

Pat: Since the records all burned up in 1906, these cases are to establish ownership. I found records of 4 branches of my S.F. relatives using the index + ordering film from my local Family History Center. Happy hunting, Eleanor Borkenbogen



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McEnerney actions : court action to establish ownership of land-real estate, 1906-1937; with index to plaintiffs, 1906-1984.

Author: [California. Superior Court \(San Francisco County\)](#)
Publisher: Salt Lake City, Utah : Filmed by the Genealogical Society of Utah, 1982.
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All Authors / Contributors: [California. Superior Court \(San Francisco County\)](#)

OCLC Number: 865633602

Notes: Includes index.

Description: 880 microfilm reels ; 35 & 16 mm.

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| F5=Locality List | F6=Topic(s) | F7=Author/Title | F8=Full Display |
|---|-------------|-----------------|-----------------|
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| May 1868-May 1869 (vols. 29-38 missing). Grantee and grantor index, vol. 87-89, ----- 0967469 ← | | | |
| May 1885-Oct. 1886 (vols. 44-96 missing). Grantee and grantor index, vol. 90-92, ----- 0973627 ← | | | |
| Oct. 1886-Nov. 1887. Grantee and grantor index, vol. 93-95, ----- 0973628 | | | |
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| Feb. 1889-Dec. 1889. Grantee and grantor index, vol. 99-101 ----- 0973630 | | | |
| Dec. 1889-Nov. 1890. Grantee and grantor index, vol. 102-104, ----- 0973631 | | | |
| Nov. 1890-Oct. 1891. Grantee and grantor index, vol. 105-107, ----- 0973632 | | | |
| Oct. 1891-Sep. 1892. | | | |
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Court House, San Francisco, California.

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Film #1381801
McEnerney Court
Actions

#33664 - W. J. Evans + M. J. Evans

[copied]

22nd + Guerroc

#33665 - Catherine Freese, W. J. Evans.

Sarah Cluin + Anne Turner.

[copied]

Vassar Place. - W H Evans's home.

Film #1381797
McEnerney Court
Actions

33428

revisions Cluin, Ed = 761 - Subdivisions

Film # 1405606
S. F. Co. Land Rec.

"Index of M^cEmerney Actions -
Plaintiff"

Index
Plaintiffs 1907-1984

| No. of Action | Dept. | No. Plaintiff | Defendant |
|---------------|-------|---------------|----------------------------|
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| - ✓ 33665 | 1 | 1 | Cluin, Sarah |
| ✓ 18235 | 3 | 3 | Evans, Sarah F. |
| - ✓ 33428 | 4 | 4 | Freese, Catherine M. |
| - ✓ 33665 | 1 | 1 | Freese, Catherine M. et al |
| 20296 | 1 | 1 | Freese, Edith A. |
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S. F. Co. Land Record
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Court Action 33640-
33607, 1914

Film # 1381801

1381797

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48
1.25
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11.00

No. 33665

IN THE SUPERIOR COURT
of the State of California
in and for the
City and County of San Francisco
Department No. One

Catherine M. Greene
William J. Evans
Anna J. Turner and
Sarah E. Cluin Plaintiffs
vs.

All persons claiming any interest in or lien
upon the real property herein described or
any part thereof, Defendants.

JUDGMENT ROLL

Filed this 28th day of
March 1931

H. I. Mulcrevy Clerk.

By F. J. Thibault
Deputy Clerk.

Recorded Judgment Book 200 page 490.

9 Vassar Pl.,
1931

IN THE SUPERIOR COURT

OF THE

STATE OF CALIFORNIA

IN AND FOR THE

CITY AND COUNTY OF SAN FRANCISCO

| | |
|---|------------|
| <i>Catherine M. Freese</i> | Plaintiffs |
| <i>William J. Coombs</i> | |
| <i>Anna J. Turner</i> | |
| <i>Sarah B. Quinn</i> | |
| All persons claiming any interest in or lien upon the real property herein described or any part thereof. | |
| Defendants, | |

State of California
City and County of San Francisco—ss.

I, H. I. Mulcrevy, County Clerk of the City and County of San Francisco, State of California, and ex-officio Clerk of the Superior Court, thereof, do hereby certify the foregoing to be a true copy of the Judgment entered in the above-entitled cause, and recorded in Judgment Book 200 of said Court at page 490, And I further certify that the foregoing papers hereto annexed constitute the Judgment Roll in said cause.

WITNESS my hand and seal of said Superior Court
this 28th day of March A. D. 1921.

H. I. Mulcrevy Clerk.
By F. J. Thibault Deputy Clerk.

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
2 CITY AND COUNTY OF SAN FRANCISCO.

3
4 CATHERINE M. FREESE, WILLIAM J. EVANS,)
5 ANNA J. TURNER, SARAH E. CLUIN, (

6 Plaintiff s,)
7

8 -vs-

9 All persons claiming any interest
10 in or lien upon the real property
11 herein described, or any part
12 thereof,)

13 Defendants. (

14 COMPLAINT.

15 Plaintiff s above named complain of defendants above named
16 and for cause of action allege :-

17 That prior to and on the 18th. day of April, 1906, and until
18 the same were destroyed by fire as herein mentioned, the office of the
19 County Recorder of the City and County of San Francisco, State of
20 California, contained a complete public record of plaintiff s title
21 to the real property herein described, and that ~~that~~ on said 18th. day
22 of April, 1906, the public records in the office of said County Recorder
23 and in particular, the said public record affecting plaintiff s title
24 to said real property, were in material part, to-wit, the greater
25 part thereof, destroyed by fire.

26 That said plaintiff s bring this action as an action in rem
27 against all the world for the purpose of restoring plaintiff s
28 record title and establishing plaintiff s title to said real property
29 and of determining all adverse claims thereto.

30 That the following is a particular description of the real
property referred to, to-wit:-

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and described as follows, to-wit:-

Commencing at a point on the Westerly line of Vassar Place distant One hundred and Fifty (150) feet Southerly from Harrison Street; thence running at right angles Westerly Seventy-five (75) feet; thence at right angles Southerly Twenty-five (25) feet; thence at right angles Easterly Seventy-five (75) feet to Vassar Place; thence Northerly on the Westerly side of Vassar Place Twenty-five (25) feet to the place of beginning, Being Subdivision Number Six (6) of the One hundred Vara Lot known upon the Official Map of said City of San Francisco as Number Seventy-six (76) of the One hundred Vara Survey.

1 The said plaintiff s claim an estate of inheritance in and are
2 the owners in fee simple absolute of all of said real property, and
3 that said plaintiff s now are by themselves and for
4 many years last past said plaintiff s and the predecessors in title
5 of said plaintiff s have been in the actual and peaceable possession
6 of said real property and every part thereof.

7 WHEREFORE, plaintiff s pray judgment that all adverse
8 claims to said real property be determined; that it be adjudged that
9 plaintiff s are the owners in fee simple absolute and in
10 the actual and peaceable possession of said real property and every
11 part thereof; that plaintiff s title to said property be es-
12 tablished and quieted; that said judgment ascertain and determine all
13 estate, rights, titles, interests and claims in and to said real
14 property and every part thereof, whether the same be legal or equit-
15 able, and present or future, vested or contingent, or whether the
16 same consist of mortgages or liens of any description; and that
17 plaintiff recover their costs herein and such other relief
18 as to the Court may seem proper.

19 *R. J. Mogan*
Attorney for Plaintiff

20
21 STATE OF CALIFORNIA) ss.
22 City and County of San Francisco. (CATHERINE M. FRESSE, WILLIAM J EVANS
23 ANNA J. TURNER, and SARAH E. CLUIN, being duly sworn, each for himself
24 and together for the other, deposes and says: I am one of the
25 plaintiffs in the above entitled action. I have read the foregoing
26 complaint and know the contents thereof and the same is true of my
27 own knowledge except as to the matters therein stated on information
28 or belief, and as to those matters I believe it to be true.

29 Subscribed and sworn to before me

30 this 23rd day of December,
1912.

Matthew Brady
Notary Public

Catherine M. Fresse
William J. Evans
Anna J. Turner
Sarah E. Cluin

ASSIGNED TO
Department No. *File*
DEC 6 1912
Pending Just

33663
Superior Court

Carlton M. Free
et al

Dee P. Moore
Complainant

FILED

DEC 24 1912

H. I. [unclear], Clerk

R. J. Morgan
Dep. City

County Clerk Judgment Dept. F No. 26

STATE OF CALIFORNIA }
City and County of San Francisco } ss.

