that he is a resident of Baldwin County, Alabama, residing at Silverhill, and that Mary Spacek's residence is unknown; when last heard of she was somewhere in the State of California.

SECOND:

Your Orator further shows unto your Honor that he owns a half interest in the Northeast Quarter of Southwest Quarter of Southeast Quarter of Section 3, Township 6 South of Range 3 East of St. Stephens Meridian in Alabama, containing 10 acres, more or less. That the said Mary Spacek owns the other one-half interest in said lands. Your Orator further shows unto your Honor that on March 5th, 1926, that he purchased this property from Hans G. Erickson and wife, and that on said date he executed a Mortgage to the said Hans G. Erickson in the sum of One Thousand Dollars on said property. That on October 1st, 1929, he executed a Deed to Mary Spacek for an undivided one-half interest in the aforesaid mentioned lands. That the said Deed of Conveyance was made to said Mary Spacek with the understanding that she was to pay one-half of said Mortgage indebtedness. Your Orator further shows unto your Honor that on August 25th, 1930, he was forced to pay to the said Hans G. Erickson said sum of One Thousand Dol-

(page two)

lars due on said Mortgage, and that the said Mary Spacek has failed and refused, and still fails and refuses, to contribute her portion of said Mortgage indebtedness, as she was in duty bound to do, as per her agreement with him, and she still fails to reimburse him for said amount so expended to protect the title to said lands and to relieve it of the pressing and immediate lien which was then past due and payable to the said Hans G. Erickson.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your Orator prays that notice be given to the said Mary Spacek by publication in some newspaper published in the Baldwin County, Alabama, of the filing of this Bill of Complaint and its contents and purposes, and that the said Mary Spacek be required to plead, answer or demur to the foregoing Bill of Complaint within the time as required by law.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Orator prays that your Honor on a final hearing of this cause will fasten by decree a lien on said property; that is, the one-half undivided interest belonging to the said Mary Spacek, and that she will be required to refund to your Orator one-half the said Mortgage indebtedness, plus the interest, and in the event that she fails to do so that your Honor will decree that said property; that is, her one-half interest, be sold, and the proceeds subjected to the payment of the amount of money that your Orator has paid to the said Hans G. Erickson for the use and benefit of the said Mary Spacek. In the event that your Orator is mistaken in the relief prayed for, your Orator prays your Honor to fasten a Vendor's Lien on the undivided one-half interest of the said Mary Spacek, and that your Honor will in that event order that a sale be had of her one-half interest in said property for the satisfaction of said Vendor's

(page two)

(page three)

Lien and the costs of these proceedings. Your orator prays for such other, further, different and general relief as in equity may seem just and meet.

Hybart, Heard & Chason  
Attorneys for Complainant.

FOOT NOTE:-

Respondent is required to answer Paragraphs One and Two of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hybart, Heard & Chason  
Solicitors for Complainant.

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, Mary J. Green, a Notary Public in and for said State and County, personally appeared R. C. Heard, who, being duly sworn, says:-

That he is one of the Solicitors for Complainant in this cause, and as such is authorized to make this Affidavit; that the allegations contained in the foregoing Bill of Complaint are true and correct to the best of his knowledge, information and belief.

R. C. Heard

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 18<sup>th</sup> day of August, 1934.

Mary J. Green  
Notary Public, Baldwin County,  
State of Alabama.

BAY MINETTE, ALA.

2/15/35

M. Register, Baldwin Co. Ala

NOTICE

In the Circuit Court - In Equity,  
State of Alabama, Baldwin County.

Joseph Spacek, Complainant, Vs.  
Mary Spacek Respondent.

State of Alabama, Baldwin County.

By virtue of a Decree rendered upon  
the 3rd day of November, 1934, by the  
Hon. F. W. Hare, Judge of the Cir-  
cuit Court, Equity Side, in the above  
cause, I shall proceed to sell to the  
highest and best bidder, for cash, in  
front of the Courthouse door in the  
City of Bay Minette, Baldwin County,  
Alabama, during the legal hours of sale  
on Monday, the 28th day of January,  
1935, the one-half interest belonging to  
Mary Spacek in the following described  
real estate in Baldwin County, Alabama,  
to-wit:

Northeast Quarter of Southwest  
Quarter of Southeast Quarter (NE $\frac{1}{4}$  of  
SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ) of Section Three (3), Town-  
ship Six (6) South of Range Three (3)  
East of St. Stephens Meridian, contain-  
ing ten (10) acres, more or less.

Witness my hand this 26th day of  
December, 1934.

M. A. STONE, Register. 45-4t.

**THE BALDWIN TIMES**

IN THE LAND OF THE GOLDEN SATSUMA

SUBSCRIPTION \$1.50 PER YEAR IN ADVANCE  
ADVERTISING RATES GIVEN ON APPLICATION

~~Notice~~ Notice of Spacek vs

un 12/27 - 1/3 - 1/10 1/17 -

do 4 1/2

\$ 792



74

RECORDED  
*Duck*

*Spack*

VS

*Spack*

filed - Feb 15,  
1933

*Robert S. Duck*

JOSEPH SPACEK,

Plaintiff,

VS

MARY SPACEK,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

IN EQUITY.

This matter coming on for final decree, is submitted by the Complainant on affidavit of publication, order of publication, motion for decree pro confesso on publication, decree on pro confesso publication, request for decree in vacation and the testimony of Joseph Spacek as noted by the Register, all of which being understood, the Court is of the opinion that complainant is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Complainant has a vendor's lien upon the one-half interest belonging to the Defendant, Mary, Spacek, in the Northeast Quarter of Southwest Quarter of Southeast Quarter, Section Three, Township Six South of Range Three East of St. Stephen-Meridian, and in Alabama, said lands being situated in Baldwin County, Alabama, and containing ten acres, more or less. Said vendor's lien being in the sum of SEVEN HUNDRED THREE AND 50/100 (\$703.50) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that unless said Mary Spacek pays into the Registry of this Court within thirty days from the date of this decree the said sum of SEVEN HUNDRED THREE and 50/100 (\$703.50) DOLLARS, together with the cost of these proceedings, that the Register of the Court is to proceed

to sell to the highest bidder, for cash, in front of the courthouse door of Baldwin County, Alabama, at public outcry, during the legal hours of sale, the aforesaid one-half interest of the said Mary Spacek in and to the aforesaid lands for the satisfaction of said Vendor's lien, together with the cost in these proceedings.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Register shall duly report said sale to the Court as provided for by the Statute and rules of this Court.

Dated at Monroeville, Ala. this 3rd day of November, 1934.

J. W. Ware

JUDGE.

*MONROEVILLE, ALA. 11/5/34*  
*W. L. Hybart*

**JOSEPH SPACEK**

**VS.**

**MARY SPACEK**

**D E Q R E T:**

Filed November 5, 1934.

*W. L. Hybart*  
**Register.**

---

**C. L. HYBART**  
ATTORNEY AT LAW  
MONROEVILLE, ALA.

BILL OF COMPLAINT.

JOSEPH SPAGOK,

Complainant,

-VS-

MARY SPAGOK,

Respondent.

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

Filed August 18, 1934  
*W. O. Stone*  
Registrar.

LAW OFFICES  
HYBART, HEARD  
& CHASON  
BAY MINETTE, ALABAMA