

BILL TO QUIET TITLE

J. E. GOODEN and BESSIE F. GOODEN,
Complainants

-vs-

SAM WEIL, JEANETTE WEIL,
ISADORE WEIL, AARON MOOG,
CHARLES H. BLANK, A. J. MAUER,
A. A. AMES, and MRS. KATHERINE BYERS,
Respondents

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

To the Honorable F. W. Hare, Judge of the Circuit Court of
Baldwin County, Alabama; in Equity sitting:

Comes J. E. GOODEN and BESSIE F. GOODEN and humbly complaining
against SAM WEIL, JEANETTE WEIL, ISADORE WEIL, AARON MOOG, CHARLES H. BLANK,
A. J. MAUER, A. A. AMES and MRS. KATHERINE BYERS and respectfully show unto
your Honor as follows:

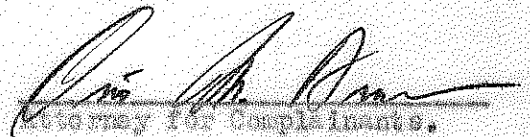
FIRST: That your Complainants are over the age of twenty-one
years and residents of Baldwin County, Alabama; that Sam Weil, Jeanette Weil,
Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauzer, A. A. Ames and Mrs.
Katherine Byers are over the age of twenty one years and all non-residents
of the State of Alabama; that when last heard of they resided at Chicago,
Illinois and their particular post office address and places of residence
being unknown to your Complainants; that their whereabouts is now unknown;

SECOND: That your Complainants are the owners of and are in the
peaceable possession of the following described lands situated in the County
of Baldwin and State of Alabama, to-wit: West Half of the West Half of the
Northeast Quarter of the Southeast Quarter; and East Half of the East Half
of the Northwest Quarter of the Southeast Quarter; and the East Half of the
East Half of the Northeast Quarter of the Southwest Quarter and West Half
of the West Half of the Northwest Quarter of the Northeast Quarter all in
Section Thirty-four, Township Six South, Range Two East in Baldwin County,
Alabama.

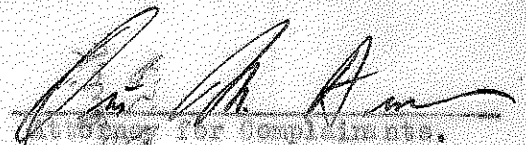
THIRD: That the Respondents claim or are reputed to claim some
right, title, interest in, claim or incumbrance upon the said property or
some part thereof, that there is no suit pending to enforce or test the
validity of such title, claim or incumbrance and Complainants call upon the
said Respondents and each of them to set forth and specify his or her title,
claim, interest in or incumbrance upon the said land or any part thereof and
how and by what instrument the same is created or derived.

WHEREFORE, these Complainants pray that the said Sam Weil, Jeanette Weil, Theodore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames and Mrs. Katherine Myers be made parties respondent to this bill of complaint by proper process be required to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon the final hearing of this cause made by this bill of complaint that this Honorable Court will make and enter a decree quieting and establishing title to this property in these Complainants and decree that the said Respondents and neither of them have any right, title, interest in, claim or incumbrance upon and to the said land or any part thereof. Complainants pray for such other, further or different relief as in equity and good conscience they shall be entitled to receive.


Attorney for Complainants.

FOOT NOTE: Respondents are required to answer each and every allegation contained in the foregoing bill of complaint, paragraphs numbering one to three inclusive but not under oath, oath being hereby expressly waived.


Attorney for Complainants.

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D E C R E E

J. E. GOODEN and BESSIE F. GOODEN,)	IN THE CIRCUIT COURT
Complainants)	IN EQUITY
)	FOR THE STATE OF ALABAMA AND
)	COUNTY OF BALDWIN.
-vs-)	
)	
SAM WEIL, JEANETTE WEIL,)	
ISADORE WEIL, AARON MOOG,)	
CHAS. H. BLANK, A. J. MAUER,)	
A. A. AMES and MRS. KATHERINE BYERS,)	
Respondents.)	

This cause is submitted on the original bill of complaint, notice of publication; motion for decree pro confesso and decree pro confesso against the Defendants named in said bill and the testimony of J. E. Gooden and Harry H. Parker; the pleadings and the evidence in this cause show that the land, the West half of the West half of the Northeast Quarter of the Southeast Quarter and the East Half of the East half of the Northwest Quarter of the Southeast Quarter and the East half of the East half of the Northeast Quarter of the Southwest Quarter and the West half of the West half of the Northwest Quarter of the Northeast Quarter all in Section 34, Township 6 South of Range 2 East Baldwin County, Alabama, and which said lands were assessed to Fred McKenzie for the years 1934, 1935, 1936, 1937; and 1938 taxes were assessed to Mrs. Bessie F. Gooden with the exception of the West half of the West half of the Northwest Quarter of the Northeast Quarter of Section 34 Township 6 South of Range 2 East, which was assessed to J. E. Gooden for the year 1937. 1939 taxes were assessed to Bessie F. Gooden and that Bessie F. Gooden received the title to the West half of the West half of the Northeast Quarter of the Southeast Quarter, Section 34 Township 6 South of Range 2 East and the East half of the East half of the Northeast Quarter of the Southwest Quarter Section 34 Township 6 South of Range 2 East from Fred McKenzie and wife Annie McKenzie by deed dated January 30, 1937 which deed is recorded in Vol. 61 NS page 324-325 in the Probate Records of Baldwin County, Alabama; in this same deed Bessie F. Gooden received title to the property described as East Half of the East half of the Northeast Quarter of the Southeast Quarter, Section 34 Township 6 South Range 2 East. This property being erroneously described as being the East half of the East half of the Northeast Quarter while it should have been described as "East half of the East half of the Northwest Quarter of the Southeast Quarter" and further that the said Fred McKenzie and wife Annie McKenzie since this suit has been instigated have executed a Quit Claim