In this action the Defendants, all persons claiming any interest in or lien upon the real property herein described, or any part thereof, having been regularly served with process, and having failed to appear and answer the Plaintiff's complaint on file herein, and the time allowed by law for answering having expired, the default of said Defendants in the premises is hereby duly entered herein according to law. *except City & Co. of San Francisco*

Attest this *24* day of *March* 19*31*

By *G. Romani* Deputy Clerk

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO.

CATHERINE M. FRESSE, WILLIAM J. EVANS,
ANNA J. TURNER, SARAH E. CLUIN
Plaintiffs,

-vs-
All persons claiming any interest
in or lien upon the real property
herein described, or any part thereof,
Defendants.

AFFIDAVIT OF PLAINTIFFS

STATE OF CALIFORNIA

City and County of San Francisco.) ss.
ANNA J. TURNER and SARAH E. CLUIN; CATHERINE M. FRESSE, WILLIAM J. EVANS
being duly sworn, each for ~~the~~
himself and not one for the other, deposes and says:-

~~swears~~- That he is ^{one of} the plaintiff~~s~~ in the above entitled action;

That said plaintiff~~s~~ have and claim an Estate of Inheritance
in and are in the actual and peaceable possession of all that certain
real property in said Complaint and herein described.

That said plaintiff~~s~~ have never made any conveyance of said real
property or any part thereof, or any interest therein.

That Affiants have generally made every inquiry to find any
person who might possibly make any claim to said real property and
has inquired of every person who would be likely to know of such
claims if any were made, and has caused to be examined every record
where such a claim would be likely to be recorded, but has never
found or heard of any person claiming said real property or any part
thereof, adversely to said plaintiff~~s~~ or to the predecessors in
interest of plaintiff~~s~~.

That there is no subsisting lien, mortgage, deed of trust, or
other lien on said real property, or any part thereof,

That said affiant does not know and has never heard of any other person who claims or who may claim any interest in or lien upon said real property or any part thereof, adversely to plaintiff s except as otherwise herein expressly set forth; that affiant does not know of any person other than said plaintiff s and plaintiff s predecessors in interest to whom a person would be likely to make any claim to said property, nor does affiant know of any place where such a claim would be likely to be shown except upon said property, upon the assessment roll or upon the public records of said City and County of San Francisco, that said property has at all times been assessed by the Assessor of said City and County of San Francisco, either to plaintiff s or to the predecessors in interest of said plaintiff s and that either said plaintiff s or the predecessors in interest of plaintiff s have paid all of the taxes, State, County and Municipal levied against said property, and that no other person has ever caused said property or any part thereof to be assessed to him, or to pay any taxes thereon.

That at the time said plaintiff s obtained said property, said plaintiff s inquired of the predecessors in interest of plaintiff s as to any adverse claim thereto and was informed as a result of such inquiries that no one had made any claim thereto, and that at about said time, said plaintiff s caused to be examined by a competent examiner of titles of real property in said City and County of San Francisco the records of all public offices in said City and County of San Francisco, in which records are kept affecting titles to real property in said City and County and as a result of such examination, plaintiff s obtained information and it was shown that there was no person who claimed any interest in said real property or any part thereof, adversely to plaintiff s and that ever since plaintiff s acquired said property, and continuously to the date hereof, plaintiff s have been in the actual and peaceable and exclusive possession thereof, and that at all of said times plaintiff s have always been recognized as the sole and exclusive

owner of all of said real property.

That there are no suits pending in the Superior Court of said City and County of San Francisco by any person claiming said property or any part thereof adversely to plaintiff s or the predecessors in interest of said plaintiff s and that there are no deeds, mortgages, attachments, judgments, or other written instruments, or liens, on file or of record in the office of the Recorder of said City and County of San Francisco, or elsewhere, showing any claim of title to said real property, by any person adversely to plaintiff s which is not set forth in this affidavit; that no person has ever interfered with plaintiff s possession or any part thereof, except as a tenant of plaintiff

That the character of plaintiff s estate, right, title, interest and claim in and to said real property is as follows, to-wit:- that plaintiff s are the owner s in fee simple absolute of all of said real property, claiming title thereto adversely to the whole world.

That the character of plaintiff s possession of said real property is as follows, to-wit:- that for many years last past and until the conveyance herein mentioned of said real property to plaintiff s the respective predecessors in interest of plaintiff s were and ever since said conveyance plaintiff s have been in the open, actual, notorious, peaceable and exclusive possession of said real property so conveyed to plaintiff s, that said real property is completely enclosed by a substantial fence and enclosure, erected along and upon the boundary lines thereof.

The real property herein referred to is particularly described in the complaint filed in this proceeding by plaintiff s and is also particularly described in "EXHIBIT A" which is hereto annexed and hereby made a part hereof.

That plaintiff s estate, right, title, interest, claim in and possession of said real property was

obtained by plaintiff's on the 3rd day of February, 1906, from William Evans

and the same has existed at and during all times since said last named date and the same was conveyed by Deed of Gift

which said instrument was duly recorded in the office of the County Recorder of said City and County of San Francisco, on the 8th day of February, 1906, in Volume 2164 of Deeds at page 213

Catherine M. Greese

William J. Evans

Anna J. Evans

Sarah E. Quinn

Subscribed and sworn to before me this

23rd day of December

1906.

Matthew Brady
Notary Public

Exhibit "A"

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and described as follows, to-wit:-

Commencing at a point on the Westerly line of Vassar Place distant One hundred and Fifty (150) feet Southerly from Harrison Street; thence running at right angles Westerly Seventy-five (75) feet; thence at right angles Southerly Twenty-five (25) feet; thence at right angles Easterly Seventy-five (75) feet to Vassar Place; thence Northerly on the Westerly side of Vassar Place Twenty-five (25) feet to the place of beginning. Being Subdivision Number Six (6) of the One hundred Vara Lot known upon the Official Map of said City of San Francisco as Number Seventy-six (76) of the One hundred Vara Survey.

24

33555
Superior Court

Catherine M Freese

v
all Persons

Affidavit

~~DEPT. 10, JUDGE GRAHAM~~

ASSIGNED

DEPT. 10
DEC 24 1931
FOR HEARING

[Signature]
PRESIDING JUDGE

DEPT. 10, JUDGE GRAHAM

~~DEPT. 10, JUDGE GRAHAM~~

FILED

DEC 24 1912

H. J. [Signature] Y. Clerk

[Signature]

IN THE SUPERIOR COURT

OF THE

STATE OF CALIFORNIA

IN AND FOR THE

City and County of San Francisco

CATHERINE M. FEESE, et als, *Plaintiffs*

No. 33665. Dept. No. 1

ANSWER

vs.

All persons claiming any interest in, or lien upon,
the real property described herein, or any part
thereof,

Defendants.

Comes now the defendant, City and County of San Francisco, a municipal corporation, and for answer to plaintiff's complaint filed herein, denies generally and specifically each and every, all and singular, the allegations in said complaint contained.

Wherefore said defendant prays to be hence dismissed with its costs.

Percy D. Long

City Attorney, Attorney for
said Defendant.

Verification waived, and service admitted

this 25th day of June 1913.

R. J. Morgan

Attorney for Plaintiff.

No. 33665. Dept. NO. 1.

In the Superior Court

of the State of California

IN AND FOR THE

City and County of San Francisco

CATHERINE M. FREESE, et als,

Plaintiff

All persons claiming any interest in
or lien upon, the real property de-
scribed herein, or any part thereof,

Defendants.

Answer

FILED

JUN 25 1913

H. L. MULCREVY, Clerk.

L. J. Hughes
By

CITY ATTORNEY
ATTORNEY FOR CITY AND COUNTY OF SAN FRANCISCO
GRANT BUILDING

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE
2 CITY AND COUNTY OF SAN FRANCISCO.

