

STATE OF ALABAMA,)  
BALDWIN COUNTY. }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon:

1. James Adrian Fulford, c/o Buck's Poultry, Stall No. 10, French Market, New Orleans, Louisiana.
  2. Joseph H. Fulford, 700 Neil Avenue, Algiers, Louisiana.
  3. J. E. Fulford, 1071 Cottrell Street, Mobile, Alabama.
  4. Amelia Bernius (Mrs. G. A. Bernius), c/o 1071 Cottrell Street, Mobile, Alabama.
  5. Susie Burgess, Gulf Shores, Baldwin County, Alabama.
  6. Roberta White, Gulf Shores, Baldwin County, Alabama.
  7. Eileen Smith, c/o 1071 Cottrell Street, Mobile, Alabama.
  8. Ruby Hatfield, 3012 Dormont Avenue, South Hills, Pittsburgh, Pennsylvania.
  9. Winnie (Winona) Haslett, c/o Ruby Hatfield, 3012 Dormont Avenue, South Hills, Pittsburgh, Pennsylvania.
  10. Armita Buck, Howell's Ferry Road, Mobile, Alabama.
  11. James W. Fulford, Baldwin County, Alabama.
  12. Toney Ryan, Baldwin County, Alabama.
  13. Emma Ryan, Baldwin County, Alabama.
- to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, at the place of holding same, and then and there plead to, answer or demur to the Bill of Complaint filed against them by Blaine Dickman, Ernest Wigstrom and Frank Sturma.

WITNESS my hand on this the 25<sup>th</sup> day of May, 1950.

BLAINE DICKMAN, ERNEST WIGSTROM  
and FRANK STURMA,  
Complainants,

VS.

JAMES ADRIAN FULFORD, JOSEPH H.  
FULFORD, J. E. FULFORD, AMELIA BERNIUS (MRS. G. A. BERNIUS), SUSIE BURGESS, ROBERTA WHITE, EILEENE SMITH, RUBY HATIFIELD, WINNIE (WINONA) HASLETT, ARMITTA BUCK, ALL BEING THE HEIRS OF HENRIETTA FULFORD, JAMES W. FULFORD, TONEY RYAN and EMMA RYAN,

Respondents.

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 2398.

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF SAID COURT,  
SITTING IN EQUITY:

Come your Complainants in the above entitled cause respectfully show unto your Honor as follows:

FIRST:

That your Complainants are each over the age of two one years and are bona fide resident citizens of Baldwin County, Alabama.

SECOND:

That the names and addresses of the Respondents, the heirs of Henrietta Fulford, are as follows, to-wit: James Adrian Fulford, a son of Henrietta Fulford, whose address, complainants are informed and believe, is c/o Buck's Poultry, Stall No. 10. French Market, New Orleans, Louisiana; Joseph H. Fulford, a son of Henrietta Fulford, whose address, complainants are informed and believe, is 700 Neil Avenue, Algiers, Louisiana; J. E. Fulford, son of Henrietta Fulford, whose address, complainants are informed and believe, is 1071 Cottrell Street, Mobile, Alabama; Amelia Bernius (Mrs. G. A. Bernius), a daughter of Henrietta Fulford, who, according to complainants' information and belief, is a non-resident of the State of Alabama, who resides in the State of California, and whose mail will reach her c/o 1071 Cottrell Street, Mobile, Alabama; Susie Burgess, a daughter of Henrietta Fulford, who, according to complainants' information and belief, resides at or near Gulf Shores, in Baldwin County, Alabama; Roberta White, a daughter of Henrietta Fulford, who, according to complainants' information

and belief, resides at or near Gulf Shores, in Baldwin County, Alabama; Eileene Smith, a daughter of Henrietta Fulford, who, according to complainants' information and belief, is a non-resident of the State of Alabama, whose address is otherwise unknown to Complainant, but whose mail, complainants are informed and believe, will reach her c/o 1071 Cottrell Street, Mobile, Alabama; Ruby Hatfield, a daughter of Henrietta Fulford, who, according to complainants' information and belief, is a non-resident of the State of Alabama, whose address is 3012 Dormont Avenue, South Hills, Pittsburg, Pennsylvania; Winnie (Winona) Haslett, a daughter of Henrietta Fulford, who, according to complainants' information and belief, is a non-resident of the State of Alabama, who resides in Pittsburg, Pennsylvania, and whose mail will reach her c/o Ruby Hatfield, 3012 Dormont Avenue, South Hills, Pittsburg, Pennsylvania; Armita Buck, a daughter of Henrietta Fulford, who, according to complainants' information and belief, resides in Mobile County, Alabama, on Howell's Ferry Road; that all of the aforesaid respondents, heirs of Henrietta Fulford, are over the age of twenty-one years; that the Respondent, James W. Fulford, is over the age of twenty-one years and resides in Baldwin County, Alabama; that the Respondents, Toney Ryan and Emma Ryan, are each over the age of twenty-one years and reside in Baldwin County, Alabama.