Deed to Bessie F. Gooden which described this property as "East half of the East half of Northwest Quarter of the Southeast Quarter Section 34, Township 6 South of Range 2 East," which deed dated February 19, 1940 filed for record April 23, 1940 and recorded in Vol. 71 N.S. page 377-378 of the Probate Records of Baldwin County, Alabama. And further that the title to the property described as West half of the West half of the Northwest Quarter of the Northeast Quarter, Section 34, Township 6 South of Range 2 East was conveyed by the State of Alabama by the State Land Commissioner, Henry S. Long to J. E. Gooden under conveyance dated June 2, 1936 which deed is recorded in Deed Book 59 N.S. page 398 of the Probate Records of Baldwin County, Alabama and was sold to the State on the 26th day of May, 1930 in the name of A. J. Mauer. And that the Complainants have been in possession of this land claiming to own the same for more than three years prior to the filing of the bill of complainant in this suit, that the said Complainant having paid the taxes and those under whom they claim for more than five years and that no other person, firm or corporation has paid any taxes on the same during that period of time; that there is no suit pending to test the Complainants' title to, interest in, or right of possession of said land; that the said property stands in the name of Bessie F. Gooden to the property described as East half of the East half of the Northeast Quarter of the Southwest Quarter and the East half of the East half of the Northwest Quarter of the Southeast Quarter and West half of West half of Northeast Quarter of Southeast Quarter Section 34 Township 6 South of Range 2 East and title stands in the name of J. E. Gooden to the property described as West half of West half of the Northwest Quarter of the Northeast Quarter, Section 34 Township 6 South of Range 2 East and according to the evidence that J. E. Gooden has paid the taxes on the land described as West half of the West half of the Northwest Quarter of the Northeast Quarter, Section 34 Township 6 South Range 2 East since the date that he purchased the same from the State Land Commissioner of Alabama, namely, June 2, 1936, to this date. Fred McKenzie paid taxes on the land described as West half of the West half of the Northeast Quarter of the Southeast Quarter and the East half of the East Half of the Northwest Quarter of the Southeast Quarter and the East half of the East half of the Northeast Quarter of the Southwest Quarter all in Section 34 Township 6 South of Range 2 East Baldwin County, Alabama, in excess of five years until the date on which he sold the same to Bessie F. Gooden.

It is therefore ORDERED, ADJUDGED AND DECREED that the Complainants J. E. Gooden is the absolute owner of the following described property to-wit: West half of the West half of the Northwest Quarter of the Northeast Quarter, Section 34 Township 6 South of Range 2 East; and that Bessie F. Gooden is the absolute owner of the following described property, to-wit: East half of the East half of the Northeast Quarter of the Southwest Quarter and the East half of the East half of the Northwest Quarter of the Southeast Quarter and West half of West half of Northeast Quarter of Southeast Quarter Section 34 Township 6 South of Range 2 East, all of which land is located in Baldwin County, Alabama, in fee, in their own right, and that no other person, firm or corporation has any interest, right and title, lien or incumbrance on said lands held by anyone other than the Complainants are hereby and herein declared, null and void, and are decreed to be a cloud upon the title of Complainants and removed as such. That a certified copy of this decree be filed in the Probate office of Baldwin County, Alabama and recorded therein, and that it be indexed on the records in the office of the said Judge of Probate Court in the name of A. J. Mauer as to the lands of J. E. Gooden and in the reverse indexes in the name of J. E. Gooden as to the property described as West half of the West half of the Northwest Quarter of the Northeast Quarter, Section 34 Township 6 South of Range 2 East, Baldwin County, Alabama; and that it be indexed on the records in the office of the said Judge of Probate Court in the name of Dr. A. A. Ames and Mrs. Katherine Byers and in the indirect indexes in the name of Bessie F. Gooden as to the lands described as East half of the East half of the Northeast Quarter of the Southwest Quarter and the East half of the East half of the Northwest Quarter of the Southeast Quarter and West half of West half of Northeast Quarter of Southeast Quarter, Section 34 Township 6 South of Range 2 East and title stands in her name on records.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Complainants pay the costs in this proceeding.

