

(9879)

STATE OF ALABAMA,

BALDWIN COUNTY.

KNOW ALL MEN BY THESE PRESENTS: That we, Malbis Plantation, Inc., a Corporation, as Principal, and the undersigned, as Sureties, are held and firmly bound unto the Register of the Circuit Court, in Equity, for said County, in the sum of Five Hundred Dollars (\$ 500<sup>00</sup>), for the payment of which to the said Register, or to his successors, we bind ourselves, our executors and administrators, jointly and severally.

Sealed with our seals and dated this 26<sup>th</sup> day of September, 1933.

WHEREAS, the said Malbis Plantation, Inc., a Corporation, has filed its Bill of Complaint in the said Circuit Court, in Equity, and has obtained thereon an Order for the issuance of an Injunction from the Hon. F. W. Hare, Judge, to restrain and enjoin Leslie Taylor, J. H. Green and Emanuel Davidson, from trespassing upon, cutting or removing the timber therefrom, or erecting buildings on the following described real estate situated in Baldwin County, Alabama, to-wit:-

Southwest quarter of Northwest Quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ ) and East half of Northwest Quarter (E $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Five (5) South of Range Five (5) East.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the said Malbis Plantation, Inc., its successors or assigns, or any of them, shall well and truly pay or cause to be paid all damages which any person may sustain by the suing out of said Injunction if the same is dissolved by the Circuit Court, in Equity, on the Bill filed by the said Malbis Plantation, Inc., as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

Witness our hands and seals on the day and year first above written.

Taken and approved this  
26 day of Sept., 1933.

m. a. Stone  
Register.

MALBIS PLANTATION, INC., A Corporation,

By Peter E. Frankel  
its Vice Pres. SEAL

George Marino SEAL

MALBIS PLANTATION, INC.,  
A Corporation,  
Complainant,

-vs-

LESLIE TAYLOR, J. H. GREEN  
and EMANUEL DAVIDSON,  
Respondents.

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

TO THE HON. F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL CIRCUIT  
OF ALABAMA:-

Your Orator, the Malbis Plantation, Inc., a Corporation,  
humbly complaining shows unto your honor as follows:-

FIRST:

That it is a Corporation organized under the laws of the  
State of Alabama, with its principal place of business at Daphne,  
Alabama; that the Defendants are resident citizens of Baldwin  
County, Alabama, and are over the age of twenty-one years.

SECOND:

Your Orator further shows unto your Honor that it is the  
owner and is in the possession of the following described real  
estate situate in Baldwin County, Alabama, to-wit:-

Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ )  
and East half of Northwest Quarter (E $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of  
Section Twenty-seven (27), Township Five (5) South  
of Range Five (5) East.

Your Orator further shows unto your Honor that situated and located  
on said lands is considerable pine timber, and that said lands  
are chiefly valuable for said timber located, situated and growing  
thereon. Your Orator further shows unto your Honor that the De-  
fendants are now trespassing upon said lands and turpentineing same,  
cutting some of the timber thereon and erecting houses, and unless  
restrained by this Honorable Court will cut and remove all of said  
timber from said lands of any consequence; that said Defendants  
are committing divers and numerous trespasses on said premises,  
and that unless restrained said trespasses will cause and bring  
about a multiplicity of suits and irreparable injury.

PRAYER FOR PROCESS.

To the end that equity may be had in the premises Orator  
prays that your Honor will grant a temporary Writ of Injunction

directed to the said Defendants, Leslie Taylor, J. H. Green and  
(page one)

(page two)

Emanuel Davidson, restraining them from trespassing upon said lands and from cutting or removing the timber therefrom or erecting buildings thereon. Your Orator further prays that your Honor will cause the usual writ of process of this Honorable Court to issue to said Defendants named in this Prayer for Process making them parties defendant to this Bill of Complaint and requiring them to plead, answer or demur to the same within the time as required by law and the practice of this Honorable Court.

PRAYER FOR RELIEF.

THE PREMISES CONSIDERED, your Orator prays that on the final hearing of this cause that your Honor will decree that said Temporary Writ of Injunction be made perpetual and that said Defendants be perpetually enjoined from trespassing upon said lands and cutting or removing the timber therefrom. Your Orator prays such other and further relief as in equity may seem just and mete, and your Orator will ever pray, etc.

Hybart Heard & Cheson

FOOT NOTE:-

Defendants are required to answer paragraphs one and two of the foregoing Bill of Complaint, but answer under oath is hereby expressly waived.

Hybart Heard & Cheson

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me, RC Heard, a Notary Public in

and for said State and County, personally appeared Peter E.

Frankos, who, being duly sworn says:- That he is an officer of and agent for the Complainant in this cause, and that he is authorized to make this Affidavit, and that the allegations contained in the foregoing Bill of Complaint are true and correct.

Peter E. Frankos

Sworn to and subscribed before me, a Notary Public whose seal is hereto affixed, this 22 day of September, 1933.

RC Heard  
Notary Public, Baldwin County, Ala.

