

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 Malbis Plantation, Inc.,
a Corporation.

of Baldwin 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
W. C. BEEBE

against said Malbis Plantation, Inc., A Corporation.

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, Register of said Circuit Court, this 28th day of

October 1933

M. A. Stone Register

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

original
Docket Page 64
SERVE ON Malbis Plantation, Inc.

Circuit Court of Baldwin County
In Equity.

No. 9900

SUMMONS

W. C. Beebe

vs.

Malbis Plantation, Inc.,

A Corporation.

BEEBE & HALL

Solicitor for Complainant

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 28th

day of Oct 1933

W. R. Stewart

Sheriff.

Executed this 29th day of

November 1933

192

by leaving a copy of the within Summons with

Peter Frankos as
Vice President of Malbis
Plantation Co a corp

Defendant,

W. R. Stewart

Sheriff.

By

Deputy Sheriff.

Recorded in Vol. 5 Page 199

serve on Malbis as per
Peter Frankos v. a
Marion O. O. O.
W. M. Papagouge

9900

Summons—Original,

Moore Printing Co. Bay Minette, Ala.

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

against said Malbis Plantation, Inc., A Corporation.

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. Richardson, Register of said Circuit Court, this 28th day of

October 1933

M. A. Stone Register

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

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

Comes W. C. BEEBE and humbly complaining against MALBIS
PLANTATION, INC., a corporation, respectfully shows unto your Honor
as follows:

FIRST:

That the said W. C. Beebe is over the age of twenty-one
years and is a resident of Baldwin County, Alabama; that the Malbis
Plantation, Inc., is a corporation organized under the laws of the
State of Alabama, with its principal place of business at Daphne,
Baldwin County, Alabama.

SECOND:

That your complainant is the owner of and is in the act-
ual, peaceable possession of the following described lands situ-
ated in the County of Baldwin, State of Alabama, ever claiming to
own the same, to-wit:

The Northeast quarter of the Northwest quarter,
the Southwest quarter of the Northwest quarter
and the Southeast quarter of the Northwest quarter
of Section twenty-seven (27), Township five (5)
South of Range five (5) East.

THIRD:

That the said Malbis Plantation, Inc., claims or is
reputed to claim some right, title or interest in, or incum-
brance upon the above described lands, or some part thereof,
and your complainant calls upon it to set forth and specify its
right, title, claim, interest in or incumbrance upon the same,
and how and by what instrument or instruments the same is deriv-
ed or created.

FOURTH:

That there is no suit pending to enforce or test the
validity of such right, title, claim, interest in or incumbrance
upon the said lands, or any part thereof.

FIFTH:

That the complainant is informed and believes, and upon such information and belief alleges that the right, title, claim, interest in or incumbrance upon the said lands claimed by the said defendant is a tax title originating in and under a sale of the said lands on June 1st, 1923, under an assessment to Owner Unknown Numbers 2 and 3 for the tax year 1922, at which sale one F. S. Sandagger became the purchaser of said property, and that the said F. S. Sandagger sold and conveyed his right, title and interest to one Jason Malbis, who sold and conveyed his said right, title and interest to the defendant; that at the time of the sale one George Asmus was the owner of the said property; that the complainant is the vendee of the said George Asmus and is in possession of the said property and is entitled to redeem the said lands from the said tax sale and the claim of the defendant thereunder under Section 3108 of the Code of 1923, and complainant hereby moves that the amount of taxes paid by the said purchaser at said sale and of the taxes subsequently paid, together with the legal interest thereon, be ascertained and that judgment be entered for the amount so ascertained in favor of the defendant against the complainant, and the complainant alleges that he is ready, able and willing to pay the said sum so ascertained and offers to pay the same when the same shall be ascertained and decreed.

