

John Dubravacki et al
vs
J.P. Cravens et al

In Circuit Court
Bulwer County
vs
vs Equity.

now comes the complainant in the foregoing case and by leave of the Court first had obtained a writ the first Paragraph of the original Bill by amending the description of the lands alleged to be owned by Peter Kurbann so that the same will read as the West West Quarter of the East Half of South West Quarter of Section 32 instead of West Half of East Half of South West Quarter of South West Quarter of Section 32.

Richardy & Beebe
Attorneys
Sub for Compt.

JOHN DUBRAVCAK, et al.,
Complainants,

Vs.

J. W. Creamer,
Defendant.

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IN CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, ~~SITTING~~ IN EQUITY

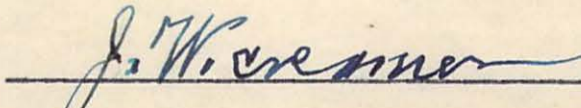
TO THE HONORABLE JOHN D. LEIGH, Judge of said Court:

Comes J.W.Creamer, the defendant in the above entitled cause, and answering the bill of complaint filed by the complainants shows unto your Honor as follows:

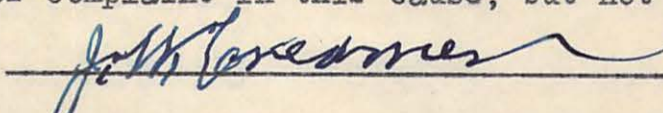
First: Defendant denies the allegations contained in the first paragraph of the bill of complaint and says that neither one of the complainants own or has ever been in peaceable possession of the $W\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$, $N\frac{1}{2}$ of $SE\frac{1}{4}$, $W\frac{1}{2}$ of $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$, $E\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$; $W\frac{1}{2}$ of $W\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$; all in Section 32, and $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 31, and $E\frac{1}{2}$ of $SW\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 32, all in Township five South, Range four East, in Baldwin County, Alabama, furthermore, complainants have gone upon the lands under notice and without leave from the rightful owner.

Second: Defendants claims title to said land described in the first paragraph of the bill of complaint through P.K.Yonge and N.E.Tyce, alias Dick Tice, furthermore J.W.Creamer, the defendant, hereby demands each of the complainants named in the bill of complaint to show from what source they have derived any claim to defendants land.

Third: In answer to the third paragraph defendant says he is willing to go into the Circuit Court or United States Court and before the public at large and let the law be strictly construed before the Judge and a jury and see in whom the title to these lands rest.



Note: The complainants are requested to answer each paragraph of the foregoing answer to the bill of complaint in this cause, but not under oath.



J.H.Gideons, Chester J. Mattingly,
W.R. Mattingly, Peter Kubina, Geo. A. Strong,
Frank Peck, Mary Dubravcak, John)
Dubravcak, and Micheal Dubravcak Minor, Anna Dub- Circuit Court
-ravcak Minor, and Helen Dubravcak Minor,) Baldwin County,
who sue by John Dubravcak as their Guardian Alabama, In Equity.
and next friend. Complainants.)

vs

J.W. Creamer, Defendant.

This cause coming on to be heard was submitted on behalf of of the complainants, J.H.Gideons, Chester Mattingly, W.R. Mattingly, Peter Kubina, George A. Strong, Frank Peck, John Dubravcak, Mary Dubravcak all over the age of twenty-one years, and Micheal Dubravcak, Helen Dubravcak and Anna Dubravcak minors, who sue by John Dubravcak their guardian and next friend, on the original bill of complaint as amended and proof as noted by the Register, and on behalf of defendant, J.W. Creamer, on answer and proof as noted by the Regsiter, and the same being considered by the Court, the Court is of the opinion that the complainants are entitled to relief as prayed for in their bill.

Its is therefore ORDERED, ADJUDGED and DECREED by the Court that the defendant, J.W. Creamer, has no right, title, or interest in or claim or encumbrance upon the following described lands or any part ~~thereof~~ thereof, viz:

West- half of Southwest quarter of Southeast quarter of Section thirty-two, North half of Southeast quarter of Section Thirty-two, West $\frac{3}{4}$ of East half of Southwest quarter of Southwest quarter of Section thirty-two, East half of Southeast quarter of Southwest quarter of Section thirty-two, West half of West half of Southeast quarter of Southwest quarter of Section thirty-two, Southeast quarter of Southeast quarter of Section thirty-one, East half of Southwest quarter of Southeast quarter of Section thirty-two, all in Township five south of Range four east, Baldwin County, Alabama.

It is further ORDERED, ADJUDGED and DECREED that the title to said lands be quieted in said Complainants as to their respective tracts owned by them against the said defendant, J.W. Creamer.

It is further ORDERED, ADJUDGED and DCEREED that the West half of Southwest quarter of Southeast quarter of Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said John Dubravcak and that the said John Dubravcak, is now in peaceable possession of same, and that the said J.W. Creamer has no right, title, interest in or claim or incumbrance thereon, and that the title to same is hereby quited in the said John Dubravcak as against the said J.W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the North half of Southeast quarter of Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said Chester J. Mattingly and W.R. Mattingly, and that the said Chester J. Mattingly and W.R. Mattingly are now in peaceable possession of same, and that the said J.W. Creamer has no right, title, interest in or claim or incumbrance thereon, and that the title to same is hereby quieted in the said Chester J. Mattingly, and W.R. Mattingly as against the said J.W. Creamer.

It is further ORDERED, ADJUDGED and DCEREED that the West three-quarters of East half of Southwest quarter of Southwest quarter of said Section thirty-two, Township five south of Range four east, Baldwin County, Alabama, is owned by the said Peter Kubina, and that the said Peter Kubina is now in peaceable possession of same, and that the said J.W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said Peter Kubina as against the said J.W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the East half of Southwest quarter of Southwest quarter of said Section thirty-two, Township five South, Range four east, Baldwin County, Alabama, is owned by the said J.H. Gideons, and that the said J.H. Gideons is now in peaceable possession of same, and that the said J.W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said

J.H.Gideons, as against the said J.W.Creamer.

It is further ORDERED, ADJUDGED and DECREED that the West half of the West half of the Southeast quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said George A.Strong, and that the said George A.Strong is now in peaceable possession of same, and that the said J.W.Creamer has no right, title, interest in, or claim of incumbrance thereon, and that the title to same is hereby quieted in the said George A.Strong as against J.W.Creamer.

It is further ORDERED, ADJUDGED and DECREED that the East half of Southwest quarter of the Southeast quarter of said Section Thirty-two, Township five South, Range four east, Baldwin County, Alabama, is owned by the ^{said} John Dubravcak, Mary Dubravcak, Micheal Dubravcak, Anna Dubravcak, and Helen Dubravcak, and that John Dubravcak, Mary Dubravcak, Micheal Dubravcak, Anna Dubravcak, and Helen Dubravcak are now in peaceable possession of same, and that the said J.W.Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said John Dubravcak, Mary Dubravcak, Micheal Dubravcak, Anna Dubravcak, and Helen Dubravcak, as against J.W.Creamer.

