

9878

STATE OF ALABAMA,
BALDWIN COUNTY.

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

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

Your Petitioner, Mrs. Addie S. Moore, respectfully represents
and shows unto Your Honor as follows:

FIRST:

That she is a bona fide resident citizen of Baldwin County,
Alabama, and is over the age of twenty-one years, residing at Bay-
Minette, in said county and State.

That The First Joint Stock Land Bank is a corporation with its
principle place of business in Montgomery, Montgomery County,
Alabama.

SECOND:

That Your Petitioner is owner and in peaceable possession of
the property hereinafter described, and on to-wit: On the 2nd. day
of February, 1925, the Grantors of your Petitioner, William D.
Stapleton (who is also known as W. D. Stapleton) and wife, Leila
Stapleton executed to The First Joint Stock Land Bank of Montgomery
Alabama, a mortgage in the sum of Thirteen Thousand and No/100
Dollars (\$13,000.00), and that subsequent to the execution of the
said mortgage the said William D. Stapleton and wife, Leila Stap-
leton executed to your Petitioner a Warranty Deed, conveying to
your Petitioner the lands herein described, subject however, to the
mortgage of \$13,000.00, given to the First Joint Stock Land Bank,
Montgomery, Alabama, the property described in said mortgage and
conveyed to your Petitioner being described as follows:

All of the South half of Section Seven (7) ly-
ing West of the Stapleton and Daphne Public
Road, all of the North half and the North half
of the South half of Section Eighteen (18) lying
West of the Stapleton and Daphne Public Road,
and the South half of the Southwest quarter of

Section Eighteen (18), all in Township Four (4) South, Range Three (3) East of St. Stephens Meridian. Also the North half of the Southeast quarter of the Southeast quarter and the North half of the Southeast quarter, and the East half of the Northeast quarter in Section Thirteen (13) and the East half of the Southeast quarter of Section Twelve (12), all in Township Four (4) South, Range Two (2) East of St. Stephens Meridian. Also the West half of the East half of the Northwest quarter, the North half of the Southwest quarter of the Northwest quarter and the Northwest quarter of the Northwest quarter of Section Twenty (20) Township Four (4), South, Range Three (3) East of St. Stephens Meridian. All of the above described land containing in the aggregate Nine Hundred and Ninety-four (994) acres, more or less.

THIRD:

That on to-wit: The 16th. day of August, 1933, The First Joint Stock Land Bank foreclosed or attempted to foreclose the said mortgage making or executing a deed to itself as purchaser, a copy of said deed is hereto attached and marked Exhibit "A"

That although the property consisted of many Governmental subdivisions aggregating 994 acres, as well as, three separate and distinct parcels of said property, two of which had a farm, which is now being cultivated on same, a third being young timber lands suitable for pasture or turpentine purposes; that all of the property not used for farm purposes were suitable and adapted for turpentine, and that in addition to the Governmental sub-divisions there is a State Highway running through said property; that on two farms herein mentioned there are suitable tenant houses together with out houses necessary and proper for the occupation and use and cultivation of the farms; that both farms were separate and not adjoining.

Although the property were suitable for various and different purposes, the mortgagee offered and attempted to sell said property en masse, and that due to the manner and form in which the said property was offered for sale, said property did not bring its reasonable value; that the amount claimed to have been bid by the First Joint Stock Land Bank of Montgomery, Alabama, and as shown

by the purported mortgage foreclosure deed, a copy of which is here to attached and marked Exhibit "A" and made a part of this bill of complaint to have been only \$6,000.00, when in fact the property together with the improvements thereon is reasonably worth as follows:

The property located in Sections Seven and Eight, Township Four South, Range Three East is reasonably worth \$15,000.00.

The property in Section Twenty, Township Four South, Range Three East is reasonably worth \$3,000.00

The property located in Sections Twelve and Thirteen, Township Four South, Range Two East, is reasonably worth \$2,500.00, making all of the property worth at least \$20,500.00.00

The purported mortgage foreclosure deed is recorded in the Office of the Judge of Probate, Baldwin County, Alabama, in deed Record 55 NS page ____.

