LIB PANDENS NOTICE

Bowden has filed in the Circuit Court of Baldwin County,
Alabama, in Equity, her Bill of Complaint against J. B. Davis
of Daphne, Alabama. The prayer of said bill is to have a
certain instrument purporting to be a tex title set aside
and to restore to Complainant her possession of certain property situated in Baldwin County, Alabama, to-wit:

From the Northwest Corner of Section Twenty (20), Township Five (5), Range Two (2), runs South Thirty-seven and Forty-two (37.42) chs. East Twenty-five (25) Feet for point of beginning, themce East Four Hundred Three (40) Feet, South Three Hundred Twenty-five (325) Feet, West One Hundred Fifty (150) Feet, South Two Hundred Sixty-eight (208) Feet, West Two Hundred Fifty-two (252) Feet to State Avenue Road North clong said road Six Hundred Three (50) Feet to the point of beginning, said property being in Beet Eight (8), containing Four and Four-fifths (4-4/5) Acres more or less, and being improved with a five (5) room house and an ordnard of Fifteen (15) trees.

Bolleitor for Complainant

(774)

ALBERTA BOWDEN, Complainant

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA,

J. B. DAVIS, Respondent

IN EQUITY

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

Your Oratrix, Alberta Bowden, presents this Bill of Complaint against J. B. Davis and thereupon your Oratrix complains and shows unto the Court and Your Henor as follows:

ONE: Your Oratrix is over twenty-one (21) years of age and brings this, her Bill of Complaint, against the Respondent, J. B. Davis, who was over the age of twenty-one (21) years and resides at Daphne, Alabama.

TWO: Your Oratrix owns the following described real estate, situated in Baldwin County, Alabama, to-wit:

From the Northwest Corner of Section Twenty (20),
Township Five (5), Range Two (2), runs South Thirtyseven and Forty-two Hundredths (37.42) chs. East
Twenty-five (25) Feet for point of beginning, thence
East Four Hundred Three (403) Feet, South Three Hundred Twenty-five (325) Feet, West One Hundred Fifty
(150) Feet, South Two Hundred Sixty-eight (268) Feet,
West Two Hundred Fifty-two (252) Feet to State Avenue
Road North along said road Six Hundred Three (603) Feet
to the point of beginning, said property being in
Beat Eight (8), containing Four and Four-fifths (4-4/5)
Acres more or less, and being improved with a five (5)
room house and an orchard of Fifteen (15) trees.

Your Oratrix avers that the aforesaid property came to her by inheritance from her husband, William Bowden, deceased, who, during his life, had been in quiet and peaceful possession of said property for more than forty (40) years, during which time he paid the taxes thereon. That on or about 1938 your Oratrix's husband died, leaving certain taxes on the aforesaid property unpaid and, unknown to Oratrix, the said taxes were paid by Respondent at a tax sale dated September 15, 1938, and recorded in Sales Book 14B at Page 222. On or about June 16, 1941, a deed was made to Respondent by Hon. G. W. Robertson, Judge of Probate of Baldwin County, Alabama, purporting to convey the aforesaid property. Your Oratrix avers that she has never peacefully surrendered her possession of the aforesaid property to the Respondent but that she rented the aforesaid property to a one Heck for Three (\$3.00) Dollars per month and that, being indebted to her, he vacated the premises. The

Oratrix avers that she then placed the property in the hands of George H. Rains as a real estate agent to rent the aforesaid property and that she gave the keys to a one Mr. Stimpson, Postmaster of Daphne, for delivery to George H. Rains. That by misrepresentation or fraud or deceit, the Respondent secured the keys from Mr. Stimpson without the consent or approval of your Oratrix and that the Respondent thus fraudulently secured possession of the aforesaid property.

FOUR: Your Oratrix here and now makes call upon the said Respondent to set forth and specify his title, claim, interest or incumbrance to or upon the said land or any part thereof and how and by what instrument the same is derived and created.

FIVE: Your Oratrix avers that she has made tender of the tax money with the interest and penalty as provided by law and that such tender has been refused by Respondent. Your Oratrix avers that she is now ready, able and willing to make such tax payment.