THIRD:

That by decree of the Chancery Court for the Thirteenth District of the Southwestern Chancery Division of Alabama, in a cause therein pending, entitled John E. Wallace vs. Elisha Nelson, et al., being cause No. 2937, dated December 15, 1870, said Elisha Nelson was ordered to convey, and did convey, to John E. Wallace and the heirs of Allen L. Wallace that certain tract of land in Baldwin County, Alabama, known as the Augustine LaCoste Tract and afterwards known as the Elisha Nelson Tract, being designated as Section 6, Township 9 South, Range 3 East, said John E. Wallace being vested with an undivided one-half interest therein and the heirs of said Allen L. Wallace being vested with the remaining undivided one-half interest therein; that said John E. Wallace and the said heirs of

Allen L. Wallace divided said Section 6, Township 9 South, Range 3 East, into two parts, running a line near the center thereof, said line running North and South from Bay John, now also known as Oyster Bay, on the North to Little Lagoon on the South; and to said John E. Wallace was set apart the West half thereof, and he was let into the actual, peaceable possession thereof; and to the said heirs of Allen L. Wallace was set apart the East half thereof, and they were let into the actual, peaceable possession thereof; that subsequent to the said division between said John E. Wallace and said heirs of Allen L. Wallace, but prior to the year of, to-wit, 1905, the said heirs of Allen L. Wallace employed one William Childress, then the county surveyor of Baldwin County, to make an equal division of the property of their said deceased father among the said heirs then living. The said William Childress thereupon made a survey and plat of the said East half of said Section 6, Township 9 South, Range 3 East (the Augustine LaCoste Tract) by virtue of which the said East half of said Section 6 was divided into five lots of equal width, each being 7.50 chains, or 495.0 feet wide, the lot lines running North and South and parallel to the East boundary line of said Section 6, the said lots being numbered one through five from West to East, the West line of Lot No. 1 being the middle or dividing line of said Section 6 and the East line of Lot No. 5 being the East boundary line of said Section 6.

FOURTH:

That by bill of complaint filed on August 15, 1905, in the Chancery Court for the Thirteenth District of the Southwestern Chancery Division of Alabama, in a cause therein, entitled Henrietta Fulford, et al., vs. Heirs of Augustine LaCoste, et al., being Cause No. 8087 on the docket of said Court, said Henrietta Fulford, together with James W. Fulford and other complainants, sought the aid of said Chancery Court to establish their ownership and possession of certain of the five lots of land into which the said East Half of said Section 6 had previously been divided, as aforesaid. By their own averments contained in said bill of complaint, said complainants in said cause affirmatively claimed that, by virtue of said division

of said East Half of said Section 6 (LaCoste Tract) as shown by the survey and plat of said William Childress, said East Half was (and here your Complainants quote from said bill of complaint); "divided into five lots of equal width extending North and South from Bay John on the North of the Lagoon on the South, each lot having a width of 7.50 chains, and numbered one, two, three, four and five, respectively, from West to East, lot No. one being bounded on the West by the middle or dividing line of said LaCoste Tract and Lot No. 5 being bounded on the East by the East line of said LaCoste Tract"; that by its decree rendered in said cause, and dated November 10, 1905, said Chancery Court did grant the relief prayed by the said Complainants therein, and did, upon the basis of the description of the said East Half of said Section 6 and its division into said five lots, as set forth and alleged in said bill of complaint, adjudicate and quiet in the said complainants therein the title to the sundry said lots in said East Half in accordance with the respective claims thereto made by said complainants in their said bill of complaint.

