

GRACE TEAGUE,

Plaintiff,

vs

RICHTON TIE & TIMBER COMPANY,
a corporation, and ROY DAWSON
and H. L. SIRMON,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

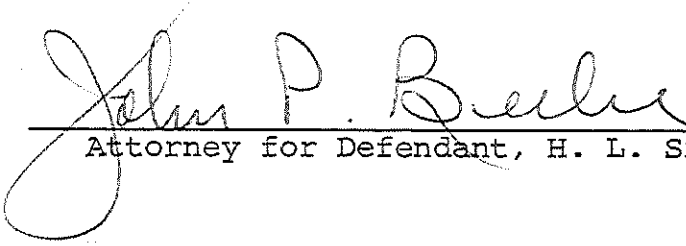
No. 6196.

Comes now the Defendant, H. L. Sirmon, in the above styled cause and demurs to the Plaintiff's complaint filed herein under date of September 9th, 1965, and to each and every count thereof separately and severally, and assigns the following grounds of demurrer:

1. Said complaint fails to state a substantial cause of action against the said Defendant.

2. The land from which the alleged timber was cut is not alleged with sufficient definiteness. Plaintiff describes a tract of land containing some 6 acres and it does not appear from what portion of said tract said timber was cut.

3. The names of the officers, agents or employees of the Defendant directed the cutting are not set forth nor are they in any way described.


Attorney for Defendant, H. L. Sirmon

FILED
SEP 13 1965

ALICE L. DICK, CLERK
REGISTER

FILED
SEP 13 1965

ALICE L. DICK, CLERK
REGISTER

Amended Complaint

GRACE TEAGUE,

Plaintiff,

VS

RICHTON TIE & TIMBER COMPANY, a
corporation, and ROY DAWSON and
H. L. SIRMON,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

6196

COUNT ONE

The Plaintiffs claim of the Defendants Two Thousand,
Five Hundred Dollars (\$2,500.00) damages for a trespass by
Defendants on the following tract of land, viz:-

From the Southwest corner of Lot No. 3, according to
the survey by E. E. Carpenter, Surveyor, of the
division of the Estate of Henry Baudin, deceased,
said Division being of Sections 42, 2, 39 and 37, T
7 & 8 S, R 2 & 3 E, according to an order issued by the
Register of the Land Office at St. Stephens, Alabama,
October 8th, 1843, and known as Henry Baudin's Grant;
from aforesaid corner run N 31-30 W 3346.5 feet to a
point; run thence N 58-30 E 513 feet to a point for
the place of beginning; run thence N 31-30 W 2543.5
feet to the point on Weeks Bay; run thence N 58-30 E
along the margin of Weeks Bay 100 feet; run thence S
31-30 E 2543.5 feet; run thence S 58-30 W 100 feet to
the point of beginning.

belonging to the Plaintiff and for cutting the timber thereon
on, to-wit, the second week in January, 1964.

COUNT TWO

The Plaintiff claims of the Defendants Five Thousand
Dollars (\$5,000.00) damages for a willful and wanton trespass
by Defendants on the following tract of land, viz:-

From the Southwest corner of Lot No. 3, according to
the survey by E. E. Carpenter, Surveyor, of the
division of the Estate of Henry Baudin, deceased,
said Division being of Sections 42, 2, 39 and 37, T 7
& 8 S, R 2 & 3 E, according to an order issued by the
Register of the Land Office at St. Stephens, Alabama,
October 8th, 1843, and known as Henry Baudin's Grant;
from aforesaid corner run N 31-30 W 3346.5 feet to a
point; run thence N 58-30 E 513 feet to a point for
the place of beginning; run thence N 31-30 W 2543.5
feet to a point on Weeks Bay; run thence N 58-30 E
along the margin of Weeks Bay 100 feet; run thence S.
31-30 E 2543.5 feet; run thence S 58-30 W 100 feet to
the point of beginning,

belonging to the Plaintiff and for cutting the timber thereon
on to-wit: the second week in January, 1964.

FILED

SEP 9 1965

ALB. L. RICK, CLERK
REGISTERED

[Signature]
Attorney for Plaintiff

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW No. 6196

Comes the Defendant, H. L. Sirmon, in the above styled cause, and for answer to the complaint and to each and every count separately and severally thereof, saith that he is not guilty of the matters alleged therein.

John P. Beebe
Attorney for the Defendant

DEFENDANT DEMANDS TRIAL BY JURY

I hereby certify that I have on this the 20th day of November, 1964, sent a true and exact copy of the foregoing answer of H. L. Sirmon, defendant named therein, by U. S. Mail, postage prepaid, to Mr Cecil Chason, Foley, Alabama, attorney of record for the Plaintiff.

John P. Beebe
Attorney for the Defendant

ALLEGED

NOV 21 1964

UNCLASSIFIED

GRACE TEAGUE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
RICHTON TIE & TIMBER	X	AT LAW NO. 6196
COMPANY, a corporation,	X	
and ROY DAWSON and H. L.	X	
SIRMON,	X	
Defendants.	X	

DEMURRER

Come now the Defendants Richton Tie & Timber Company and Roy Dawson and demur, separately and severally, to the complaint heretofore filed against them and to each count thereof, separately and severally, and assign the following separate and several grounds of demurrer:

1. The Complaint fails to state a cause of action.
2. The Complaint is vague, indefinite and uncertain.
3. Count Two of the Complaint does not allege the kind of timber cut.
4. Count Two of the Complaint fails to allege how many trees were cut.
5. Count Two of the Complaint fails to allege that the Plaintiff was the owner of the timber cut.
6. Count Two of the Complaint fails to allege that the Plaintiff was the owner of the land upon which said timber was allegedly cut.
7. Count Two of the Complaint does not allege that the Defendants willfully cut trees which they knew belonged to the Plaintiff.
8. The Complaint does not allege that the Defendants were intentional wrongdoers.
9. For aught that appears the timber was cut under a bona fide claim of right.