It is further ORDERED, ADJUDGED and DECREED that the Southeast quarter of Southeast quarter of said Section Thirty-one, Township five South, Range four east, Baldwin County, Alabama, is owned by the said Frank Peck, and that the said Frank Peck is now in peaceable possession of same and that the said J.W.Creamer, has no right, title, interest in, or claim, or incumbrance thereon and that the title to same is herequieted in the said Frank Peck as against the said J.W.Creamer.

It is further ORDERED, ADJUDGED and DECREED that the Regsiter of this Court file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days for record therein and that the costs thereof be taxed as costs in this proceeding.

It is further ORDERED, ADJUDGED and DECREED that the said defendant J.W.Creamer, pay the costs in this proceeding, for which let execution issue.

Done at Bay Minette, Alabama, this 14th day of December, 1923.

John D. Leigh,
Judge of the 21st Judicial Circuit,
Sitting in Equity.

Filed December 24th, 1923.
T.W. Richerson, Register.

State of Alabama,
Baldwin County.

Circuit Court in Equity.

I, T.W. Richerson, Register of said Circuit Court, of said County, Alabama, do hereby certify that the above is a full, true and correct copy of the decree rendered by said Court on the 14th, December, 1923, in the cause of J.H.Gideons, Chester J. Mattingly, W.R. Mattingly, Peter Kubina, Geo. A. Strong, Frank Peck, Mary Dubravcak, John Dubravcak, and Micheal Dubravcak, Minor, Anna Dubravcak, Minor and Helen Dubravcak, Minor, who sue by John Dubravcak, as their Guardian and next friend, Complainants, vs J.W.Creamer, Defendant, as appears of record in said Court.

Witness my hand and the seal of said Court, this the 23rd, day of August, 1924.

T.W. Richerson

Register.



EXHIBIT "A".

State of Alabama,
Baldwin County.

Warranty Deed.

Know all men by these presents, That for and in consideration of the sum of One dollar and other valuable considerations, to them in hand paid by J.H.Gideons, the receipt whereof is hereby acknowledged George A.Strong and LylaCStuhlgand and wife, do grant, bargain, sell and convey unto the said J.H.Gideons, the following described lands situated in Baldwin County,Alabama,to wit:

East

The/half of the South East one fourth of the South West Quarter (E. 1/2 of the S.E. 1/4 of the S.W. 1/4) of Section Thirty-two (32) in Township Five (5) South of Range Four (4) East of St Stephens Meridian,-together with all improvements thereon or appertaining thereto.

TO HAVE AND TO HOLD to the said J.H.Gideons,his heirs and assigns forever.

And we do covenant with the said J.H.Gideons, that we are seized in fee of the above described premises; that we have the right to sell and convey the same,that the said premises are free from all encumbrances; and that we will and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said J.H.Gideons, his heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hand and seal this 24 day of February 1922.

(Stamp)
(G.A.S)
(2/24-23)

George A.Strong (L.S.)
Lyla C.Strong (L.S.)

State of Alabama,
Baldwin County.

I.A.J.Aubert,a Justice of the Peace in and for said State and County,do hereby certify that-George A.Strong,and Lyla C.Strong his wife, whose name 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 said conveyance have executed the same voluntarily on the day the same bears date. Given under my hand and seal this 24th day of February,1922

A. J.Aubert,Justice of the Peace.

State of Alabama,
Baldwin County.

I.A.J.Aubert,a Justice of the Peace in and for said State and County,do hereby certify that on the 24th, day of February 1922 came before me the within named Lyla C.Strong known to me to be the wife of the within named George A.Strong, who being examined separate and apart from her husband in reference to 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.

In witness whereof, I hereunto set my hand and seal this 24 day of February,1922.
A. J.Aubert,Justice of the Peace.

The State of Alabama,
Baldwin County.

Of ice of the Judge of Probate.Court.
I.James M.Voltz, Judge of said Court in and for said County, do hereby certify that the within instrument was filed in this office for record on the 29th day of May 1922, 9 A.M. and I further certify that same was duly recorded in Record Book No 31 N.S. Page 600 -1 and duly examined.

Witness my hand this 29th day of Mar 1922, Jas .M.Voltz
Judge of Probate.

J. H. Gidons being duly sworn testifies as follows:-

My name is J. H. Gidons and I reside in Baldwin County, Alabama and am over the age of 21 years. I know the East half of the SE $\frac{1}{4}$ southwest quarter of Section 32, Tp. 5 S. R. 4 East. Baldwin County Alabama. I own this land and I bought it in 1922 from George Strong who was in possession at the time I bought it. I have been in possession continuously since February 24th., 1922 and actually lived thereon. I have known this land for 15 years or more. When I first knew it E. C. Smith was in possession and he stayed in possession until he sold it to Geroge Strong from whom I bought it. There is no suit pending in any Court to enforce or test the validity of the title, claim or encrumbrance of either the defendant or myself to this land. I attach my deed to my deposition and mark it as Exhibit "A". There has been noother claimants to this land.

Cross Examination by J. ". Creamer:-

Do you remember the time I had the fight. I do. I never did see your deeds. You handed me some papers and before I could look at them you snatched them away from me. I have been in possession of this land since February 1922. I did receive a notice to move.

J. H. Gidons

Mr. W. H. Wann being duly sworn testifies as follows:-

My name is W. H. Wann and I know the southwest quarter of the southeast quarter of section thirty two, township five south of range four east, Baldwin County, Alabama, owned by the

Dubbravacks. I have know them since 1907. When I first knew ~~them~~ ^{The}

~~Land & was~~ ^{Land} ~~they were~~ in possession of the southern states lumber company ~~and~~ ^{also}

~~plus cut timber thereon~~ ^{cut timber thereon} and remained in possession until 1914 when they

sold the same to J. W. Hamm who a few months later sold to Frank

G. Brunner who a few months later sold to Southshore Plantation

Company, a corporation who in turn sold to John Doubravack in 1922,

and Anna Daubravack. ^{Part of} These lands have been fenced and in cultivation

since 1907 by those who I have mentioned as their owners.

I know the west half of the east half of the southwest of the south west quarter, section thirty two, township five south of range four

east, Baldwin County, Alabama. I have known them since 1907. When

I first knew the lands they were in possession of the southern ~~States~~ ^{Plantation}

Development Company from who I bought them in 1907 under a contract.

and immediately moved on them, lived there and farmed them until Dec.

1919 when I sold them to Jeff Gulledege who moved on them and farmed

them until he sold to Peter ~~Kubina~~ ^{Kubina} in 1923. Kubina immediately

moved on the lands and lived there until now. I got my deed from

the Southeren ^{Development} Plantation Company in 1914. I built a house on the

land in ~~1907~~ ¹⁹⁰⁸ and it was then I moved on the land but I had

~~cleared some land before then.~~

W. H. Wann

Ed Lowrey being duly sworn testifies as follows:-

My name is Ed. Lowrey and I am over the age of 21 years and reside in Baldwin County, Alabama, I know the southeast quarter of the southeast quarter, Section 31, Tp. 5S. R. 4E. Baldwin County, Ala.,

Cross Examination by J. W. Creamer:-

We built a house at the cross roads about 1919. Anout the time I planted potatoes on this land in the spring of 1923 I did not received a notice not to trespass on this land. You did not show me any deeds.

