

August 21, 1967

Mr. H. G. Mobley
Route 2
Foley, Alabama 36535

Re: C. W. Clarke and Adele
Clarke vs. Hubert Mobley
and Kate Mobley
Case No. 6259

Dear Mr. Mobley:

123
I am withdrawing as your attorney in the above styled case, and am enclosing herewith all instruments and documents relative to the case. The Judge intends to set the case for trial sometime in October, 1967; therefore, this gives you sufficient opportunity to obtain other counsel to represent you in this matter.

Yours very truly,


C. G. Chason

CCG:jc

cc: Honorable Telfair J. Washburn
Circuit Judge
Bay Minette, Alabama 36507

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama 36507

Mr. Arthur Epperson
Attorney at Law
Foley, Alabama 36535

CHARLES W. CLARKE)
AND)
ADELE M. CLARKE)
Plaintiffs)
VS.)
HUBERT MOBLEY)
AND)
KATE MOBLEY)
Defendants)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Number 6259

Now comes the plaintiffs in the above styled cause and would show unto the Court that heretofore on, to-wit: the 20th day of January, 1966, the plaintiffs made demand in writing upon the defendants for an abstract of title or titles in writing on which said defendants will rely in defense, and that such demand was made more than ten days before trial, such demand being received by the attorney for the defendants on January 20, 1966. And plaintiffs would show further unto the Court that Defendants have failed or refused to furnish the plaintiffs an abstract in writing of the title or titles on which the defendants will rely in defense of the suit, and that such default has continued up to the present time.

Wherefore, the plaintiffs pray that the Court will make and enter an order requiring the said defendants to furnish to the said plaintiffs an abstract of title or titles in writing as required by law; and should they fail to do so within the time to be fixed by order of the Court, that the Court render a judgment by default against said defendants

Arthur C. Epperson
Attorney for the Plaintiffs

FILED

FEB 17 1966

CLERK
REGISTER

CHARLES W. CLARKE and
ADELE M. CLARKE,

Plaintiffs,

Vs.

HUBERT MOBLEY and KATE
MOBLEY,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAY

CASE NO. 6259

DEMURRER

Come the Defendants in the above styled cause and demur to each count separately and severally of the Bill of Complaint heretofore filed therein, and as grounds for demurrer show separately and severally as follows:

1. Complaint does not state a cause of action.
2. That the description of the land claimed is vague, indefinite and uncertain.
3. That the property claimed could not be definitely located, staked or identified from the description thereof contained in the Bill of Complaint.
4. That the respective possession and use by Defendants is not sufficiently shown.

[Signature]
Attorney for Defendants

FILED

NOV 21 1964

ALICE J. BUCK, CLERK
REGISTERED

G. W. CLARKE and)
ADELE CLARKE)
)
Plaintiffs)
)
VS.)
)
HUBERT MOBLEY and)
KATE MOBLEY)
)
Defendants)

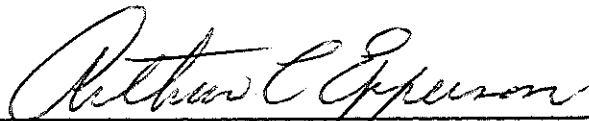
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. _____

Now comes the plaintiffs in the above styled cause and
moves the court to enter a judgment by default against the
defendants for failure to plead, ^{or} answer ~~or answer~~ to the
complaint within the time required by law.

This the 20th day of Janaury, 1966.



Attorney for the Plaintiffs

FILED

JAN 20 1966

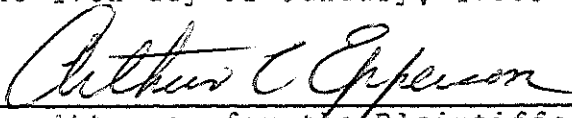
ALICE L. BARK, CLERK
REGISTERED

C. W. CLARKE and)
ADELE CLARKE)
Plaintiffs)
VS.)
HUBERT MOBLEY and)
KATE MOBLEY)
Defendants)

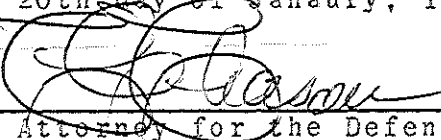
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO.

Now comes the plaintiffs and makes demand on the defendants for an abstract in writing of the title of titles on which they will rely to retain possession of the land sued for by the plaintiffs at the trial of this cause.

Witness my hand, this the 19th day of January, 1966.


Attorney for the Plaintiffs

Receipt of the above demand in writing for an abstract of title in writing covering property the subject of this suit and upon which the defendants will base their defense in said suit, is hereby acknowledged on this the 20th day of January, 1966.


Attorney for the Defendants

FILED
JAN 20 1966
MADE J. DUCK, CLERK
REGISTER

CHARLES W. CLARKE and)
ADELE M. CLARKE)

Plaintiffs)

VS.)