FIFTH:

Complainants aver that, at the time of the rendition of said decree, as alleged in Paragraph Fourth, above, the East Half of said Lot No. 1 of the division of the East half of Section 6 was owned, and presently is owned, in fee simple by Respondent, James W. Fulford; that the West Half of said Lot No. 1 was owned, in fee simple, at said time, by Henrietta Fulford, and is presently owned in fee simple by the above named Respondents, the heirs of Henrietta Fulford. Complainants further allege that the West boundary line of said West Half of said Lot No. 1 is the middle or dividing line of said Section 6, as established by the said division and plat of said East Half of said Section 6, as alleged in Paragraph Third above, and as alleged in said bill of complaint and confirmed by decree of said Chancery Court, as alleged in Paragraph Fourth above; that said middle or dividing line of said Section 6 as so established, alleged and confirmed, is a line running North and South near the

center of said Section 6 from Bay John, also known as Oyster Bay, on the North to Little Lagoon on the South, parallel to and distant, to-wit, 2,475 feet westwardly from the East boundary line of said Section 6.

Complainant<sup>s</sup> further~~aver~~<sup>he</sup> that they own<sup>s</sup> in fee simple that portion of said Lot No. 1 of the West Half of said Section 6, lying South of said Dixie Graves Parkway and described as follows, to-wit:

Beginning at the intersection of the South line of the Dixie Graves Parkway with the center line of the Augustine LaCoste Grant (Section 6, Township 9 South, Range 3 East), said center line being a line run near the center of said Section 6 from Bay John, also known as Oyster Bay, on the North to Little Lagoon on the South, parallel to and distant 2,475 feet to the West of the East boundary line of said Section 6; and from said point of intersection run Southwestwardly along the South right-of-way line of said Parkway 25 feet to a point, said point being the place of beginning; from said place of beginning run South on a line parallel to and 25 feet West of said center line to a point on the North margin of Little Lagoon; running thence Westerly along the meanderings of Little Lagoon to a point 100 feet West of the last described line, measured at right angles therewith, running thence North at right angles with the last described line to the South line of the Dixie Graves Parkway, thence Northeasterly along said South line to the point of beginning, being a part of Lot 6 as shown on a map recorded in Miscellaneous Book 1, page 288, Records of the Probate Court of Baldwin County, Alabama, in Baldwin County, Alabama;

and that there is a public right-of-way 25 feet in width lying between the said lands of the said Respondents and the said middle or dividing line of said Section 6, said right-of-way extending South from the South margin of said Dixie Graves Parkway to the North margin of Little Lagoon.

Complainant<sup>s</sup> further aver that the Respondents, Toney Ryan and Emma Ryan own in fee simple that portion of a tract of land in the West Half of said Section 6, which is commonly known and referred to as Lot No. 1 of the West Half of said Section 6, lying North of a public road or highway known as Dixie Graves Parkway; that this said tract of land adjoins the above mentioned lands of the heirs of Henrietta Fulford on the West; the East boundary line of the Respondents' said line being the said middle or dividing line of said Section 6, as herein above in this paragraph described, and

the Southeast corner of the Respondents' said land being the point where said middle or dividing line, as described, intersects the North line of the right-of-way of said Dixie Graves Parkway.

Complainants further aver that said respective parcels of land either adjoin each other, or their boundaries depend upon the same common line, and that said common line is the said middle or dividing line hereinabove described.

Complainants further aver that although for many years, to-wit, more than forty (40) years, the mesne owners, including the present owners of said parcels of land, have recognized, claimed and been in possession of said various parcels of land upon the basis of the said middle or dividing line of said Section 6, being located as hereinabove described, the respondents, the above named heirs of Henrietta Fulford, and Respondent, James W. Fulford, have recently raised a dispute as to the location of the said middle or dividing line, by recently asserting a claim that said line is located some distance, to-wit, 97 feet to the West of the true location thereof, as described hereinabove, and as adhered to and recognized by all interested owners for many years, as aforesaid; that said asserted claim is contrary to the true line as established by the decree rendered in the aforesaid suit in equity brought in 1905 by said Henrietta Fulford, said James W. Fulford, and other complainants; and as against such recent and contrary claim by said respondents your complainants plead, respectively and severally:

1. Estoppel
2. The statute of limitations of ten years.
3. The statute of limitations of twenty years.
4. Laches.

SIXTH:

Your complainants further allege that <sup>he</sup> they and their predecessors in title have owned in fee simple and have been in open, notorious, continuous, adverse possession of all of the above described portion of said Lot No. 1 of the West Half of said Section 6, up to a line which is parallel to and 25 feet from said middle or dividing line, being their East boundary line for more than

twenty years next immediately preceding the filing of this bill of complaint; that the respondents were warned by complainants not to trespass upon the lands of the complainants to the West of said line but that in disregard and defiance of such warning the respondents, or the agents, servants or employees of respondents acting within the line and scope of their employment, did trespass upon the said lands of the complainants, and did erect a house on the above described property of the complainants to the West of said middle or dividing line herein contended for and described by complainants as being the true dividing line between the land of complainants and the land of respondents, the above named heirs of Henrietta Fulford; and in the course of the commission of such trespass the said respondents or their agents, servants or employees acting within the line and scope of their employment, did cause great damage to the said lands of the complainants for all of which your complainants claim the sum of Two Thousand Dollars (\$2,000.00) damages.

PRAYER FOR PROCESS:

THE PREMISES CONSIDERED, your complainants pray that Respondents, James Adrian Fulford, Joseph H. Fulford, J. E. Fulford, Amelia Bernius (Mrs. G. A. Bernius), Susie Burgess, Roberta White, Eileene Smith, Ruby Hatfield, Winnie (Winona) Haslett, Armitta Buck, all being the heirs of Henrietta Fulford, Respondent, James W. Fulford, and Respondents, Toney Ryan and Emma Ryan, be made party Respondents to this bill of complaint, and that the usual process of this Court be issued commanding them to appear, answer, demur or plead to this bill of complaint within the time required by law and by the rules of this Honorable Court.

PRAYER FOR RELIEF:

Complainants further pray:

1. That the middle or dividing line of Section 6, Township 9 South, Range 3 East, be defined and decreed by this Honorable Court to be as follows:

A line run North and South near the center of Section 6, Township 9 South, Range 3 East, from Bay John, also known as Oyster Bay, on the North to Little Lagoon on the South, parallel to and



distant 2,475 feet to the West of the East boundary, or section, line of said Section 6, Township 9 South, Range 3 East.

2. That said middle or dividing line of said Section 6, as so defined, be by this Honorable Court ordered, adjudged, and decreed to be the true and correct boundary line between the said lands of complainants to the West of said line, in Lot No. 1 of the West half of said Section 6, and the said lands of respondents, the above named heirs of Henrietta Fulford, to the East of said line, in Lot No. 1 of the said East half of said Section 6; and that it be by this Honorable Court ordered, adjudged and decreed that none of the respondents to this bill of complaint have any right, title or interest in or to any land in said Lot No. 1 of said West half of said Section 6, lying North of said Dixie Graves Parkway and West of the said middle or dividing line as so defined.

3. That the correct description of the lands of Complainants, <sup>T. H. Dickman</sup> Blaine Dickman, Ernest Wigstrom and Frank Sturma, in said Lot No. 1 of said West Half of said Section 6, be defined and decreed by this Honorable Court to be as follows:

Beginning at the intersection of the South line of the Dixie Graves Parkway with the center line of the Augustine LaCoste Grant (Section 6, Township 9 South, Range 3 East), said center line being a line run near the center of said Section 6 from Bay John, also known as Oyster Bay, on the North to Little Lagoon on the South, parallel to and distant 2,475 feet to the West of the East boundary line of said Section 6; and from said point of intersection run Southwestwardly along the South right-of-way line of said Parkway 25 feet to a point, said point being the place of beginning; from said place of beginning run South on a line parallel to and 25 feet West of said center line to a point on the North margin of Little Lagoon; running thence Westwardly along the meanderings of Little Lagoon to a point 100 feet West of the last described line, measured at right angles therewith, running thence North at right angles with the last described line to the South line of the Dixie Graves Parkway, thence Northeastwardly along said South line to the point of beginning, being a part of Lot 6 as shown on a map recorded in Miscellaneous Book 1, page 288, Records of the Probate Court of Baldwin County, Alabama, in Baldwin County, Alabama.