3 -----oOo-----

4 CATHERINE M. FREESE, WILLIAM :
5 J. EVANS, ANNA J. TURNER and :
6 SARAH E. CLUIN, :

7 Plaintiffs, :

8 -vs-

9 No. 33665

10 ALL PERSONS CLAIMING ANY :
11 INTEREST IN OR LIEN UPON THE :
12 REAL PROPERTY HEREIN DESCRIBED :
13 OR ANY PART THEREOF, :

14 Defendants, :
15 -----

16 J U D G M E N T

17 In the above entitled action, the summons having been
18 published and posted as required by law and the order of this
19 Court, and the plaintiffs at the time of filing the complaint
20 having recorded in the office of the Recorder of the City and
21 County of San Francisco, State of California, a notice of the
22 pendency of said action, containing the object of the action,
23 and a particular description of the property affected thereby;
24 and said notice having been duly recorded in a book devoted
25 exclusively to the recordation of such notices; and the said
26 Recorder having entered a reference to the date of filing of
27 such notice and to the book and page of the record thereof, upon
28 a map or plat of the parcels of land kept by him for that purpose
29 and on that part of the map or plat representing the parcel of
30 land described in the complaint; and no person having appeared or
31 answered said complaint within the time allowed by law, or at all,
32 and no judgment having heretofore been entered as to said prop-
erty under the authority of the act entitled "AN ACT TO PROVIDE
FOR THE ESTABLISHMENT AND QUIETING OF TITLE TO REAL PROPERTY IN
CASE OF THE LOSS OR DESTRUCTION OF PUBLIC RECORDS", approved
June 10, 1906, and as amended; and plaintiffs having in every

1 way complied with the provisions of said act; and said action
2 coming on this day regularly for trial, and the Court having
3 heard the evidence and taken proof of all the facts alleged in
4 the complaint and affidavit filed herewith; and the Court being
5 now fully advised in the premises, finds the following to be the
6 facts:

7 1. That on the 18th day of April, 1906, a large and
8 material part, to-wit, the greater part, of the public records
9 in the office of the County Recorder of the City and County of
10 San Francisco, State of California, were destroyed by fire.

11 2. That at the time of the commencement of this action,
12 to-wit, on the 24th day of December, 1912, the plaintiffs herein
13 were the owners in fee and in the actual and peaceable possession
14 of the following described parcel of land, situate, lying and
15 being in the City and County of San Francisco, State of Calif-
16 ornia, to-wit:

17 COMMENCING at a point on the Westerly line of Vassar
18 Place distant One Hundred and Fifty (150) feet South-
19 erly from Harrison Street; thence running at right
20 angles Westerly Seventy-five (75) feet; thence at
21 right angles Southerly Twenty-five (25) feet; thence
22 at right angles Easterly Seventy-five (75) feet to
23 Vassar Place; thence Northerly on the Westerly side
24 of Vassar Place Twenty-five (25) feet to the place
25 of beginning. BEING Subdivision Number Six (6) of
26 the One Hundred Vara Lot known upon the Official Map
27 of said City of San Francisco as Number Seventy-six
28 (76) of the One Hundred Vara Survey.

29 3. That at the said time of the commencement of this
30 action, plaintiffs claimed and were the owners of an estate of
31 inheritance, to-wit, an estate in fee simple absolute in the
32 real property above described.

33 4. That plaintiffs bring this action in rem against all
the world to establish their title to said property and to
determine all adverse claims thereto.

5. That at the said time of the commencement of this
action, plaintiffs were the owners of the parcel of real property

1 herein described as follows: Catherine M. Freese was the owner
2 of an undivided one-fourth interest; William J. Evans was the
3 owner of an undivided one-fourth interest; Anna J. Turner was
4 the owner of an undivided one-fourth interest; and Sarah E.
5 Cluin was the owner of an undivided one-fourth interest thereof.

6 6. Nothing in this Judgment shall be held to prejudice
7 in any manner the rights or interests acquired by any person
8 in the real property herein described, from or through the
9 plaintiffs herein, subsequent to the time of the commencement
10 of this action.

11 NOW, THEREFORE, by reason of the law and the findings
12 aforesaid, it is, by the Court, ORDERED, ADJUDGED AND DECREED:

13 (a) That on said 24th day of December, 1912, the date
14 of the commencement of the above entitled action, the plaintiffs
15 herein were the owners in fee simple absolute and in the actual
16 and peaceable possession of the real property above described
17 and of the whole thereof.

18 (b) That said plaintiffs' title thereto on the last
19 mentioned date is hereby established and quieted against all the
20 world.

21 (c) That on said date last above mentioned no one had
22 any mortgage or other lien of any description upon said property
23 or upon any part thereof.

24 Done in open Court this 24 day of March, 1931.

25
26
27 Joseph A. Sullivan

28 Judge of the Superior Court.

29
30 RECORDED

31 Book 200 Page 490

32 March 28th 1931

No. 33665 Dept. No. 1

IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA, IN AND
FOR THE CITY AND COUNTY OF
SAN FRANCISCO.

--o0o--

CATHERINE M. FREESE, WILLIAM
J. EVANS, ANNA J. TURNER and
SARAH E. CLUIN,

Plaintiffs,

-vs-

ALL PERSONS CLAIMING ANY
INTEREST IN OR LIEN UPON THE
REAL PROPERTY HEREIN DES-
CRIBED OR ANY PART THEREOF,

Defendants.

J U D G M E N T:

R. F. Mogan, Esq.,
917 Phelan Bldg.,
San Francisco, Calif.

Attorney for plaintiffs.

FILED

MAR 24 1931

H. I. MULGREVY, Clerk

By *[Signature]*
Deputy Clerk

RECC

Book.. 200

Marc

33654
Superior Court

2nd St. Property
William Evans

to
all persons
Affidavit

FILED

DEC 24 1912

H. I. BULKOVY, Clerk.

By *J. Demuth*
Deputy Clerk.

IN THE SUPERIOR COURT

OF THE

STATE OF CALIFORNIA

IN AND FOR THE

City and County of San Francisco

WILLIAM J. EVANS, MARIE LOUISE EVANS
(his wife), *Plaintiffs*

No. 33664. Dept. NO. 1.

ANSWER

vs.

All persons claiming any interest in, or lien upon,
the real property described herein, or any part
thereof,

Defendants.

Comes now the defendant, City and County of San Francisco, a municipal corporation, and for answer to plaintiff's complaint filed herein, denies generally and specifically each and every, all and singular, the allegations in said complaint contained.

Wherefore said defendant prays to be hence dismissed with its costs.



City Attorney, Attorney for
said Defendant.

Verification waived, and service admitted

this 25th day of June 1913.

N33664. Dept. NO. 1.

In the Superior Court

of the State of California

IN AND FOR THE

City and County of San Francisco

WILLIAM J. EVANS

MARIE LOUISE EVANS
(his wife) *Plaintiff,*

vs.

All persons claiming any interest in
or lien upon, the real property de-
scribed herein, or any part thereof,

Defendants.

Answer

FILED

JUN 25 1913

H. L. MULCREVY, Clerk.

S. J. Hughes.
By.....
County Clerk.

CITY ATTORNEY
ATTORNEY FOR CITY AND COUNTY OF SAN FRANCISCO
GRANT BUILDING

Blurred Document

Exhibit "A"

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and particularly described as follows, to-wit:-

Commencing at a point on the Northerly line of Twentieth Street, distant thereon three hundred and five (305) feet Westerly from the Northwesterly corner of Twentieth and Guerrero Streets; running thence Westerly along the said Northerly line of Twentieth Street Twenty-five (25) feet; thence at right angles Northerly One hundred and Fourteen (114) feet; thence at right angles Easterly Twenty-five (25) feet and thence at right angles Southerly One hundred and Fourteen (114) feet to the Northerly line of Twentieth Street and the place of beginning.

Being a portion of Mission Block Number Seventy-seven (77).

obtained by plaintiffs on the 10th day of December, 1892⁸⁹², from Helene
Masson a (emme sole),

and the same has existed at and during all times since said last
named date and the same was conveyed by deed of Bargain and Sale

which said instrument was duly recorded in the office of the County
Recorder of said City and County of San Francisco, on the 16th day of
December, 1892, in Volume 1538 of Deeds, page 325.

Subscribed and sworn to before me this
23rd day of December

1892.

Matthew Brady
Henry Bullis

William J. Evans

Marie Louise Evans

owner of all of said real property.

That there are no suits pending in the Superior Court of said City and County of San Francisco by any person claiming said property or any part thereof adversely to plaintiff s or the predecessors in interest of said plaintiff s and that there are no deeds, mortgages, attachments, judgments, or other written instruments, or liens, on file or of record in the office of the Recorder of said City and County of San Francisco, or elsewhere, showing any claim of title to said real property, by any person adversely to plaintiff s, which is not set forth in this affidavit; that no person has ever interfered with plaintiff s possession or any part thereof, except as a tenant of plaintiff

That the character of plaintiff s estate, right, title, interest and claim in and to said real property is as follows, to-wit:- that plaintiff s are the owner s in fee simple absolute of all of said real property, claiming title thereto adversely to the whole world.

