

WESLEY M. HURLEY

PLAINTIFF

VS

MRS. LYLE EULER

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

700.5715

COMPLAINT

The Plaintiff sues to recover possession of the following tract of land, lying and being in Baldwin County, Alabama, to-wit:

A shallow strip of land lying in Section 5, Township 9 South, Range 3 East, and bounded on the East by land owned now or formerly by D. W. Nelson, on the South by Section 19, on the West by land owned now or formerly by G. W. Nelson, on the North by Mobile Bay and containing approximately thirteen acres and more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter of Section 19, Township 9 South, Range 3 East, and reunning West along the North line of said Section 19, a distance of 1467.7 feet to an old iron and thence running North a distance of 473 feet to Mobile Bay and thence following the meanderings of the shore line to a point due North of the Northeast corner of the Northwest Quarter of the aforementioned Section 19 and thence due South a distance of approximately 327 feet to the point of beginning.

SAVE AND EXCEPT, the following described lands, viz: Commencing at the Northeast corner of the Northwest Quarter of Section 19, Township 9 South, Range 3 East, and run West a distance of 880.7 feet along the North line of the said Section 19 for the point of beginning, thence run West along the said North line of Section 19 a distance of 293.5 feet and thence run North a distance of approximately 473 feet to Mobile Bay and thence East along Mobile Bay a distance of approximately 293.5 feet and thence run South a distance of approximately 473 feet to the point of beginning, containing about 2.6 acres;

of which he was in possession and upon which pending such possession and before the commencement of this suit the defendant entered and unlawfully withhold together with \$250.00 for the detention thereof.


Attorney for Plaintiff

FILED

SEP 19 1983

ALICE L. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No.

..... TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon Mrs. Lyle Euler

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Mrs. Lyle Euler, Defendant.....

by
.....
Wesley M. Hurley, Plaintiff.....

Witness my hand this 19 day of Sept 1963

Rebecca J. Hurley, Clerk

No. 5715 Page _____

STATE of ALABAMA
Baldwin County
CIRCUIT COURT

Wesley M. Hurley

Plaintiffs

vs.

Mrs. Lyle Euler

Box 115 Over Rd. Defendants

Summons and Complaint

Filed FILED 19__

SEP 10 1963

Clerk

ALICE L. DUCK, CLERK
REGISTER

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Fairhope, Alabama

Received In Office

Sept, 19, 1963

Sheriff.

I have executed this summons

this 10th day of Oct 1963

by leaving a copy with

Mrs. Lyle Euler

Sheriff claims 20 miles at
Ten cents per mile Total \$ 2.00
TAYLOR WILKINS, Sheriff
BY Fred Seibert
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

Fred Seibert

Deputy Sheriff.

NOTE-D-GRAM



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JAMES A. BRICE

ATTORNEY AT LAW

BOX 298 • FOLEY, ALABAMA • WH 3-3601

MESSAGE

REPLY

TO

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

DATE

DATE

September 18, 1963

Enclosure: Summons and Complaint
Hurley vs Euler

BY

INSTRUCTIONS TO SENDER:

SIGNED

INSTRUCTIONS TO RECEIVER:

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES WITH CARBON INTACT.

1. WRITE REPLY. 2. DETACH STUD. KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

ms 5915

WESLEY M. HURLEY
Plaintiff

-VS-

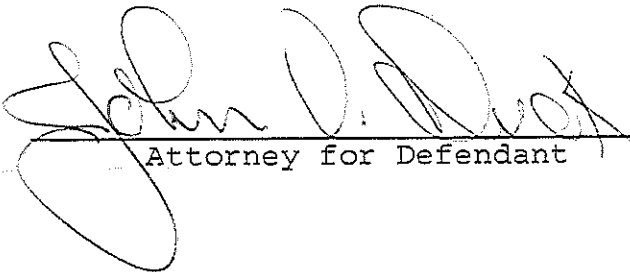
MRS. LYLE EULER
Defendant

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA
)
) AT LAW:
)
) CASE NO: 5715
)

ANSWER

Comes now the Defendant in the above styled cause, and
for answer to the Bill of Complaint styled herein says:

"NOT GUILTY" .