This Bill being presented to me for an order directing that a temporary Injunction be issued against Leslie Taylor, J. H. Green and Emanuel Davidson, as prayed for in the foregoing Bill of Complaint, it is ordered that on the Complainant entering into Bond in the sum of Five Hundred and 00/100 Dollars to be approved by the Register, that a temporary Injunction be issued restraining the said Leslie Taylor, J. H. Green and Emanuel Davidson from trespassing upon said lands and from cutting or removing the timber therefrom or erecting buildings on said lands as prayed for in said Bill.

Dated this 26<sup>th</sup> day of September, 1933.

J. W. Hare  
Judge of the 21st Judicial Cir-  
cuit of Alabama.

# Circuit Court, Baldwin County, Ala.,

## IN EQUITY.

PLAINTIFF

VS.

DEFENDANT

### BILL OF COST

		Dollars	Cts.			\$	Cts.
<b>Fees of Register</b>				<b>AMOUNT BROUGHT FORWARD</b>			
Filing each bill and other papers	\$ 10	10	00	For receiving, keeping and paying out or distributing money, etc. 1st \$1,000 1 per ct.; all over \$1,000 and not over \$5,000, 3-4 of 1 per ct.; all over \$5,000 and not exceeding \$10,000, 1-2 of 1 per ct.; all over \$10,000, 1-4 of 1 per ct.		3	00
Issuing each Subpoena	50	1	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.			
Issuing each copy thereof	40			Each Notice Sent by Mail to Creditors	15		
Entering each return thereof	15			Filing, Receipting for and Docketing each Claim, etc	25		
For each Order of Publication	1 00			For all entries on Subpoena Docket, etc.	50		
Issuing Writ of Injunction	1 50			For all entries on Commission Docket, etc.	50		
For each Copy thereof	50			Making Final Record, per hundred words	15		
Entering each return thereof	15			Certified Copy of Decree	1 00		
Issuing Writ of Attachment	1 00			Report of Divorce to State Health Office	50		
Entering each return thereof	15			Acts 1915			
Docketing each case	1 00			<b>Total Fees of Register</b>		3	55
Entering each Appearance	25						
Issuing each Decree Pro Confesso on personal service	1 00			<b>FEES OF SHERIFF</b>			
Issuing each Decree Pro Confesso on publication	1 00			Serving and Returning Subpoena on Deft.	\$1 50		
Each Order Appointing Guardian	1 00			Serving and Returning Subpoena for Witness	65		
Any other order by Register	50			Levying Attachment	3 00		
Issuing Commission to Take Testimony	50			Entering and Returning same	25		
Receiving and Filing	10			Entering and Returning Execution	25		
Endorsing each package	10			Selling Property Attached	25		
Entering Order Submitting Cause	50			Impanelling Jury	75		
Entering any other Order of Court	25			Executing Writ of Possession	2 50		
Noting all Testimony	50			Collecting Execution for Costs	1 50		
Abstract of Cause, etc.	1 00			Serving and Returning Sci. Fa., each	65		
Entering each Decree	75			Serving and Returning Notice	65		
For Every Hundred Words Over Five Hundred	15			Serving and Returning Writ of Injunction	1 50		
Taking Account on Reference	3 00			Serving and Returning Writ of Exeat	1 50		
Taking Testimony, etc.	15			Taking and Approving Bonds, each	1 00		
Each Report, Five Hundred Words or less	2 50			Collecting Money on Execution			
For every Hundred Words Over Five Hundred	15			Making Deed	2 50		
Amount Claimed. Less than Five Hundred Dollars, etc.	2 00			Serving and Returning Application	1 00		
Issuing each Subpoena	25			Serving Attachment, Contempt of Court	1 50		
Witness Certificate, each	25						
Issuing Execution, each	75			<b>TOTAL FEES OF SHERIFF</b>		4	50
Entering each Return	15						
Taking and Approving Bond, each	1 00			<b>Recapitulation</b>			
Making Copy of Bill, etc.	15			Register's Fees	4 55 - 0.50		
Each notice not otherwise provided for	50			Sheriff's Fees			
Each Certificate or Affidavit, with Seal	50			Commissioner's Fees			
Each Certificate or Affidavit, no Seal	25			Solicitor's Fees			
Hearing and passing on application for Receiver or Trustee	3 00			Witness Fees			
Each Settlement with Receiver or Trustee	3 00			Guardian Ad Litem			
Examining each Voucher of Receiver or Trustee	10			Printer's Fees			
Examining each Answer on Exception	3 00			Trial Tax	3 00		
Recording Resignation or Suggestion of Death of Trustee	75			Recording Decree in Probate Court			
Entering each Certificate to Supreme Court	50						
Taking Questions and Answers, etc.	25			<b>Total</b>		12	85
For all other service relating to such proceedings	1 00						
For service in proceeding to relieve minors, etc. same fee as in similar cases.							
Commission on sales, etc.: 1st \$100, 2 percent; all over \$100, and not exceeding \$1000, 1 1/2 per cent; all over \$1,000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.							
<b>Sub Total Carried Forward</b>							

Received payment this \_\_\_\_\_ day of \_\_\_\_\_ 193\_\_\_\_\_

Register.