Ed. Lowrey

Mrs. Lee Toler being duly sworn testifies as follows:-

My name is Mrs. Lee Toler and I am over the age of 21 years and reside in Baldwin County, Alabama and am the wife of Dan Toler. I remember the time when I, Dan Toler and Lyde Sunday were on our gallery before the time of Fred Brown had Mr. Creamer arrested for trespassing and Mr. Toler said to Mr. Creamer "You are going to have a neighbor". Mr. Creamer said "Who". Mr. Toler said "Fred Brown and Price they have bought Wyatt lands(which are the northeast quarter of the south east quarter of section 31, Tp. 5S. R. 4E. Baldwin County, Alabama) Mr. Creamer then replied. "They will never get that land. "Toler ask why, have you got a deed to it and Mr. Creamer replied "No but I can make a deed as good as these big land Companies".

Cross Examination by J. W. Creamer:-

You did not say you were in possession and had title to it but you did say that you could make a deed as good as these big land companies.

Lee Toler

Dan Toler being duly sworn testifies as follows:-

My name is Dan Toler. I remember the time when Mr. Creamer, my wife and I and Lyde Sunday were on our porch about the time Brown and Price bought the Wyatt property. I had a conversation with Mr. Creamer about the title to these lands. I told him we were going to have some new neighbors/^{Price and Brown} and he replied that they would never get those lands. I ask him why, did he own the lands and did he have the deed to them and he said "No" but I can make a deed as good as these Land Companies and this was prior to April 1st., 1921.

Witness
J. M. ...

his
Dan X Toler 6
mess

Mr. A. F. Wesley being duly sworn testifies as follows:-

My name is A. F. Wesley. I know Robert F. Dalby ~~and~~ Deed from South
Plantation
shore ~~Development~~ Company by Frank G. Bruner, President attested by
Robert F. Dalby, dated February 3, 1922 to Mrs. Anna Doubravcak attached
to deposition of John Doubravack as Exhibit "A" and like deed to John
and Mary Doubrovack attached to said deposition as Exhibit "B" being
handed to him and examined by him he testified:- "Both of these deeds
were signed and delivered by Robert F. Dalby and the seals attached by
him as Secretary of the Southshore Plantation Company in my presence
and I witness these deeds at his request. The signature of Robert
F. Dalby as Secretary is the signature of Robert F. Dalby as Sec-
retary of said Company.

W

Anton F. Wesley

W. A. Dalbey who being duly sworn testifies as follows:-

My name is W. A. Dalbey and I am the brother of Robert F. Dalbey. I
work for the Southshore Plantation Company for several years and I know
the signature of Frank G. Bruner and Robert F. Dalby. I have seen them
both write a great many times, they are both out of the state of Ala-
bama. (Being handed deed from South shore Plantation Company to Anna
Doubravack and deed from same company to Mary and John Doubravack at-
tached to deposition of John Doubravack as Exhibits A. & B. and examin-
ing the same testified:) The signature Frank G. Bruner as President is
the signature of Frank G. Bruner and the signature of Robert F. Dalbey
is the signature of Robert F. Dalbey. They were the officers of the
Southshore Plantation Company and were authorized to execute ~~the same~~
these deeds. E. E. Melum, the Notary Public who took the acknowledgment
of Frank G. Bruner is also out of the state of Alabama.

W. A. Dalbey

Mr. Peter ~~Ca~~^Kubina who being duly sworn testifies as follows:-
My name is Peter ~~Ca~~^Kubina and I am over the age of 21 years and
reside in Baldwin County, Alabama. There is no suit pending to
enforce or test the validity of the title claim, or encumbrance of
me and the defednat J. W. Creamer, to the W¹/₂E¹/₂ of SW¹/₄ of SW¹/₄, sec.
32, Tp. 5S. R. 4East. I have owned this land since February 1922.
I bought from Jeff Guledge and wife and I immediately went into
possession and have lived there ever since. I attach my deed as
Exhibit "A".

Cross Examination by J. W. Creamer:-

I did not receive a notice to move off of this land before the
first of January. I am forty (40) years old.

Peter Kubina

DEED WITH WARRANTY

Exhibit A

THIS DEED made the 28th day of February 1922

between Jeff Gullledge and Lela Gullledge his wife

..... of the first part and

Peter Kubina and Eva Kubina his wife

..... of the second part,

WITNESSETH, That the party of the first part, in consideration of

Five Hundred and ^{no}/₁₀₀ and other valuable consideration DOLLARS,

to them in hand paid by the party of the second part, the receipt of which is hereby acknowledged, have

bargained and sold, and by these presents do grant, bargain, sell convey and deliver unto the said party of the

second party their heirs and assigns forever, all that real property in Baldwin County, Alabama,

described as follows, to-wit: The West Three-quarters (W³/₄) of South-

west quarter of the South-west quarter, SW¹/₄ of SW¹/₄)

Section Thirty-two (32) Township Five (5) south

Range Four (4) east, in Baldwin County,

and State of Alabama, containing Thirty (30)

acres more or less.



TOGETHER with all appurtenances thereunto belonging, to have and to hold forever and against any person lawfully claiming the same, said party of the first part shall ever warrant and defend.

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

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

.....
Jeff Gullledge (SEAL)
Lela Gullledge (SEAL)

STATE OF ALABAMA, Baldwin COUNTY.

I, A J Aubert Justice of the Peace in and for said

County and State, hereby certify that Jeff Gullledge and Lela Gullledge his wife

whose name 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 have executed the same voluntarily on the day the same bears date.

Given under my hand ^{and seal 28"} this 28 day of February 1922

A J Aubert
Justice of the Peace

STATE OF ALABAMA, Baldwin COUNTY.

I, A J Aubert Justice of the Peace in and for said

County and State, do hereby certify that on the 28 day of February 1922, came before me the within named

Lela Gullledge, known to me to be the wife of the within named Jeff Gullledge, who being examined separate and apart from her 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 her husband.

IN WITNESS WHEREOF, I hereunto set my hand ^{and seal 28"} this 28 day of February 1922

A J Aubert
Justice of the Peace

WARRANTY DEED

FROM
Jeff Gullledge and Lela Gullledge
TO
Peter Kubina and Eva Kubina

THE STATE OF ALABAMA, Baldwin County, { Probate Court

Filed in my office for record this 11 day of July 1922, and recorded in Deed Book No. 33 N. S. Pages 9

James Loh
Judge of Probate

Baldwin Times Print, Bay Minette.
James Loh
7/11/22 2:25 PM

Mr. Frank Peck being duly sworn testifies as follows:-

My name is Frank Peck and I am over the age of 21 years and reside in Baldwin County, and I own the southeast quarter of the southeast quarter of Section 31, Tp. 5 S. R. 4E. Baldwin County Alabama and am in possession of this land. I bought the land from Ed Lowrey in February 1923. I immediately moved on the land and have lived there ever since. I did not know the lands before then. I attach my deed to this deposition and mark it Exhibit "A" There is no suit pending to enforce or test the title, claim or encumbrance that either I or the defendant to these lands.

