

A. M. GRIMSLEY,  
Complainant,  
VS.  
W. M. CARNEY MILL COMPANY,  
a Corporation,  
Respondent.

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

Now comes the Respondent in the aforesaid cause and with permission of the Court first had and obtained, files this its demurrer and assigns as grounds therefor:

1. That for aught appearing from the complaint Respondent assessed and paid the taxes on the lands mentioned therein to the State of Alabama and Baldwin County for the tax years of 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939 and 1940.

2. That for aught appearing there was no necessity or reason for the complainant to pay the said taxes upon said lands for the years beginning 1926 to and through 1940.

3. That the purchase price paid by complainant at the tax sale on, to-wit: 24th day of May, 1926, and which he claims in this suit was, and the demand therefor has long since been barred by the statute of limitation of three, six and ten years.

4. That from aught appearing the purchase price paid by the complainant at the tax sale on the 24th day of May, 1926, was for a sum far less than FIFTY (\$50.00) DOLLARS, and, consequently, this Court has no jurisdiction of any demand under said sum of FIFTY (\$50.00) DOLLARS.

5. That said demand of the complainant is a stale demand.

Not waiving the foregoing demurrer, respondent for answer to the complaint says:

1. That it admits the first paragraph of the complaint.

2. For answer to the second paragraph of the complaint, respondent neither admits nor denies that the lands involved in this proceeding were purchased at tax sale by the complainant and neither admits nor denies that a tax deed was executed and delivered to the complainant and recorded in the office of the Probate Judge of Baldwin County, Alabama, in the Book and at the page mentioned therein, but calls for strict proof of the same.

For further answer to said paragraph two of the bill of complaint, Respondent says that the Complainant had no right or authority, nor was there any necessity for him to assess and pay any taxes on said lands for the years 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, and 1940, for it duly assessed said lands in its name and paid the taxes for all of those years from 1926, to and through 1940. And respondent says that any demand that the complainant has for the purchase price paid at the time of the alleged sale of said property for taxes, which appears to have been TWENTY SEVEN AND 50/100 (\$27.50) DOLLARS, has been long since barred by the Statute of Limitation of three, six and ten years, and which said statute of limitation respondent specifically pleads in defense of said demand.

3. Respondent, for answer to paragraph three, denies each and every allegation set out therein and calls for strict proof of the same. And alleges further that it is not indebted to the complainant in any amount and if there has ever been any indebtedness it has long since been barred by the statute of limitation, which is expressly pleaded at the end of paragraph two of this answer, and that said demand in addition thereto is stale and respondent pleads laches on the part of the complainant.

4. In answer to paragraph four of the complaint, respondent alleges that it has been in the actual possession of said lands for more than, to-wit: twenty years last passed, claiming to own the same, and that if the complainant ever had a tax deed to the same he should have brought a suit to recover the same within

6. In answer to paragraph six, respondent expressly declares and states that it does claim the lands as the owner thereof in fee simple and it is the owner thereof in fee simple and respondent expressly denies that the said lands are subject to any lien or liens of complainant for such taxes paid by the complainant for as stated heretofore, if complainant paid the sum of TWENTY SEVEN AND 50/100 (\$27.50) DOLLARS in 1926, at the tax sale, that his demand for this sum has long since been barred by the Statute of Limitation and laches which has been herein expressly pleaded. That as to the succeeding years that he alleges that he paid the taxes set out herein, he had no right to do so for the respondent assessed the property itself for those several years and paid the taxes on said lands for those several years.

  
Solicitors for Respondent

720

STATE OF ALABAMA |  
COUNTY OF BALDWIN |

IN THE CIRCUIT COURT  
IN EQUITY.

TO ANY SHERIFF IN THE STATE OF ALABAMA:

You are hereby commanded to summon W. M. Carney Mill Company, a corporation, to appear, and plead, answer or demur within 30 days from the service hereof, to the bill of complaint filed in this court by A. M. Grimsley against W. M. Carney Mill Company, a corporation.

Herein fail not, and make due return as the law directs.

Witness my hand this the 19<sup>th</sup> day of May, 1941.

R. S. Duck, Register

by *Walter Thompson*  
as Deputy Register.

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A. M. GRIMSLEY, Complainant,

vs.