That the character of plaintiff s possession of said real property is as follows, to-wit:- that for many years last past and until the conveyance herein mentioned of said real property to plaintiff s the respective predecessors in interest of plaintiff s were and ever since said conveyance plaintiff have been in the open, actual, notorious, peaceable and exclusive possession of said real property as conveyed to plaintiff s, that said real property is completely enclosed by a substantial fence and enclosure, erected along and upon the boundary lines thereof.

The real property herein referred to is particularly described in the complaint filed in this proceeding by plaintiff s, and is also particularly described in "EXHIBIT A" which is hereto annexed and hereby made a part hereof.

That plaintiff s estate, right, title, interest, claim in and possession of said real property was

That said affiant does not know and has never heard of any other person who claims or who may claim any interest in or lien upon said real property or any part thereof, adversely to plaintiffs except as otherwise herein expressly set forth; that affiant does not know of any person other than said plaintiffs and plaintiff's predecessors in interest to whom a person would be likely to make any claim to said property, nor does affiant know of any place where such a claim would be likely to be shown except upon said property, upon the assessment roll or upon the public records of said City and County of San Francisco, that said property has at all times been assessed by the Assessor of said City and County of San Francisco, either to plaintiff or to the predecessors in interest of said plaintiffs and that either said plaintiff's or the predecessors in interest of plaintiff's have paid all of the taxes, State, County and Municipal levied against said property, and that no other person has ever caused said property or any part thereof to be assessed to him, or to pay any taxes thereon.

That at the time said plaintiff's obtained said property, said plaintiff's inquired of the predecessors in interest of plaintiff's as to any adverse claim thereto and was informed as a result of such inquiries that no one had made any claim thereto, and that at about said time, said plaintiff's caused to be examined by a competent examiner of titles of real property in said City and County of San Francisco the records of all public offices in said City and County of San Francisco, in which records are kept affecting titles to real property in said City and County and as a result of such examination, plaintiff's obtained information and it was shown that there was no person who claimed any interest in said real property or any part thereof, adversely to plaintiff's and that ever since plaintiff acquired said property, and continuously to the date hereof, plaintiff's have been in the actual and peaceable and exclusive possession thereof, and that at all of said times plaintiff's have always been recognized as the sole and exclusive

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO.

WILLIAM J. EVANS and MARIE LOUISE EVANS,)
(his wife),)

Plaintiffs,)

vs-

All persons claiming any interest in or lien)
upon the real property herein described, or)
any part thereof,)

Defendants.)

AFFIDAVIT OF PLAINTIFFS

STATE OF CALIFORNIA)
City and County of San Francisco.) ss.

WILLIAM J. EVANS and MARIE LOUISE EVANS, being duly sworn,
each for himself, and not one for the other, deposes and says:-

That he is ^{one of} the plaintiff in the above entitled action; That
said plaintiffs have and claim an Estate of Inheritance in and
in the actual and peaceable possession of all that certain real proper-
ty in said complaint and hereinafter described.

That said plaintiffs have never made any conveyance of said
real property or any part thereof, or any interest therein.

That Affiants have generally made every inquiry to find any
person who might possibly make any claim to said real property and has
inquired of every person who would be likely to know of such claims
if any were made, and has caused to be examined every record where such
a claim would be likely to be recorded, but has never found or heard
of any person claiming said real property or any part thereof, adversely
to said plaintiffs or to the predecessors in interest of plaintiffs.

That there is no subsisting lien, mortgage, deed of trust, or
other lien on said real property, or any part thereof.

ASSIGNED TO
Department No.
DEC 28 1912
Presiding Judge

33004
Superior Court

Wm J Evans
et al

~~all Persons~~
~~Complaint~~

1308-05

FILED

DEC 24 1912

H. I. MULCRAY, Clerk.
J. D. [Signature]

R F Morgan
Plff ety

2 That said plaintiffs claim an estate of inheritance in and are
3 the owners in fee simple absolute of all of said real property, and
4 that said plaintiffs now are by themselves and for
5 many years last past said plaintiffs and the predecessors in title
6 of said plaintiffs have been in the actual and peaceable possession
7 of said real property and every part thereof.

8 WHEREFORE plaintiffs pray judgment that all adverse claims
9 to said real property be determined; that it be adjudged that plain-
10 tiffs are the owners in fee simple absolute and in the actual
11 and peaceable possession of said real property and every part there-
12 of; that plaintiffs title to said property be established and
13 quieted; that said judgment ascertain and determine all estate,
14 rights, titles, interests and claims in and to said real property
15 and every part thereof, whether the same be legal or equitable,
16 present or future, vested or contingent, or whether the same consist
17 of mortgages or liens of any description; and that plaintiff recover
18 their costs herein and such other relief as to the Court may
19 seem proper.

20 *R. J. Mogan*
21 Attorney for Plaintiff

22 STATE OF CALIFORNIA) ss.
23 City and County of San Francisco.)

24 WILLIAM J. EVANS and MARIE LOUISE EVANS, being duly sworn, each for
25 himself, and not one for the other, deposes and says: I am one of the
26 plaintiffs in the above entitled action. I have read the foregoing
27 complaint and know the contents thereof and the same is true of my own
28 knowledge except as to the matters therein stated on information or
29 belief, and as to those matters I believe it to be true.
30 Subscribed and sworn to before me

31 this 23rd day of December 1912. } William J. Evans
32 } Marie Louise Evans
33 }
34 } *Matthew Brady*
35 } *Notary Public*

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and particularly described as follows, to-wit:-

Commencing at a point on the Northerly line of Twentieth Street, distant thereon Three hundred and Five (305) feet Westerly from the Northwesterly corner of Twentieth and Guerrero Streets; running thence Westerly along the said Northerly line of Twentieth Street Twenty-five (25) feet; thence at right angles Northerly One hundred and Fourteen (114) feet; thence at right angles Easterly Twenty-five (25) feet and thence at right angles Southerly One hundred and Fourteen (114) feet to the Northerly line of Twentieth Street and the place of beginning.

Being a portion of Mission Block Number Seventy-seven (77).

22nd Guerrero
1913
note: Helen Mason
to W.J. + M.L.
in 1892

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STATE OF CALIFORNIA IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO.

-----000-----

WILLIAM J. EVANS and MARIE LOUISE EVANS
(his wife,)

Plaintiffs,

-vs-

All persons claiming any interest
in or lien upon the real property
herein described, or any part thereof,

Defendants.

COMPLAINT

Plaintiffs above named complain of defendants above named and
for cause of action allege :-

That prior to and on the 18th. day of April, 1906, and until
the same were destroyed by fire as herein mentioned, the office of the
County Recorder of the City and County of San Francisco, State of
California, contained a complete public record of plaintiff's title
to the real property herein described, and that on said 18th. day of
April, 1906, the public records in the office of said County Recorder,
and in particular, the said public record affecting plaintiff's
title to said real property, were in material part, to-wit, the
greater part thereof, destroyed by fire.

That said plaintiffs bring this action as an action in rem
against all the world for the purpose of restoring plaintiff's
record title and establishing plaintiff's title to said real property
and of determining all adverse claims thereto.

That the following is a particular description of the real
property referred to, to-wit:-

22nd Guerrero
1913
note: Helen Mason
to W.J. + M.L.
in 1892

STATE OF THE STATE OF CALIFORNIA IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO.

-----000-----

WILLIAM J. EVANS and MARIE LOUISE EVANS
(his wife,)

Plaintiffs,

-vs-

All persons claiming any interest
in or lien upon the real property
herein described, or any part thereof,

Defendants.

COMPLAINT

Plaintiffs above named complain of defendants above named and
for cause of action allege :-

That prior to and on the 18th. day of April, 1906, and until
the same were destroyed by fire as herein mentioned, the office of the
County Recorder of the City and County of San Francisco, State of
California, contained a complete public record of plaintiff's title
to the real property herein described, and that on said 18th. day of
April, 1906, the public records in the office of said County Recorder,
and in particular, the said public record affecting plaintiff's
title to said real property, were in material part, to-wit, the
greater part thereof, destroyed by fire.

That said plaintiffs bring this action as an action ~~in rem~~
against all the world for the purpose of restoring plaintiff's
record title and establishing plaintiff's title to said real property
and of determining all adverse claims thereto.

