

3155

STATE OF ALABAMA)
 *
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MARY T. WHITE to appear within thirty days from the service of this writ in the Circuit Court to be held for said county at the place of holding same, then and there to answer the Bill of Complaint filed against her by JOHN BARNETT AND HAZEL BARNETT.

WITNESS my hand this 11th day of December, 1953.

Archie J. Russell

Register.

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Your Orators, John Barnett and Hazel Barnett, present
this Bill of Complaint against Mary T. White and, thereupon, your
Orators complan and show unto the court and your Honor as follows:

1. Your Orators are each over twenty-one years of age
and residents of Mobile County, Alabama. The respondent, Mary T.
White, is over twenty-one years of age and a resident of Montgomery
County, Alabama.

2. Your Orators claim to own and are in the actual, quiet,
peaceable possession of the following described real property sit-
uated in Baldwin County, Alabama, to-wit:

Beginning at a point on the South line of the
Dixie Graves Parkway 2750 feet West of the East
line of the Augustine LaCoste Private Grant in
Section 6, Township 9 South, Range 3 East, Bald-
win County, Alabama; running thence South on a
line parallel with the East line of said LaCoste
Grant to Little Lagoon; thence Westerly along
the meanderings of Little Lagoon to a point 100
feet West of the last described line, measured at
right angles thereto; running thence North on a
line parallel with and 100 feet West of the first
described line to the South line of the Dixie
Graves Parkway; running thence Northeasterly along
said South line to the point of beginning; being
a part of Lot 6 according to a plat made by N. L.
Durant, County Surveyor of Baldwin County, Alabama,
and recorded in Miscellaneous Book 1, Page 288,
Records of the Probate Court of Baldwin County,
Alabama.

3. The respondent claims, or is reputed to claim, some
right, title or interest in, or encumbrance on the said lands. No
suit is pending to enforce or test the validity of such title, in-
terest in, lien or encumbrance upon the said lands, and your
Orators bring this Bill of Complaint against the said respondent
to settle the title to the said lands and clear up all doubt and
disputes concerning the same. Your Orators have and now call upon
the said respondent to set forth and specify her right, title or
interest in, lien or encumbrance on the said lands, or any part
thereof, and how and by what instrument the same is derived and
created.

PRAYER FOR PROCESS

Your Orators pray that the said Mary T. White be made a
party respondent to this Bill of Complaint and that the usual pro-
cess of this Honorable Court do forthwith issue to her.

PRAYER FOR RELIEF

Your Orators pray that upon a final hearing of this cause the court will make and enter a decree against the said respondent, quieting your Orators' title to the said lands, adjudging and decreeing that your Orators are the owners thereof, in their own right; that title thereto is in them, forever quieting their title against the said respondent, adjudging that she is without right, title or interest in and to the said lands, and has and holds no encumbrance thereon; and further, that she be permanently and perpetually enjoined from trespassing on the said lands, or any part thereof.

Your Orators further pray for such other, further and general relief as they may be equitably entitled to, the premises considered.

J. B. Blackburn,
Solicitor for Complainants.

JOHN BARNETT and HAZEL
BARNETT,

COMPLAINANTS,

VS

MARY T. WHITE ,

RESPONDENT.

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

Comes now Mary T. White, Respondent in the above styled cause and appears solely and especially for the purpose of filing this plea and abatement and says, that the Complainants in said cause, John Barnett and Hazel Barnett, ought not to have and maintain said action for the Respondent, says separately and severally as follows, to-wit:


I.

That the said Complainants are not the owners of the said property alleged in the bill of complaint in said cause in that the said parties complainants sold the property to R. E. Adams of Mobile, Alabama on May 31, 1948.

II.

And further that the said R. E. Adams of Mobile sold said property to Clifford H. Wyatt and Faye W. Wyatt, who are now in possession of said lot.

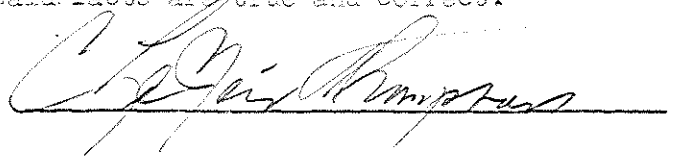
Wherefore these premises considered said Complainants neither own the title in fee simple to said property or being in possession thereof, the Respondent says that this suit should be abated and should not be allowed to proceed.


Attorney for the Respondent.

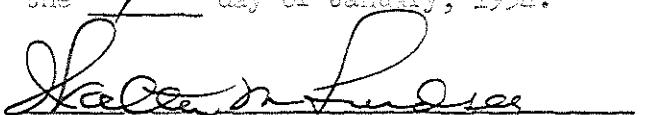
STATE OF ALABAMA

BALDWIN COUNTY

Before me the undersigned authority personally appeared C. LeNair Thompson, Attorney for said Respondent in the foregoing cause, who being duly sworn deposes and says that he is cognizant of the fact set forth in the above foregoing plea and abatement and that said facts are true and correct.



Sworn to and subscribed before me this
the 7 day of January, 1954.


Notary Public, Baldwin County, Alabama.

Field 1-9-54
Miss. Moore
Census

3158