Frank Peck

Exhibit A

WARRANTY DEED

State of Alabama }
BALDWIN County }

Know All Men by These Presents, That for and in consideration of the sum of Three Thousand three hundred Dollars (\$3,300.00) Dollars to them in hand paid by Frank Peck, and his Wife Mary Peck the receipt whereof is hereby acknowledged Ed Lowery and his Wife Bertha Lowery do grant, bargain, sell and convey unto the said FRANK PECK And MARY PECK

the following described lands situated in BALDWIN County, Alabama, to-wit:

The Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of Section Thirty one (31) Township Five (5) South Range Four (4) East in Baldwin County Alabama. Exception of any part of which may be reserved or deeded for public highway .



TO HAVE AND TO HOLD to the said FRANK PECK, and MARY PECK Their heirs and assigns forever.

And we do covenant with the said FRANK PECK and MARY PECK that We seized in fee of the above described premises; that We have the right to sell and convey the same, that the said premises are free from all encumbrances; and that WE will and our heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said FRANK PECK And MARY PECK

heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hand and seal this 24th day of February 1923

WITNESSES:

Anton F. Wesley
[Signature]

Ed Lowery L. S.
Bertha Lowery L. S.
..... L. S.

State of Alabama

BALDWIN County

I, L Glendinning

a Notary Public... in and for said State and County, do hereby certify that Ed Lowery and his Wife Bertha Lowery. of Robertsdale Alabama ...

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 said conveyance they executed the same voluntarily on the day the same bears date.

Given under my hand, this 24th day of February 1923

Signature of L. Glendinning



State of Alabama

BALDWIN County

I, L Glendinning

a Notary Public... in and for said State and County, do hereby certify

that on the 24th day of February 1923, came before me the within named BERTHA LOWERY, known to me to be the wife of the within named ED LOWERY, who being examined separate and apart from her husband in reference to 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.

In witness whereof, I hereunto set my hand, this 24th day of February 1923

Signature of L. Glendinning



Notary Public in and for said County and State

Frank Bell

THE STATE OF ALABAMA, Office of the Judge of BALDWIN COUNTY, I, G. L. LAMBERT, Judge of said Court in and for said County, do hereby certify that the within instrument was filed in this office for record on the 24th day of July 1923 at 11 o'clock and I further certify that same is duly recorded in Record Book No. 2371. Page 269-70 and duly indexed.

Signature of G. L. Lambert, Judge of Probate Court

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WARRANTY DEED



State of Alabama, }
County of Baldwin }

Know all Men by these Presents, That for and in consideration of the sum of One (\$1.00) Dollar and other good and valuable considerations to us in hand paid by Edward Lowery the receipt of which is hereby acknowledged, the Baldwin County Lands Association does hereby grant, bargain, sell and convey unto the said Edward Lowery

the following described lands situate in Baldwin County, Alabama, to-wit: Farm Sixteen (16) being the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty One (31), Township Five (5) South, Range Four (4) East; Containig Forty Acres more or less, excepting a strip of ground Twenty (20) feet wide along the Section Lines which is used for Public Highway.

TO HAVE AND TO HOLD to the said Edward Lowery his heirs and assigns forever, and the said Baldwin County Lands Association a corporation, does hereby covenant with the said Edward Lowery that it is seized in fee of the above described premises; that it has the right to sell and convey the same; that the said premises are free from all incumbrance and that it will, and its successors and assigns will, forever warrant and defend the same to the said Edward Lowery his heirs and assigns against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF the said Baldwin County Lands Association

a corporation, has caused these presents to be signed by its President and Secretary, duly authorized, and its corporate seal to be attached this Fifteenth day of September A. D., 1920

IN PRESENCE OF

Ernest E. Comdaly
Ernest Meyer

[Signature]
[Signature]
President.
Secretary.

STATE OF ILLINOIS, }
COUNTY OF COOK, } ss.

I, Max [Signature]

a Notary Public in and for said County in said State, hereby certify that S. W. Hamm and
J. C. Kinsley whose names as President and
Secretary of the Baldwin County Lands Association

a corporation, 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 as such officers and with full authority, executed the same voluntarily for and as the act of said corporation.

and seal
Given under my hand this 15th day of Sept 1920

Notary Seal
16th 1922

Cook County, Illinois.
My Com. Exp. _____

Notary Public.

WARRANTY DEED.

Bud & Lucile Leam
Edward Lowrey

STATE OF ALABAMA, Office of the Judge of
BALDWIN COUNTY, the Probate Court

I, JAMES M. VOLTZ, Judge of said Court in and for
said County, do hereby certify that the within instrument
was filed in this office for record on the
day of Dec 1920 at 8 42
AM and I further certify
that it is duly recorded in Book 307 Page 311

Witness my hand this 14th day of Dec 1920.
James M. Voltz Judge of Probate Court
John Mitchell

Attest
My Seal
W. H. Stuchland,
Notary Public,
Ala.



John Dubravcak who being duly sworn testifies as follows:-

My name is John Dubravcak. I know the lands described as west half of southwest quarter of southeast a quarter, section thirty two, and east half of the southwest quarter of the southeast quarter of section thirty two, township five south of range four east. The tract first described is owned by me and my wife Mary Dubravcak, the second piece is owned by me, Mary Dubravcak, each of us being over the age of twenty one years; and Michael, Anna and Helen Dubravcak, each of whom are minors. This piece of land is owned one fifth interest by each of us. We acquired the same by devise from Anna Dubravcak who died on the ~~xxxxxxx~~ of November, 1922. Each of these pieces of land were purchased from the Southshore Plantation Company, a corporation by deeds attached to this deposition and marked Exhibits A & B. The Southshore Plantation Company was in actual possession of each of these pieces of land when we purchased them February 3, 1922, who was farming the lands. I do not know how long they had been farming the lands as I had not seen the lands except for a short while before we purchased them. Immediately on the execution of the deeds to us in February 1922, Mary and I went into possession of the piece first mentioned and have lived on it continuously since and we were living on this piece of land at the time this suit was filed and we are still living on it. The second piece was in possession of the Southshore Plantation Company at the time they sold to Anna in February 1922. She immediately went into possession of it and farmed it until her death and after her death the plaintiffs, myself, Mary and the three children immediately went into possession and have continued in possession until now. I am guardian of the three minor children, there is no suit pending to enforce or test validity of the title claim, or encumbrance of the defendants or of the ~~defendants~~ complaints to this land. I, Mary and the said minors reside in Baldwin County, Alabama. The defendant is over the age of 21 years and resides in Baldwin County, Alabama.

Anna Dubravcak left four children, my *wife* Mary Dubravcak, Michael, Anna and Helen Dubravcak

Cross Examination by J, W. Creamer.

I have been in possession of each of these two pieces of land two years last February. I bought this land from Southshore Plantation Company, a corporation. I have got the deedshere and th4gy are attached to my deposition.

