

T.J. KLUMPP AND MINERVA KLUMPP,)
Complainants.)
V.)
J.L. MEEK AND R.C. KEENEY,)
Respondents)

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

TO THE HONORABLE F.W. HARE, JUDGE OF SAID COURT, SITTING IN EQUITY.

Your Petitioners T.J. Klumpp and Minerva Klumpp, his wife, present this Bill of Complaint against J.L. Meek and R.C. Keeney and thereupon your Petitioners complain and show unto the court and your Honor as follows:

(1) Your Petitioners are over twenty-one years of age and are residents of Baldwin County, Alabama and they bring this, their Bill of Complaint, against the Respondents, J.L. Meek and R.C. Keeney who are both over the age of twenty-one and reside in Baldwin County Alabama.

(2) Your Petitioner shows unto your Honor that on the 10th day of July, 1940 Complainants entered into a purported real estate contract whereby they agreed to sell certain land in Baldwin County, Alabama to-wit:

All of Section 29, Township 5, South Range 3 East containing 640 acres more or less

to J.L. Meek in which transaction Mr. R.C. Keeney acted as broker. Your Petitioner received the sum of One Hundred and no/100 (\$100.00) Dollars on this purported contract and Respondents agreed that a decree to quiet the title to the land would be put through the Chancery Court and that on the date this decree was signed there should be due and payable to Complainants the sum of Six Hundred and fifty-two and 25/100 (\$652.25) Dollars.

Complainants aver that they have in all respects complied with their part of the purported contract but that on the 2nd day of December, 1940 the Honorable F.W. Hare rendered a final decree quieting the title to the aforesaid land and that there was then due the sum of money aforesaid.

Complainants aver that they have made numerous demands for the payment of this money and that it has not been forthcoming; that on the 4 th day of January, 1941, T.J. Klumpp and Minerva Klumpp filed a formal notification that they had elected to rescind the purported contract aforesaid for the reason that the sum of money set

forth above had not been paid to them and they thereupon tendered a United States money order in the amount of One Hundred and no/100 (\$100.00) Dollars which was placed in a registered mail letter with return receipt requested, said payment thus coming into the hands of J.L. Meek on June 7, 1941.

Your Petitioners aver that Respondent J.L. Meek has since that time refused the One Hundred and no/100 (\$100.00) Dollars tender of the original purchase price paid by him and has refused to treat the aforesaid purported contract as repudiated, at the same time refusing to make payment of the Six Hundred Fifty-two and 25/100 (\$652.25) Dollars which has been due since last December 2, 1940 and is still due and unpaid.

Petitioners aver that the numerous times and in numerous ways they have tried to get complainant to live up to his agreement, all of no avail.

Petitioner aver that on July 10, 1940 Respondent R.C. Keeney claimed a commission of Five Hundred Twelve and no/100 (\$512.00) Dollars being the amount of which they alleged was due them from the aforesaid purported sale of the land from the land referred to above and Complainants aver that no part of this commission has been earned.

Petitioners aver that they are now and have been since the 4th day of January, 1941 willing to return the initial One Hundred (\$100.00) Dollars paid by Respondent J.L. Meek.

Complainants aver that they are ready, willing and able to restore the status quo as a condition precedent to the reliefsought in this Bill.

Petitioners aver that the repeated and continual refusal of Respondent J.L. Meek to perform his part of the aforesaid purported contract amounts to a substantial and material breach going to the essence of the contract.

Complainants aver that Respondents R.C. Keeney and J.L. Meek misled and misrepresented their position, the financial ability of Respondents to comply with the conditions of the contract and that immediately upon learning of the pretended sale Complainants tendered back the money paid and gave notice that Complainants would not comply with the purported contract but would repudiate the same.

PRAYER FOR PROCESS

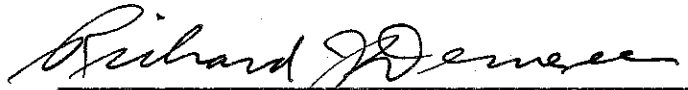
Your Petitioners pray that the said J.L. Meek and said R.C. Keeney be made parties respondent to this Bill of Complaint and that the usual process of this Honorable Court to forthwith issue to them and to each of them.

PRAYER FOR RELIEF

Your Petitioners further pray that upon final hearing of this cause, your Honor will grant and enter a decree for rescision and direct the cancellation of a certain agreement dated July 10, 1940 and signed by T.J. Klumpp, Minerva Klumpp and J.L. Meek.

Petitioner further prays that your Honor will enter and grant a decree rescinding and directing the cancellation of an instrument dated July 10, 1940 and signed by T.J. Klumpp and R.C. Keeney relating to the commission claimed under the pretended sale aforesaid.

Your Petitioner furth prays that he be put into possession of the aforesaid land and that respondents be required to make payment for the turpentine taken from the land, for the timber, cut and removed therefrom, for the rental value thereof and for any other waste committed upon the aforesaid land during the time it was in the possession of Respondents so that justice and equity may be done in restoring the Complainant to his status quo prior to the pretended contract of sale dated the 10th day of July, 1940 aforesaid.