Dated this 8th day of May, 1940.

A. W. Hane
Judge of Twenty First Judicial
Circuit of Alabama.

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the
attached legal notice appeared
in the following issues of the
Fairhope Courier: Feb., 1-8-15-22


Frances Gaston Crawford, Editor

Subscribed and sworn to before Me
this 8th. day of March 1940.


Notary Public

Legal Notice

J. E. GOODEN and BESSIE F. GOODEN, Complainants

VS.

SAM WEIL, JEANETTE WEIL, ISADORE WEIL, AARON MOOG, CHARLES H. BLANK, A. J. MAUER, A. A. AMES and MRS. KATHERINE BYERS, Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
In Equity.

It having been made to appear in the above cause from the Affidavit of Orvis M. Brown, Attorney for J. E. Gooden and Bessie F. Gooden, the Complainants in the said cause, that the Respondents in said cause, namely those listed below, are unknown and their addresses are unknown to your Complainant.

Notice is hereby given to Sam Weil, Jeanette Weil, Isadore Weil,

Aaron Moog, Charles H. Bland, A. J. Mauer, A. A. Ames and Mrs. Katherine Byers and—or their heirs and assigns and to any and all persons, firms or corporations who claim any title, interest in, lien or incumbrance on the land hereinafter described; that on the 29th day of January 1940 the said J. E. Gooden and Bessie F. Gooden filed in the Equity side of the Circuit Court of Baldwin County, Alabama, their bill of Complaint against the above named persons and against any and all persons, firms or corporations claiming any interest in, lien or incumbrance upon the land described as "West Half of the West Half of the Northeast Quarter of the Southeast Quarter and East Half of the East Half of the Northwest Quarter of the Southeast Quarter and the East Half of the East Half of the Northeast Quarter of the Southwest Quarter and the West Half of the West Half of the Northwest Quarter of the Northeast Quarter all in Section Thirty-four, Township Six South of Range Two East in Baldwin County, Alabama; said parties are hereby notified to appear and plead, answer or demur within thirty days from the 25 day of March, 1940 or a decree pro confesso will be rendered against them.

That the title to said land stands in the name of Complainants according to the records in the office of the Judge of Probate, Baldwin County, Alabama.

That said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainants to the said lands, and for the purpose of quieting title thereto and clearing up all doubts concerning the same.

The Complainants acquired title to said land by Tax Deed executed by the State Tax Commissioner and by deed from Fred McKenzie a copy of which deeds are on file in the office of the Clerk of the Circuit Court of Baldwin County, Alabama.

BILL TO QUIET TITLE

J. E. GOODEN and BESSIE F. GOODEN,)	
Complainants)	
)	
-vs-)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA.
SAM WEIL, JEANETTE WEIL, ISADORE WEIL, AARON MOOG, CHARLES H. BLANK, A. J. MAUER, A. A. AMES, and MRS. KATHERINE BYERS,)	IN EQUITY.
)	
Respondents)	

To The Honorable F. W. Hare, Judge of the Circuit Court of Baldwin County, Alabama; In Equity Sitting:

Comes J. E. GOODEN and BESSIE F. GOODEN and humbly complaining against SAM WEIL, JEANETTE WEIL, ISADORE WEIL, AARON MOOG, CHARLES H. BLANK, A. J. MAUER, A. A. AMES and MRS. KATHERINE BYERS and respectfully show unto your Honor as follows:


FIRST: That your Complainants are over the age of twenty-one years and residents of Baldwin County, Alabama; that Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames and Mrs. Katherine Byers are over the age of twenty one years and all non-residents of the State of Alabama; that when last heard of they resided at Chicago, Illinois and their particular post office address and places of residence being unknown to your Complainants; that their whereabouts is now unknown;

SECOND: That your Complainants are the owners of and are in the peaceable possession of the following described lands situated in the County of Baldwin and State of Alabama, to-wit: West Half of the West Half of the Northeast Quarter of the Southeast Quarter; and East Half of the East Half of the Northwest Quarter of the Southeast Quarter; and the East Half of the East Half of the Northeast Quarter of the Southwest Quarter and West Half of the West Half of the Northwest Quarter of the Northeast Quarter all in Section Thirty-four, Township Six South, Range Two East in Baldwin County, Alabama.

THIRD: That the Respondents claim or are reputed to claim some right, title, interest in, claim or incumbrance upon the said property or some part thereof, that there is no suit pending to enforce or test the validity of such title, claim or incumbrance and Complainants call upon the said Respondents and each of them to set forth and specify his or her title, claim, interest in or incumbrance upon the said land or any part thereof and how and by what instrument the same is created or derived.

WHEREFORE, these Complainants pray that the said Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames and Mrs. Katherine Byers be made parties respondent to this bill of complaint by proper process be required to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon the final hearing of this cause made by this bill of complaint that this Honorable Court will make and enter a decree quieting and establishing title to this property in these Complainants and decree that the said Respondents and neither of them have any right, title, interest in, claim or incumbrance upon and to the said land or any part thereof. Complainants pray for such other, further or different relief as in equity and good conscience they shall be entitled to receive.