John Dubravcek

J. H. GIDEONS, ET AL,)
COMPLAINANTS)

VS)

J. W. CREAMER,)
DEFENDANT.)

CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Complainants in the above styled cause request oral examination of the following named material witnesses for complainants:

John Dubrovack, Johana Mason Iverson, Chester Mattingly, W. R. Mattingly, Bose Rrd, A. W. Lambert, Peter Kubina, Billie Warren, J.H.Gideons, W.A.Stoddard, George Strong, Ed. Lowrey,

Each of said witnesses reside at or near Robertsdale, Baldwin County, Alabama.

Complainants suggest T. W. Richerson, Register of this Court as a suitable person to act as commissioner to take the deposition of said witnesses.

Witness our hand this the 17th day of September, 1923.

Rickard & Behe
Solicitors for Complainants.

Jan. 15, 1923.

Mobile, Ala.,

Oct. 9, 1922.

I, Anna Dubravcak am leaving testament that after my death one-fifth of all my estate I bequeath to my son-in-law upon the condition that he is to provide for my children until they are able to support them selves.

Translated Will.

Signed

Anna Dubravcak,

Witness:- Maria Popson

Anthony Popson

State of Alabama,)

PROBATE COURT OF SAID COUNTY.

Mobile County.)

In the matter of the probate of the last will and testament of Anna Dubravcak, deceased.

Before me, PRICE WILLIAMS, Judge of the Probate Court in and for said County and State, personally appeared in open Court, Maria Popson and Anthony Popson, who having been by me first duly sworn and examined did and do depose and say on oath that they were the subscribing witnesses to the instrument of writing now shown to them and which purports to be the last will and testament of Anna Dubravcak, deceased, late an inhabitant of this County, and that Anna Dubravcak, since deceased, signed and executed said instrument on the day the same bears date, in the presence of the subscribing witnesses, and declared the same to be her last will and testament. Affiants further state that they signed the said instrument on the day the same bears date at the request and in the presence of said testatrix and in the presence of each other as such subscribing witnesses thereunto, that said testatrix was on the day of the date of said will of the full age of twenty-one years and upward, and in the opinion of deponents fully capable of making her will at the time same was so made as aforesaid.

Subscribed and sworn to before me this 7th day of February 1923.

P. Williams

Judge of Probate

Anthony Popson

Marie T. Popson

(PROBATE COURT SEAL)

State of Alabama,)
)
Mobile County.)

I, PRICE WILLIAMS, Judge of the Probate Court in and for said County and State, do hereby certify that the within instrument of writing, has this day in said Court, and before me as the Judge thereof, been duly proven by the proper testimony to be the genuine last will and testament of Anna Dubravcak, deceased, and that said will together with said proof thereof have been recorded in my office, in Book of Wills No.12, and on page 96.

IN WITNESS of all which I have hereunto set my hand and the seal of the said Court, this 7th day of February 1923.

P. Williams

Judge.

(PROBATE COURT SEAL)

I, PRICE WILLIAMS, Judge of the Probate Court in and for said State and County, hereby certify that the within and foregoing..... one and one-half pages contain a full, true and complete copy of the... Last Will and Testament, together with the Proof thereof, of Anna Dubravcak, decd.,

as the same appears of record in my office in..... Will Book No. 12
Page 96.

Given under my hand and seal of office, this..... 8th day of..... Dec. 1923.

Price Williams

Judge of Probate.



Deposition of Will Phillips,
cause of John Dobvrack
vs
J.W. Creamer.

Filed Dec 30th 1923
T. W. Richerson
Register

Opened by
Order of Court
Dec 14 / 1923
T. W. Richerson
Register

IN THE CIRCUIT COURT, Baldwin COUNTY, IN EQUITY.

John Dubravcak, et al. Complainant.

vs.

J.W. Creamer, Respondent.

I T.W. Richerson,

as Commissioner.

have called and caused to come before me Will Phillips,

witness named in the Requirement for Oral Examination, on the 13 day of December, 1923, at the office of T.W. Richerson, Register,

in Bay Minette, Alabama, and having first sworn said witness to speak the truth, the whole truth, and nothing but the truth, the said Will Phillips

doth depose and say as follows:

My name is Will Phillips. I have know the place where Mr J.W. Creamer is living for twenty years. Fritz Brown paid me to snake a shack on the lands just west of where J.W. Creamer now lives.

There had been some saplings cut down and some stumps dug around on the land I put the shack on. There was an old Tent concern on the land at the time. Henry Gideons made a small crop on the land last year.

Ed Lowerey moved on the land about August this year.

Peter Kubina moved on the same tract of land winter of 1922.

Jeff and Joe Gullidge lives on the same tract of land since winter of 1922.

John Dubravcack moved on the same tract of land, winter of 1921, Geo Strong cleared a little patch and planted on this tract last winter and planted on it this Spring.

The little house north of Gideons on this same tract of land was built there this year.

Rob Mattingly built on this land in 1921.

Dan Durden built a shack on the land he now lives on in 1921.

The house that Fred L Brown now lives in was put there in 1920

The Idleberry house was put there this summer.

The other houses built on this same tract of land are on lands that were heretofore enclosed with wire.

The fields south of the road that Hardy pretended to sell Iverson has been fenced in since 5 Or six years ago, I dont know the exact number of years that Chester Mattingly has been living on the land.

I snaked the house on to the land known as Wyatt and Fred L Brown land about the time Fred Brown and Price had that trouble

Monroe Price, Sylvester Price and Gusta Price.

Cross examination by W.C.Beebe for Complainant.

The land I snagged the house on was known^{as} the Wyatt or Fred Brown lands, It was not any of the lands involved in this suit.

Will Phillips

ORAL EXAMINATION.

I, W. Picurron, as 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 her signed the same in the presence of Mrs. J. C. Beebe & J. W. Crum at the time and place herein mentioned; that I have personal knowledge of the 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 in 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 13th day of Dec, 1923
W. Picurron (L. S.)

No. Page.....

The State of Alabama

Rebecca Dandy

IN CIRCUIT COURT, IN EQUITY.

John D. Dandy

vs. Complainant,

J. W. Crum

Respondent.

ORAL DEPOSITION.

Filed Dec 13, 1923

W. Picurron, Register.

Recorded in

Record

Vol.

Page.....

Register.

(Handwritten mark)

THE STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

Baldwin

County.

No.

Term, 19 23

J. H. Gideons, et al

Complainant

vs.

J. W. Creamer

Defendant

To J. W. Creamer,

of Robertsdale, Alabama,

Solicitors of Record:

You are hereby notified that, having been appointed Commissioner to take the deposition of

John Dubrovack, Johanna Iverson, Chester Mattingly, W. R. Mattingly, Bose

Ard, A. W. Lambert, Peter Kubina, Billie Warren, J. H. Gideons, W. A.

Stoddard, George Strong, Ed Lowrey,

witnesses for the Complainant in the above stated cause, I will commence

to take said deposition at Bay Minette, Alabama, at 10 o'clock A. M.,

on the 21 day of September 19 23

Witness my hand, this 17th day of September 19 23

(Handwritten signature)

Commissioner.