W. M. CARNEY MILL COMPANY,  
a corporation, Respondent.

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

TO THE HONORABLE F. W. HARE, Judge of said Court, sitting in Equity:

Now comes A. M. Grimsley, as complainant, and brings this his bill of complaint against W. M. Carney Mill Company, a Corporation, and respectfully shows and alleges to your Honor and this Court as follows:

1. Complainant is over the age of 21 years and is a resident of the State of Alabama. The respondent is an Alabama corporation and has its principal place of business in Escambia County, Alabama.
2. Heretofore on, to-wit: 24th day of May, 1926, complainant purchased, at a tax sale held on said date by the Tax Collector of Baldwin County in said State all that real property described as follows: SE $\frac{1}{4}$  of NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and W $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 11 in Township 2 North of Range 3 East, in Baldwin County, Alabama. Thereafter on, to-wit: the 25<sup>th</sup> day of May, 1928, a tax deed was executed and delivered to complainant and by complainant recorded in the office of the Probate Judge of said Baldwin County in Deed Book 46 N.S., page 16. A copy of the said tax deed is hereto attached, marked Exhibit "A" and made a part hereof as completely as if fully in this paragraph set out. Complainant at said tax sale paid the consideration named in said deed, and thereafter regularly assessed and paid according to law the taxes due the State of Alabama and Baldwin County, on said real property, for the tax years of 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, and 1940.
3. The complainant has demanded from respondent payment to complainant by respondent, of all amounts of money with interest thereon due to complainant by respondent because of such payments set out in paragraph 2 hereof, but that said amount or amounts is or are still unpaid.

4. Respondent claimed and still claims that the tax deed marked Exhibit "A" was and is ineffectual to pass title to complainant because the said real property was not sold at said tax sale on said date, nor was said real property assessed for the year for which sold for taxes, in the name of the real owner thereof. Complainant admits said claim but alleges that there was no other assessment, for taxes for the year for which sold, made of the said real property and no other payment of taxes for the tax year of 1925 was made by anyone other than complainant who purchased said real property at said sale. Complainant therefore alleges that said lands were liable for taxes for the year for which sold.

5. Complainant alleges that such sale operated as an assignment to him, complainant, of the rights and liens of the State of Alabama and Baldwin County in said State in and to said lands, both as to the taxes paid at said sale and as to the taxes subsequently paid by complainant as such purchaser; all as set out in paragraph 2 hereof and complainant avers that he has and claims a lien or liens upon said lands for the amount of the taxes paid by complainant at said sale and for the amount of taxes subsequently paid by complainant on said real estate, all of which complainant claims of the respondent together with interest thereon.

6. The respondent claims or is reputed to claim the said lands as the owner thereof in fee simple, but complainant alleges that the said lands are subject to the lien or liens of complainant for such taxes paid by complainant.

Wherefore, the premises considered, complainant prays that your Honor will by proper process make the said W. M. Carney Mill Company, a Corporation, a party respondent to this bill of complaint and require it to plead, answer or demur to the same within the time allowed by law.

Complainant further prays that upon a hearing of this cause, your Honor will grant a decree of foreclosure of the lien of complainant in and to the said real estate and will order the Register of this Court to sell the said real estate for the purpose of paying to complainant such sum or sums of money as may be ascertained by your Honor to be due to complainant.

Complainant further prays that your Honor will at the proper time grant a decree of reference to the Register of this Court to ascertain the amount paid by complainant at said tax sale, together with interest thereon, and the amount of taxes paid by complainant on said real estate for each of the years 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, and 1940, together with interest thereon.

Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive and as in duty bound he will ever pray.

Complainant submits himself to the jurisdiction of the Court and offers to do what shall be considered equitable.

*H. E. Smith*  
Solicitor for Complainant.

Now, Therefore, I, G.W. Humphries, as Probate Judge, in and for said County, in said State, under and by virtue of the provisions of Section 245 of the Revenue Code of Alabama of 1923, and in consideration of One Dollar, to me paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto A.M. Grimsley all the right, title and interest of said Houston Rice and all the right, title, interest and claim of the said State and County on account of said taxes, or under said decree, in and to the following described land, to-wit:

SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , W $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 11, township 2 north, Range 3 East.

situated in said County and State;

TO HAVE AND TO HOLD the same, the said right, title and interest unto said A.M. Grimsley heirs, assigns or successors forever; but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

In Testimony Whereof, I have hereunto set my hand and seal, this 25th day of May, A.D., 1928.

(SEAL)

G.W. Humphries,  
Judge of Probate, Baldwin County.

STATE OF ALABAMA, |  
BALDWIN COUNTY. |

I, T.W. Richerson, Clerk of the Circuit Court, in and for said County, in said State, hereby certify that G.W. Humphries whose name is signed to the foregoing conveyance as Judge of Probate, and who is known to me, acknowledged before me on this day, that being informed of the contents of this conveyance he executed the same voluntarily on the day the same bears date.