PRAYER FOR PROCESS

Your Oratrix prays that the said J. B. Davis be made party respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF

Your Oratrix further prays that upon the final hearing of this cause, Your Honor will grant and enter a decree against the said Respondent. J. B. Davis, setting aside the instrument purporting to be a tax deed and an order restoring your Oratrix to her peaceful and quiet possession of the aferesaid property. Your Oratrix further prays for such other and general relief as she may equitably be entitled to in the premises.

Solicitor for Complainant

The State Of Alabama Baldwin County

Circuit Court of Baldwin County, In Equity.

To Any Sheriff of the State of Alabama—GREETINGS:

Baldwin County, to be and appear before the Judge of the Circui court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of ammons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited Alberta Bowden Alberta Bowden Mrs. Pearl McNeil Davis, and Robert Danna Davis and further to do and perform what said Judge shall order and direct in that behalf. And this the defendant shall in no wise omit, under penalty, etc. And we further command that you return is writ with your endorsement thereon, to our said Court immediately upon the execution thereof with The St. Buck, Register of said Circuit Court, this 15th day of Pebruary 1942 R. S. Block A. M. Register of Said Circuit Court, the Register A. Register of Said Circuit Court, the Register Register of Said Circuit Court, the Register Register of Said Circuit Court, the Register Register Register of Said Circuit Court, the Register	WE COM	MAND	YOU, I	l'hat yo	u summ	on—M	rs. Pe	arl M	CMeTT	UAVIS,	ropert	: Danna	_Da
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N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

ALBERTA BOVIDEN, COMPLAINANT,

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA,

MRS. PEARL MCNEILL DAVIS, ET AL, RESPONDENTS.

IN EQUITY,

No. 716

And now come the Respondents and demur to the Bill of Complaint recently revived in this cause and for grounds thereof, separately and severally, say:

- 1. There is no equity in the Bill.
- 2. The Bill affirmatively shows that the Respondents are in the actual possession of the property.
 - 3. The Complainant does not offer to do equity.
- 4. The Bill of Complaint affirmatively shows that the Respondents and those through whom they hold, have been in possession of the land involved, for more than three years.
- 5. The Bill of Complaint affirmatively shows that the Complainant has a full, adequate and complete remedy at law.

BEEBE & HALL

Solicitors for Respondents.

LIS PENDENS NOTICE

Notice is hereby given that on this day Alberta
Bowden has filed in the Circuit Court of Baldwin County,
Alabama, in Equity, her Bill of Complaint against J. B. Davis
of Daphne, Alabama. The prayer of said bill is to have a
certain instrument purporting to be a tax title set aside
and to restore to Complainant her possession of certain property situated in Baldwin County, Alabama, to-wit:

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Solicitor for Complainant

The State Of Alabama Baldwin County

Circuit Court of Baldwin County, In Equity.

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N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

BILL OF REVIVOR

ALBERTA BOWDEN, Complainant vs.

THE ESTATE OF J. B. DAVIS; MRS. PEARL MCNEILL DAVIS; ROBERT DANNA DAVIS; AND THE HEIRS, DISTRIBUTEES AND DIVISEES OF THE ESTATE OF J. B. DAVIS, Respondents

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, CASE NO. 776

TO THE HONORABLE F. W. HARE, JUDGE OF SAID COURT:

Your complainant, Alberta Bowden, presents this Bill of Revivor against the Estate of J. B. Davis, Mrs. Pearl McNeill Davis, Robert Danna Davis and the unknown heirs, distributees or divisees of the Estate of J. B. Davis.

ONE: Your complainant shows unto Your Honor that J. B. Davis, the respondent in a certain case filed in Equity in the Circuit Court of Baldwin County, Alabama, as case number 716, and whereas service in this case had been perfected by the Sheriff of Baldwin County, Alabama, and whereas appearance had been entered by Beebe & Hall as solicitors for the respondent:

TWO: Your complainant shows unto Your Honor that the respondent died on Monday, February 2, 1942;

THREE: Your complainant shows unto Your Honor that the relief sought in the original bill has not been accomplished;

FOUR: Your complainant shows unto Your Honor that there is privity between J. B. Davis, deceased, and the parties against whom the relief is sought;

FIVE: Your complainant shows unto Your Honor that the complainant has a right to revive the suit in accordance with Equity Rule, Number 35, as adopted by the Supreme Court of Alabama on October 9, 1939, and made effective January 1, 1940;

SIX: And your complainant shows unto Your Honor that a true, complete, accurate and exact copy of the original bill of complaint is attached to this Bill of Revivor and made a part thereof by this express reference thereto.

