

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

N~~5~~93. _____ Jan. _____, Term, 19 3

Ezra E Trebes, et al.

Complainant

Vs.

B F Roberts et al.

Defendant

Motion is hereby made for a Decree Pro Confesso against ~~B F Roberts Louis M Erb.~~

~~N Layne Wm F Bischoff Elbert L Best Lenora J Peters~~ Defendant

~~Adeline Bischoff Grace Bischoff Harry L Bischoff and L J Peters~~
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 18th day of Jan 19 43

746 Code

Orvis M Brown.

Solicitor.

R. A. Duck

BAY MINETTE, ALA., _____

194 _____

IN ACCOUNT WITH
G. W. ROBERTSON
JUDGE OF PROBATE, BALDWIN COUNTY

Please Return Bill With Remittance

Recording	from	to	Privilege Tax	Rec. Fee	Total
	<i>Misses Epps & Fisher vs B. J. Roberts &c</i>				170
	<i>Paid</i> <i>with</i>				

E zra E Trebes et al.

VS.

B F R oberts 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, _____

Decree Pro Confesso. and Testimony of Ezra E Trebes and Amos Garrett.

and in behalf of Defendant upon _____

R. Luck

Register.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 593

Jan. Term, 194 3

Ezra E Trebes, et al., Complainant

Vs.

B F Roberts et al., Defendant

To R S Duck, 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 Orvis M Brown,

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.

Orvis M Brown,
Solicitor for Complainant.

THE BALDWIN TIMES

PUBLISHED IN THE LAND OF THE GOLDEN SATSUMA

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

NOTICE TO NON-RESIDENTS

The State of Alabama, Baldwin County Circuit Court, in Equity.
 This the 13th day of November, 1933.
 EZRA E. EBES and GUSSIE E. DIXON, Plaintiffs, No. 593, Vs. B. F. ROBERTS, LOUIS M. ERB, N. LAYNE, W. F. BISCHOFF, ELBERT L. BEST, LENORA J. PETERS, ADELINE BISCHOFF, GRACE BISCHOFF, HARRY L. BISCHOFF and L. J. PETERS, Respondents.
 In this cause it being made to appear to the Clerk of this Court by the affidavit of Orvis M. Brown, that the Defendants, B. F. Roberts, Louis M. Erb, N. Layne, W. F. Bischoff, Elbert L. Best, Lenora J. Peters, Adeline Bischoff, Grace Bischoff, Harry L. Bischoff, L. J. Peters are non-residents of the State of Alabama; that a more particular place of residence and post office address is unknown to affiant; and further, that, in the belief of said affiant the Defendants are over the age of 21 years; it is, therefore, ordered that publication be made in the Baldwin Times, a newspaper published in Bay Minette, Baldwin County, Alabama, once a week for four consecutive weeks, requiring the said defendants to answer or demur to the Bill of Complaint in this cause by the 7th day of December, 1933, or after thirty days therefrom a decree Pro Confesso may be entered against them.

BAY MINETTE, ALA.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

J. H. Faulkner, 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

Ezra E. Ebes and vs B. F. Roberts, et al.

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

Date of first publication	<u>November 16, 1933</u>	Vol. <u>50</u> No. <u>42</u>
Date of second publication	<u>" 23, "</u>	Vol. <u>50</u> No. <u>43</u>
Date of third publication	<u>" 30, "</u>	Vol. <u>50</u> No. <u>44</u>
Date of fourth publication	<u>December 7, "</u>	Vol. <u>50</u> No. <u>45</u>

Subscribed and sworn before the undersigned this 8 day of

Nov 1933

Orvis M. Brown
N. O. Bradford

J. H. Faulkner
 Publisher

THE STATE OF ALABAMA, }
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

No. 593, Jan, Term, 1943

Ezra E Trebes et al.

Complainant

Vs.

B F Roberts. et al.

Defendant

In this cause it appears to the Register that the order of publication heretofore made in this cause, was published for four consecutive weeks, commencing on the 16th day of ~~16th~~ Nov, 19 39 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 16th day Nov. 1939 and

And it now further appearing to the Register R S Duck, that the said B F Roberts Louis M Erb. N Layne Wm F Bischoff Elbert L Best Lenora J Peters Adeline Bischoff Grace Bischoff Harry L Bischoff and J L Peters.