4. That the 25 foot strip of land lying and situate between the said lands of complainants, <sup>T. H. Dickman</sup> Blaine Dickman, Ernest Wigstrom and Frank Sturma, in said Lot No. 1 of said West half of said Section 6, and the said lands of respondents, the above named heirs of Henrietta Fulford, in said Lot No. 1 of said East Half of said Section 6 be decreed by this Honorable Court to be described as follows:

Beginning at the intersection of the South line of the right-of-way of the Dixie Graves Parkway with the center line of the Augustine LaCoste Grant (Section 6, Township 9 South, Range 3 East), said center line being a line run near the center of said Section 6 from Bay John, also known as Oyster Bay, on the North to Little Lagoon on the South, parallel to and distant 2,475 feet to the West of the East boundary line of said Section 6; and run thence Southwestwardly along the South right-of-way line of said Parkway 25 feet to a point; thence run South on a line parallel to and distant 25 feet to the West of said center line to a point on the North margin of Little Lagoon; thence Eastwardly along the North margin of said Little Lagoon to the intersection of said center line of said Section 6 with the North margin of Little Lagoon; thence North along said center line to the place of beginning;

that it be further ordered, adjudged and decreed by this Honorable Court that said 25 foot strip of land is a public right-of-way, and that an order be made by this Court restraining said Respondents, the above named heirs of Henrietta Fulford, and Respondent, James W. Fulford, from obstructing or in anywise interfering with the use of said 25 foot strip of land as a public right-of-way or otherwise.

5. That this Honorable Court make and issue an order commanding the respondents, the above named heirs of Henrietta Fulford, and Respondent, James W. Fulford forthwith to remove from the lands of the complainants to the West of said middle or dividing line of said Section 6, all fencing, posts, wire and other obstructions or structures heretofore placed or erected thereon by said respondents, and that said respondents be restrained by order of this Honorable Court from further trespassing upon said lands of complainants, and from interfering in anywise with the use thereof by complainants.

6. That this Honorable Court determine and fix the amount of damages suffered by Complainants as a result of the acts of respondents, the above named heirs of Henrietta Fulford, and of respondent, James W. Fulford, in paragraph sixth set forth, and that this Honorable Court render its decree ordering the payment of such damages by said respondents to complainants in accordance with the allegations of said Paragraph Sixth and the determination of the Court.

7. That this Honorable Court grant complainants such other, further and different relief to which, in equity and good conscience, they may be entitled in the premises.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

Before me, Mary Lou Blackburn, a Notary Public, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says, that he is the Solicitor of Record for the above named Complainants in the aforesaid cause; that said Complainants and the Affiant have made diligent search and inquiry to ascertain the name or names, address or addresses of the heirs and next of kin of Henrietta Fulford, and that to the best of the information and belief of the Complainants and of the Affiant the names and addresses of said heirs of Henrietta Fulford are as set forth in the foregoing Bill of Complaint; and that they are all over the age of twenty-one (21) years; and further that the allegations of the foregoing Bill of Complaint are true to the best of the knowledge, information and belief of the Complainants and Affiant:

J. B. Blackburn

Sworn to and subscribed before me on  
this the 25<sup>th</sup> day of May, 1950.

Mary Lou Blackburn  
Notary Public, Baldwin County, Ala.

*Service of the foregoing bill of complaint is  
hereby accepted.*

Toney Ryan  
Emma Ryan

By: Lester Van Antwerp  
As their solicitor of record

BLAINE DICKMAN, ERNEST WIGSTROM,  
and FRANK STURMA,  
Complainants,

vs

JAMES ADRIAN FULFORD, et al  
DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Come your respondents, James Adrian Fulford, Joseph H. Fulford, J. E. Fulford, Amelia Bernius, (Mrs. G. A. Bernius), Susie Burgess, Roberta White, Eileene Smith, Ruby Hatfield, Winnie (Winona) Haslett, Armitta Buck, all being the heirs of Henrietta Fulford, and James W. Fulford, in the above styled cause and answering complainants' complaint say:

FIRST:

They admit the allegations in paragraph 1 and 2 of the bill of complaint.

SECOND:

They deny the allegations in paragraphs 3, 4, 5 and 6 and demand strict proof of the same.