NOW THEREFORE, your complainant moves the Court that the Estate of J. B. Davis, Mrs. Pearl McNeill Davis, Robert Danna Davis and the unknown heirs, distributees or divisees of the Estate of J. B. Davis be made parties respondent to this Bill of Revivor and that the usual process of this Honorable Court do forthwith issue to them; that the relief sought in the original bill of complaint be revived in its entirety and

that such relief be granted against the Estate of J. B. Davis, Mrs. Pearl McNeill Davis, Robert Danna Davis and the unknown heirs I distributees or divisees of the Estate of J. B. Davis or such other parties as may be shown to be heirs, distributees or divisees and that the above named respondents be substituted in lieu of the deceased respondent.

Markand Menrere
Solicitor for the Complainant

ORDER TO REVIVE

ALBERTA BOWDEN, Complainant

VS.

THE ESTATE OF J. B. DAVIS; MRS. PEARL MCNEILL DAVIS; ROBERT DANNA DAVIS; AND THE HEIRS, DISTRIBUTEES AND DIVISEES OF THE ESTATE OF J. B. DAVIS, Respondents

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, CASE NO. 716

It having been made to appear to the Court that J. B. Davis was the respondent in a certain case in Equity filed in this Court and known as case number 716 and that service in the above case was perfected by the Sheriff of Baldwin County, Alabama, and that Beebe & Hall appeared as solicitors for the respondent and that the respondent departed this life on February 2, 1942 and that the solicitor for the complainant duly moved the Court that the action be revived in its entirety against certain parties listed in said motion as the Estate of J. B. Davis, Mrs. Pearl MoNeill Davis, Robert Danna Davis and the heirs, distributees and divisees of the Estate of J. B. Davis who are alleged to be in privity with the deceased J. B. Davis and whereas the original relief sought has not been accomplished, and that the said motion was made in accordance with Rule 35 of the Alabama Equity Rules as adopted by the Supreme Court of Alabama on October 9, 1939, and made effective January 1, 1940;

NOW THEREFORE, be it and it is ordered, adjudged and decreed that the motion of the solicitor for the complainant is hereby granted and the above named parties shall be made parties respondent in lieu of the deceased J. B. Davis and the usual process issue to them and that the original cause of action be and hereby is ordered, adjudged and decreed to be revived.

Dated this 12th day of February, 1942.

Judge of the Circuit Court of Baldwin County, Alabama, in Equity ALBERTA BOWDEN, Complainant vs.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,

J. B. DAVIS, Respondent

IN EQUITY

Your Oratrix, Alberta Bowden, presents this Bill of Complaint against J. B. Davis and thereupon your Oratrix complains and shows unto

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

the Court and Your Honor as follows:

ONE: Your Oratrix is over twenty-one (21) years of age and brings this, her Bill of Complaint, against the Respondent, J. B. Davis, who was over the age of twenty-one (21) years and resides at Daphne, Alabama.

TWO: Your Oratrix owns the following described real estate, situated in Baldwin County, Alabama, to-wit:

From the Northwest Corner of Section Twenty (20), Township Five (5), Range Two (2), runs South Thirty-seven and Forty-two Hundredths (37.42) chs. East Twenty-five (25) Feet for point of beginning, thence East Four Hundred Three (403) Feet, South Three Hundred Twenty-five(325) Feet, West One Hundred Fifty (150) Feet, South Two Hundred Sixty-eight (268) Feet, West Two Hundred Fifty-two (252) Feet to State Avenue Road North along said road Six Hundred Three (603) Feet to the point of beginning, said property being in Beat Eight (8), containing Four and Four-fifths (4-4/5) Acres more or less, and being improved with a five (5) room house and an orchard of Fifteen (15) trees.

