

797

FRED C. GRIFFIN,

Complainant,

VS.

W. C. MASON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 797.

ANSWER

Now comes the Respondent and for answer to the Bill of Complaint and to each and every count thereof says:

1. The Respondent admits the allegations of paragraphs First and Second of the Bill of Complaint.

2. For answer to paragraph Third of the Bill of Complaint, the Respondent denies that the Complainant owns the fee simple title to the lands described in the Bill of Complaint, and further denies that the Complainant was in the actual quiet and peaceable possession of the said property at the time this suit was filed.

The Respondent claims title to the said property under and by virtue of the following deeds:

A. Tax Deed from State Land Commissioner of Alabama, to W. C. Mason, dated January 2, 1941, and recorded in Deed Book Number 73 N. S. at page 454, Baldwin County Records.

B. Deed from Orphia A. Parker and Harry H. Parker to W. C. Mason, dated October 14, 1941, and recorded in Deed Book Number 76 N. S. at page 277, Baldwin County Records.

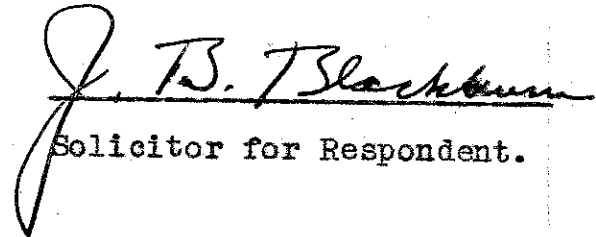
C. Tax Deed from State Land Commissioner of Alabama, to W. C. Mason, dated January 2, 1941, which has not been recorded.

3. The Respondent for further answer to paragraph Third of the Bill of Complaint, alleges that he was in the peaceable possession of all of the said property immediately prior to the filing of the Bill of Complaint in this suit, and that Complainant, acting by and through his agent, servant or employee, one R. C. Keeney, went on the said property, destroyed signs which the Respondent had

posted thereon and wrongfully took possession of the said property, immediately after which this suit was filed. Respondent further alleges that Complainants only possession of the said property at the time this suit was filed was the said Scrambling possession so obtained by him.

4. Respondent denies each and all of the other allegations of the Bill of Complaint not specifically answered herein.

Having fully answered the Bill of Complaint, Respondent prays that this suit be dismissed and that he be discharged with his reasonable cost in this behalf expended.


Solicitor for Respondent.

STATE OF ALABAMA,

CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,


BALDWIN COUNTY.

IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

WE COMMAND YOU, that you summon W. C. MASON to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery jurisdiction within thirty days after the service of summons, and there to answer, plead, or demur, without oath to a bill of complaint lately exhibited by FRED C. GRIFFIN against said W. C. MASON, and further to do and perform what said Judge shall order and direct in that behalf. And this the said Respondent shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of the said Circuit Court, this 16 day of January, 1942.


Register.

FRED C. GRIFFIN, Complainant,

IN THE CIRCUIT COURT OF

VS.

BALDWIN COUNTY, ALABAMA,

W. C. MASON, Respondent.

IN EQUITY.

TO HONORABLE F. W. HARR, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA,
IN EQUITY:

Comes your Complainant, FRED C. GRIFFIN, and respectfully represents and shows unto your Honor and this Honorable Court as follows:

FIRST:

That he is a bona fide resident of Baldwin County, Alabama, over twenty-one years of age;

SECOND:

That the Respondent, W. C. Mason, is over twenty-one years of age and a resident of Baldwin County, Alabama, living at Fairhope;

THIRD:

That your Complainant is the owner in fee simple and in the quiet and peaceable possession of the following described land in Baldwin County, Alabama, to-wit:

A tract of land in the Northwest corner of the William Patterson grant known as Section 8, Township 6 South of Range 2 East beginning at the Northwest corner of said grant and the Southwest corner of the Forbes Grant, thence North 76° East to West edge of State Aid Road landing from Fairhope to Daphne an iron pipe stake 25 feet West of center of said road thence South 9° East 160 feet more or less to iron pipe stake in the North side of 50-foot road leading from State Aid Road to top of Bluff near the Bay, thence South -° West along the North side of said road to iron pipe stake at top of red bluff 140 feet South of the North line of this survey, thence on to the Bay, thence North 9° West to place of beginning, being same land purchased by Grantor from R. F. Powell and wife, Laura A. Powell, and Ola Powell by deed dated the 11th day of May, 1925, and recorded in Record Book 36 NS, page 343 in

the office of the Probate Judge of Baldwin County, Alabama.

Lots 1, 2, 3, 4, 5, 6, 7, 8, of Block 10, also the portion of Block D lying directly in front of lots 1, 2, 3, 4, of Block 10; the portion of Block D having a total frontage on Mobile Bay of 265 feet, all being according to map of Volanta, Alabama, recorded in Miscellaneous Book #1, page 341, signed by Theo Widell, surveyor, April 27, 1914. Land being situated in Section 37, Township 6 South of Range 2 East.