That the following is a particular description of the real
property referred to, to-wit:-

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and particularly described as follows, to-wit:-

Commencing at a point on the Northerly line of Twentieth Street, distant thereon Three hundred and Five (305) feet Westerly from the Northwesterly corner of Twentieth and Guerrero Streets; running thence Westerly along the said Northerly line of Twentieth Street Twenty-five (25) feet; thence at right angles Northerly One hundred and Fourteen (114) feet; thence at right angles Easterly Twenty-five (25) feet and thence at right angles Southerly One hundred and Fourteen (114) feet to the Northerly line of Twentieth Street and the place of beginning.

Being a portion of Mission Block Number Seventy-seven (77).

2 That said plaintiffs claim an estate of inheritance in and are
3 the owners in fee simple absolute of all of said real property, and
4 that said plaintiffs now are by themselves and for
5 many years last past said plaintiffs and the predecessors in title
6 of said plaintiffs have been in the actual and peaceable possession
7 of said real property and every part thereof.

8 WHEREFORE plaintiffs pray judgment that all adverse claims
9 to said real property be determined; that it be adjudged that plain-
10 tiffs are the owners in fee simple absolute and in the actual
11 and peaceable possession of said real property and every part there-
12 of; that plaintiffs title to said property be established and
13 quieted; that said judgment ascertain and determine all estate,
14 rights, titles, interests and claims in and to said real property
15 and every part thereof, whether the same be legal or equitable,
16 present or future, vested or contingent, or whether the same consist
17 of mortgages or liens of any description; and that plaintiff recover
18 their costs herein and such other relief as to the Court may
19 seem proper.

20 *R J Mogan*
21 Attorney for Plaintiff

22 STATE OF CALIFORNIA) ss.
23 City and County of San Francisco.)

24 WILLIAM J. EVANS and MARIE LOUISE EVANS, being duly sworn, each for
25 himself, and not one for the other, deposes and says: I am one of the
26 plaintiffs in the above entitled action. I have read the foregoing
27 complaint and know the contents thereof and the same is true of my own
28 knowledge except as to those matters therein stated on information or
29 belief, and as to those matters I believe it to be true.
30 Subscribed and sworn to before me

31 this 23rd day of December 1912. } William J Evans
32 } Marie Louise Evans
33 *Matthew Brady*
34 *Notary Public*

ASSIGNED TO
Department No.
DEC 24 1912
Presiding Judge

33004
Superior Court

Wm J Evans
et al

~~all Persons~~
~~Complaint~~

1308-05

FILED

DEC 24 1912

H. L. MULCRAY, Clerk.

R F Morgan
Plff ety

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO.

WILLIAM J. EVANS and MARIE LOUISE EVANS,)
(his wife),)

Plaintiffs,)

vs-

All persons claiming any interest in or lien)
upon the real property herein described, or)
any part thereof,)

Defendants.)

AFFIDAVIT OF PLAINTIFFS

STATE OF CALIFORNIA)
City and County of San Francisco.) ss.

WILLIAM J. EVANS and MARIE LOUISE EVANS, being duly sworn,
each for himself, and not one for the other, deposes and says:-

That he is ^{one of} the plaintiff in the above entitled action; That
said plaintiffs have and claim an Estate of Inheritance in and
in the actual and peaceable possession of all that certain real proper-
ty in said complaint and herein described.

That said plaintiffs have never made any conveyance of said
real property or any part thereof, or any interest therein.

That Affiants have generally made every inquiry to find any
person who might possibly make any claim to said real property and has
inquired of every person who would be likely to know of such claims
if any were made, and has caused to be examined every record where such
a claim would be likely to be recorded, but has never found or heard
of any person claiming said real property or any part thereof, adversely
to said plaintiffs or to the predecessors in interest of plaintiffs.

That there is no subsisting lien, mortgage, deed of trust, or
other lien on said real property, or any part thereof.

That said affiant does not know and has never heard of any other person who claims or who may claim any interest in or lien upon said real property or any part thereof, adversely to plaintiffs except as otherwise herein expressly set forth; that affiant does not know of any person other than said plaintiffs and plaintiff's predecessors in interest to whom a person would be likely to make any claim to said property, nor does affiant know of any place where such a claim would be likely to be shown except upon said property, upon the assessment roll or upon the public records of said City and County of San Francisco, that said property has at all times been assessed by the Assessor of said City and County of San Francisco, either to plaintiff or to the predecessors in interest of said plaintiffs and that either said plaintiff's or the predecessors in interest of plaintiff's have paid all of the taxes, State, County and Municipal levied against said property, and that no other person has ever caused said property or any part thereof to be assessed to him, or to pay any taxes thereon.

That at the time said plaintiff's obtained said property, said plaintiff's inquired of the predecessors in interest of plaintiff's as to any adverse claim thereto and was informed as a result of such inquiries that no one had made any claim thereto, and that at about said time, said plaintiff's caused to be examined by a competent examiner of titles of real property in said City and County of San Francisco the records of all public offices in said City and County of San Francisco, in which records are kept affecting titles to real property in said City and County and as a result of such examination, plaintiff's obtained information and it was shown that there was no person who claimed any interest in said real property or any part thereof, adversely to plaintiff's and that ever since plaintiff acquired said property, and continuously to the date hereof, plaintiffs have been in the actual and peaceable and exclusive possession thereof, and that at all of said times plaintiff's have always been recognized as the sole and exclusive

owner of all of said real property.

That there are no suits pending in the Superior Court of said City and County of San Francisco by any person claiming said property or any part thereof adversely to plaintiff s or the predecessors in interest of said plaintiff s and that there are no deeds, mortgages, attachments, judgments, or other written instruments, or liens, on file or of record in the office of the Recorder of said City and County of San Francisco, or elsewhere, showing any claim of title to said real property, by any person adversely to plaintiff s, which is not set forth in this affidavit; that no person has ever interfered with plaintiff s possession or any part thereof, except as a tenant of plaintiff

That the character of plaintiff s estate, right, title, interest and claim in and to said real property is as follows, to-wit:- that plaintiff s are the owner s in fee simple absolute of all of said real property, claiming title thereto adversely to the whole world.

That the character of plaintiff s possession of said real property is as follows, to-wit:- that for many years last past and until the conveyance herein mentioned of said real property to plaintiff s the respective predecessors in interest of plaintiff s were and ever since said conveyance plaintiff have been in the open, actual, notorious, peaceable and exclusive possession of said real property as conveyed to plaintiff s, that said real property is completely enclosed by a substantial fence and enclosure, erected along and upon the boundary lines thereof.

The real property herein referred to is particularly described in the complaint filed in this proceeding by plaintiff s, and is also particularly described in "EXHIBIT A" which is hereto annexed and hereby made a part hereof.

That plaintiff s estate, right, title, interest, claim in and possession of said real property was

obtained by plaintiffs on the 10th day of December, 1892⁸⁹², from Helene
Masson a (emme sole),

and the same has existed at and during all times since said last
named date and the same was conveyed by deed of Bargain and Sale

which said instrument was duly recorded in the office of the County
Recorder of said City and County of San Francisco, on the 16th day of
December, 1892, in Volume 1538 of Deeds, page 325.

Subscribed and sworn to before me this

23rd day of December

1892.

Matthew Brady
Henry Bull

William Evans

Marie Louise Evans

Blurred Document

Exhibit "A"

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and particularly described as follows, to-wit:-

Commencing at a point on the Northerly line of Twentieth Street, distant thereon three hundred and five (305) feet Westerly from the Northwesterly corner of Twentieth and Guerrero Streets; running thence Westerly along the said Northerly line of Twentieth Street Twenty-five (25) feet; thence at right angles Northerly One hundred and Fourteen (114) feet; thence at right angles Easterly Twenty-five (25) feet and thence at right angles Southerly One hundred and Fourteen (114) feet to the Northerly line of Twentieth Street and the place of beginning.

Being a portion of Mission Block Number Seventy-seven (77).

N83664. Dept. NO. 1.

In the Superior Court

of the State of California

IN AND FOR THE

City and County of San Francisco

WILLIAM J. EVANS

MARIE LOUISE EVANS

(his wife)

Plaintiff,

vs.

All persons claiming any interest in
or lien upon, the real property de-
scribed herein, or any part thereof,

Defendants.