WHEREFORE, complainant prays this Honorable Court will take jurisdiction of the cause made by this bill of complaint; that due and proper notice as required by law be given to said defendant, requiring it to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further moves and prays that this Honorable Court ascertain the amount of taxes paid by the purchaser at the aforesaid sale, together with the taxes and interest subse-

quently paid on said lands, together with interest thereon, and that a judgment and decree be entered by the Court ascertaining and fixing the amount required to redeem the said property under Section 3108 of the Code of 1923, and this complainant be permitted to redeem said lands under said section; and that upon his redeeming the same, this Court shall make and enter an order and decree adjudging and decreeing that the said defendant has no right, title or interest in, or incumbrance upon the said lands, and that the title to the said property be quieted and established in this complainant as against the said defendant, and that the said defendant be forever enjoined from asserting or attempting to assert, from claiming or attempting to claim any right, title or interest in, lien or incumbrance upon or possession of the said lands, or any part thereof.

And complainant further prays that if he be mistaken in his remedy so prayed for, that this Honorable Court will, upon a final hearing of this cause, order, adjudge and decree that the said defendant has no right, title or interest in or incumbrance upon the said lands, that the title to the said property be quieted and established in this complainant as against the said defendant, and that the said defendant be forever enjoined from asserting or attempting to assert, from claiming or attempting to claim, any right, title or interest in, lien or incumbrance upon or possession of the said lands.

And complainant prays for such other, further or different relief as in equity he shall be entitled to receive in the premises, and he places himself within the jurisdiction of this Court and offers to do and perform whatsoever this Court in equity and good conscience shall require of him.



Solicitors for Complainant.

Defendant is required to answer every allegation of the

foregoing bill of complaint, paragraphs FIRST to FIFTH inclusive,
but not under oath; oath is hereby expressly waived.

Leebe & Hall

Solicitors for Complainant.

W. C. BEEBE,

Complainant,

~~-vs-~~

MALBIS PLANTATION, INC.,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Comes the Respondent and for further demurrer to the Bill of Complaint in this cause filed, and to each and every count thereof, separately and severally, says:-

1st. That it does not allege that the Complainant was in possession of said lands at the time of the filing of said Bill of Complaint.

2nd. That it does not allege that the Complainant was in the actual adverse possession of the lands at the time this suit was commenced.

John B. Hart, Henry O. Hester
Attorneys for Respondent.

W. C. BEEBE,

Complainant,

-vs-

MALBIS PLANTATION, INC.,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA,

BALDWIN COUNTY.

Now comes the Defendant in the aforesaid cause and files this, its Answer to the Bill of Complaint, and for answer, says:

FIRST:

That it admits that W. C. Beebe is well over the age of twenty-one years and a resident of Baldwin County, Alabama, and that the Malbis Plantation, Inc., is a corporation organized under the laws of the State of Alabama with its principal place of business at Daphne, Alabama.

SECOND:

That it expressly and unequivocally denies that the said W. C. Beebe is the owner and in the actual, peaceable possession of the lands described in said paragraph situated in Baldwin County, Alabama.

THIRD:

The Malbis Plantation, Inc., claims the title to and the ownership of all of said lands mentioned in said second paragraph of said Bill of Complaint, and states that its said title is based upon a Deed from F. S. Sandagger to it for a valuable consideration, which said Deed was executed by the said Sandagger and delivered to your Respondent on, to-wit, the 10th day of May, 1928; that at the time the said Sandagger executed and delivered said Deed to your Respondent he was in the open, notorious, peaceful and exclusive possession of said property heretofore referred to and was the owner of the same.

FOURTH:

Respondent denies expressly and unequivocally the allegations contained in the fourth paragraph of said Bill of Complaint, and calls for strict proof thereof.

(page two)

FIFTH:

Your Respondent in answer to the fifth paragraph of said Bill of Complaint says that the said F. S. Sandagger acquired said property under a valid tax sale on or about June 1st, 1923, and that a valid deed was executed to him by the proper tax authority, there being no redemption of said lands from said tax sale on, to-wit, the 10th day of May, 1925 and that at the time the said Sandagger sold and conveyed said property to your Respondent he was vested with the title to said property, and your Respondent immediately went into possession of said real estate and from said time has continued in the open, notorious, exclusive and adverse possession of the same, claiming the same against the world and using the same in every way that it is susceptible of, and that the said W. C. Beebe has no right, title or interest in said property. And having answered said Bill of Complaint Respondent asks to be discharged with its reasonable costs.