Attorney for Complainants.

FOOT NOTE: Respondents are required to answer each and every allegation contained in the foregoing bill of complaint, paragraphs numbering one to three inclusive but not under oath, oath being hereby expressly waived.


Attorney for Complainants.

J. E. GOODEN and BESSIE
F. GOODEN,

Complainants

-vs-

SAM WEIL, JEANETTE WEIL,
ISADORE WEIL, AARON MOOG,
CHARLES H. BLANK, A. J.
MAUER, A. A. AMES and MRS.
KATHERINE BYERS,

Respondents

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

It having been made to appear in the above cause from the Affidavit of Orvis M. Brown, Attorney for J. E. Gooden and Bessie F. Gooden, the Complainants in the said cause, that the Respondents in said cause, namely those listed below, are unknown and their addresses are unknown to your Complainant.

Notice is hereby given to Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames and Mrs. Katherine Byers and/or their heirs and assigns, and to any and all persons, firms or corporations who claim any title to, interest in, lien or incumbrance on the land hereinafter described; that on the 28th day of January 1940 the said J. E. Gooden and Bessie F. Gooden filed in the Equity side of the Circuit Court of Baldwin County, Alabama, their bill of Complaint against the above named persons and against any and all persons, firms or corporations claiming any interest in, lien or incumbrance upon the land described as "West Half of the West Half of the Northeast Quarter of the Southeast Quarter and East Half of the East Half of the Northwest Quarter of the Southeast Quarter and the East Half of the East Half of the Northeast Quarter of the Southwest Quarter and the West Half of the West Half of the Northwest Quarter of the Northeast Quarter all in Section Thirty-four, Township Six South of Range Two East in Baldwin County, Alabama; said parties are hereby notified to appear and plead, answer or demur within thirty days from the 25th day of March 1940 or a decree pro confesso will be rendered against them.

That the title to said land stands in the name of Complainants according to the records in the office of the Judge of Probate, Baldwin County, Alabama.

That said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainants to the said lands, and for the purpose of quieting title thereto and clearing up all doubts concerning the same.

The Complainants acquired title to said land by Tax Deed executed by the State Tax Commissioner and by deed from Fred McKenzie a copy of which deeds are on file in the office of the Clerk of the Circuit Court of Baldwin County, Alabama.

Complainants further alleges that they are the owner, that they are in the quiet and peaceable possession of said land, claiming to own the same absolutely and in fee simple; and Complainants and those under whom they claim have been paying taxes on said land and held the same under color of title for more than eight years next preceding the filing of said Bill of Complaint, and that no other person, firm or corporation has paid taxes on the said lands during the said eight years.

Witness my hand this 27th day of January, 1940.

Orvis M. Brown,
Solicitor for Complainant,
Robertsdale, Alabama.

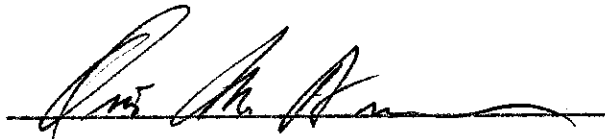
R. S. Durb
Register of the Circuit Court of
Baldwin County, Alabama.

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 J. E. Gooden and Bessie F. Gooden who upon oath depose and say:

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 25th day of January, 1940.


Notary Public, Baldwin County,
Alabama.

The State of Alabama, }
BALDWIN COUNTY

CIRCUIT COURT. (Equity)

May Term, 1940

J. E. Gooden & Brian T. Gooden

No. 609 vs.

Sam Weil, et al.

