

JOHN F. MUELLER and
CHRISTINE MUELLER,

Complainants,

-VS-

JOHN MUELLER JR., and
ROSE MUELLER,

Defendants.

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

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

Your Orators , John F. Mueller and Christine Mueller,
humbly complaining of the Defendants in a matter as will herein-
after appear, show unto your Honor as follows:-

FIRST:

That your Orators and the Defendants are resident
citizens of Baldwin County, Alabama, and are over the age of twen-
ty-one years.

SECOND:

Your Orators further show unto your Honor that on, to-
wit, the 7th day of January, 1933, they were the owners of the
Northwest quarter of Northwest quarter of Section 29, Township
7 South of Range 6 East, Baldwin County, Alabama; that said sub-
divisions contained approximately 40 acres of land; that on said
day and on the importunities of their son, John Mueller Jr., and
their daughter-in-law, Rose Mueller, with the understanding and
agreement on the part of the said John Mueller Jr., and Rose
Mueller, that they would take the best of care of your Orators,
and supply them with the necessities of life for the balance of
their respective lives, rendering to them the best of care in
sickness and in health, and on this agreement and for no other
consideration, your Orators agreed, and did convey, to the said
John Mueller Jr., and Rose Mueller, the west half of the Northwest
quarter of the Northwest quarter of Section 29, Township 7 South
of Range 6 East, said conveyance being recorded in Deed Book 53
N. S., pages 331-2, Probate Office of Baldwin County, Alabama, a
copy of which said Deed is hereto attached, marked Exhibit "A"

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and made a part of this Bill of Complaint.

THIRD:

Your Orators further show unto your Honor that on said day, for the same consideration, your Orators entered into the following agreement relative to the East half of the Northwest quarter of the Northwest quarter of Section 29, Township 7 South of Range 6 East:-

"State of Alabama
Baldwin County

This Contract made this 7th day of January 1935 between John F. Mueller and Christine Mueller, party of first part and John Mueller Jr. and Rose Mueller party of second part, Witnesseth:-

For value received from party of first part, Party of second part hereby a agrees and promises to keep and take the best care of party of first part (John F. Mueller and Christine Mueller their parents) on their own place, during their life time in sickness and in health.

Should it however happen, that either party should not be satisfied with this arrangement, then party of second part shall pay to party of first part the sum of One Hundred Fifty Dollars per year.

It is also agreed, that party of second part shall have the full benefit and use of the East half of the North West quarter of the North West quarter of section Twenty Nine Township Seven, So. of Range Five East, during the life time of party of first part.

John F. Mueller
Christine Mueller
John Mueller Jr.
Rose Muellerⁿ;

said Agreement being recorded in Deed Book 56 N. S., page 98, Probate Records of Baldwin County, Alabama.

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Your Orators further show unto your Honor that the said John Mueller Jr., and his said wife, Rose Mueller, have failed and refused to carry out their said agreement relative to the support of your Orators, or to pay any rent for the use of said property or any part of the same; that after they executed the aforesaid agreements the said John Mueller Jr., and his wife, Rose Mueller, have refused to let your Orators eat at the family table and have forced them to go out into the smokehouse to eat, and have treated them with numerous indignities, and have totally failed to carry out any part of the understanding that they had with your Orators, which was the basis of the consideration of the aforementioned contracts. That your Orators are now old people, and on account of the importunities of their said son, John Mueller Jr., and his wife, Rose Mueller, they have been stripped of their property, and are now in destitute circumstances, being unable to support themselves, and have long since found out that they cannot depend upon the promises of support made them by their son and their son's wife, and that there is nothing for them left to do but to come to this Court of Conscience and Equity and ask that said contracts and conveyances be declared null and void, and that they be restored to their property, as by the misrepresentations, fraud and wrong perpetrated upon them by the Defendants, they are now in most necessitous circumstances.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises your Orators pray that the usual writ of process issue to the defendants, John Mueller Jr., and Rose Mueller, requiring them to plead, answer or demur to the same within the time and under the practice and rules of this Honorable Court.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Orators pray that on a

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final hearing of this cause that your Honor will declare said deed, together with said contract heretofore referred to, to be null and void and of no force and effect, and that by appropriate order decree that the same be expunged from the records as a cloud upon your Orators title in and to said property. That your Honor will cause to be issued a Writ of Possession against said Defendants, directing the Sheriff of Baldwin County, Alabama, to put your Orators back into possession of the aforesaid property, and to remove the said Defendants therefrom; that your Honor will order a reference to ascertain the rental value of the aforesaid property during the time that the Defendants have been in possession of the same, and that your Honor will decree that they be charged with such rental value so ascertained, and that an execution be issued against them in favor of your Orators for the recovery of the amount ascertained to be due your Orators for rent of said premises. Your Orators pray for such other, further, different and general relief as in equity may seem just and meet, and your Orators will ever pray, etc.

John Fort, Wend O. Chason
Solicitors for Complainants.

FOOT NOTE:--

Defendants are required to answer paragraphs "First" to "Third", inclusive, of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

John Fort, Wend O. Chason
Solicitors for Complainants.

EXHIBIT "A".

DEED WITH WARRANTY.

This indenture made the 7th day of January, 1933, between John F. Mueller and Christine Mueller, his wife, of the first part and John Mueller Jr., and Rose Mueller of the second part;

Witnesseth, that the part of the first part in consideration of One Dollar and other consideration, hereby acknowledged to have been paid the party of the first part by the party of the second part, do grant, bargain, sell and convey unto said party of the second part, their heirs and assigns, all the real property in Baldwin County, Alabama, described as follows:-

West half of the Northwest quarter of the Northwest quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{4}$) of section Twenty-nine (29) Township Seven (7) South of Range Six (6) East. Said parcel of land containing Twenty (20) 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 we John F. Mueller and Christine Mueller for us and our heirs the said described premises and appurtenances, will forever warrant and defend unto the said party of the second part, their heirs and assigns, against the lawful claims of all persons whatsoever.

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

John F. Mueller (SEAL)
Christine Mueller (SEAL)

50¢ U. S. I. R. Stamp Attached.
Cancelled J. F. M. 1-7-33

STATE OF ALABAMA,

BALDWIN COUNTY.

I, L. Lindorfer, a Notary Public in and for said state and County, do hereby certify that John F. Mueller and Christine Mueller, 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 the conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand (if before a foreign Notary add "notarial seal") this 7th day of January, 1933.

(SEAL)

L. Lindorfer, Notary Public.

STATE OF ALABAMA,

BALDWIN COUNTY.

I, L. Lindorfer, a Notary Public in and for said state and County, do hereby certify that on the 7th day of January,

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1933, came before me the within named Christine Mueller, known to me to be the wife of the within named John F. Mueller, 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 and without fear, constraint or threats on the part of the husband.

Given under my hand (if before foreign notary add "Notarial Seal") this 7th day of January, 1933.

L. Lindorfer,
Notary Public.

(SEAL)

Filed for record February 6th, 1933.
Recorded in 53 N. S., pages 331-2.

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LINDORFER
 L. LINDORFER
 NOTARY PUBLIC
 IN THE CIRCUIT COURT OF THE STATE OF ILLINOIS
 IN AND FOR THE COUNTY OF COOK
 BEFORE ME
 JOHN F. MUELLER
 CHRISTINE MUELLER
 JOHN F. MUELLER
 CHRISTINE MUELLER
 JOHN F. MUELLER
 CHRISTINE MUELLER