W. C. Beebe, Herod O. O'Connor
Solicitors for Respondent.

WITNESSES:

Your Respondent in answer to the fifth paragraph of said

Bill of Complaint says that the said T. S. Sengbeger acquired

said property under a valid tax sale on or about June 1st, 1933,

and that a valid deed was executed to him by the proper tax authority

and that there being no redemption of said lands from said tax sale

on or after the day of May, 1933, and that at

the time the said Sengbeger sold and conveyed said property to

your Respondent it was vested with title to said property,

and your Respondent immediately went into possession of said real

estate from said time has continued in the open, notorious,

exclusive and adverse possession of the same, claiming the same

against the world and using the same in every way that it is

susceptible of, and that the said W. C. Boebe has no right, title

or interest in said property. And having answered said bill of

Complaint Respondent asks to be discharged with its reasonable

costs.

W. C. Boebe
Solicitor for Respondent.

W. C. BEEBE,

Complainant,

-vs-

MALBIS PLANTATION, INC.,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA,

BALDWIN COUNTY.

Now comes the Defendant in the aforesaid cause and files this, its Answer to the Bill of Complaint, and for answer, says:-

FIRST:

That it admits that W. C. Beebe is well over the age of twenty-one years and a resident of Baldwin County, Alabama, and that the Malbis Plantation, Inc., is a corporation organized under the laws of the State of Alabama with its principal place of business at Daphne, Alabama.

SECOND:

That it expressly and unequivocally denies that the said W. C. Beebe is the owner and in the actual, peaceable possession of the lands described in said paragraph situated in said Baldwin County, Alabama.

THIRD:

The Malbis Plantation, Inc., claims the title to and the ownership of all of said lands mentioned in said second paragraph of said Bill of Complaint, and states that its said title is based upon a Deed from F. S. Sandagger to it for a valuable consideration, which said Deed was executed by the said Sandagger and delivered to your Respondent on, to-wit, the 15th day of May, 1928; that at the time the said Sandagger executed and delivered said Deed to your Respondent he was in the open, notorious, peaceful and exclusive possession of said property heretofore referred to and was the owner of the same.

FOURTH:

Respondent denies expressly and unequivocally the allegations contained in the fourth paragraph of said Bill of Complaint, and calls for strict proof thereof.

(page two)

FIFTH:

Your Respondent in answer to the fifth paragraph of said Bill of Complaint says that the said F. S. Sandagger acquired said property under a valid tax sale on or about June 1st, 1923, and that a valid deed was executed to him by the proper tax authority, there being no redemption of said lands from said tax sale on, to-wit, the 10th day of Mar., 1928, and that at the time the said Sandagger sold and conveyed said property to your Respondent he was vested with the title to said property, and your Respondent immediately went into possession of said real estate and from said time has continued in the open, notorious, exclusive and adverse possession of the same, claiming the same against the world and using the same in every way that it is susceptible of, and that the said W. C. Beebe has no right, title or interest in said property. And having answered said Bill of Complaint Respondent asks to be discharged with its reasonable costs.

Thy. Earl Heard & Chason
Solicitors for Respondent.

RECORDED

ANSWER.

W. C. BEEBE,

Complainant,

-VS-

MALBIS PLANTATION, INC.,

Respondent.

IN THE CIRCUIT COURT-IN EQUITY

STATE OF ALABAMA

BALDWIN COUNTY.

Filed September 23, 1934

Register.

5-10-34

W. C. BEEBE,

Complainant,

-VS-

MALBIS PLANTATION, Inc.,
A Corporation,

Respondent.

IN THE CIRCUIT COURT-EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

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

FIRST:

For that there is no equity in the Bill.

Hyatt, Heard & Rouse
Solicitors for Respondent.

Circuit Court, Baldwin County, Ala.,

IN EQUITY.