Answer

FILED

JUN 25 1913

H. L. MULCREVY, Clerk.

S. J. Hughes.
Deputy Clerk.

CITY ATTORNEY
ATTORNEY FOR CITY AND COUNTY OF SAN FRANCISCO
GRANT BUILDING

IN THE SUPERIOR COURT

OF THE

STATE OF CALIFORNIA

IN AND FOR THE

City and County of San Francisco

WILLIAM J. EVANS, MARIE LOUISE EVANS
(his wife), *Plaintiffs*

No. 33664. Dept. NO. 1.

ANSWER

vs.

All persons claiming any interest in, or lien upon,
the real property described herein, or any part
thereof,

Defendants.

Comes now the defendant, City and County of San Francisco, a municipal corporation, and for answer to plaintiff's complaint filed herein, denies generally and specifically each and every, all and singular, the allegations in said complaint contained.

Wherefore said defendant prays to be hence dismissed with its costs.



City Attorney, Attorney for
said Defendant.

Verification waived, and service admitted

this 25th day of June 1913.

33654
Superior Court

20th St Property
William Evans
et al

All Persons
Affidavit

FILED

DEC 24 1912

H. I. BULOKOVY, Clerk.

By J. Demuth
Deputy Clerk.

ONE

No. 33,428

Dept. PAID

In the Superior Court

OF THE STATE OF CALIFORNIA IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

Barthelme M. Trace

Plaintiff

vs.

All persons claiming any interest in or lien upon the real property in the Complaint described or any part thereof.

Defendants

Answer of the German Savings and Loan Society

FILED

JUL 29 1914

H. J. MULCREVY, Clerk

J. S. Dunsmuir Deputy Clerk

ROOSEVELT & KELLS ATTORNEYS FOR SAID DEFENDANT 430 CALIFORNIA STREET SAN FRANCISCO, CAL.

832 Fell St.

Service of within answer at San Francisco admitted this 29th day of July 1914

J. P. Morgan Attorney for Plaintiff

Mortgage.

A. C. FREESE and CATHERINE M.
FREESE, his wife,

TO

The German
Savings and Loan Society

Dated September 18th, 1902.

Recorded at request of

Cal. Title Insurance & Trust
Co.

Sep 26, 1902. A. D. 19

at 43 min. past 11 A. M.

in Liber 1325 of Mortgages

at page 83

Goodfellow, Ellis & Orrick
San Francisco

This Indenture of Mortgage, made this 18th day of September, A. D. 1902, by and between

A. C. FRIESE and CATHERINE M. FRIESE (also known as Catharine M. Friese), his wife, both of the City and County of San Francisco, State of California,

the parties of the first part, and THE GERMAN SAVINGS AND LOAN SOCIETY, a corporation duly incorporated under and by virtue of the laws of the State of California, the party of the second part.

Whereas, the said parties of the first part are indebted to the said party of the second part in the sum of **Fifteen thousand (15,000)**, Dollars in Gold Coin of the United States, and have agreed to pay the same with interest thereon in like Gold Coin, according to the terms of a certain promissory note of even date herewith, executed and delivered therefor by the said parties of the first part to the said party of the second part.

Now this Indenture Witnesseth, that the said parties of the first part, in consideration of the premises and the aforesaid indebtedness, and for the purpose of securing the payment of the said promissory note, and also of all other moneys hereinafter agreed or provided to be paid by said parties of the first part, have granted, bargained, sold, conveyed, and confirmed and do by these presents grant, bargain, sell, convey and confirm unto the said party of the second part, its successors and assigns, All that certain piece, parcel, tract and lot of land situate, lying and being in the **City and** County of **San Francisco**, State of California, and particularly bounded and described as follows, viz.:

COMMENCING at a point on the Northerly line of Fell Street distant eighty-one (81) feet and three (3) inches Westerly thereon from the Northwesterly corner of Fell and Fillmore Streets, and running thence Westerly along said Northerly line of Fell Street seventy-five (75) feet; thence at right angles Northerly one hundred and thirty-seven (137) feet and six (6) inches; thence at right angles Easterly fifty (50) feet; thence at right angles Southerly thirty-seven (37) feet and six (6) inches; thence at right angles Easterly twenty-five (25) feet; and thence at right angles Southerly one hundred (100) feet to the point of commencement.

BEING a portion of Western Addition Block #368.

Part of the 29/08 - 17. Fee 8/21/02 of Fillmore 15x100

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To Have and to Hold the same unto the said party of the second part, its successors and assigns forever, By Way of Mortgage, to secure the payment of said Promissory Note and also of all other moneys hereinafter agreed or provided to be paid by the said parties of the first part. And if such payments be made in full, at the times and in the manner as so promised, agreed and provided, these presents shall be void, and the estate thereby granted shall cease and determine.

But in case default be made in the payment of the principal sum in said Promissory Note named, or of the interest that may grow due thereon, or of any part of said principal or interest, according to the terms and conditions in said Promissory Note provided and specified, or of any of the other moneys herein agreed or provided to be paid by the said parties of the first part, or the interest thereon, or any part thereof, then the whole of the principal sum named in the said Promissory Note, and the interest that shall have accrued thereon, shall become and be immediately due at the election of the holder of the said Promissory Note, and the commencement of legal proceedings to foreclose this Mortgage shall be conclusive evidence of such election; and in case of such default, the party of the second part, its successors and assigns, are hereby authorized to institute legal proceedings for the foreclosure of this Mortgage, and the sale, under the direction and decree of a court of competent jurisdiction, of the property therein referred to or described, and the application of the proceeds arising from said sale to the payment of the amount of the principal sum, and interest thereon, which shall be then unpaid upon the said Promissory Note, and of the other moneys herein agreed to be paid by the parties of the first part. Also, in case of such default, a sale of said property, or any part thereof, or any interest therein may be made by the party of the second part, its successors or assigns, with or without judicial proceedings, and the proceeds of such sale shall be applied as above provided. Power to make such sale is hereby expressly conferred, and the same may be exercised upon giving such notice as is required by law in case of sales of real property on execution. The party of the second part, its successors or assigns, may be the purchaser at such sale.

And the said parties of the first part further agree with said party of the second part that they will pay, satisfy and discharge at maturity all taxes and assessments and all other charges and incumbrances which now are or shall hereafter be or appear to be a lien upon the said mortgaged premises, or any part thereof (including any tax or assessment on the interest in said land created by this Mortgage or on the money or debt secured thereby); and that in default thereof, said party of the second part may, without demand or notice, pay, satisfy, or discharge the said taxes, assessments, charges or incumbrances, and pay and expend such sums of money as it may deem to be necessary therefor, and shall be the sole judge of the legality or validity of such taxes, assessments, charges or incumbrances, and the amount necessary to be paid in the satisfaction or discharge thereof:

And also, that they will at all times keep the buildings and improvements which now are or shall hereafter be erected upon the said mortgaged premises insured against loss or damage by fire to the amount of at least \$ 10,000.00, by some insurance company or companies approved by said party of the second part, the policies for which insurance shall be made payable, in case of loss, to said party of the second part, and shall be delivered to and held by it as further security; and that in default thereof, said party of the second part may procure such insurance, not exceeding the amount aforesaid, to be effected either upon its interest as mortgagee or upon the interest of the owners of the mortgaged premises and in their name, loss, if any, being made payable to the said party of the second part, and may pay and expend for premiums for such insurance such sums of money as it may deem to be necessary.

And also, that if, during the existence of this Mortgage, there be commenced or pending any suit or action affecting said premises, or any part thereof, or the title thereto, or if any adverse claim for or against the said premises, or any part thereof, be made or asserted, said party of the second part may appear in said suit or action and retain counsel therein and defend the same, or otherwise take such action therein as it may be advised, and may settle or compromise the same or the said adverse claim, and, in that behalf, and for any of the said purposes, may pay and expend such sums of money as it may deem to be necessary;

And also, that the party of the second part may at any time, without notice, release portions of said mortgaged premises from the lien of this Mortgage without affecting the personal liability of any person for the payment of the said indebtedness or the lien of this Mortgage upon the remainder of the mortgaged premises;

And also, that all expenses incurred by the party of the second part in and about the making of the loan secured hereby, including counsel fees, shall be repaid to it by the parties of the first part on demand and shall be secured by this Mortgage.