FOURTH.

That the said First Joint Stock Land Bank of Montgomery, Alabama, its agents or assigns are threatening to trespass upon said property and attempting to confiscate a portion of same to its or its agents or assigns own use contrary to law.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises, your petitioner prays that the usual writ of process be issued to the First Joint Stock Land Bank of Montgomery, Alabama, making it party defendant to this bill of complaint, and requiring it to plead, answer, or demur to the same within the time as required by law, or that the same be forever confessed.

PRAYER FOR RELIEF.

The premises considered, your petitioner prays that upon the final hearing of this cause that Your Honor will hold said attempted foreclosure as being null and void; that your Honor will set aside said foreclosure deed and hold the same for naught.

Your petitioner further prays that upon the final hearing of this cause that Your Honor will cause an injunction to be issued restraining the said The First Joint Stock Land Bank of Mon-

Montgomery, Alabama, its agents or assigns from trespassing upon the property described herein and which belongs and is in the possession of your petitioner and also from confiscating any of the said property to its own use or to the use of any of its agents or assigns.

That if your petitioner is mistaken in the relief prayed that Your Honor will grant unto her such other, different and general relief as she may in justice and equity be entitled.

Addie S. Moore.

Henry D. Moorer and Hubert
Hall attys. for Complainant.

FOOT NOTE:

The Respondent The First Joint Stock Land Bank of Montgomery, Alabama is required to answer each and every allegation contained in the foregoing bill of complaint in paragraphs numbered from One to Fourth, inclusive but not under oath, answer under oath being hereby expressly waived.

Addie S. Moore,
Complainant.

Hubert Hall and Henry D. Moorer,
Attys for Complainant.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

KNOW ALL MEN BY THESE PRESENTS, THAT:

WHEREAS, William D. Stapleton and wife, Leila Stapleton executed to the First Joint Stock Land Bank of Montgomery, a Corporation, a mortgage on the lands hereinafter described, to secure an indebtedness of \$13,000.00, which mortgage is dated February 2nd. 1925, and recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Book No. 31 of Mortgages on pages 629-31 et sequitur; and,

WHEREAS, default occurred in the payment of the indebtedness secured thereby, and,

WHEREAS, The First Joint Stock Land Bank of Montgomery, mortgagee under the option contained therein, declared the entire indebtedness secured thereby, together with the interest thereon, due and payable and instructed and empowered J. M. Williams, Jr., as its attorney, to sell the lands therein conveyed at auction, for cash under and in performance of the power of sale contained in said mortgage; and,

WHEREAS, notice of said sale was duly made as provided for in said mortgage, by advertisement once a week for three successive weeks in the Baldwin Times a newspaper published in Baldwin County, at Bay Minette, Alabama, in the legal editions of July 20th., 1933, July 27th. 1933, and August 3rd., 1933, and said lands were sold for cash at auction on the 16th. day of August, 1933, at the Baldwin County Court House at Bay Minette, Alabama, between 11 o'clock A.M. and 4 o'clock P.M. the time and place named in said published notice of sale, to The First Joint Stock Land Bank of Montgomery, for \$6,000.00, which was the highest, best and last bid for said lands:

NOW THEREFORE, in consideration of the premises and for the sum of \$6,000.00, to us in hand paid by The First Joint Stock Land Bank of Montgomery, the receipt whereof is hereby acknowledged, we the said William D. Stapleton and wife Leila Stapleton, acting herein

by J. M. Williams, Jr., our Attorney in Fact and as Auctioneer, who is empowered as such by the mortgage to execute proper conveyance to the purchaser, do hereby Grant, Bargain, Sell and Convey unto The First Joint Stock Land Bank of Montgomery the following described lands situated in Baldwin County, Alabama, to-wit:

All of the South half of Section Seven (7) lying West of the Stapleton and Daphne Public Road, all of the North half and the North half of the South half of Section Eighteen (18) lying West of the Stapleton and Daphne Public Road, and the South half of the Southwest quarter of Section Eighteen (18), all in Township Four (4) South, Range Three (3) East of St. Stephens Meridian. Also the North half of the Southeast quarter of the Southeast quarter and the North half of the Southeast quarter, and the East half of the Northeast quarter ~~and the North half of the Southeast quarter, and the East half of the Northeast quarter~~ in Section Thirteen (13), and the East half of the Southeast quarter of Section Twelve (12) all in Township Four (4) South, Range Two (2) East of St. Stephens Meridian. Also the West half of the East half of the Northwest quarter, the North half of the Southwest quarter of the Northwest quarter and the Northwest quarter of the Northwest quarter of Section Twenty (20), Township Four (4) South, Range Three (3) East of St. Stephens Meridian. All of the above described land containing in the aggregate Nine Hundred and Ninety-four (994) acres, more or less.

TO HAVE AND TO HOLD, the aforegranted premises, together with all the improvements and appurtenances thereunto belonging to the said The First Joint Stock Land Bank of Montgomery, forever.

IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals this 31st. day of August, 1933, by and through J. M. Williams, Jr., as Attorney in Fact, and as Auctioneer.

\$6.00 U.S. I.R. stamps and
attached Cancelled J. M.
W. Jr. 8/31/33

William D. Stapleton (L.S.)
Leila Stapleton (L.S.)
By U. M. Williams, Jr (L.S.)
as Attorney in Fact & Auctioneer
J. M. Williams, Jr. (L.S.)
as Auctioneer.

STATE OF ALABAMA,
MONTGOMERY COUNTY.

I, Mrs. G. C. Dickey, a Notary Public in and for said county in said state, hereby certify that J. M. Williams, Jr., whose

name as Attorney in Fact and as Auctioneer is signed to the foregoing conveyance, and who is known to me acknowledged before me on this day that being informed of the contents of the conveyance, he as such Attorney in Fact and as Auctioneer executed the same voluntarily on the day the same bears date under and by virtue of the power granted in the mortgage executed by William D. Stapleton and wife, Leila Stapleton.

Given under my hand and seal this 31st. day of August, 1933.

Mrs. G. C. Dickey, Notary Public
My commission expires Sept. 19,
1933

)SEAL)

Filed for record September 13, 1933 at 8:00 A.M. Recorded Sep.
13, 1933

G. W. Humphries, Judge of Probate.

The State of Alabama, }
Baldwin County. } Circuit Court of Baldwin County, In Equity.

To any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon The First Joint Stock Land Bank,
Montgomery, Ala.

of Montgomery County, to be and appear before the Judge of the Circuit Court
of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Sum-
mons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by
Addie S. Moore

against said First Joint Stock Land Bank, Montgomery, Ala.

and further to do and perform what said Judge shall order and direct in that behalf. And this the
said Defendant 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, M. A. Stone
T. W. Richerson, Register of said Circuit Court, this 27 day of

September 1933

M. A. Stone Register

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

Original
Best Page 2

RECORDED
INDEXED

SERVE ON

Circuit Court of Baldwin County
In Equity.

No. 9878

SUMMONS

Addie S. Moore

vs.

The First Joint

Land Bank,

Montgomery, Ala.

Solicitor for Complainant

Recorded in Vol. Page

18
THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 28th

day of Sept 1933

W. R. Stewart

Sheriff.

Executed this 29th day of

Sept 1933

by leaving a copy of the within Summons with

W. R. Stewart

One First Joint Bank

Defendant,

Sheriff.

By Sam D. Stearns

Deputy Sheriff.

RECEIVED IN OFFICE

SEP 29 1933

SAM D. STEARNS, Sheriff

October 4th, 1933.

[illegible]

Thanking you, I am,

Yours very truly,

B. 4.

Very & more as
Attorney for Mrs. Eddie
D. Moore.