10. The description of the lands contained in Count One of said Complaint is vague, indefinite and uncertain.


Attorneys for Richton Tie and Timber
Company and Roy Dawson

The Defendants respectfully demand a trial of this cause by a jury.


Attorneys for Richton Tie and Timber
Company and Roy Dawson

FILED

NOV 19 1964

ALICE L. DUCK, CLERK
REGISTER

July

GRACE TEAGUE,

Plaintiff,

VS.

RIGHTON TIE & TIMBER COMPANY,
a corporation, ROY DAWSON and
H. L. Sirmon,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 6196

FILED

NOV 18 1904

ALICE L. DICK, CLERK
REGISTER

my
GRACE TEAGUE,

Plaintiff,

vs.

RICHTON TIE & TIMBER COMPANY,
a corporation, ROY DAWSON and
H. L. Sirmon,

Defendants.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 6196

FILED

NOV 18 1964

ALICE L. DICK, CLERK
REGISTERED

STATE OF ALABAMA)
) . . . IN THE CIRCUIT COURT . . LAW SIDE . .
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:-

You are hereby commanded to summon Richton Tie & Timber Company, a corporation, and Roy Dawson and H. L. Sirmon to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding same, within thirty (30) days from the service of this summons and complaint, then and there to demur to or to plead to the complaint of Grace Teague.

You are hereby commanded to execute this process instantler and make return as required by law.

WITNESS my hand this 1-1 day of September, 1964.

Reese Duck
Clerk

COMPLAINT

GRACE TEAGUE,

Plaintiff,

-vs-

RICHTON TIE & TIMBER COMPANY, a
corporation, and ROY DAWSON and
H. L. SIRMON,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

COUNT I

The Plaintiffs claims of the Defendants Two Thousand, Five Hundred Dollars (\$2,500.00) damages for a tresspass by Defendants on the following tract of land, viz:-

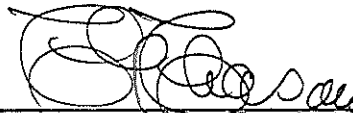
From the Southwest corner of Lot No. 3, according to the survey by E. E. Carpenter, Surveyor, of the division of the Estate of Henry Baudin, deceased, said Division being of Sections 42,2,39 and 37, T 7 & 8 S, R 2 & 3 E, according to an order issued by the Register of the Land Office at St. Stephens, Alabama, October 8th, 1843, and known as Henry Baudin's Grant; from aforesaid corner run N 31-30 W 3346.5 feet to a point; run thence N 58-30 E 513 feet to a point for

the place of beginning; run thence N 31-30 W 2543.5 feet to a point on Weeks Bay; run thence N 58-30 E along the margin of Weeks Bay 100 feet; run thence S 31-30 E 2543.5 feet; run thence S 58-30 W 100 feet to the point of beginning,

belonging to the Plaintiffs and for cutting the timber thereon on to-wit:, the second week in January, 1964.

COUNT II

In addition to the above damages, Plaintiffs claim of the Defendants the futher and additional sum of Two Thousand, Five Hundred Dollars (\$2,500.00) as punitive damages in that timber was cut by the Defendants on property where the boundaries were clearly defined and after the Defendant, Roy Dawson, had been shown the actual boundary line by the Plaintiffs.



Attorney for Plaintiffs

Richton Tie & Timber Company
can be served at Magazine Point
Mobile, Alabama

Roy Dawson and H. L. Sirmon can
be served at Loxley, Alabama

FILED

SEP 31 1964

ALICE J. DUCK, CLERK
REGISTER

*Entered
Oct. 23, 1964*

Richtown, Miss.

SUMMONS AND COMPLAINT

GRACE TEAGUE,

Plaintiff,

- VS -

RIGHTON TIE & TIMBER COMPANY,
a corporation, and ROY DAWSON
and H. L. SIRMON,
Defendants.

Loxley

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

mag. pt.

RECEIVED

JAN 28 1965

FILED
SHERIFF'S OFFICE
SEP 21 1964

ALICE I. DUCK, CLERK
REGISTER

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

Received 28 Day of January 1965
and on 29 Day of January 1965
I served a copy of the within
on Righton Tie & Timber Co.
a Corp.
by service on Mr. Dawson
office manager
RAYD BRIDGES, Sheriff
by B. Smith, D. S.

Received 22 day of Sept 1964
and on day of 19
I served a copy of the within
on Righton Tie & Timber
Co., a Corp.
by service on
TAYLOR WILKINS, Sheriff
By D. S.

Received 22 day of Sept 1964
and on 23 day of Oct 1964
I served a copy of the within
on Roy Dawson
H. L. Sirmon
By service on Roy Dawson
H. L. Sirmon on Oct. 27, 1964
TAYLOR WILKINS, Sheriff
By J. M. Eastman
Loxley, Ala. D. S.

Shortest distance 80 miles at
Ten Cents per mile Total \$ 8.00
TAYLOR WILKINS, Sheriff
BY DEPUTY SHERIFF

Robertsdale, Alabama
November 20th, 1964

Mrs. Duck:

Please file the enclosed
answer of the Defendant, H. L.
Sirmon, in the said file. I have
mailed a copy to Mr. Cecil Chason,
Foley, Alabama.

John P. Beebe