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 R S Duck that the Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Respondents

This 28 th day of Jan. 1943

Register.

RECORDED

No. 593 Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Ezra E Trebes et al.

Complainant _____

Vs.

B F Roberts et al.

Defendant _____

Motion for Decree Pro Confesso
on Publication

Filed Jan 18th 1943

Register

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. 593. Page _____

The State of Alabama,

Baldwin County

CIRCUIT COURT, IN EQUITY

~~Ezra E Trebes et al.~~

Vs.

B F Roberts et al.

**REQUEST FOR DECREE IN
VACATION**

Filed Jan 20th., 1943

Product

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

RECORDED

No. 593.

The State of Alabama,
BALDWIN COUNTY

IN EQUITY

CIRCUIT COURT OF BALDWIN COUNTY

Ezra E Trebes et al.

VS.

B F Roberts et al.

NOTE OF TESTIMONY

Filed in Open Court this 29th

day of Jan 194 3

Resnick

Register.

RECORDED

No. 593. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY

Ezra E Trebes. etal

Vs.

B F Roberts et al.

Decree Pro Confesso of Publication

Issued Jan 20th 19 43

Roberts

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

Statement

THE BALDWIN TIMES

BAY MINETTE, ALABAMA

12/8

1939

Hon. R. S. Duck

City

Advertising:

Esra E. Tulus et al vs. B.F. Roberts et al.

233 Words @ $4\frac{1}{2}$

10 49

Job Printing:

TESTIMONY OF EZRA E. TREBES

My name is Ezra E. Trebes . I am owner of the land herein described as West Half ($\frac{W}{2}$) of the Northwest Quarter ($\frac{NW}{4}$) of Southwest Quarter ($\frac{SW}{4}$) Section Thirty-four (34), Township Five (5) South, Range Four (4) East, containing 20 acres more less in Baldwin County, Alabama. I purchased this property from Nellie K. Baldwin by deed dated April 8, 1935 and recorded in Deed Book 57NS page of the Probate Records of Baldwin County, Alabama. Further, that Nellie K. Baldwin purchased the land herein described with other lands from Henry D. Moorner and Ruth Y. Moorner by deed dated July 25, 1934 and recorded in Volume 57NS page 37 of the Probate Records of Baldwin County, Alabama; that Henry D. Moorner purchased this land together with other lands by a Sheriff's deed dated March 16, 1933 and recorded in Deed Book 57NS page 36 of the Probate Records of Baldwin County, Alabama, wherein the conveyance was made by W. R. Stuart, Sheriff of Baldwin County, Alabama as grantor for Adeline Bischoff, Grace Bischoff and Harry L. Bischoff, and the Sheriff sold this property under a court decree signed by the Honorable F. W. Hare, Judge of the Twenty-first Judicial circuit of Baldwin County, Alabama, dated 19 day of October, 1932 wherein this land was sold under the decree referred to in the case entitled "Adeline Bischoff, Grace Bischoff, and Harry L. Bischoff, complainants, vs L. J. Peters, defendant", by which decree it was provided by the Court, "It is further ordered that the Defendants pay the costs of the Court in this cause for which execution may issue", whereby when the costs were not paid in the said suit, the property was levied on by the Sheriff as the property of Adeline Bischoff, et al., by W. R. Stuart, Sheriff of Baldwin County, Alabama and sold March 16, 1933 as the property of the above described after the execution had been issued against L. J. Peters and marked "no property found" by the Sheriff of Baldwin County, Alabama, and at which sale, after being duly advertised as provided by law, was sold between the legal hours of sale on the 16th day of June, 1933 to H. D. Moorner who became the purchaser and under which chain of title your Complainant claims as herein set forth.

And because of the said transaction it is alleged that the said Defendants in this suit have some lien or cloud on the title of your Complainant which he has requested this Honorable Court to remove.