And the said parties of the first part further agree that they will pay to said party of the second part the principal sum of the said Promissory Note and the interest thereon according to the terms thereof, and also, on demand, the amounts of all sums of money which said party of the second part shall pay or expend pursuant to the provisions, or any of them, hereinbefore contained, together with interest upon each of such amounts, until paid, from the time of the payment thereof by said party of the second part, at the rate of two per cent per month;

And also, that in case of suit being commenced for the foreclosure of this Mortgage, or in case of sale under the power aforesaid, they will pay to said party of the second part for counsel fees therein the sum of One Hundred Dollars, and also an amount equal to five per cent of the amount then unpaid upon the said Promissory Note, and whether the said suit be brought to a decree or not, and also such further sums, if any, as said party of the second part shall have paid for procuring an abstract of, or for search of, the title to said

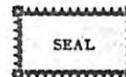
premises subsequent to the execution of this Mortgage; and in such suit of foreclosure, the plaintiff therein shall be entitled, without notice, to the appointment of a receiver to collect and receive the rents, issues and profits of the mortgaged premises, and to exercise such other powers as the court shall confer; and also that all moneys herein agreed to be paid shall be secured by these presents and be a lien upon the said mortgaged premises, and be payable in Gold Coin, as aforesaid.

In Witness Whereof, the said parties of the first part have executed these presents at the City and County of San Francisco, State of California, the day and year first above written.

Signed, Sealed and Delivered in the presence of

A. C. FRIESE

CATHERINE M. FRIESE.



State of California, }
City and County of San Francisco. } ss.

On this twenty-second day of September, A. D. one thousand nine hundred and two, before me, MURRAY F. VANDALL, a Court Commissioner of the City and County of San Francisco, State of California, duly commissioned and sworn, personally appeared A. C. FRIESE and CATHERINE M. FRIESE (his wife), known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the said City and County of San Francisco, the day and year last above written.

MURRAY F. VANDALL,
Court Commissioner,
Of the City and County of San Francisco,
State of California.

State of California.

STATE OF }
County of } ss.

On this _____ day of _____, A. D. One Thousand Nine Hundred and _____, before me, _____ a Notary Public in and for said County of _____ residing therein, duly commissioned and sworn, personally appeared

known to me to be the persons whose names are subscribed to the within and foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in said County of _____ the day _____ and year last above written.

NEW RECORDED SERIES
In the office of the County Recorder of the City and County of San Francisco
at 4:30 min. past 1 o'clock in the year 1902
of _____ page 83
By _____ Deputy

Notary Public in and for said County of _____ State of _____

1 That in order to secure the payment of said promissory note, the said.....
2 A. C. FREESE and CATHERINE M. FREESE,.....
3 did at the same time execute and deliver to this defendant their certain indenture of
4 mortgage, whereof a copy is hereto attached, marked "Exhibit A," and is here referred to
5 and made part of this answer. That said mortgage was duly acknowledged so as to entitle
6 it to be recorded, and it was recorded on the 26th day of September, 1902,
7 in Liber 1325 of Mortgages, at page 83, in the County Recorder's office of
8 said City and County of San Francisco. That at the date of said mortgage the mortgagors,
9 were the owners in fee and in possession of all the lands described in said mortgage, and
10 did thereby mortgage to this defendant, to secure the payment of said promissory note.... and
11 of all other sums of money provided in said mortgage to be paid, all of the lands described
12 in the Complaint in this action (being situate in said City and County of San Francisco,
13 State of California), which are included in the following boundaries and description, to-wit:

14
15 COMMENCING at a point on the Northerly line of Fell
16 Street distant eighty-one (81) feet and three (3) inches Wes-
17 terly thereon from the Northwesterly corner of Fell and Fill-
18 more Streets, and running thence Westerly along said North-
19 erly line of Fell Street seventy-five (75) feet; thence at
20 right angles Northerly one hundred and thirty-seven (137)
21 feet and six (6) inches; thence at right angles Easterly fif-
22 ty (50) feet; thence at right angles Southerly thirty-seven
23 (37) feet and six (6) inches; thence at right angles Easterly
24 twenty-five (25) feet; and thence at right angles Southerly
25 one hundred (100) feet and to the point of commencement.

26
27 BEING a portion of Western Addition Block #368.

28
29 That subsequent to the execution of the aforesaid mort-
30 gage, the following described portion of real property was,
31 on the 29th day of December, 1908, released from the said
32 mortgage, to wit ;

33
34 COMMENCING at a point on the Northerly line of Fell
35 Street, distant thereon eighty-one (81) feet and three (3)
36 inches Westerly thereon from the Northwesterly corner of Fell
37 and Fillmore Streets, and running thence Westerly along said
38 Northerly line of Fell Street twenty-five (25) feet; thence
39 at right angles Northerly one hundred (100) feet; thence at
40 right angles Easterly twenty-five (25) feet; and thence at
41 right angles Southerly one hundred (100) feet and to the
42 point of commencement.

33428

No. _____

Dept. 4

Superior Court

City and County of San Francisco,
State of California

Catherine M. Fresse

vs
all persons etc

Affidavit

FILED

DEC 16 1912
H. L. MULGREY, Clerk.

S. J. Hughes
Deputy Clerk.

R. F. MOGAN

ATTORNEY FOR *Plff*

PHELAN BUILDING

SAN FRANCISCO, CALIFORNIA

Exhibit "A."

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and particularly described as follows, to-wit:-

Commencing at a point on the Northerly line of Fell Street distant thence One hundred and Six (106) feet and Three (3) inches Westerly from the Westerly line of Fillmore Street; running thence Westerly along said Northerly line of Fell Street Fifty (50) feet; thence at right angles Northerly One hundred and Thirty-seven (137) feet and Six (6) inches; thence at right angles Easterly Fifty (50) feet; thence at right angles Southerly One hundred and Thirty-seven (137) feet and Six (6) inches to the said Northerly line of Fell Street and to the point of commencement.

Being a portion of Western Addition Block No. 369.

obtained by plaintiff by deed of Bargain and Sale from
on the day of 18 and by a deed of Gift
from A. Freese on the day of 18

and the same has existed at and during all times since said last
named date by

which said instrument ^{were} duly recorded in the office of the County
Recorder of said City and County of San Francisco. That said

property is subject to the lien of a mortgage executed
by Plaintiff and A. Freese to the German Savings
and Loan Society in the sum of Ten Thousand
Dollars.

mortgage
10000
German
S & L Socy

Subscribed and sworn to before me this

16 day of December

Catherine M. Chesel

That said affiant does not know and has never heard of any other person who claims or who may claim any interest in or lien upon said real property or any part thereof, adversely to plaintiff except as otherwise herein expressly set forth; that affiant does not know of any person other than said plaintiff and plaintiff's predecessors in interest to whom a person would be likely to make any claim to said property, nor does affiant know of any place where such a claim would be likely to be shown except upon said property, upon the assessment roll or upon the public records of said City and County of San Francisco, that said property has at all times been assessed by the Assessor of said City and County of San Francisco, either to plaintiff or to the predecessors in interest of said plaintiff and that either said plaintiff or the predecessors in interest of plaintiff have paid all of the taxes, State, County and Municipal levied against said property, and that no other person has ever caused said property or any part thereof to be assessed to him, or paid any taxes thereon.

That at the time said plaintiff obtained said property, said plaintiff inquired of the predecessors in interest of plaintiff as to any adverse claim thereto and was informed as a result of such inquiries that no one had made any claim thereto, and that at about said time, said plaintiff caused to be examined by a competent examiner of titles of real property in said City and County of San Francisco the records of all public offices in said City and County of San Francisco, in which records are kept affecting titles to real property in said City and County and as a result of such examination, plaintiff obtained information and it was shown that there was no person who claimed any interest in said real property or any part thereof, adversely to plaintiff and that ever since plaintiff acquired said property, and continuously to the date hereof, plaintiff has been in the actual and peaceable and exclusive possession thereof, and that at all of said times plaintiff has always been recognized as the sole and exclusive

owner of all of said real property.

That there are no suits pending in the Superior Court of said City and County of San Francisco by any person claiming said property or any part thereof adversely to plaintiff or the predecessors in interest of said plaintiff and that there are no deeds, mortgages, attachments, judgments, or other written instruments, or liens, on file or of record in the office of the Recorder of said City and County of San Francisco, or elsewhere, showing any claim of title to said real property, by any person adversely to plaintiff which is not set forth in this affidavit; that no person has ever interfered with plaintiff's possession or any part thereof, except as a tenant of plaintiff

That the character of plaintiff's estate, right, title, interest and claim in and to said real property is as follows, to-wit:- that plaintiff is the owner in fee simple absolute of all of said real property, claiming title thereto adversely to the whole world.