Your Oratrix avers that the aforesaid property came to her by inheritance from her husband, William Bowden, deceased, who, during his life, had been in quiet and peaceful possession of said property for more than forty (40) years, during which time he paid the taxes thereon. That on or about 1938 your Oratrix's husband died, leaving certain taxes on the aforesaid property unpaid and, unknown to Oratrix, the said taxes were paid by Respondent at a tax sale dated September 15, 1938, and recorded in Sales Book 14B at Page 222. On or about June 16, 1941, a deed was made to Respondent by Hon. G. W. Robertson, Judge of Probate of Baldwin County, Alabama, purporting to convey the aforesaid property. Your Oratrix avers that she has never peacefully surrendered her possession of the aforesaid property to the Respondent but that she rented the aforesaid property to a one Heck for Three (\$3.00) Dollars per month and that, being indebted to her, he vacated the premises. The

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J. B. DAVIS, Respondent

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CHANCERY EXECUTION

BILL OF COSTS

No776 $\mathbf{v}_{\mathbf{s}}.$ Plaintiff Alberta Bowden. J B Davis. Defendant **5** 70 FEES OF REGISTER Dollars Centa Brought Forward..... 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... Filing each bill and other papers \$ Issuing each bill and other papers 50
Issuing each subpoend 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 70 00 20 Entering each return thereof Each notice sent by mail to creditor ... 15 Docketing each case 1 00
Entering each appearance 25
Issuing each decree pro confesso on 00 Filing, receipting for and docketing each claim, etc. 50 25 For all entries on subpoena docket, per. ser. 1 00 Issuing each decree pro confesso on 50 For all entries on commission docket, publication 1 00 etc.
Making final record, per 100 words Each order appointing guardian 1 00
Any other order by Register 50
Issuing commission to take testimony 50 3 45 Certified copy of decree......Report of divorce to State Health Receiving and filing.
Endorsing each package.
Entering order submitting cause.
Entering any other order of court. Óffice 10 (Acts 1915) 10 Total Fees of Register 25 15 Noting all testimony 50
Abstract of cause, etc. 1 00
75 FEES OF SHERIFF Serving and returning subpoena on deft. 3 \$1 50 Serving and returning subpoena for 4 🛊 50 witness Levying attachment.... 3 00 Entering and returning same 25
Selling property attached 75
Executing writ of possession 2 50
Collecting execution for costs 1 50 l Serving and returning sci. fa., each Entering each return 15
Taking and approving bond, each 1 00
Making copy of bill, etc. 15
Each notice not otherwise provided for 50 15 Serving and returning notice
Serving and returning writ of injunc-Serving and returning writ of exeat 1 Taking and approving bonds, each Each certificate or affidavit, with seal Each certificate or affidavit, no seal 50 Collecting money on execution..... Hearing and passing on application, etc. 3 00 Each settlement with receiver, etc. 3 00 Serving and returning application, Exam'ing each voucher of Receiver, etc. 10 etc.
Serving attachment, contempt of Examining each answer, etc. 3 00 Recording resignation, etc.

Entering each cert. to Supreme Court... 1 50 Taking questions and answers, etc.

For all other ser. relating to such proceedings

For services in proceeding to relieve minors, etc., same fee as in similar Total Fees of Sheriff...... RECAPITULATION .. 1 00 Register's Fees Sheriff's Fees Commissioner's Fees Solicitor's Fees Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding Witness Fees Guardian Ad Litem..... \$1,000, 1½ per ct.; all over \$1,000, an dnot exceeding \$20,000, 1 per ct.; all over \$20,000, ½ of 1 per ct. Printer's Fees Trial Tax . 3 00Recording Decree in Probate Court.... Sub Total Carried Forward Total No. 776. The State of Alabama, Circuit Court, In Equity—Feb Term, 194 3 Baldwin County. To Any Sheriff of the State of Alabama—GREETINGS: You are hereby commanded, That of the goods and chattels, lands and tenements of Alberta Bowden. Defendant..... you cause to be made the sum of Eighteen and 15 /00 Costs onlly _ Dollars, which - Case Abated, on the 1st Feb. recovered of --day ofby the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of 18.15 Costs omly. costs of suit, and have the same to render to the said R S Duck. and make return of this Writ and the execution thereof, according to law. – to date_cof collection. 15th day of _____ Witness my hand, this -—, RegisterALBERTA BOWDEN, Complainant,

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA,

J. B. DAVIS, Respondent.

IN EQUITY.