BILL OF COSTS

REGISTER'S FEES	AMOUNT	SHERIFF'S FEES:	AMOUNT
Fees in Circuit Court—		Summoning on Bill, Each Defendant.....	1.50
Docketing Cause, One fee only of.....	1.00	Executing Writ of Injunction, or Ne Exeat, each.....	1.50
Issuing Summons on Bill, each.....	.50*	Executing Subpoenas for Witnesses, each.....	.65
Issuing Copies Thereof, each.....	.40	Executing Writs of Possession, each.....	5.00
Entering Return of Same, each.....	.15	Executing Scire Facias or Notice, each.....	1.50
Orders of Publication to Non-Residents, each.....	1.00*	Taking and Approving Bonds, each.....	1.00
Filing Bill or Other Paper, each.....	.10	Impaneling Jury.....	.75
Copies of Same, Per 100 Words.....	.15	Collecting Execution for Costs Only, each.....	1.50
Entering Appearances, each.....	.25*	Sheriff's Commissions.....	
Issuing Writs of Injunction, Ne Exeat, each.....	1.50	Total Sheriff's Fees.....	
Issuing Copies Thereof, each.....	.50		
Entering Return of Same, each.....	.15		
Decrees Pro Confesso, each.....	1.00*		
Order Appointing Guardian Ad Litem, each.....	1.00*		
Issuing Commissions to Take Testimony, each.....	.50		
Taking Testimony, Per Day.....	1.50		
Taking Testimony, Per 100 words.....	.20		
Receiving and Filing Depositions, each pkg.,.....	.10		
Indorsing Depositions Published, each pkg.,.....	.10		
All Entries on Commission Docket, Each Cause.....	.50		
Entering Order Submitting Cases for Decree, each.....	.50		
Other Orders of Court, each.....	.25		
Noting Testimony on Hearing of Cause, each.....	.50		
Entering Decrees, of 500 Words or Less, each.....	.75		
Per 100 words over 500.....	.15		
Taking Accounts, etc., on Ref., per Day.....	3.00*		
Taking Testimony on Reference Relating to Trustee, etc., per 100 words.....	.15		
Reference and Reports, each.....	2.00*		
Reports of 500 Words or Less.....	2.50		
Per 100 Words over 500.....	.15		
Issuing Subpoenas for Witnesses, each.....	.25		
Issuing Witness Certificates, each.....	.25		
All Entries on Subpoena Docket, each Cause.....	.50		
Taking and Approving Bonds, each.....	1.00		
Making Complete Record, per 100 Words.....	.15		
Hearing, etc., Regarding Appointment of Receiver or Trustee.....	3.00		
Settlements with Receiver or Trustee, each.....	3.00		
Examining Vouchers in Settlements, each.....	.10		
Examining Answers on Exceptions, each Answer.....	3.00		
Removal Disabilities on Non-Age.....			
Commissions on Sales.....			
Making Deeds to Property Sold, each.....	2.00		
Receiving and Paying Out Money Other Than That Arising from Sales.....			
Certificates or Affidavits, with Seal, each.....	.50		
Certificates or Affidavits without Seal, each.....	.25		
Issuing Scire Facias or other Notice, each.....	.50		
Other Orders of Register, except Cont., each.....	.50		
Entering Certificates of Supreme Court, each.....	.50		
Transcript for Supreme Court, per 100 words, each.....	.15		
Additional Copies, per 100 words.....	.05		
Appeal Bond, each.....	1.00		
Certificate of Appeal, each.....	.50		
Notice of Appeal, each.....	.50		
Report to State Board of Health, each case.....	.50		
Certificate of Judgment, each.....	.25		
Issuing Executions, each.....	.75		
Entering Returns Thereof, each.....	.15		
Total Register's Fees.....	11.55		
		SUMMARY OF FEES, COSTS, AND JUDGMENT	
		Fees in Circuit Court—	
		Register's Fees.....	11.55
		Ex-Register's Fees.....	
		Sheriff's Fees.....	
		Ex-Sheriff's Fees.....	
		Witness Fees.....	
		Commissioner's Fees <i>V. E. Lunsford</i>	5.00
		Guardian Ad Litem.....	
		Publisher's Fees <i>F. Hays Lawrence</i>	24.57
		Solicitor's Fees.....	
		Court Reporter's Fees, Per Day or fraction thereof.....	5.00
		Trial Tax.....	3.00
		Recording Decree in Probate Office.....	2.00
		Fees and Costs in Inferior Court:	
		Clerk of Inferior Court Fees.....	
		Sheriff's Fees.....	
		Witness Fees.....	
		Total Fees and Costs in Inferior Court.....	46.12
		Total Fees and Costs.....	
		Judgment.....	
		Total Fees, Costs, and Judgment.....	

The State of Alabama, }
Baldwin County

CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA

J. E. GOODEN and BESSIE F.
GOODEN

Complainant_s..

vs.

In Equity.

SAM WEIL, et al.

Defendant_s..

The J. E. Gooden and Bessie F. Gooden, Complainants

requests the oral examination of the following named witnesses, on behalf of the

Complainants

- viz:

J. E. Gooden and Harry H. Parker

said witnesses reside in the County of Baldwin

State of Alabama.

Virginia E. Crenshaw

who resides at

Robertsdale, Alabama

or, The Register of this Court is suggested as a suitable person
to be appointed Commissioner to take the deposition of said witness on such oral examination.


Solicitor for Complainants

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

TO VIRGINIA E. CRENSHAW

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine J. E. Gooden and Harry H. Parker

as witnesses in behalf of Complainants in a cause pending in our Circuit Court of Baldwin County, of said State, wherein J. E. Gooden and Bessie F. Gooden

Complainant
and Sam Weil, et al

Defendant,

on oath to be by you administered, upon them

to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 29th day of April, 19 40.

R. S. Duck

REGISTER

Commissioner's Fee \$5.00

Witness' Fees, \$

Myname is Harry H. Parker . I am a resident of Fairhope, Baldwin County, Alabama and am over the age of twenty one years. I am acquainted with J. E. Gooden and his wife Bessie Gooden who are the Complainants in a bill to quiet title and I know that they are both over the age of twenty one years and residents of Baldwin County, Alabama, and more particularly at Fairhope, Alabama. I know of my own personal knowledge that Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames, and Mrs. Katherine Byers are all over the age of twenty one years and know that they are non-residents of the State of Alabama, their particular post office address being unknown to your affiant, but when last heard from they resided in Chicago, Illinois.