Given under my hand this the 25th day of May, A.D., 1928.

(SEAL)

T.W. Rickerson  
Clerk of Circuit Court,  
Baldwin County, Alabama.

RECORDED

Received in Sheriff's Office  
this 2 day of May, 1941  
W. R. STUART, Sheriff

Executed May 30 1941  
by serving copy of within Summons and  
Complaint on

W. M. Patterson as

Agent for W. M.

Garney Mill Company

W. R. Stuard Sheriff

Securities Company, Ala. Deputy Sheriff

No. 420

A. M. Grimsley,  
Complainant,

vs

W. M. Garney Mill Company,  
a Corporation,  
Respondent.

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

BILL OF COMPLAINT.

*Filed May 19, 1941*

*R. S. Duck, Register*

*W. M. Patterson*

*Attorney*

*aka*

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RECORDED

DEMURRER AND ANSWER.

A. M. GRIMSLEY,  
Complainants,

VS

W. M. CARNEY MILL COMPANY,  
a Corporation,  
Respondent.

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

FILED 30 DAY OF OCTOBER, 1941.

R. L. Duck  
Richard



A. M. GRIMSLEY,  
Complainant,

-VS-

W. M. CARNEY MILL COMPANY,  
A Corporation,  
Respondent.

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

Comes the Respondent in the above styled cause and demurs to the Complaint filed in said cause and to each and every paragraph thereof separately and severally, and as grounds therefor says:-

FIRST:

That said Complaint does not state a cause of  
action.

*By part a Pason*  
Solicitors for Respondent.

A. M. GRIMSLEY,  
Complainant,  
Vs.  
W. M. CARNEY MILL COMPANY,  
a Corporation,  
Respondent.

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

Now comes the respondent in the aforesaid cause and files this his Demurrer, and for grounds therefor says:-

FIRST:

That said cause of action appears to be barred by the Statutes of Limitation of three years.

SECOND:

That said cause of action appears to be barred by the Statutes of Limitation of five years.

THIRD:

That said cause of action appears to be barred by the Statutes of Limitation of ten years.

FOURTH:

That said cause of action is based upon a stale demand.

FIFTH:

That the complainant appears to be guilty of laches.

SIXTH:

That said complainant appears to have no lien upon the property.

SEVENTH:

That said complainant appears to be the owner of the property.

EIGHTH:

That said complainant is due to prosecute his cause of action in the court of law.

*Hyatt + Chason*  
Solicitors for Respondent.

IN THE PROBATE COURT.

STATE OF ALABAMA, |  
BALDWIN COUNTY. |

LIS PENDENS NOTICE.

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that, on the day of the date hereof, A.M. Grimsley, as Complainant, has filed and brought his bill of complaint, in the Circuit Court in Equity of said State and County, against W.M. Carney Mill Company, a Corporation, as Respondent, to foreclose a lien, as against the Respondent, to all that real estate in said State and County described as follows:

SE $\frac{1}{4}$  of NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of SW $\frac{1}{4}$ , W $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 11,  
Township 2 North, Range 3 East.

DATED this 19th day of May, 1941.

A.M. GRIMSLEY,

By *J. E. Smith*  
as his solicitor of record.

720

~~720~~

RECORDED  
DEMURRER.

A. M. CRIMSLY,  
Complainant,

-vs-

W. H. CARNEY MILK COMPANY,  
A Corporation,  
Respondent.

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

FILED 15 DAY OF JULY, 1941.

Resnick  
Clerk.

RECORDED

RECORDED

DEMURRER.

A. M. GRIMSLEY,  
Complainant,

Vs.

W. M. CARNEY MILL COMPANY,  
a Corporation,

Respondent.

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

FILED SEPTEMBER 30, 1941.

*R. J. [Signature]*  
*[Signature]*

His Honor's Notice  
A. M. Grimsley 45-  
vs  
W. M. Carney Mill<sup>44</sup> Co  
5-19-41

Case  
No 720

RECORDED

STATE OF ALABAMA, BALDWIN COUNTY  
Filed MAY 18 1941 230 P  
Recorded his Honor's book 1 page 195  
and I certify that the following Probate Tax has  
been paid.  
Deed Tax \_\_\_\_\_  
Mortgage Tax \_\_\_\_\_  
W. S. Roberts  
Judge of Probate  
By \_\_\_\_\_

RS (Rec'd)

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