99100

JFC Baker
Mallin P. Baker

VS.

Free Book 3
Page 242

PLAINTIFF

DEFENDANT

BILL OF COST

Fees of Register		Dollars	Cts.	AMOUNT BROUGHT FORWARD		\$	Cts.
Filing each bill and other papers	10	50		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	10
Issuing each Subpoena	50	50		Receiving, keeping and paying out money paid into court, etc., 1-2 of 1 per ct. of amount received.			
Issuing each copy thereof	10	40		Each Notice Sent by Mail to Creditors	15		
Entering each return thereof	15	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	1 00		Total Fees of Register		5 00	
Entering each Appearance	25	25					
Issuing each Decree Pro Confesso on personal service	1 00						
Issuing each Decree Pro Confesso on publication	1 00						
Each Order Appointing Guardian	1 00						
Any other order by Register	50	50					
Issuing Commission to Take Testimony	50	50					
Receiving and Filing	10	10					
Endorsing each package	10	10					
Entering Order Submitting Cause	50	50					
Entering any other Order of Court	25	25					
Noting all Testimony	50	50					
Abstract of Cause, etc.	1 00	1 00					
Entering each Decree	75	75					
For Every Hundred Words Over Five Hundred	15	15					
Taking Account on Reference	3 00	3 00					
Taking Testimony, etc.	15	15					
Each Report, Five Hundred Words or less	2 50	2 50					
For every Hundred Words Over Five Hundred	15	15					
Amount Claimed, Less than Five Hundred Dollars, etc.	2 00	2 00					
Issuing each Subpoena	25	25					
Witness Certificate, each	25	25					
Issuing Execution, each	75	75					
Entering each Return	15	15					
Taking and Approving Bond, each	1 00	1 00					
Making Copy of Bill, etc.	15	15					
Each notice not otherwise provided for	50	50					
Each Certificate or Affidavit, with Seal	50	50					
Each Certificate or Affidavit, no Seal	25	25					
Hearing and passing on application for Receiver or Trustee	3 00	3 00					
Each Settlement with Receiver or Trustee	3 00	3 00					
Examining each Voucher of Receiver or Trustee	10	10					
Examining each Answer on Exception	3 00	3 00					
Recording Resignation or Suggestion of Death of Trustee	75	75					
Entering each Certificate to Supreme Court	50	50					
Taking Questions and Answers, etc.	25	25					
For all other service relating to such proceedings	1 00	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 \$1000 and not exceeding \$20,000, 1 per cent; all over \$20,000, 1-4 of 1 per cent.							
Sub Total Carried Forward							
				Fees of Sheriff			
				Serving and Returning Subpoena on Deft.	\$1 50		
				Serving and Returning Subpoena for Witness	65		
				Levying Attachment	3 00		
				Entering and Returning same	25		
				Entering and Returning Execution	25		
				Selling Property Attached	25		
				Impaneling Jury	75		
				Executing Writ of Possession	2 50		
				Collecting Execution for Costs	1 50		
				Serving and Returning Sci. Fa., each	65		
				Serving and Returning Notice	65		
				Serving and Returning Writ of Injunction	1 50		
				Serving and Returning Writ of Exeat	1 50		
				Taking and Approving Bonds, each	1 00		
				Collecting Money on Execution			
				Making Deed	2 50		
				Serving and Returning Application	1 00		
				Serving Attachment, Contempt of Court	1 50		
				TOTAL FEES OF SHERIFF		1 50	
				Recapitulation			
				Register's Fees	4 60		
				Sheriff's Fees	1 50		
				Commissioner's Fees			
				Solicitor's Fees			
				Witness Fees			
				Guardian Ad Litem			
				Printer's Fees			
				Trial Tax	3 00		
				Recording Decree in Probate Court			
				Total		9 60	

Received payment this 1 day of August 1935

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.

Register.

Circuit Court, Baldwin County, Ala.
In Equity.

No. 7900

Mc Rabin

vs.

McRabin Plantation

Cost Bill

Paid 8 - 1, 1937

Robert S. Hush
Register.