

JORDAN COOPER,

Petitioner,

vs.

BROOKS COOPER,

Defendant.

I

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

6749

PETITION

Comes your Petitioner, the undersigned Jordan Cooper, and respectfully represents and shows unto this Honorable Court as follows:

1. That he is one and the same person as Jordan Cooper, the Petitioner in that certain cause lately pending in the Circuit Court of Baldwin County, Alabama, At Law and docketed as Case Number 6558 in said Court and in which case a judgment was rendered by this Honorable Court on the 27th day of September, 1965, in and by the terms of which your Petitioner was granted a right-of-way over and across lands therein particularly described belonging to Brooks Cooper and W. B. Cooper, the Respondents or Defendants in said cause. That reference is hereby made to said Order of Condemnation of this Court as though the same were specifically set forth herein.

2. That since the rendition of said judgment or decree your Petitioner has paid into court the amount of damages therein assessed against him in favor of the Defendants in said cause and has also deposited with the Clerk of the Circuit Court of Baldwin County, Alabama the costs of said proceeding.

3. That notwithstanding the terms and provisions of said Order of Condemnation and the rights granted to your Petitioner thereunder the Defendant named herein, Brooks Cooper, has informed your Petitioner that he would not permit your Petitioner to locate, clear and use the right-of-way granted to your Petitioner, and neither would he permit your Petitioner to go on the lands immediately South thereof, and which lands were alleged to be

the property of your Petitioner in the proceeding hereinabove referred to.

4. That your Petitioner believes that if he attempted to assert his rights to said right-of-way and to the property located immediately South thereof that the Defendant in this cause, Brooks Cooper, would commit some breach of the peace and that such breach would result either in harm to your Petitioner or to the Defendant, Brooks Cooper.

Wherefore, the premises considered, your Petitioner respectfully prays that this Honorable Court will, upon the filing of this Petition, enter an order or decree setting the same down for hearing in and by the terms of said order will require the Defendant in this cause, Brooks Cooper to appear in this Honorable Court at the time set for the hearing of this Petition to show cause, if any he has, why he should not be held in contempt of this court and, in particular, its order or decree of September 27, 1965 referred to above.

Respectfully submitted,

Jordan Cooper

OF COUNSEL:

CHASON, STONE & CHASON
Attorneys at Law
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, _____, a Notary Public,
in and for said County in said State, personally appeared Jordan
Cooper, who is known to me and who, after being by me first duly
and legally sworn, did depose and say under oath as follows:

That his name is Jordan Cooper and he signed the fore-

going Petition and the facts alleged therein are true and correct.

Sworn to and subscribed before
me on this the _____ day of
November, 1965.

Notary Public, Baldwin County, Alabama

JORDAN COOPER,

Petitioner,

vs.

BROOKS COOPER,

Defendant.

I

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ORDER

This day came Jordan Cooper and filed a Petition in writing, under oath, addressed to this Court and the Court having considered the same is of the opinion that said Petition should be set down for hearing and that the Defendant, Brooks Cooper, should be given notice of the filing of said Petition and of the date set for the hearing of the same by service upon him of a copy of said Petition and of this Order; and the Court is of the further opinion that the Defendant, Brooks Cooper, should be required in and by the terms of said order to appear in this Court on the date set for the hearing of this Petition to show cause, if any he has, why he should not be held in contempt of this Court and, in particular, its order or decree dated September 27, 1965, referred to in said Petition; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama as follows:

1. That the Petition aforesaid of the said Jordan Cooper be, and the same is hereby, set down for hearing on the _____ day of November, 1965 at 9:00 A. M.

2. That the Defendant, Brooks Cooper, be given notice of the filing of said Petition and of the date set for the hearing of the same by the service upon him of a copy of said Petition to which shall be attached a copy of this Order.

3. That on the date set for the hearing of this Petition that the Defendant, Brooks Cooper, shall appear in this

Court and show cause, if any he has, why he should not be held in contempt of this Court and, in particular, its order of September 27, 1965 in that certain cause wherein Jordan Cooper was the Petitioner and Brooks Cooper and others were the Defendants and which case was docketed as Case Number 6558.

Done this _____ day of November, 1965.

Circuit Judge

JORDAN COOPER,

Petitioner,

vs.

BROOKS COOPER,

Defendant.