That the character of plaintiff's possession of said real property is as follows, to-wit:- that for many years last past and until the conveyance herein mentioned of said real property to plaintiff the respective predecessors in interest of plaintiff were and ever since said conveyance plaintiff has been in the open, actual, notorious, peaceable and exclusive possession of said real property so conveyed to plaintiff, that said real property is completely enclosed by a substantial fence and enclosure, erected along and upon the boundary lines thereof.

The real property herein referred to is particularly described in the complaint filed in this proceeding by plaintiff and is also particularly described in "EXHIBIT A" which is hereto annexed and hereby made a part hereof.

That plaintiff's estate, right, title, interest, claim in and possession of said real property was

All that certain lot, piece or parcel of land, situate, lying and being in the City and County of San Francisco, State of California and bounded and particularly described as follows, to-wit:-

Commencing at a point on the Northerly line of Fell Street distant thereon One hundred and Six (106) feet and Three (3) inches Westerly from the Westerly line of Fillmore Street; running thence Westerly along said Northerly line of Fell Street Fifty (50) feet; thence at right angles Northerly One hundred and Thirty-seven (137) feet and Six (6) inches; thence at right angles Easterly Fifty (50) feet; thence at right angles Southerly One hundred and Thirty-seven (137) feet and Six (6) inches to the said Northerly line of Fell Street and to the point of commencement.

Being a portion of Western Addition Block No. 368.

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
CITY AND COUNTY OF SAN FRANCISCO.

CATHERINE M. FREESE,)

Plaintiff (

vs-)

All persons claiming any interest
in or lien upon the real property
herein described, or any part thereof, (

Defendants.)

33428

AFFIDAVIT OF PLAINTIFF

STATE OF CALIFORNIA)
City and County of San Francisco.) (ss.

CATHERINE M. FREESE, being duly sworn, deposes and
says:- That she is the plaintiff in the above entitled action;

That said plaintiff has and claim an Estate of Inheritance
in and is in the actual and peaceable possession of all that certain
real property in said Complaint and herein described.

That said plaintiff has never made any conveyance of said real
property or any part thereof, or any interest therein.

That Affiant has generally made every inquiry to find any
person who might possibly make any claim to said real property and
has inquired of every person who would be likely to know of such
claims if any were made, and has caused to be examined every record
where such a claim would be likely to be recorded, but has never
found or heard of any person claiming said real property or any part
thereof, adversely to said plaintiff or to the predecessors in
interest of plaintiff .

That there is no subsisting lien, mortgage, deed of trust, or
other lien on said real property, or any part thereof, except as
hereinafter set forth.

1 That said plaintiff claims an estate of inheritance in and is
2 the owner in fee simple absolute of all of said real property, and
3 that said plaintiff is now by herself and for
4 many years last past said plaintiff and the predecessors in title
5 of said plaintiff have been in the actual and peaceable possession
6 of said real property and every part thereof.

7 WHEREFORE, plaintiff prays judgment that all adverse
8 claims to said real property be determined; that it be adjudged that
9 plaintiff is the owner in fee simple absolute and in
10 the actual and peaceable possession of said real property and every
11 part thereof; that plaintiff's title to said property be es-
12 tablished and quieted; that said judgment ascertain and determine all
13 estate, rights, titles, interests and claims in and to said real
14 property and every part thereof, whether the same be legal or equit-
15 able, and present or future, vested or contingent, or whether the
16 same consist of mortgages or liens of any description; and that
17 plaintiff recover her costs herein and such other relief
18 as to the Court may seem proper.

19 *R. J. Morgan*
Attorney for Plaintiff

20
21 STATE OF CALIFORNIA) ss.
22 City and County of San Francisco. (

23 CATHERINE M. FREESE
24 being duly sworn, deposes and says:- I am the
25 plaintiff in the above entitled action. I have read the foregoing
26 complaint and know the contents thereof and the same is true of my
27 own knowledge except as to the matters therein stated on information
28 or belief, and as to those matters I believe it to be true.

29 Subscribed and sworn to before me
30 this 16 day of December, 1912,
31 *Catherine M. Freese*

32 *[Signature]*

33 NOTARY PUBLIC IN AND FOR
THE CITY AND COUNTY OF
SAN FRANCISCO, STATE OF
CALIFORNIA.

ASSIGNED TO
Department No. 4
DEC 17 1912
Presiding Judge

No. 33428 Dept. _____

Superior Court
City and County of San Francisco,
State of California

Catherine M. Frise

vs
all Persons Et

Complaint

FILED

DEC 16 1912
H. L. MULCREVY, Clerk:

H. L. Mulcrevy
Deputy Clerk

R. F. MOGAN
ATTORNEY FOR *Pepp*

PHELAN BUILDING
SAN FRANCISCO, CALIFORNIA

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
2 CITY AND COUNTY OF SAN FRANCISCO.

3
4 CATHERINE M. FREESE,)

5)
6 Plaintiff)

33428

7 -vs-)

8)
9 All persons claiming any interest
10 in or lien upon the real property
11 herein described, or any part
12 thereof,)

11 Defendants.)
12 _____)

13 COMPLAINT.
14

15 Plaintiff above named complains of defendants above named
16 and for cause of action alleges :-

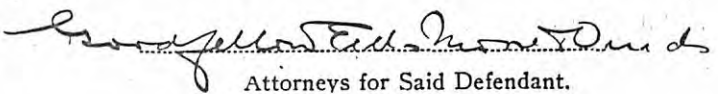
17 That prior to and on the 18th. day of April, 1906, and until
18 the same were destroyed by fire as herein mentioned, the office of the
19 County Recorder of the City and County of San Francisco, State of
20 California, contained a complete public record of plaintiff's title
21 to the real property herein described, and that ~~were~~ on said 18th. day
22 of April, 1906, the public records in the office of said County Recorder
23 and in particular, the said public record affecting plaintiff's title
24 to said real property, were in material part, to-wit, the greater
25 part thereof, destroyed by fire.

26 That said plaintiff brings this action as an action in rem
27 against all the world for the purpose of restoring plaintiff's
28 record title and establishing plaintiff's title to said real property
29 and of determining all adverse claims thereto.

30 That the following is a particular description of the real
property referred to, to-wit:-

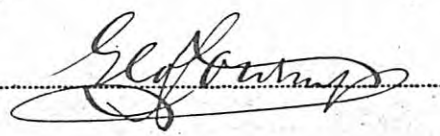
1 And further answering, this defendant avers that no part of the principal sum mentioned
2 in said promissory note.....has ever been paid, save and except the sum of
3 forty-two hundred and fifty (4250) dollars,
4 and that no part of the interest specified in said promissory note.....has ever been paid, except
5 interest accruing according to its terms prior to the 18th day of June, 19 12,
6 and that said mortgage is a valid and subsisting lien upon the lands hereinbefore described to
7 secure the remaining \$ 10,750 of principal of said promissory note....., and all interest
8 and compound interest due and to become due thereon according to its terms from the 18th
9 day of June, 19 12, and all other sums of money provided to be paid or to be
10 secured by said mortgage according to its terms; and that this defendant now holds and
11 owns said promissory note.....and mortgage.

12 Wherefore, this defendant prays that by the decree of this Honorable Court establishing
13 plaintiff's title it be adjudged and decreed that the said promissory note.....and mortgage
14 were duly executed, and that said mortgage was acknowledged and recorded as hereinbefore
15 set forth, and that said mortgage upon its recordation became and now is a valid and sub-
16 sisting lien held by this defendant upon the mortgaged land hereinbefore described, to secure
17 payment of all sums of principal and interest due and to grow due upon said promissory
18 note....., and of all other sums therein provided to be paid, according to all the terms and
19 provisions of said note.....and mortgage; and that this defendant's said lien be established
20 of record, and that it may have judgment for its costs of suit, and for such other relief as
21 may be meet and equitable.

22
23 
24 Attorneys for Said Defendant.

25
26 State of California, }
27 City and County of San Francisco, } ss.

28
29 George Towny....., being first duly sworn, says: That he is an
30 officer, to-wit, the Vice President, of The German Savings and Loan Society, the cor-
31 poration defendant above named; that he has read the foregoing answer and knows the con-
32 tents thereof, and that the same is true of his own knowledge, except as to matters which
33 are therein stated on information and belief, and as to those matters that he believes it to
34 be true.

35
36 
37

38
39 Subscribed and sworn to before me this
40 11th day of July A. D. 1912
41 Mary S. Thomas
42 Notary Public in and for the City and County
43 of San Francisco, State of California.
44