Original

No. _____ Page _____

THE STATE OF ALABAMA,

Barbour County.

CIRCUIT COURT, IN EQUITY.

TO.

J W Creamer

or _____ Solicitors.

NOTICE OF TIME AND PLACE TO
TAKE DEPOSITION.

Issued *Sept 17th* 19*23*

D W Rice
Commissioner.

I hereby certify that a copy of this

Notice was *hand*
to *J W Creamer*

on the *19* day of *Sept* 19*23*

A R Stone
Commissioner

[Signature]

Original

No. Page

THE STATE OF ALABAMA,

Baldwin County.

CIRCUIT COURT, IN EQUITY.

TO.

J W Creamer

or Solicitors.

NOTICE OF TIME AND PLACE TO
TAKE DEPOSITION.

Issued *Sept 17th 1923*

J M Rice
Commissioner.

I hereby certify that a copy of this

Notice was *hand*

to *J W Creamer*

on the *19* day of *Sept* 19*23*

U R Stone
Commissioner

OK

a

THE STATE OF ALABAMA,
Baldwin County.

CIRCUIT COURT, IN EQUITY.

J. H. GIDEONS, ET AL

Complainants..

vs.

J. W. CREAMER,

Defendant.....

Notice of application to be made before the Register
for Oral Examination of witnesses for.....

Complainants

To J. W. CREAMER

Take notice that W. C. Beebe,

Solicitor of record for the Complainant in said cause, desire the evidence of

John Dubrovack, Johanna Iverson, Chester Mattingly, W. R. Mattingly, Bose
Ard, A. W. Lambert, Peter Kubina, Billie Warren, J. H. Gideons, W. A.
Stoddard, George Strong, Ed Lowrey,

material witnesses for the Complainant in said cause, to be taken orally before the

Register; and you are further notified that on the 21 day of September 1923

application will be made before the Register, at his office in Bay Minette Alabama, to

appoint a time for the taking of testimony of said witnesses orally before the Register at his office in

Bay Minette Alabama, to-wit: on the 21 day of September 1923

beginning at 10 o'clock A. M., and to be continued from day to day, if necessary, until the testimony

of said witnesses is fully taken and completed as aforesaid.

Witness this 17th day of September A. D. 1923

Recherly Beebe

Solicitor for Complainants

Original

No.

THE STATE OF ALABAMA,

Bardelevin County.

CIRCUIT COURT OF

Bardelevin COUNTY.

Notice for Oral Examination of Witness for Compliment

J. W. Edwards et al

Complainant.....

vs.

J. W. Creamer

Defendant.....

Filed in office this 17 day of

Sept A. D. 1923

J. M. Beckman
Register.

Witnesses for.....

.....hereby accept and acknowledge legal and sufficient service of the within notice.

Dated this.....day of

.....19.....

Solicitor for.....

Attended Sept 19th 1923 by Jones copy of within with J. W. Creamer P. R. Street J. W.

The State of Alabama }
Baldwin County }

IN THE CIRCUIT COURT, IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Rube Shadhour

personally to be and appear before J. W. Whiteman, Commissioner

at Bay Minneth Ala on 28th day

of September 1923, at 10 o'clock A.M., and from day to day thereafter until

discharged by due course of law, to give evidence and the truth to speak in behalf of the Deft

in a case now pending in said Circuit Court, in Equity, wherein

J. H. Gibson et al, Complainant

and J. W. Whiteman, Respondent

and have you then and there this writ with your endorsement thereon.

Witness my hand this the 25 day of Sept 1923

J. W. Whiteman

Register.

Coney

Vol....., Page.....

The State of Alabama

.....**County**

REGISTER'S SUBPOENA

Issued.....19.....

.....*Register.*

Received in office this the.....day

of.....19.....

.....*Sheriff.*

*I have executed the within summons by
serving a copy on.....*

.....*Sheriff.*

Sept. the 24th, 1923.

Mr J. W. Richerson

Bayminette, Ala.

Dear Sir:-

pleas issues, and have served
summons on Will-Phillips,
Jeff, and Leakes-gulledge, less and
Lilie price. Sun Waters and
Rube Stidem, oscar-burlew,
and carnell. dore and Purley
creamer, without fail.

J. W. creamer

P. S. also summons, Joe
gulledge

J. H. GIDEONS, CHESTER J. MATTINGLY,
W. R. MATTINGLY, PETER KUBINA, GEO.
A. STRONG, FRANK PECK, MARY DUBRAV-
CAK, JOHN DUBRAVCAK, AND MICHAEL DUB
RAVCAK, MINOR, ANNA DUBRAVCAK, MINOR
AND HELEN DUBRAVCAK, MINOR, WHO SUE
BY JOHN DUBRAVCAK, AS THEIR GUARDIAN
AND NEXT FRIEND,

COMPLAINANTS,

VS.

J. W. CREAMER, DEFENDANT.

CIRCUIT COURT,
BALDWIN COUNTY, ALABAMA,
IN EQUITY.

This cause coming on to be heard was submitted on be-
half of the complainants, J. H. Gideons, Chester Mattingly, W.R.
Mattingly, Peter Kubina, George A. Strong, Frank Peck, John Du-
bravcak, Mary Dubravcak, all over the age of twenty-one years,
and Michael Dubravcak, Helen Dubravcak and Anna Dubravcak, minors
who sue by John Dubravcak their guardian and next friend, on the
original bill of complaint as amended and proof as noted by the
Register, and on behalf of defendant, J. W. Creamer, on answer
and proof as noted by the Register, and the same being considered
by the Court, the Court is of the opinion that the complainants
are entitled to relief as prayed for in their said bill.

It is therefore ORDERED, ADJUDGED and DECREED by the
Court that the defendant, J. W. Creamer, has no right, title, or
interest in or claim or encumbrance upon the following described
lands or any part thereof, viz:

West-half of Southwest quarter of Southeast quarter of
Section thirty-two, North half of Southeast quarter of Section
thirty-two, West $\frac{3}{4}$ of East half of Southwest quarter of South-
west quarter of Section thirty-two, East half of Southeast quarter
of Southwest quarter of Section thirty-two, West half of West half
of Southeast quarter of Southwest quarter of Section thirty-two,
Southeast quarter of Southeast quarter of Section thirty-one, East
half of Southwest quarter of Southeast quarter of Section thirty-
two, all in Township five south of Range four east, Baldwin County
Alabama.