That the Southern Plantation Development Company sold this property by warranty deed dated June 1, 1904 to Dr. B. F. Roberts, that he conveyed this title to the property herein described with other lands to Louis M. Erb, by warranty deed dated June 8, 1908 recorded in 12NS page 504 of the Probate Records of Baldwin County, Alabama; that Louis M. Erb and Addie M. Erb conveyed to N. Layne by deed dated January 1908 which said deed is recorded in 12NS page 504 of the Probate Records of Baldwin County, Alabama; and N. Layne, a widower, conveyed by warranty deed to William F. Bischoff by deed dated February 14, 1908 recorded in 12NS page 595; that William F. Bischoff conveyed this property to Elbert L. Best by deed dated August 6, 1912 and recorded in Volume 20NS page 141 of the Probate Records of Baldwin County, Alabama; that Elbert L. Best and wife Donna M. Best conveyed this land to James R. Hawkins by deed dated May 18, 1912 and recorded in Volume 20NS page 142 of the Probate Records of Baldwin County, Alabama; that by deed dated December 11, 1912 James R. Hawkins and wife Catherine M. Hawkins conveyed this property with other lands to Louis Glendinning, being of record in Volume 19NS page 522 of the Probate Records of Baldwin County, Alabama; that by deed dated October 9, 1915 Louis Glendinning and wife Thursa Glendinning conveyed this property to Lenora J. Peters, which said deed is recorded in Volume 23NS page 574 of the Probate Records of Baldwin County, Alabama; and after this time the proceedings follow as above outlined in my testimony, from Adeline Bischoff, Grace Bischoff, and Henry L. Bischoff by the Court decree where it was sold by the Sheriff. All of these people are alleged to have some right, title, claim or interest in this property and none of these parties have at any time in the last twenty years made any claim to this property or alleged by any action whatsoever that they own an interest in or a right to the land now under consideration, but on the contrary your Complainant and those under whom he claims has had the actual, peaceable possession of this property for the past thirteen years.

The allegations contained in the bill of complaint are true and correct in all respects to my best information, knowledge and belief.

I have, and those under whom I claim, paid the taxes on this land during the past ten years. No other person has been in the actual peaceable possession of this land other than myself during the last ten years and that I have been in actual, peaceable possession of the same since April 8, 1935.

Subscribed and sworn to before me
on this 22 day of January, 1943.

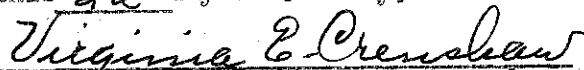
Ezra E. Trebes

TESTIMONY OF AMOS GARRETT

I, Amos Garrett, resident of Robertsdale, Alabama, hereby certify that I know the property which is described as the Northwest Quarter of the Southwest Quarter of Section Thirty-Four, Township Five South of Range Four East, Baldwin County, Alabama, containing forty acres, more or less, the West half of which is owned by Ezra E. Trebes and the East Half of which is owned by Gussie E. Dixon. That I have been familiar with this property for the last ten years, and I know that no other person other than those under whom they claim has ever claimed any right, title or interest in this property and that during this period of time Ezra E. Trebes and Gussie E. Dixon have, and those under whom they claim, paid the taxes on the property and had the actual peaceable possession of the same for the last ten years preceding this time.


Amos Garrett

Subscribed and sworn to before me on
this 22 day of January, 1943.


Notary Public, Baldwin County, Ala.

STATE OF ALABAMA)
BALDWIN COUNTY)

EZRA E. TREBES and
GUSSIE E. DIXON,

Complainants,

-vs-

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA
IN EQUITY.

LANDS DESCRIBED AS NORTHWEST
QUARTER OF SOUTHWEST QUARTER,
SECTION THIRTY FOUR, TOWNSHIP
FIVE SOUTH OF RANGE FOUR EAST,
BALDWIN COUNTY, ALABAMA: AND
B. F. ROBERTS, LOUIS M. ERB, N.
LAYNE, WM. F. BISCHOFF, ELBERT L.
BEST, LENORA J. PETERS, ADELINE
BISCHOFF, GRACE BISCHOFF, HARRY
L. BISCHOFF, L. J. PETERS.


I, Virginia E. Crenshaw, as register and commissioner, have caused and called to come before me Ezra E. Trebes, ~~Gussie E. Dixon~~ and Amos Garrett, witnesses named in the requirement for oral examination, on the 15th day of January, 1943 at the office of Orvis M. Brown, in Robertsdale, Alabama, and having first duly sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, said witnesses doth depose and say as follows:

(Testimony of Ezra E. Trebes, ~~Gussie E. Dixon~~ and Amos Garrett is hereto attached and made part hereof and are herein inserted and marked Exhibit "A".)