Solicitor for Complainant.

STATE OF ALABAMA)
)
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summons J.L. Meek who resides in Fairhope, Alabama, Baldwin County, to appear within thirty days from the service of this Writ in the Circuit Court of Baldwin County, Alabama to be held for said County at the place of holding same; to then and there answer this Bill of Complaint of T.J. Klumpp and Minerva Klumpp.

Witness my hand and seal this 23 day of April, , 1941.

R. S. Duch SEAL
Register in Chancery.

STATE OF ALABAMA)
)
COUNTY OF BALDWIN)

TO ANY SHERIFF IN THE STATE OF ALABAMA.

You are hereby commanded to summons R.C. Keeney who resides at Fairhope, Baldwin County, Alabama to appear within thirty days from the service of this Writ in the Circuit Court of Baldwin County to be held for said County at the place of holding the same; then and there to answer this Bill of Complaint of T.J. Klumpp and Minerva Klumpp.

Witness my hand and seal this 23 day of April, , 1941.

R. S. Duch SEAL
Register in Chancery.

T. J. KLUMPP and
MINERVA KLUMPP,
Complainants

vs.

J. L. MEEK and
R. C. KEENEY,
Respondents

) IN THE CIRCUIT COURT OF BALDWIN

) COUNTY, ALABAMA

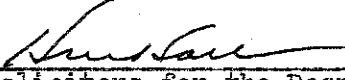
) IN EQUITY

) No. 715

Now comes the respondent R. C. Keeney and demurs to the complainants bill of complaint and to each count thereof, separately and severally and for ground for said demurrer, says:

1. There is no equity in the bill.

BEEBE and HALL

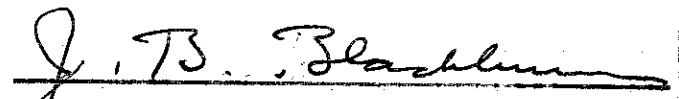
By 
Solicitors for the Respondent
R. C. Keeney.

T. J. KLUMPP,
Complainant,
VS.
J. L. MEEK, et al,
Respondents.

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

ANSWER

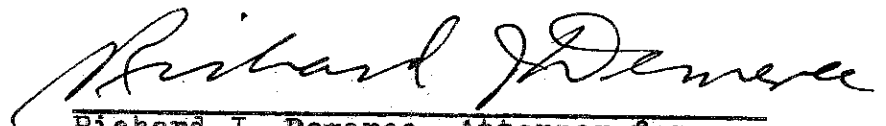
Now comes the Respondent in the above entitled cause and for answer to the Bill of Complaint filed herein denies each and every allegation thereof and requires strict proof of same.


Solicitor for Respondent.

T. J. KLUMPP, Complainant | IN THE CIRCUIT COURT OF
vs. | BALDWIN COUNTY, ALABAMA,
J. L. MEEKS and R. C. KEENEY | IN EQUITY
Respondents | CASE NO. 715

A M E N D M E N T

Comes the Complainant in the above styled cause and amends his Bill of Complaint by striking therefrom the name of R. C. Keeney as a party Respondent.


Richard J. Demeree, Attorney for
Complainant.

T. J. Klumpp and
Minerva Klumpp,

Complainants,

VS.

J. L. Meek and
R. C. Keeney,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY NUMBER 715.

DEMURRER

NOW COMES J. L. Meek and his solicitor, and for demurrer to the bill of complaint, sets down and assigns, separate and severally the following:

1. There is no equity in the bill.
2. There is a mis-joinder of parties Complainant.
3. There is a mis-joinder of parties Respondent.


Solicitor for J. L. Meek.

CHANCERY EXECUTION

BILL OF COSTS

No. *745 TB Klumpke vs. J. L. Meeks et al*

vs.