Attorney for Defendant

FILED
OCT 23 1963
MADE L. DUCK, CLERK
REGISTER

WESLEY M. HURLEY

Plaintiff

-VS-

MRS. LYLE EULER

Defendant

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

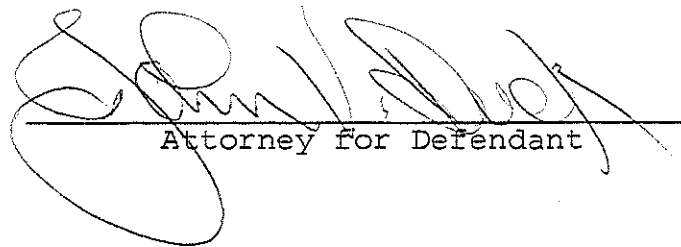
) AT LAW.

) CASE NO. 5715

)

NOTICE

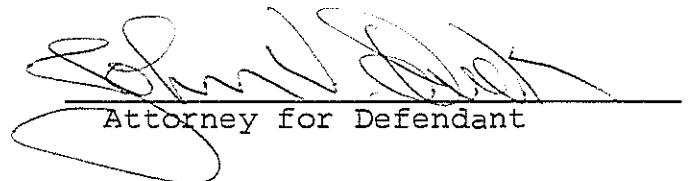
Comes now the Defendant in the above styled cause, and gives notice to the Plaintiff in the above styled cause, or his Attorney of Record, which said notice is not less than ten days (10) before trial, and demands an Abstract in writing of the Title or Titles on which the Plaintiff will rely for the recovery of the land in this action.



Attorney for Defendant

I, John V. Duck, Attorney for Record for the Defendant in the above styled cause, hereby certify that a copy of this notice has been mailed to James A. Brice, Attorney for Record for the Plaintiff in this cause on the 22nd day of October, 1963.

FILED
OCT 23 1963
ALICE L. DUCK, CLERK
REGISTER



Attorney for Defendant

WESLEY M. HURLEY,

Plaintiff,

VS.

MRS. LYLE EULER

Defendant.

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA, IN EQUITY.

JUNE 26, 1964

no. 5715

MRS. LYLE EULER, THE DEFENDANT, BEING FIRST DULY SWORN, TESTIFIED:

Examination by Mr. Duck.

Q. Are you Mrs. Lyler Euler?

A. Yes sir.

Q. Are you the defendant in a suit where Wesley Hurley filed
a suit against you for an action of ejectment?

A. I am.

Q. I will ask you if you are the owner of the following described
lands, situated in Baldwin County, Alabama:

A shallow strip of land lying in Section 5, Township
9 south, Range 3 East, and bounded on the East by lands
owned now or formerly by D. W. Nelson, on the South
by Section 19, on the West by land owned now
or formerly by G. W. Nelson, on the North by Mobile
Bay, and containing approximately

Northwest quarter of said Section 19 may each have access to any property they may own within that portion of the above described property fronting on Mobile Bay:

NOW THEREFORE in consideration of the premises and of the sum of One Dollar (\$1.00) to them in hand paid the said Angelina Berga, Louis Berga, Agnes Allegri and Pete Berga do hereby GRANT, BARGAIN, SELL and CONVEY to Hazel Euler the following described real property situated in Baldwin County, Alabama, to-wit:

Commencing at the Northeast corner of the Northwest quarter of Section 19, Township 9 South, Range 3 East, which point is the Southeast corner of a four acre tract acquired by Joe Berga, Sr. from G. E. Perkins and Myrtle E. Perkins, thence run West 49 feet 6 inches; thence North 365 feet, more or less to Mobile Bay, thence Eastwardly along Mobile Bay to a point North of the point of beginning, thence South 359 feet to the point of beginning, being the East 1/6th of that certain 4 acre tract of land conveyed by the aforesaid deed; also