I, Virginia E. Crenshaw, as register and commissioner hereby certify that the foregoing depositions upon oral examination were taken down in writing by me in the words of the witnesses and read over to them and they signed the same in the presence of myself and Orvis M. Brown at the time and place herein mentioned; that I have personal knowledge of the personal identity of the said witnesses or have proof made before me of the identity of the said witnesses, that I am not of counsel or of kin to any of the parties to the said cause, or in any manner interested in the result thereof.

I enclose the said oral examinations in an envelope to the Register of the said Court.

Given under my hand and seal this 15th day of January, 1943.


Commissioner

TO THE HONORABLE F. W. HARE,

JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

IN EQUITY SITTING:

Comes EZRA E. TREBES and GUSSIE E. DIXON and humbly complaining against B. F. ROBERTS, LOUIS M. ERB, N. LAYNE, Wm. F. BISCHOFF, ELBERT L. BEST, LENORA J. PETERS, ADELINE BISCHOFF, GRACE BISCHOFF, HARRY L. BISCHOFF, L. J. PETERS, respectfully shows unto your Honor:

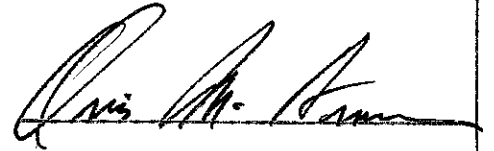
FIRST: That your Complainants are both over the age of twenty one years and residents of Baldwin County, Alabama; that B. F. Roberts is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular post office address and place of residence being unknown to Complainants; That Louis M. Erb is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular post office address and place of residence being unknown to Complainants; That N. Layne is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular post office address and place of residence being unknown to Complainants; That Wm. F. Bischoff is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular post office address and place of residence being unknown to Complainants; Elbert L. Best is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular post office address and place of residence being unknown to Complainants; That Lenora J. Peters is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from she was a resident of Chicago, Illinois, her particular post office address and place of residence being unknown to Complainants; Adeline Bischoff is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from she was a resident of Chicago, Illinois, her particular post office address and place of residence being unknown to Complainants; That, Grace Bischoff is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from she was a resident of Chicago, Illinois, her particular post office address and place of residence being unknown to Complainants; That, Harry L. Bischoff is over the age of twenty one years and a non-resident of the State of Alabama, that when last heard from he was a resident of Chicago, Illinois, his particular post office address and place of residence being unknown to Complainants; That, L. J. Peters is over the age of twenty one years and a non-resident of the State

AFFIDAVIT

STATE OF ALABAMA)
BALDWIN COUNTY }

Personally appeared before me Virginia E. Crenshaw, a Notary Public in and for said State and County, Orvis M. Brown, Attorney for Ezra E. Trebes and Gussie E. Dixon, who upon oath deposes and says:

That he is the Attorney for the Complainants in the foregoing Bill of Complaint in the above styled cause, and therefore does make this his oath; that the facts stated in the foregoing bill of complaint upon his knowledge are true; that he is informed as to the facts stated upon information and belief as stated therein and verily believes, and so states, that the same are true.



Sworn to and subscribed to before me a Notary Public whose seal is hereto affixed this 8th day of November 1939.

Virginia E. Crenshaw
Notary Public, Baldwin
County, Alabama.

COURT DECREE

EZRA E. TREBES and
GUSSIE E. DIXON,

Complainants

VS

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA.

IN EQUITY

LANDS DESCRIBED AS NORTHWEST
QUARTER OF SOUTHWEST QUARTER,
SECTION THIRTY FOUR, TOWNSHIP
FIVE SOUTH OF RANGE FOUR EAST,
BALDWIN COUNTY, ALABAMA: AND
B. F. ROBERTS, LOUIS M. ERB, N.
LAYNE, WM. F. BISCHOFF, ELBERT L.
BEST, LENORA J. PETERS, ADELINE
BISCHOFF, GRACE BISCHOFF, HARRY
L. BISCHOFF, L. J. PETERS.