And now comes the Respondent and demurs to the Complainants Bill of Complaint, and to each count and allegation therein and for grounds thereof says:

1.

The bill is without equity;

2.

The bill affirmatively shows that the Respondent is in the actual possession of the land involved;

3.

The bill affirmatively shows that the Respondent has been in the possession of the land involved for more than three years;

4.

The bill affirmatively shows that the Complainant has a full, adequate and complete remedy at law.

Solicitors for Respondent.

Oratrix avers that she then placed the property in the hands of George H. Rains as a real estate agent to rent the aforesaid property and that she gave the keys to a one Mr. Stimpson, Postmaster of Daphne, for delivery to George H. Rains. That by misrepresentation or fraud or deceit, the Respondent secured the keys from Mr. Stimpson without the consent or approval of your Oratrix and that the Respondent thus fraudelently secured possession of the aforesaid property.

FOUR: Your Oratrix here and now makes call upon the said Respondent to set forth and specify his title, claim, interest or incumbrance to or upon the said land or any part thereof and how and by what instrument the same is derived and created.

FIVE: Your Oratrix avers that she has made tender of the tax money with the interest and penalty as provided by law and that such tender has been refused by Respondent. Your Oratrix avers that she is now ready, able and willing to make such tax payment.

PRAYER FOR PROCESS

Your Oratrix prays that the said J. B. Davis be made party respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF

Your Oratrix further prays that upon the final hearing of this cause, Your Honor will grant and enter a decree against the said Respondent, J. B. Davis, setting aside the instrument purporting to be a tax deed and an order restoring your Oratrix to her peaceful and quiet possession of the aforesaid property. Your Oratrix further prays for such other and general relief as she may equitably be entitled to in the premises.

Pribard Demever
Solicitor for Complainant

Received in Sheriff's Office this 14day of 7eb., 1942 W. R. STUART, Sheriff Executed This The ly serving a Copy of the Within Summon mes Paul Mª neal Donis and Robert Danna Dovis

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RECORDED 74

ALBERTA BOWDEN, Complainant,

VS.

J. B. DAVIS, Respondent.

DEMURRER

BEEBE & HALL, LAWYERS, Bay Minette, Ala.

Execution Docket CHANCERY EXECUTION Total Circuit Court. In Equity. Lberta Bowden The W. R. STUART, Sheriff J Demeree Davis, State of Alabama, Baldwin County. No.776 Complainant's Solicitor. ,SA ۳ ص 8 T 5 15 Execution Docket day of..... cution is issued. to the exemption of personal property as to the collection of the debt for which this exe-Received in duly waived Printed By Baldwin Times, Bay Minette, Ala. State of Alabama, Baldwin County. office this. Register. Sheriff The State of Alabama, Baldwin County. By virtue of the within execution I have levied

Received in Shariff's Office this 17day of 1992. 1943

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	Solicitor fo	r Complainan

Recorded in Vol.

THE STATE OF ALABAMA. Baldwin County

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J.B. Danio	
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By M. B. Humille	Sheriff
	/ Sheriff

Filed 11-29-41 R. S. Duck Region Lis-Gend. Motice
Alberta Bowden 27
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J. B. Daris ---

NECOBURY

STATE OF ALABAMA, BALDWIN COUNTY

Filed NOV 27 1941

Recorded The Period book page 198
and I certify that the following Privilege Tax has been paid.

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Mortgage Tax

Judge of Probate

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RECORDE

ALBERTA BOWDEN, COMPLAINANT,

VS.

MRS. PEARL MCNEILL DAVIS, ET AL, RESPONDENTS.

DEMURRER

Film Sorarch 2, 1942 Resilved Ry

Beebe & Hall, Lawyers

Flat nouz? 1941 Robert

Duch Bay Minette, Ala.,-In Account With W. ROBERTSON Judge of Probate, Baldwin County Please Return Bill With Remittance Recording Privilege Tax Rec. Fee Total Kinder Alberto Bowden To J Billario

Paid 1/21/41 More