Plaintiff

Defendant

FEES OF REGISTER	Dollars	Cents	Brought Forward		
Filing each bill and other papers.....	\$	10			
Issuing each subpoena.....		50			
Issuing each copy thereof.....		40			
Entering each return thereof.....		15			
For each order of publication.....	1	00			
Issuing writ of injunction.....	1	50			
For each copy thereof.....		50			
Entering each return thereof.....		15			
Issuing Writ of Attachment.....	1	00			
Entering each return thereof.....		15			
Docketing each case.....	1	00			
Entering each appearance.....		25			
Issuing each decree pro confesso on per. ser.....	1	00			
Issuing each decree pro confesso on publication.....	1	00			
Each order appointing guardian.....	1	00			
Any other order by Register.....		50			
Issuing commission to take testimony.....		50			
Receiving and filing.....		10			
Endorsing each package.....		10			
Entering order submitting cause.....		50			
Entering any other order of court.....		25			
Noting all testimony.....		50			
Abstract of cause, etc.....	1	00			
Entering each decree.....		75			
For every 100 words over 500.....		15			
Taking account, etc.....	3	00			
Taking testimony, etc.....		15			
Each report, 500 words or less.....	2	50			
For every 100 words over 500.....		15			
Amount claimed less than \$500, etc.....	2	00			
Issuing each subpoena.....		25			
Witness certificate, each.....		25			
Issuing execution, each.....		75			
Entering each return.....		15			
Taking and approving bond, each.....	1	00			
Making copy of bill, etc.....		15			
Each notice not otherwise provided for.....		50			
Each certificate or affidavit, with seal.....		50			
Each certificate or affidavit, no seal.....		25			
Hearing and passing on application, etc.....	3	00			
Each settlement with receiver, etc.....	3	00			
Examining each voucher of Receiver, etc.....		10			
Examining each answer, etc.....	3	00			
Recording resignation, etc.....		75			
Entering each cert. to Supreme Court.....		50			
Taking questions and answers, etc.....		25			
For all other ser. relating to such proceedings.....	1	00			
For services in proceeding to relieve minors, etc., same fee as in similar cases.....					
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.....					
Sub Total Carried Forward	3	60			
			Brought Forward		3 60
			For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.....		
			Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.....		
			Each notice sent by mail to creditor.....	15	
			Filing, receipting for and docketing each claim, etc.....	25	
			For all entries on subpoena docket, etc.....	50	
			For all entries on commission docket, etc.....	50	
			Making final record, per 100 words.....	15	
			Certified copy of decree.....	1 00	
			Report of divorce to State Health Office.....	50	
			(Acts 1915)		
			Total Fees of Register		6 60
			FEES OF SHERIFF		
			Serving and returning subpoena on deft.....	\$1 50	
			Serving and returning subpoena for witness.....	65	
			Levying attachment.....	3 00	
			Entering and returning same.....	25	
			Selling property attached.....		
			Impaneling Jury.....	75	
			Executing writ of possession.....	2 50	
			Collecting execution for costs.....	1 50	
			Serving and returning sci. fa., each.....	65	
			Serving and returning notice.....	65	
			Serving and returning writ of injunction.....	1 50	
			Serving and returning writ of exeat.....	1 50	
			Taking and approving bonds, each.....	75	
			Collecting money on execution.....		
			Making deed.....	2 50	
			Serving and returning application, etc.....	1 00	
			Serving attachment, contempt of court.....	1 50	
			Total Fees of Sheriff		3 00
			RECAPITULATION		
			Register's Fees.....		6 60
			Sheriff's Fees.....		3 00
			Commissioner's Fees.....		
			Solicitor's Fees.....		
			Witness Fees.....		
			Guardian Ad Litem.....		
			Printer's Fees.....		
			Trial Tax.....	3 00	
			Recording Decree in Probate Court.....		3 00
			Total		12 60

The State of Alabama, }
Baldwin County. }

No. *1290*

Circuit Court, In Equity

Term, 194 *1290*

To Any Sheriff of the State of Alabama—GREETINGS:

You are hereby commanded, That of the goods and chattels, lands and tenements of _____

you cause to be made the sum of _____ Defendant.....

which _____ Dollars,

recovered of _____ Plaintiff.....

on the _____ day of _____ 194 _____

by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of _____

_____ Dollars,

costs of suit, and have the same to render to the said _____ and make return of this Writ and the execution thereof, according to law.

Interest from _____ 194 _____ to date of collection.

Witness my hand, this _____ day of _____ 194 _____

Register.

715

DEMURRER

T. J. KLUMPP AND
MINERVA KLUMPP,

Complainants,

VS.

J. L. MEEK AND R. C. KEENEY,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 715.

Filed May 24, 1941
R. S. Dwyer, Register

715 -

encl

Field Mar 17 1941

R. S. Dyer

encl -

ANSWER

Equity 715

T. J. KLUMPP

Complainant,

VS.

J. L. MEEK, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Filed Oct 30 1941

*Proctor,
Clerk*

715

Demurren

Filed May 24 1941
R.S. Durr, Register

715

Received in Sheriff's Office
this 22 day of April, 1941
W. R. STUART, Sheriff

Executed this 24th
day of April - 1941
by serving a copy
of within writ on
J. L. MEEK and
R. C. Keeney

W. R. Stuart
Sheriff

B. B. F. Kuewa
D.S.

T. J. KLUMPP and MINERVA
KLUMPP, Complainants,

vs.

J. L. MEEK and R. C. KEENEY,
Respondents.

BILL OF COMPLAINT

RECORDED

Filed April 23rd, 1941.

R. S. Duch
Register.

LIS PENDENS NOTICE

Notice is hereby given that this day T.J. Klumpp and Minerva Klumpp have filed in the Circuit Court of Baldwin County, Alabama in Equity a Bill of Complaint against J.L. Meek and R.C. Keeney. The prayer of said Bill is to rescind and direct the cancellation of a certain instrument dated July 10, 1940 and signed by T.J. Klumpp, Minerva Klumpp and J.L. Meek and to cancel a certain instrument dated July 10, 1940 signed by T.J. Klumpp and R.C. Keeney both of which instruments relate to certain property in Baldwin County, Alabama described as follows:

All of Section 29, Township 5, South Range 3 East, containing 640 acres more or less.

it being Complainants' contention that the purported contracts should be rescinded and cancelled.



Solicitor for Complainant.

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Richard J. Pennington
Solicitor for Complainant.

RECORDED