I

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ORDER

This day came Jordan Cooper and filed a Petition in writing, under oath, addressed to this Court and the Court having considered the same is of the opinion that said Petition should be set down for hearing and that the Defendant, Brooks Cooper, should be given notice of the filing of said Petition and of the date set for the hearing of the same by service upon him of a copy of said Petition and of this Order; and the Court is of the further opinion that the Defendant, Brooks Cooper, should be required in and by the terms of said order to appear in this Court on the date set for the hearing of this Petition to show cause, if any he has, why he should not be held in contempt of this Court and, in particular, its order or decree dated September 27, 1965, referred to in said Petition; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama as follows:

1. That the Petition aforesaid of the said Jordan Cooper be, and the same is hereby, set down for hearing on the _____ day of November, 1965 at 9:00 A. M.

2. That the Defendant, Brooks Cooper, be given notice of the filing of said Petition and of the date set for the hearing of the same by the service upon him of a copy of said Petition to which shall be attached a copy of this Order.

3. That on the date set for the hearing of this Petition that the Defendant, Brooks Cooper, shall appear in this

Court and show cause, if any he has, why he should not be held in contempt of this Court and, in particular, its order of September 27, 1965 in that certain cause wherein Jordan Cooper was the Petitioner and Brooks Cooper and others were the Defendants and which case was docketed as Case Number 6558.

Done this _____ day of November, 1965.

Circuit Judge


JORDAN COOPER,
Petitioner,
Vs.
BROOKS COOPER,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
6749

MOTION TO STRIKE

Comes now BROOKS COOPER, defendant in above styled cause, and files this his MOTION TO STRIKE the Petition and Order heretofore filed and made in this cause on, to-wit, the 2nd day of November, 1965, and as grounds for said MOTION TO STRIKE, assign the following separate and several reasons:

1. The judgment or order dated 27 September, 1965, referred to in the Petition and the Order, is a nullity, and without force or effect.
2. The judgment of 27 September, 1965, referred to in the Petition in this cause, is a nullity and without force or effect.
3. The Order of Condemnation made in this cause on the 27th day of September, 1965, is a nullity and is of no force and effect.
4. There is no legal authority for the ORDER of this Honorable Court dated 2 November, 1965.


Attorney For Defendant
Brooks Cooper

FILED
NOV 15 1965
ALICE L. DUCK, CLERK
REGISTERED

JORDAN COOPER,
Petitioner,
Vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

W. B. COOPER AND
BROOKS COOPER,
Defendants.

A N S W E R

I

Comes now Brooks Cooper, defendant in above-styled cause, and for ANSWER To the Petition and Order heretofore filed in this cause on the 2nd day of November, 1965, by way of special plea, saith;

A. that the verdict of the jury, and the judgment of this Honorable Court is a nullity, and is of no force and effect;

B. the defendant Brooks Cooper has no way of determining his portion of the damages assessed by the jury in its verdict;

C. the defendant Brooks Cooper has no way of determining his portion of the damages made by the judgment of this Honorable Court in this cause;

D. The verdict of the jury and the judgement of this Honoarbel Court in this cause, rendered and made on the 27th day of September, 1965 are contrary to the provisions of Title 7, Chapter 1 and Chapter 4, Code of Alabama, Recomplied, 1958.

II

For further ANSWER to the Petition and Order heretofore filed in this cause on the 2nd day of November, 1965, the defendant Brooks Cooper saith he is not guilty of the matters alleged against him, and the general issue.

Filed 11-13-65

Deputy James L. Burns

Kenneth Cooper
Attorney For Defendant
Brooks Cooper

JORDAN COOPER,

Petitioner,

vs.

BROOKS COOPER,

Defendant.

℥

℥

℥

℥

℥

℥

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

6749

PETITION

Comes your Petitioner, the undersigned Jordan Cooper, and respectfully represents and shows unto this Honorable Court as follows:

1. That he is one and the same person as Jordan Cooper, the Petitioner in that certain cause lately pending in the Circuit Court of Baldwin County, Alabama, At Law and docketed as Case Number 6558 in said Court and in which case a judgment was rendered by this Honorable Court on the 27th day of September, 1965, in and by the terms of which your Petitioner was granted a right-of-way over and across lands therein particularly described belonging to Brooks Cooper and W. B. Cooper, the Respondents or Defendants in said cause. That reference is hereby made to said Order of Condemnation of this Court as though the same were specifically set forth herein.