HUBERT MOBLEY and)
KATE MOBLEY)

Defendants)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

at law

Case Number 6259

FILED

FEB 12 1968

CLERK
REGISTER

This day came the parties by their attorneys of record and presented to the Court in open Court an agreement for a consent settlement and judgment, it is therefore considered and ordered by the Court and it is the judgment of the Court, that judgment be and the same is hereby rendered in favor of the plaintiffs and against the defendants for the possession of the property described in the complaint, viz:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Sec. 22, T 8 S, R 3 E., in Baldwin County, Alabama, East of a fence constructed in a contour with and East of Skunk Bayou in Said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, T 8 S, R 3 E.

It is further considered, ordered and adjudged by the Court that the plaintiffs have and recover of the defendants the property sued for in the complaint, together with the costs in this behalf expended and that the plaintiffs have and recover of the defendants the sum of One Hundred Dollars (\$100.00) as damages for the detention of said property, and for all of which let writ of possession and execution issue.

And the defenants having suggested aboundry line dispute, it is considered, ordered and adjudged by the Court that the Survey of the East Boundry line of the NE $\frac{1}{4}$ of Sec. 22, T 8 S, R 3 E. , as made, platted and staked by Claude Arnold, Surveyor, Fairhope, Ala. and upon which the fence as constructed by Hersey Guthrie in November and December, 1967, is situated, is the true, correct and accepted boundry line as between the parties hereto respecting their adjoining lands in Sections @ 22 and 23, T 8 S, R 3 E. Baldwin County, Ala. It is further ordered and adjudged by the Court that a copy of said survey be recorded with this judgment.

Dated this the 12th day of February, 1968.

757

Julius A. Maddox
Circuit Judge

CHARLES W. CLARKE and)	
)	
ADELE M. CLARKE)	IN THE CIRCUIT COURT OF
Plaintiffs)	
)	BALDWIN COUNTY, ALABAMA
VS)	
)	AT LAW
HUBERT MOBLEY and)	
)	Number 6259
KATE MOBLEY)	
Defendants)	AMENDED COMPLAINT

COUNT ONE

The plaintiffs sue to recover possession of the following tract of land, to-wit:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-two (22) Township Eight (8) South, Range Three (3) East in Baldwin County, Alabama, East of a fence constructed in a contour with and East of Skunk Bayou in said sixteenth section (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, T 8 S, R 3 E).

of which the plaintiffs have legal title and upon which the defendants entered and now unlawfully withholds and detains, together with \$2500.00 damages for rent, waste and exemplary damages for the wanton withholding and detention of said lands by the defendants

COUNT TWO

The plaintiffs sue to recover the possession of the following tract of land, to-wit:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-two (22) Township Eight (8) South, Range Three (3) East in Baldwin County, Alabama, East of a fence constructed in a contour with and East of Skunk Bayou in said sixteenth section (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, T 8 S, R 3 E.)

of which the plaintiffs have legal title and upon which, before the commencement of this action or suit, the defendants entered and unlawfully withholds the possession thereof, together with the sum of \$2500.00 for detention thereof.

COUNT THREE

The plaintiffs sue to recover possession of the following tract of land, to-wit:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-two (22) Township Eight (8) South, Range Three (3) East in Baldwin County, Alabama, East of a fence constructed in a contour with and East of Skunk Bayou in said Sixteenth section (SE $\frac{1}{4}$ Of NE $\frac{1}{4}$ of Sec. 22, T 8 S, R 3 E.)

of which the plaintiffs have legal title and were in possession, and

upon which, pending such possession, and before the commencement of this suit, the defendants unlawfully entered and unlawfully withholds and after having been given notice to get off of said land and deliver up possession to the plaintiffs, wantonly detains and withholds the possession of said land from the plaintiffs, together with \$2500.00 damages for rent, exemplary damages and wanton withholding of possession of said land.

Arthur C. Epperson
Arthur C. Epperson
Attorney for the Plaintiffs

FILED
FEB 17 1938
ALICE L. BAKER, CLERK
REGISTER

TO ANY SHERIFF OF THE STATE OF ALABAMA:

Witness my hand this the 22 day of October, 1964.

Clerk

COUNT ONE

That part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section twenty-two (22) Township Eight (8) South, Range Three (3) East in Baldwin County, Alabama West of a fence constructed in a contour with and West of Skunk Bayou in said sixteenth section (SE¼ of NE¼ of Sec. 22, T 8 S, R 3 E).

COUNT TWO

That part of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section Twenty-two (22) Township Eight (8) South, Range Three (3) East in Baldwin County, Alabama, West of a fence constructed

in a contour with and West of Skunk Bayou in said
sixteenth section (SE $\frac{1}{4}$ Of NE $\frac{1}{4}$ of Sec. 22., T 8 S,
R 3 E).

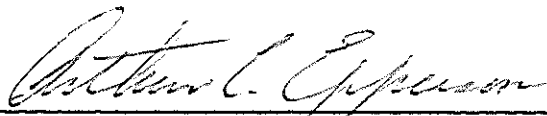
of which they were in possession, and upon which, pending such
possession, and before the commencement of this suit, the def-
endants unlawfully entered and unlawfully withholds, together
with \$2500.00 for the detention thereof.