Commencing at the Northeast corner of the Northwest quarter of Section 19, Township 9 South, Range 3 East; thence run South 50 feet for a point of beginning; thence West 108 feet 8 inches, thence South to the North line of right of way of paved highway, 308 feet and 2 inches, thence North 85° 30' East along the North right of way line of said paved highway 109 feet 2 inches, thence North 299 feet to the point of beginning; also

Commencing at the Northeast corner of the Northwest quarter of Section 19, Township 9 South, Range 3 East, run thence South 679 feet to a point on the South right of way line of paved highway for a point of beginning; thence run South 668 feet to the Southeast corner of the East half of the Northeast quarter of Northwest quarter of said Section 19; thence West 108 feet 8 inches; thence North 658 feet 10 inches, more or less, to the South right of way line of said highway; thence North 85° 30' East along the South line of said highway 109 feet 2 inches to the point of beginning;

TO HAVE AND TO HOLD, with the appurtenances thereunto belonging, unto the said Hazel Euler, her heirs and assigns, forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this the 27th day of March, 1957.

Angelina Berga (SEAL)

Agnes Allegri (SEAL)

Louis Berga (SEAL)

Pete Berga (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

WHEREAS, under paragraph Ninth of the last will and testament of Joe Berga, deceased, admitted to Probate in Baldwin County, Alabama, and recorded in Will Book D, pages 359 and 360, Louisa Berga, his widow, Angelina Berga, Agnes Allegri, Louis Berga, Pete Berga and Joe Berga, Jr. acquired title to the following lands in Baldwin County, Alabama, to-wit:

The East half of the Northeast quarter of Northwest quarter of Section 19, Township 9 South, Range 3 East; and

Commencing at the Northeast corner of the Northwest quarter of Section 19, Township 9 South, Range 3 East, run thence West $4\frac{1}{2}$ chains, thence North to Mobile Bay, thence back with the meanders of the Bay to the lands of D. W. Nelson (being to a point 349 feet North of the point of beginning) thence South to the point of beginning, said described lands being Lot 1 of the lands of John W. Hurley and deeded and bounded as follows: On the East by lands of D. W. Nelson; on the South by Section 19; on the West by Lot 2; on the North by Mobile Bay;

WHEREAS, the said Louisa Berga has heretofore died intestate leaving as her heirs, who are all of her heirs, her children namely: Angelina Berga, Agnes Allegri, Louis Berga and Pete Berga; and the said Joe Berga, Jr. has subsequently died leaving a last will and testament admitted to Probate and record in Baldwin County, Alabama, and recorded in Will Book E, pages 229-30, by which he bequeathed all of his property to his widow, Hazel Berga, who has subsequently married and who is now Hazel Euler, and the said Hazel Euler now owns a one-sixth interest in the said described property and Angelina Berga, Agnes Allegri, Pete Berga and Louis Berga each own a $\frac{5}{24}$ interest therein; and

WHEREAS, the said owners of the said land desire to partition the same and have established an East and West road fifty feet wide along the North line of the said East half of Northeast quarter of Northwest quarter of said Section 19, so that the present and future owners of the lands in the East half of the Northeast quarter of

BOOK 200 PAGE 207

STATE OF ALABAMA

BALDWIN COUNTY

I, Madelaine S. Bryan, a Notary Public in and for said State and County, hereby certify that Angelina Berga, Louis Berga, Pete Berga and Agnes Allegri, 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 conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and seal this the 22 day of March, 1957.



Madelaine S. Bryan
Notary Public, Baldwin County, Alabama.

BOOK 200 PAGE 200

STATE OF ALABAMA, BALDWIN COUNTY

Filed 3-22-57 4 P. M.

Recorded _____ book _____ page _____
and I certify that the following Privilege Tax
has been paid.

Deed Tax _____ 50

Mortgage Tax _____

MR. Hurst
Judge of Probate

By 12