It is further O RDERED, ADJUDGED and DECREED THAT the
title to said lands be quieted in said complainants as to their

respective tracts owned by them against the said defendant, J.W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the West half of Southwest quarter of Southeast quarter of Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said John Dubravcak , and that the said John Dubravcak is now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in or claim or incumbrance thereon, and that the title to same is hereby quieted in the said John Dubravcak as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the North half of Southeast quarter of Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said Chester J. Mattingly and W. R. Mattingly, and that the said Chester J. Mattingly and W. R. Mattingly are now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in or claim or incumbrance thereon, and that the title to same is hereby quieted in the said Chester J. Mattingly and W. R. Mattingly as against the said J. W. Creamer

It is further ORDERED, ADJUDGED and DECREED THAT THE West three-quarters of East half of Southwest quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said Peter Kubina, and that the said Peter Kubina is now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said Peter Kubina as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED THAT THE East half of Southeast quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said J. H. Gideons , and that the said J. H. Gideons is now in peaceable possession of

same, and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said J. H. Gideons as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the West half of the West half of the Southeast quarter of Southwest quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said George A. Strong, and that the said George A. Strong is now in peaceable possession of same, and that the said J. W. Creamer has no right title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said George A. Strong as against J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the East half of Southwest quarter of the Southeast quarter of said Section thirty-two, Township five south, Range four east, Baldwin County, Alabama, is owned by the said John Dubravcak, Mary Dubravcak, Michael Dubravcak, Anna Dubravcak and Helen Dubravcak, and that John Dubravcak, Mary Dubravcak, Michael Dubravcak, Anna Dubravcak and Helen Dubravcak are now in peaceable possession of same, and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon, and that the title to same is hereby quieted in the said John Dubravcak, Mary Dubravcak, Michael Dubravcak, Anna Dubravcak and Helen Dubravcak as against J. W. Creamer. ✓

It is further ORDERED, ADJUDGED and DECREED that the Southeast quarter of Southeast quarter of said Section thirty-one, Township five south, Range four east, Baldwin County, Alabama, is owned by the said Frank Peck, and that the said Frank Peck is now in peaceable possession of same and that the said J. W. Creamer has no right, title, interest in, or claim, or incumbrance thereon and that the title to same is here quieted in the said Frank Peck as against the said J. W. Creamer.

It is further ORDERED, ADJUDGED and DECREED that the Register of this Court file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, within thirty days for record therein and that the costs thereof be taxed as costs in this proceeding.

It is further ORDERED, ADJUDGED and DECREED that the the said defendant, J. W. Creamer, pay the costs in this proceeding, for which let execution issue.

Done at Bay Minette, Alabama, this 14th day of December, 1923.

John A. Leigh

Judge of the 21st Judicial Circuit,
Sitting in Equity.

THE STATE OF ALABAMA,

CIRCUIT COURT, IN EQUITY.

Baldwin County.

No. 17 Vacation Term, 1923

J.H.Gideons, et al

Complainant

vs.

J.W. Creamer

Defendant

To J.W. Creamer or to his

of Solicitors of Record:

You are hereby notified that, having been appointed Commissioner to take the deposition of

John Dubrovack, Johanna Mason Iverson, Chester Mattingly, W.R. Mattingly,

Bose Ard, A.W. Lambert, Peter Kubina, Billie Warren, J.H. Gideons, W.A.

Steddard, Geo Strong, Ed. Lowrey

witnesses for the Complainant in the above stated cause, I will commence

to take said deposition at Bay Minette, Alabama at 10 o'clock P.M.,

on the 28th day of September 1923

Witness my hand, this 21st day of September 1923

[Handwritten Signature]

Commissioner.

Original

No. Page

THE STATE OF ALABAMA,

..... County.

CIRCUIT COURT, IN EQUITY.

TO.

or Solicitors.

NOTICE OF TIME AND PLACE TO
TAKE DEPOSITION.

Issued *Sept 21* 19 *23*

T. W. Richardson
Commissioner.

I hereby certify that a copy of this

Notice was *given*

to *J. W. Creecher*

on the *22* day of *Sept* 19 *23*

T. W. Richardson
Commissioner.

Deposition of

John Dubecack, ~~Ed Lowery~~ Chester Mattingly, W.R. Mattingly, Bose A. d, A.W. Lambert, Peter Kuhina, Billie War J.H. Gideons, W.A. Stoddard, George Strong, Ed Lowery, for Complainant.

H. D. Moorer, R.M. Hearin, Jeff Gullede, Leila Gullede, Les Price, Son Waters, Oscar Burling, Burley Creamer, Dave Creamer, Jam Toler, Geo Hammack, Lee Toler. Witnesses for Defendant.

In cause of J.E. Gideons et al
vs Complainants.
J.W. Creamer, Defendant.

*Opened by Order
Court Dec 14/923*

*T. W. Richerson
Register*

*11 Paff
13
24
2
48
12
60*

RETURN AFTER FIVE DAYS TO
T. W. RICHERSON
CLERK OF THE CIRCUIT COURT AND
REGISTER IN CHANCERY
BAY MINETTE, ALA.

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF THE CIRCUIT
COURT OF BALDWIN COUNTY, ALABAMA: SITTING IN EQUITY:

Come JOHN DUBRAVCAK, MARY DUBRAVCAK, CHESTER MATTING-
LEY, W. R. MATTINGLEY, PETER KUBINA, J. H. GIDEONS, ~~EDWARD LOWERY~~,
and GEORGE STRONG, all of whom are over the age of twenty-one years
and reside in Baldwin County, Alabama, and MICHAEL DUBRAVCAK, ANNA
DUBRAVCAK, and HELEN DUBRAVCAK, minors, who here sue by their guar-
dian and next friend, JOHN DUBRAVCAK, and by this their bill of
complaint presented against J. W. CREAMER, also of age and a res-
ident of Baldwin County, Alabama, respectfully show:

FIRST: That each complainant owns and is in peaceful
possession of a certain parcel of land in Township Five South,
Range Four East, of Baldwin County, as follows:

John Dubravcak the West Half of the Southwest Quarter
of the Southeast Quarter of Section Thirty-two. ✓

Chester Mattingley, and W. R. Mattingley, jointly, the
North half of the Southeast Quarter of Section Thirty-two. ✓

Peter Kubina, the West Half of the East Half of the
Southwest Quarter of the Southwest Quarter of Section Thirty-two. ✓

J. H. Gideons, the East Half of the Southeast Quarter
of the Southwest Quarter of Section Thirty-two. ✓

George Strong, the West Half of the West Half of the
Southeast Quarter of the Southwest Quarter of Section Thirty-two.

~~Edward Lowery~~, the Southeast Quarter of the Southeast
Quarter of Section Thirty-one.

John Dubravcak and Mary Dubravcak, of age, and Michael
Dubravcak, Anna Dubravcak and Helen Dubravcak, minors, ~~an undivided~~
one-fifth interest each in the East Half of the Southwest Quarter
of the Southeast Quarter of Section Thirty-two.

SECOND: That the defendant J. W. Creamer claims or is
reputed to claim some right, title or interest in and to said lands,
or encumbrance upon the same, or upon some part thereof, and com-
plainants now call upon said Creamer to set forth and specify
his claim, interest or title in the said lands and how and by what
instrument or means the same is derived or created.

THIRD: That no suit is now pending to enforce or test the validity of the title, claim or encumbrance of the defendant or the title of any of the complainants.

THE PREMISES CONSIDERED: Complainants pray that J. W. Creamer be made party defendant to this bill and by proper process required to answer same within the time required by law and abide by such orders and decrees as may be made in the premises.