COUNT THREE

The plaintiffs sue to recover possession of the following
tract of land, to-wit:

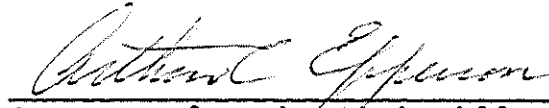
That part of the Southeast Quarter (SE $\frac{1}{4}$) of the
Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-two (22)
Township Eight (8) South, Range Three (3) East in
Baldwin County, Alabama, West of a fence constructed
in a contour with and West of Skunk Bayou in said
sixteenth section (SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 22, T 8 S, R 3 E)..

of which the plaintiffs have legal title and were in possession,
and upon which, pending such possession, and before the commencement
of this suit the defendants unlawfully entered and unlawfully with-
holds and after having been given notice to get off of said land
wantonly reentered possession of said tract of land, have used
said land and committed waste thereon, together with \$2500.00
damages for rent, exemplary damages for wanton reentry and for
waste.


Attorney for the Plaintiffs.

Defendants reside in
Bon Secour, Ala.

The Plaintiffs demand a trial by Jury.


Attorney for the Plaintiffs

FILED

OCT. 22 1954

ADJ. CLERK & REGISTER

EJECTMENT

Received 22 day of Oct 1944
and on 24 day of Oct 44
I served a copy of the within 29 C
on Hubert Mobley
Kate Mobley
by service on _____

TAYLOR WILKINS, Sheriff
By Richard B. Brown

Don Allen

Sheriff claims 172 miles at
Ten Cents per mile Total \$ 17.20
TAYLOR WILKINS, Sheriff
BY CE
DEPUTY SHERIFF

NO. 6259

Charles W. Clark
and
Adele M. Clark
vs.
Hubert Mobley
and
Kate Mobley

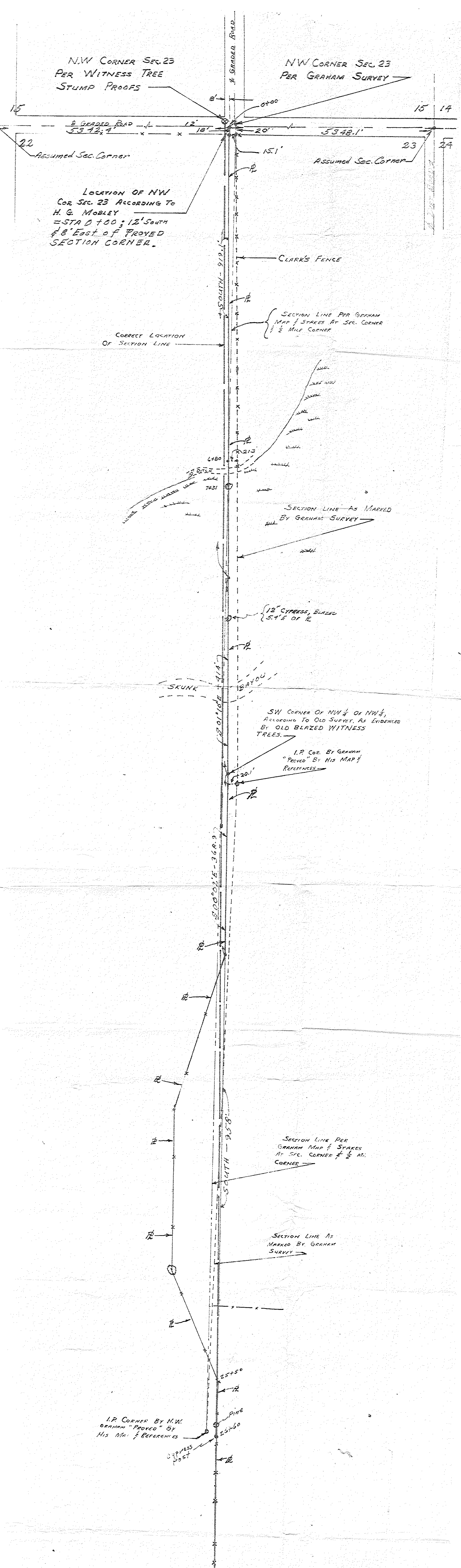
FILED

OCT 24 1944

ALICE J. TUCK, CLERK
REGISTER

ARTHUR C. EPPERSON
ATTORNEY AT LAW
FOLEY, ALA.

The Tuttle Law Print, Publishers, Rutland, Vt.



MAP SHOWING THE LOCATION OF THE WEST BOUNDARY OF SEC. 23, T8S, R3E; The Location of an OLD BLAZED & PARTIALLY FENCED LINE, and old fences, claimed by Mr. H.G. MOBLEY as his Western Boundary; and the relation to said SECTION LINE, and MOBLEY Western Boundary, of a "LINE" surveyed, reportedly, by H.W. GRAHAM a few years ago. (Circa 1964).
 Surveyed Sept. 12 & 14, 1967, for Mr. H. G. MOBLEY.

Claude W. Arnold
 C.E. & L.S., ALA. N° 1276.