FOURTH:

Complainant further alleges that the Respondent, W. C. Mason claims, and is reported to claim some right, title or interest in, or encumbrance on said land;

FIFTH:

Complainant further alleges that no suit is pending to enforce or test the validity of such claim, right, title or interest in, or encumbrance of the Respondent, and the Complainant, therefore, calls upon the Respondent, W. C. Mason, to set forth and specify his right, title or interest in, or encumbrance upon said lands, and to show how and by what instrument the same is derived and/or created.

SIXTH:

The Complainant further alleges that he is informed that the Respondent has recently acquired a tax deed to said property.

The Complainant offers to do equity and to pay to the Respondent any amount that may be found to be due him by virtue of his paying the taxes due on said property, and the securing of a tax deed thereto.

PRAYER FOR PROCESS

WHEREFORE, the Complainant prays that the said W. C. Mason, by appropriate process, be made Respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER

Complainant further prays that upon the final hearing of this cause this Honorable Court establish the title of the Complainant in and to the lands herein described and further decree that the said W. C. Mason has no claim, right, title or interest in, or encumbrance upon the said land herein described, or any part thereof,

The Complainant further prays that in the event it is found that the Respondent has a tax deed to said property, this Honorable Court will ascertain the amount due by the Complainant to the Respondent by virtue of said taxes and under said tax deed.

Complainant further prays that in the event he hasn't prayed for the proper relief under the facts as herein alleged, that your Honor will give and grant unto him the appropriate relief.

Complainant further 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.

BEEBE & HALL

By: *Thurston*
Solicitors for Complainant.

Fraed C. Griffin,)
Complainant,) BALDWIN COUNTY, ALABAMA.
Vs.) CIRCUIT COURT,
W. C. Mason,) IN EQUITY.
Respondent.)

This cause coming on to be heard is submitted for decree on demurrer to the Bill of Complaint and upon consideration I am of the opinion that said demurrer is not well taken.

It is, therefore, ORDERED, ADJUDGED AND DECREED that said demurrer be, and same hereby is, overruled. The Respondent is allowed thirty days to file answer.

This June 15th., 1942.


Judge.

FRED C. GRIFFIN, COMPLAINANT,

VS.

W. C. MASON, RESPONDENT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.


And now come the parties hereto, acting by and through their respective solicitors of record, and agree that this cause be submitted for a decree on the demurrer filed by the Respondent to the original Bill of Complaint of the Complainant.

Dated this 10th day of June, 1942.

BEEBE & HALL

By: 

Solicitor for Complainant.


Solicitor for Respondent.

FRED C. GRIFFIN,

Complainant,

VS.

W. C. MASON,

Respondent.

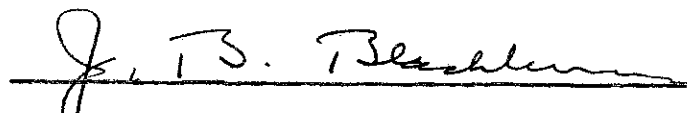
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

DEMURRER

Comes the Respondent in the above entitled cause and demurs to the Bill of Complaint filed in the said cause and to each and every count thereof, and as grounds therefor says:

1. There is no equity in the bill.


Solicitor for Respondent.

DEMANDER

FRED C. GRIFFIN,

Complainant,

VS.

W. C. MASON,

Respondent.

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

(157)

Filed 2-17-42

H. S. Brack

Clerk

FRED C. GRIFFIN, COMPLAINANT,

VS.

W. C. MASON, RESPONDENT.

AGREEMENT OF SUBMISSION
ON DEMURRER.

*Filed Pursuant to
Order of
Court*

Worcester
Dummer

Filed June 16, 1947
Worcester

STATE OF MASSACHUSETTS
SHERIFF OF WORCESTER COUNTY
In and for the County of Worcester, State of Massachusetts, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the Sheriff of the County of Worcester, State of Massachusetts, and that the same is a true and correct copy of the original as the same appears in the files of the Sheriff of the County of Worcester, State of Massachusetts.

Witness my hand and the seal of the Sheriff of the County of Worcester, State of Massachusetts, this 16th day of June, 1947.

SHERIFF OF WORCESTER COUNTY

797

Received in Sheriff's Office
this 17 day of Dec, 1942
W. R. STUART, Sheriff

FRED C. GRIFFIN, Complainant,

VS.

W. C. MASON, Respondent

SUMMONS AND COMPLAINT

Executed Jan 22nd 1942
by Sheriff's Office
of Wilkingshamm
on W C Mason the
Respondent
W R Stuart
Sheriff

BREWER & HALL, LAWYERS,
Bay Minette, Alabama.

Filed 1-16-42

R. J. Jick
Register