2. That since the rendition of said judgment or decree your Petitioner has paid into court the amount of damages therein assessed against him in favor of the Defendants in said cause and has also deposited with the Clerk of the Circuit Court of Baldwin County, Alabama the costs of said proceeding.

3. That notwithstanding the terms and provisions of said Order of Condemnation and the rights granted to your Petitioner thereunder the Defendant named herein, Brooks Cooper, has informed your Petitioner that he would not permit your Petitioner to locate, clear and use the right-of-way granted to your Petitioner, and neither would he permit your Petitioner to go on the lands immediately South thereof, and which lands were alleged to be

the property of your Petitioner in the proceeding hereinabove referred to.

4. That your Petitioner believes that if he attempted to assert his rights to said right-of-way and to the property located immediately South thereof that the Defendant in this cause, Brooks Cooper, would commit some breach of the peace and that such breach would result either in harm to your Petitioner or to the Defendant, Brooks Cooper.

Wherefore, the premises considered, your Petitioner respectfully prays that this Honorable Court will, upon the filing of this Petition, enter an order or decree setting the same down for hearing in and by the terms of said order will require the Defendant in this cause, Brooks Cooper to appear in this Honorable Court at the time set for the hearing of this Petition to show cause, if any he has, why he should not be held in contempt of this court and, in particular, its order or decree of September 27, 1965 referred to above.

Respectfully submitted,


Jordan Cooper

OF COUNSEL:

CHASON, STONE & CHASON
Attorneys at Law
Bay Minette, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Norborne C. Stone, Jr., a Notary Public, in and for said County in said State, personally appeared Jordan Cooper, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is Jordan Cooper and he signed the fore-

going Petition and the facts alleged therein are true and correct.

Gordon R. Cooper

Sworn to and subscribed before
me on this the 2nd day of
November, 1965.

James Stone

Notary Public, Baldwin County, Alabama

FILED

NOV 2 1965

ALICE L. DICK, CLERK
REGISTRY

JORDAN COOPER,

Petitioner,

vs.

BROOKS COOPER,

Defendant.

℥

℥

℥

℥

℥

℥

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ORDER

This day came Jordan Cooper and filed a Petition in writing, under oath, addressed to this Court and the Court having considered the same is of the opinion that said Petition should be set down for hearing and that the Defendant, Brooks Cooper, should be given notice of the filing of said Petition and of the date set for the hearing of the same by service upon him of a copy of said Petition and of this Order; and the Court is of the further opinion that the Defendant, Brooks Cooper, should be required in and by the terms of said order to appear in this Court on the date set for the hearing of this Petition to show cause, if any he has, why he should not be held in contempt of this Court and, in particular, its order or decree dated September 27, 1965, referred to in said Petition; it is, therefore

ORDERED, ADJUDGED and DECREED by the Circuit Court of Baldwin County, Alabama as follows:

1. That the Petition aforesaid of the said Jordan Cooper be, and the same is hereby, set down for hearing on the 15th day of November, 1965 at ^{11:00}~~9:00~~ A. M.

2. That the Defendant, Brooks Cooper, be given notice of the filing of said Petition and of the date set for the hearing of the same by the service upon him of a copy of said Petition to which shall be attached a copy of this Order.

3. That on the date set for the hearing of this Petition that the Defendant, Brooks Cooper, shall appear in this

Court and show cause, if any he has, why he should not be held in contempt of this Court and, in particular, its order of September 27, 1965 in that certain cause wherein Jordan Cooper was the Petitioner and Brooks Cooper and others were the Defendants and which case was docketed as Case Number 6558.

Done this 2nd day of November, 1965.

J. Edgar A. Madhuburn
Circuit Judge

EX-11-3-65

Reanton
6749

Jordan Cooper

U.S.

Brooks Cooper

Petition & Order

FILED
NOV 2 1965
ALICE A. DUCK, CLERK
REGISTERED

Chason, Stone & Chason

Received 2 day of Nov. 1965
and on 3 day of Nov. 1965
I served a copy of the within Petition &
on Order
Brooks Cooper
By service on _____

TAYLOR WILKINS, Sheriff

By Carlisle Childress D.S.

Reanton

Sheriff claims 50 miles at
Ten Dollars per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
By Carlisle Childress
DEPUTY SHERIFF