NOTE: Unless the above costs in this cause are paid within ten days of the present date, execution will be issued and placed in the hands of Sheriff for collection, creating more costs.

Circuit Court, Baldwin County, Ala.  
In Equity.

No. \_\_\_\_\_

VS.

Cost  
Bill

Paid \_\_\_\_\_

193 \_\_\_\_\_

Register.

MOORE PRINTING CO., BAY MINETTE, ALA.

MALBIS PLANTATION, INC.,  
A Corporation,

Complainant,

-VS-

LESLIE TAYLOR, J. H. GREEN  
and EMANUEL DAVIDSON,

Respondents.

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

STATE OF ALABAMA,  
BALDWIN COUNTY.

TO ANY SHERIFF OF SAID STATE - GREETINGS:-

We command you that without delay you execute this Writ and due return thereof to make to us instantler, at a term of our Circuit Court-In Equity, to be held at Bay Minette, Alabama, on the 29 day of January, 1933.

TO LESLIE TAYLOR, J. H. GREEN AND EMANUEL DAVIDSON -  
GREETINGS:-

WHEREAS, Malbis Plantation, Inc., a Corporation, has exhibited its Bill of Complaint in the Circuit Court of Baldwin County-In Equity, and has obtained from the Hon. F. W. Hare, Judge of said Court, an order for the issuance of an Injunction to restrain and enjoin you as hereinafter mentioned;

AND WHEREAS, the said Malbis Plantation, Inc., a Corporation, in accordance with said order, entered into bond with security in the sum of Five hundred Dollars, payable to and approved by the Register of said Circuit Court and conditioned according to law.

NOW, THEREFORE, you, the said Leslie Taylor, J. H. Green and Emanuel Davidson, are hereby commanded and strictly enjoined from trespassing upon the following described lands situated in Baldwin County, Alabama, to-wit:-

Southwest Quarter of Northwest Quarter (SW $\frac{1}{4}$  of NW $\frac{1}{4}$ )  
and East half of Northwest Quarter (E $\frac{1}{2}$  of NW $\frac{1}{4}$ ) of  
Section Twenty-seven (27), Township Five (5) South  
of Range Five (5) East;

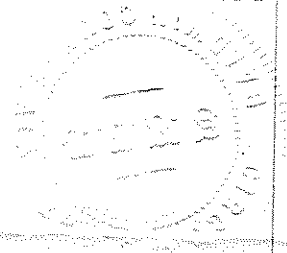
and from cutting or removing the timber therefrom or erecting buildings thereon until further orders of this Court.

Witness the hand of the Register and the seal of said  
Circuit Court-In Equity, this 26 day of September, 1933.

(page one)

(page two)

M. A. Stone  
Register.





MALBIS PLANTATION, INC.,  
a corporation,

Complainant,

vs.

LESLIE TAYLOR, J. H. GREEN  
and EMANUEL DAVIDSON,

Respondents.

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

Come the respondents in the above styled cause, and  
answering the bill of complaint exhibited therein, say:

FIRST: They admit the allegations of Paragraph FIRST  
of the said complaint.

SECOND: They deny all other allegations of said com-  
plaint, except as they may be admitted herein.

THIRD: They say that the complainant is not the owner  
of and is not in the possession of the property described in the  
complaint, but that the said property is owned by one W. C.  
Beebe, who is in possession of the same, claiming to own the  
same; that the said W. C. Beebe has executed and delivered to  
respondent, Emanuel Davidson, a lease and contract wherein and  
whereby he leased said property to Emanuel Davidson and agreed  
to sell the same to him for the price stipulated therein; that  
the said lease and contract was entered into by the said Emanuel  
Davidson for the benefit of himself and of the other respondents,  
Leslie Taylor and J. H. Green; that said W. C. Beebe placed  
these respondents in possession of said lands at said time,  
and that they entered on said lands and are now and have been  
continuously since the execution of the said lease and con-  
tract occupying and using the same in the manner authorized

by the said lease and contract and are turpentineing said lands thereunder.

Respondents further say that they are the owners of the timber rights and of the lands under the said lease and contract, subject only to the rights of the said W. C. Beebe, and any and all acts done by them on the said lands are lawful and they had and have a right to do any and all acts done by them thereon.

Respondents having fully answered the said complaint, pray that said injunction may be dissolved and that they may go hence with their reasonable costs.

Beebe Hall  
Solicitors for Respondents.

RECEIVED

RECEIVED

copy

Filed Oct 23 19  
Mr. A. S. L  
Register

To receive the same you must first receive the same

and then you must first receive the same

and then you must first receive the same

and then you must first receive the same

and then you must first receive the same

and then you must first receive the same

and then you must first receive the same

and then you must first receive the same

and then you must first receive the same