I know of my own personal knowledge that J. E. Gooden received title to the land described as West Half of the West Half of the Northwest Quarter of the Northeast Quarter Section 34 Township 6 South of Range 2 East from the State Tax Commission under deed dated June 2nd 1936 and that he remained in possession of the same since that time. That the land was sold to the State of Alabama in the name of A. J. Mauer for the non-payment of taxes for the year 1930, and no one claiming any right, title or interest in this land other than J. E. Gooden has been in the possession either actual or constructive other than J. E. Gooden and those who are under his control. The other lands are lands of the wife of J. E. Gooden who is Bessie F. Gooden and she has been in possession of these properties, turpentineing the same since the time when she received title to the same which is by deed under the date of January 30th, 1937 executed by Fred McKenzie and wife Annie McKenzie who received title to this property by tax deed to the property described as East Half of East Half of Northwest Quarter of Southeast Quarter and West Half of West Half of Northeast Quarter of Southeast Quarter of Section 34 Township 6 South of Range 2 East from the State of Alabama by tax deed under date of July 14th, 1931 and was sold to Fred McKenzie by the State in the name of Mrs. Katherine Byers. The title to the East Half of the East Half of the Northeast Quarter of the Southwest Quarter, Section 34 Township 6 South of Range 2 East was conveyed to Fred McKenzie by the State under the date of July 14th, 1931 under the name of Dr. A. A. Ames. That during the time that Fred McKenzie owned this property J. E. Gooden was in the actual possession of the same under a turpentine lease which is not of record and has been in the actual possession of this property since that time and no one else has at any time had possession of this property since the time that the title was conveyed by the State of Alabama.

I am personally acquainted with and know all the land herein referred to and know that the facts stated herein are true and correct to my personal knowledge.

Harry H. Parker

TESTIMONY OF J. E. GOODEN

My name is J. E. Gooden. I am one of the co-complainants in the bill to quiet title with my wife Bessie F. Gooden. We are both over the age of twenty one years and residents of Baldwin County, Alabama, and more particularly at Fairhope, Alabama, and I know of my own personal knowledge that Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames, and Mrs. Katherine Byers are all over the age of twenty one years and know that they are non-residents of the State of Alabama, and when last heard from resided in Chicago, Illinois and particular post office address of these parties is unknown to your Complainant.

I received title to the land described as West Half of the West Half of the Northwest Quarter of the Northeast Quarter Section 34 Township 6 South of Range 2 East from the State Tax Commission under deed dated June 2nd, 1936 and have remained in possession of the same since that time. The land was sold to the State of Alabama in the name of A. J. Mauer for the non payment of taxes for the year 1930, and no one claiming any right, title or interest in this land other than myself have been in the possession either actual or constructive other than myself, and those who are under my control. The other lands are lands of my wife Bessie F. Gooden and she has been in possession of these properties, turpentine the same since the time she received title to the same which is by deed under the date of January 30th, 1937 executed by Fred McKenzie and wife Annie McKenzie who received title to this property by tax deed to the property described as East Half of East Half of Northwest Quarter of Southeast Quarter and West Half of West Half of Northeast Quarter of Southeast Quarter of Section Thirty four, Township Six South of Range Two East from the State of Alabama by tax deed under date of July 14th, 1931 and was sold to Fred McKenzie by the State in the name of Mrs. Katherine Byers. The title to the East Half of the East Half of the Northeast Quarter of the Southwest Quarter, Section Thirty four, Township Six South of Range Two East was conveyed to Fred McKenzie by the State under the date of July 14th, 1931 under the name of Dr. A. A. Ames. That during the time that Fred McKenzie owned this property I was in the actual possession of the same under a turpentine lease which is not of record and have been in the actual possession of this property since that time and no one else has at any time had possession of this property since the time that the title was conveyed by the State of Alabama.

I am personally acquainted with and know all the land herein referred to and know that the facts stated herein are true and correct to my personal knowledge.

J. E. Gooden

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA
IN EQUITY.

J. E. GOODEN AND BESSIE F. GOODEN,
Complainants

vs

SAM WEIL, JEANETTE WEIL, ISABORE WEIL,
AARON MOOG, CHARLES H. BLANK, A. J.
MAUER, A. A. AMES, AND MRS. KATHERINE
BYERS, Defendants.

I, Virginia E. Crenshaw, as Register and Commissioner have called and caused to come before me J. E. Gooden and Harry H. Parker, witnesses named in the requirement for Oral Examination, on the 29th day of April, 1940, at the office of Orvis M. Brown in Robertsdale, Alabama, and having first sworn said witnesses to speak the truth, the whole truth, and nothing but the truth, the said witnesses doth depose and say as follows:

Testimony of J. E. Gooden and Harry H. Parker,
which is hereto attached and made a part hereof, and
herein inserted.