Complainants further pray that upon the hearing of this cause this Honorable Court decree that the said J. W. Creamer has no right, title or interest in or claim or encumbrance upon any part of the lands described in this bill and further render a decree quieting the title of each complainant to the lands severally owned by him as hereinabove set out against the said J. W. Creamer and his heirs forever, also that the complainants may for such other, further or different relief as to equity may seem meet.

Richardy & Beebe
Solicitors for complainants.

NOTE: The defendant is requested to answer each paragraph of the foregoing bill but not under oath.

Richardy & Beebe
Solicitors for complainants.

THE STATE OF ALABAMA,
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon J.W.Creamer,

of Baldwin, County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer,

plead or demur, without oath, to a Bill of Complaint lately exhibited by John Dubravcak, Chester Mattingly W.R. Mattingly, Peter Kubina, J.H. Dideons, Edward Lowery, and George Strong all of whom are over the age of 21 years, and reside in Baldwin County, Alabama, and Michael Dubravcak, Anna Dubravcak, ^{Minors} who sue by their guardian and next friend John Debravcak,

against said J.W.Creamer,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, T. W. Richerson, Register of said Circuit Court, this 16th day of July.

1923.

T.W. Richerson

Register.

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

2 Original

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Michael Dubravcak et al.

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this July 16th
day of _____ 1923

Sheriff

Executed this 19th day of

July 1923
by leaving a copy of the within summons with
J. H. Creamer.

Defendant

M. R. Stuart

Sheriff

vs.

J. W. Creamer.

By B. O. Higgins
Deputy Sheriff

Rickarby and Beebe.

Solicitor for Complainant

RECORDED

RECORDED

Recorded in Vol. _____ Page _____

Mr. J. W. Creamer being duly sworn testifies for himself as follows:-

My name is J. W. Creamer and am the Defendant in this case. When I was agent for ~~the land~~ J. D. Hand I was down to Henry Lowell and old man Nicholas Dick Tyce was at Henry Lowell and we were talking about three quarters of land and Mr. Tyce had Tom Norwood, a Notary Public, to make the deeds and Norwood was teaching school right near Mr. Henry Lowell's and he did not have his seal with him and he had Henry Lowell and Albert Smith witness the deed and old man Norwood took it to Seminole and got Mr. P. K. Young's name on the deed. I also bought about 50 acres from Mr. Henry Lowell about the same time. Then Mr. Tyce and I agreed that the Southern States Land & Timber Company should have ten years to remove the timber. This I agreed to and when I began to trace out the title I found that Mr. Lowell owned one forty acres of it and had for 30 or 40 years. And I also bought that forty from him and J. D. Hand paid the S. S. L. & Timber Company \$550.00 for timber on the land that I had bought. This was done in 1898. Mr. L. C. Day who was Mr. Hand's bookkeeper is the man who sent the check to the Southern States Land & Timber Company. I also had my land book and the deed from Dick Tyce and Young made by the Notary Public. Mr. Moorner and I was talking about the Arkansas Law and I told him that I had turned my back on that Law, in Alabama and told him that I had two or three deeds to this land and he advised me to put them on record. I had employed Mr. Claude Hamilton in this suit and he ~~took~~ ^{returned} my hundred dollars (\$100.00) I had sent him through Mr. Moorner. The check was on the Baldwin County Bank (Mr. Bebee moves to exclude this testimony that he had employed Mr. Hamilton in this case on the grounds that it is irrelevant and immaterial and stated that Mr. Hamilton had been previously employed by the plaintiffs in this cause.) Ed Lowrey and Charley Phillips were the only ones who knew where I kept these deeds. Defendant offers in evidence certified/deed dated June 27th., 1898, ~~made and~~ filed for record April ~~1st~~ copy 1921, purporting to be signed by P. K. Yonge and Dick Tyce conveying lands in question. The Plaintiffs object to the introduction of this deed, First, because it is not shown that the grantors had any title or interest or that they were in possession at the time of the execution of the deed. Second: Because the said deed is not acknowledged by any officer authorized to take such acknowledgments. Third: Because said certified copy is not certified to as required by Law. Fourth: because said deed has not been properly proven. Fifth: Because said deed has not been probated by any officer authorized to probate deeds under the laws of Alabama. Defendant offers in evidence paper purporting to be plat. Plaintiff objects because it is immaterial and irrelevant. Deed attached as Exhibit "A" and Plat as Exhibit "B".

Cross Examination by W. C. Bebee:-

~~When I had the check by which payment was made for the land~~

I have not the check given in payment of this land. I do not know where the check is. I have never seen Mr. Yonge, He was president of the Southern States Lumber Company, neither he nor Dick Tyce owned the land or were in possession of it. The title was in the Southern States Lumber Company but I claim they stole it under the Arkansas Law. The Southern States Lumber was in possession and owned the land at the time Dick Tyce and P. K. Yonge gave me the deed. I have not paid taxes on this land because they are not due until the land leaves the Government. I claim that the title is still in the Government and adverse possession does not run against the Government. I did not record my deeds until Mr. Moorner advised me to put them on record which I did in the Spring. I claim that the title is still in the United States Government, The Southern States got this land by graft. The Arkansas Act of October 10th., 1900 applied to Arkansas only and in the fourth section of this Act we find that it simply allowed the Governor of Alabama 90 days to claim under this act. We find that 18 years later when Mr. Lindsay

was Governor, men drove through the country with boats on the wagon and swore that they had ridden over all of the country in boats, which was 18 years after the limit had run out under this Act. Mr. Lindsay was governor of Alabama and I claim that he exceeded his authority under this act of Congress and the county and state and all of the grafting compaines were trespassers against the United States Government. The Southern States Company had this ~~unpaid~~ title at the time I got my deed but I claim that the title was a fraud against the Government. Yes, I offered to homestead this land for Chester Mattingly as I claim that it had been taken from the Government by fraud and that the title to all of the land in section 31 and 32 was in the United States Government. ~~Chester Mattingly had paid down \$500.00~~ Chester's father had offered me \$300.00 to make him a title to the forty that Chester and Rob lived on. I claim that every foot that has been sold under the Act of September 28th., 1950 ~~in~~ while Mr. Lindsay was governor does not convey the title and that the title is still in the United States Government and is ~~still~~ subject to entry. That these lands are high, dry lands and are not swamp and overflow lands and belong to the United States Government and are subject to entry as I have said before.

I further state that I demanded of Mr. Frank Stone a few years ago when filed suit against me for the Bay Minette Land Company, an abstract of title that he expected to recover under. He was taken down sick so I was told turned it over to Judge Anderson, in the case of Edyth M Wyatt versus J.W. Creamer. Judge Anderson delivered me the abstract and after I beat them he picked up the abstract and I told him no that was mine. John E Mithell who represented me says Judge he is right that belongs to Creamer, The Judge asked me to loan it to him for awhile and any time I called for it I could get it. I demanded it 2 Or 3 times and have never obtained it yet. this is the reason I did not place my deeds among the files when he requested me to do so. The above is the reason why I referred to the record and did not place my deeds among the files. before it ~~was~~ were taken, mi slaid or removed, by some one I know not who

J. W. Creamer