This cause is submitted upon the original bill of complaint, Notice of Publication; Motion for Decree Pro Confesso; and Decree Pro Confesso against the lands described in the bill of Complaint and the Defendants named in the said bill, and the testimony of Ezra E. Trebes, ~~Gussie E. Dixon~~ and Amos Garrett.

The pleadings and the evidence in this cause show that the land, "The West Half of the Northwest Quarter of the Southwest Quarter, Section Thirty-four, Township Five South of Range Four East in Baldwin County, Alabama," which said lands are located in Baldwin County, Alabama as stated, were assessed to Ezra E. Trebes for the past ten years, and that the lands "The East Half of the Northwest Quarter of the Southwest Quarter, Section Thirty-four, Township Five South of Range Four East in Baldwin County, Alabama, were assessed to Gussie E. Dixon for the past ten years; and that the said Ezra E. Trebes and Gussie E. Dixon bought the said lands from Nellie K. Baldwin on April 8th, 1935; that Nellie K. Baldwin purchased the said lands, with other lands, from Henry D. Moorner and wife Ruth Y. Moorner on July 25th, 1934; that Henry D. Moorner purchased the lands, with other lands, at a Sheriff's sale on March 16th, 1933 from Adeline Bischoff, Grace Bischoff and Harry L. Bischoff, by W. R. Stuart, Sheriff of Baldwin County, Alabama; and further that the Sheriff of Baldwin County, Alabama sold said lands to Henry D. Moorner at sheriff's sale in accordance with a court decree rendered in the Circuit Court of Baldwin County, Alabama, in a case wherein Adeline Bischoff, Grace Bischoff and Harry L. Bischoff were complainants and L. J. Peters was defendant, and by which decree the Defendant was taxed with the court costs but same were not paid by the Defendant, therefore the property was levied on by the Sheriff as the property of Adeline Bischoff, et al., and sold as above stated to Henry D. Moorner on March 16, 1933 as provided by law; That Lenora J. Peters received warranty deed on October 9, 1915 from Louis Glendinning and wife Thursa Glendinning to the property herein, with

other lands; that Louis Glendinning purchased the property herein from James R. Hawkins and wife, Catherine M. Hawkins, on December 1912; that John R. Hawkins received title to the property on May 18, 1912 from Elbert L. Best and wife, Donna M. Best; that Elbert L. Best purchased this property from Wm. F. Bischoff on August 6, 1912; that Wm. F. Bischoff received title to this property on February 14, 1908 from N. Layne, that N. Layne received title to this property on January 1908 from Louis M. Erb and wife Addie M. Erb; that Louis M. Erb purchased this property on January 8, 1908 from B. F. Roberts and wife Mary B. Roberts; and that Dr. B. F. Roberts purchased this property on June 1, 1904 from Southern Plantation Development Company, all of whom are named as the Defendants in this action to quiet title; And that the said Complainants, Ezra E. Trebes and Gussie E. Dixon, and those under whom they claim have paid the taxes which have been due on this property for more than ten years prior to the filing of the bill of complaint in this suit, that no other person, firm or corporation has paid any taxes on the same during that period of time; that there are no suits pending to contest Complainants' title to, interest in, or their right of possession of the said lands; that the said property stands in the names of Ezra E. Trebes and Gussie Dixon, respectively, on the records of Baldwin County, Alabama and that

-Page Three-

in the name of Ezra E. Trebes as to the West Half of the Northwest Quarter of the Southwest Quarter, Section Thirty-four, Township Five South of Range Four East, and in the indirect indexes in the name of Gussie E. Dixon as to the East Half of the Northwest Quarter of the Southwest Quarter, Section Thirty-four, Township Five South of range Four East, Baldwin County, Alabama.

And it is further ORDERED, ADJUDGED AND DECREED that the Complainants pay the costs of this proceedings.

Dated this 8th day of February, 1943.

F. W. Harb
Judge of 21st Judicial Circuit of
Alabama

593

Equity

Index to Reports

Index Jan 25 1943
D. A. M. C.

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RECORDED

Duane

Filed this *9th* *Jan* 1943
Roduel
Cash Register

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RECORDED

NOV 10th 1939
R S Duck
—

[Faint, mostly illegible text, possibly bleed-through from the reverse side of the page]