I, Virginia E. Crenshaw, as Register and Commissioner hereby certify that the foregoing depositions on 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 personal identify of said witnesses or had proof made before me of the identity of said witnesses; 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 the 29th day of April, 1940.

Virginia E. Crenshaw R.S.

J. E. GOODEN and BESSIE F. GOODEN, Complainants

vs

SAM WELLS, et al. Respondents.

DECEMBER

FILED: May 7 1948

R. S. Daniels, Register

The undersigned, being duly sworn, deposes and says that the within-entitled
 document is a true and correct copy of the original as the same appears
 in the files of the undersigned, and that the same is a true and correct
 copy of the original as the same appears in the files of the undersigned.
 I declare under penalty of perjury that the foregoing is true and correct.
 Executed on this 29th day of January, 1940.
 R. S. Dink, Register

Notary Public
 State of Missouri

Filed January 29, 1940
 R. S. Dink, Register

RECORDED

Notice of Publication

1940

1940

Faint, illegible text, possibly a list or report.

[Handwritten signature]

Faint, illegible text, possibly a list or report.

[Handwritten signature]

*Filed January 29, 1940
R.S. Buck, Register*

RECEIVED

[Handwritten signature]
RECORDED

NO. _____

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

J. E. GOODEN and BESSIE F.

GOODEN

Complainant S

VS.

SAM WELLS, et al.

Defendant S

Commission To Take Deposition

COMMISSIONER:

Virgiale E. Crenshaw

Witnesses:

J. E. Gooden

Harry H. Parker

CIRCUIT COURT OF
Baldwin County, Alabama

IN EQUITY

J. E. GODDEN and
BESSIE F. GODDEN,

Complainant's

vs.

SAM WELLS, et al.

Defendant

DEMAND FOR ORAL EXAMINATION

Filed ^{April} ~~March~~ 27, 1921

R. S. D. [Signature]
Register.

J. E. GOODEN and BESSIE F. GOODEN, Complainants

SAM WEILL, et al.

vs

TESTIMONY OF

J. E. GOODEN
HARRY H. PARKER

FILED: May 7 1940

R. S. Dault, Register

THE FAIRHOPE COURIER

E. B. GASTON ESTATE, PUBLISHER

A PROGRESSIVE PAPER FOR PROGRESSIVE PEOPLE

ESTABLISHED 1894

FAIRHOPE, ALABAMA

This is to certify that the
attached legal notice appeared in
the following issues of the Fairhope Courier:
Feb. 1, 8, 15 and 22.

Frances Gaston Crawford
Frances Gaston Crawford,
Editor Fairhope Courier.

Subscribed and sworn to before me
this 29th. day of April 1940.

J. E. Beckman
Notary Public

Legal Notice

J. E. GOODEN and BESSIE F. GOODEN, Complainants

VS.

SAM WEIL, JEANETTE WEIL, ISADORE WEIL, AARON MOOG, CHARLES H. BLANK, A. J. MAUER, A. A. AMES and MRS. KATHERINE BYERS, Respondents.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
In Equity.

It having been made to appear in the above cause from the Affidavit of Orvis M. Brown, Attorney for J. E. Gooden and Bessie F. Gooden, the Complainants in the said cause, that the Respondents in said cause, namely those listed below, are unknown and their addresses are unknown to your Complainant.

Notice is hereby given to Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog, Charles H. Blank, A. J. Mauer, A. A. Ames and Mrs. Katherine Byers and—or their heirs and assigns, and to any and all persons, firms or corporations who claim any title to, interest in, lien or incumbrance on the land hereinafter described; that on the 29th day of January 1940 the said J. E. Gooden and Bessie F. Gooden filed in the Equity side of the Circuit Court of Baldwin County, Alabama their bill of Complaint against the above named persons and against any and all persons, firms or corporations claiming any interest in, lien or incumbrance upon the land described as: West Half of the West Half of the North east Quarter of the Southeast Quarter and East Half of the East Half of the Northwest Quarter of the Southeast Quarter and the East Half of the East Half of the Northeast Quarter of the Southwest Quarter and the West Half of the West Half of the Northwest Quarter of the Northeast Quarter all in Section Thirty-four, Township Six South of Range Two East in Baldwin County, Alabama; said parties are hereby notified to appear and plead, answer or demur within thirty days from the 25 day of March, 1940 or a decree pro confesso will be rendered against them.

That the title to said land stands in the name of Complainants according to the records in the office of the Judge of Probate, Baldwin County, Alabama.

That said Bill of Complaint was and is filed for the purpose of establishing the title of said Complainants to the said lands, and for the purpose of quieting title thereto and clearing up all doubts concerning the same.

The Complainants acquired title to said land by Tax Deed executed by the State Tax Commissioner and by deed from Fred McKenzie a copy of which deeds are on file in the office of the Clerk of the Circuit Court of Baldwin County, Alabama.

Complainants further allege that they are the owners, that they are in the quiet and peaceable possession of said land, claiming to own

the same absolutely and in fee simple; and Complainants and those under whom they claim have been paying taxes on said land and held the same under color of title for more than 8 years next preceding the filing of said Bill of Complaint.

The State of Alabama,
Baldwin County.

CIRCUIT COURT, IN EQUITY.
No. Term, 1940

J. E. GOODEN and BESSIE F. GOODEN Complainants
vs. SAM WEIL, et al Defendants

In this cause it appears to the Register R. S. Duck that the order of publi-
cation heretofore made in this cause, was published for four consecutive weeks, commencing on the
1st day of February, 1940, in the Fairhope Courier
a newspaper published in Fairhope Alabama, that a copy of said order was posted
at the Court House door in Bay Minette, Baldwin County, on the day of
..... 192, and

And it now further appearing to the Register R. S. Duck, that the said

Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog,
Charles H. Blank, A. J. Mauer, A. A. Ames, and Mrs.
Katherine Byers

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 s, 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 Sam Weil, Jeanette Weil, Isadore Weil, Aaron Moog,
Charles H. Blank, A. J. Mauer, A. A. Ames, and
Mrs. Katherine Byers

This day of 1940

Register.

No.

Page

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

.....
J. E. GOODEN AND

.....
BESSIE F. GOODEN

VS.

.....
SAM WELLS, ET AL.

**DECREE PRO CONFESSO
OF PUBLICATION**

Issued *April 29 1940* 192.....

R. S. Davis
Register

Recorded in Record

Vol. Page

Register.

Meade Printing Company, Bay Minette, Ala.

Richard's Opinions

*Filed April 28 1940
R.S. Dink, Registrar*

M. Owens M. Benn

IN ACCOUNT WITH

THE FAIRHOPE COURIER

E. B. GASTON ESTATE Publisher

Advertising - Commercial Printing

RATES ON APPLICATION

Legal notice of 546
words Re. Gordon vs
Sam Weil and others
546 words 4x

\$24.57

FAIRHOPE, ALABAMA

Feb - 29 1937

M. R. S. Dink

Bay Minette Ala

IN ACCOUNT WITH

THE FAIRHOPE COURIER

E. B. GASTON ESTATE Publisher

Advertising - Commercial Printing

RATES ON APPLICATION

Legal notice of 546
with R. Gordon in
issues of Feb-1-8-15-22

\$24.57

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

No. 609

Spring, Term, 1940

J. E. GOODEN and BESSIE F. GOODEN

Complainants

Vs.

SAM WEIL, et al.

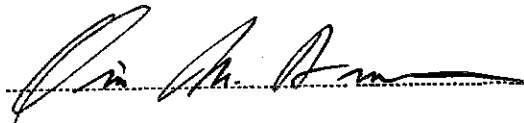
Defendants

Motion is hereby made for a Decree Pro Confesso against ~~Sam Weil, Jeanette Weil,~~

~~Isadore Weil, Aaron Moog, Charles H. Blank, A.J. Mauer, A.A. Ames, Defendants~~
and Mrs. Katherine Byers,

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 29th day of April 1940



Solicitor.

STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, IN EQUITY.

No. 609 Spring Term, 1930

J. E. GOODEN AND BESSIE F. GOODEN, Complainants

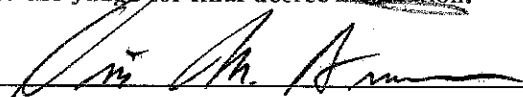
Vs.

SAM WEIL, 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~~.


Solicitor for Complainant.

J. E. GOODEN AND BESSIE F.

GOODEN

VS.

SAM WEIL, 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, _____

Motion for decree pro confesso and Decree Pro Confesso on Publication,

and Testimony of J. E. Gooden and Harry H. Parker

and in behalf of Defendant upon _____

R. E. Durb

Register.

RECORDED

2,524

No. _____

The State of Alabama
BALDWIN COUNTY

IN EQUITY
Circuit Court of Baldwin County

J. E. GOODEN and BESSIE

F. GOODEN

VS.

SAM WEIL, et al.

NOTE OF TESTIMONY

Filed in Open Court this 7th

day of May 1934

R. S. Durb

REGISTER

The State of Alabama,

Baldwin County.

CIRCUIT COURT, IN EQUITY

J. E. GOODEN and BESSIE

F. GOODEN

Vs.

SAM WEIL, ET AL.

**REQUEST FOR DECREE IN
VACATION**

Filed May 7, 1940

R. S. Ditch

Register.

Recorded in _____ Record

Vol. _____ Page _____

Register.

No.

Page

**State of Alabama,
Baldwin County.**

CIRCUIT COURT, IN EQUITY.

J. E. GOODEN AND

BESSIE F. GOODEN

Complainant ...

Vs.

SAM WEIL, ET AL.

Defendant ...

**Motion for Decree Pro Confesso
On Publication.**

Filed *April 29 1940*, 193

R. S. Durb

Register.

Recorded in Record,

Vol. Page

Register.