THIRD:

Further answering the allegations of the said bill of complaint, respondents say that the dividing line between the lands of respondents, which is the West portion of Lot 1 of the division of the East half of Section 6, Township 9 South, Range 3 East, and Lot 1 of the division of the West half of said Section 6 as agreed on, fixed and established, was and is a line drawn North and South from the Lagoon to Weeks Bay, sometimes known as Oyster Bay, distance 2569 feet West from the East line of said Section; that the East line of Lot 1 of the division of the West half of said Section 6 was and is a line drawn North and South from the lagoon to Weeks Bay, or Oyster Bay, distant 2774.53 feet from the West line of said Section, thereby leaving a lane between the West half of Lot 1 of the division of the East half of said Section, and the East line of Lot 1 of the West half

of said Section 25 feet wide, extending from Little Lagoon to Weeks Bay, or Oyster Bay; that these respondents and those through whom they claim are in the actual possession of the West half of the said Lot 1 of the Eastern Division, claiming to own the same, and have been in possession of the same continuously since 1905, and from 1905 down to a comparatively recent date they maintained a fence along the aforesaid west line of the West half of Lot 1 as above described, and for a number of years commencing in 1905 until a comparatively recent date their predecessors in title lived on the said lands and had a residence and other buildings thereon and occupied and used the same.

FOURTH:

These respondents further say that the complainants in this cause are estopped from denying or disputing the location of the West line of the said West half of Lot 1 of the Eastern division of said Section 6, Township 9 South, Range 3 East, as above described because their predecessor in title, one A. G. Greenamyre, on the 17th day of September, 1910, surveyed and platted lands embraced in Lot 1 of the division of the West half of said Section 6 and lots 2 and 3 and East half of Lot 1 of the division of the East half of said Section in and by which said plat, the said A. G. Greenamyre, then the owner of the lands now owned by complainants, located and established the dividing line between the West half of Lot 1 of the Eastern division of said Section and the East line of Lot 1 of the division of the West half of said Section as hereinabove alleged; that at the time of the said sub-division and plat, filed September 17, 1910 in the office of the Judge of Probate of Baldwin County, Alabama, and recorded in Miscellaneous Book 1, at page 285, these respondents were in the possession of the West half of Lot 1 of the said East division and they and their predecessors in title have been in continuous possession of the same, claiming to own the same, from 1905 to and including this date, and that the said dividing line

between the said West line of the West half of Lot 1 of the Eastern division and the East line of Lot 1 of the West division of the said Section has been recognized and accepted by your respondents and their predecessors in title and by the predecessors in title of the complainants continuously since September 17, 1910.

And now having fully answered these respondents pray that they may go hence with their reasonable costs in this behalf expended.

*Filed*  
*1-19-51*

*W.C. Beebe*  
Solicitor for Respondents

no 2479

Blaine Rickman,  
Ernest Wightman Frank  
Sturman

Compliments

US

James Adkins Jafford  
et al  
Respondents

Answer

FILED

JAN 19 1951

ALICE J. DUCK

~~State~~

BLAINE DICKMAN, ERNEST WIGSTROM,  
and FRANK STURMA,  
Complainants,

VS.

JAMES ADRIAN FULFORD, JOSEPH H.  
FULFORD, J. E. FULFORD, AMELIA BER-  
NIUS (MRS. G. A. BERNIUS, SUSIE  
BURGESS, ROBERTA WHITE, EILEENE SMITH,  
RUBY HATFIELD, WINNIE (WINONA) HASLETT,  
ARMITTA BUCK, ALL BEING THE HEIRS OF  
HENRIETTA FULFORD, JAMES W. FULFORD,  
TONEY RYAN AND EMMA RYAN,

Respondents

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY.

Come James Adrian Fulford, Joseph H. Fulford, J. E.  
Fulford, Amelia Bernius (Mrs. G. A. Bernius), Susie Burgess,  
Roberta White, Eileene Smith, Ruby Hatfield, Winnie (Winona)  
Haslett, Armitta Buck, All being the heirs of Henrietta Fulford  
and James W. Fulford, respondents in the above styled cause and  
demur to the bill of complaint in the above styled cause and  
grounds of demurrer says:

FIRST:

There is no equity in the bill.

SECOND:

The bill of complaint shows on its face that the  
complainants have an adequate remedy at law.

THIRD:

The bill of complaint shows on its face that there is  
a misjoinder of parties respondent.

FOURTH:

That there are no facts alleged in the said bill  
upon which these respondents are estopped from claiming owner-  
ship of the lands described in the bill of complaint.

FIFTH:

That the said bill does not allege with certainty  
lands claimed to be owned by the complainants.



SIXTH:

Said bill of complaint alleges no facts that would estop respondents from asserting their ownership of the lands.

SEVENTH:

Said bill of complaint does not allege any facts upon which the respondents are barred by the statute of limitations of 10 years from asserting their ownership of the said lands.

EIGHTH:

That said bill does not allege any facts upon which the respondents are barred by the statute of limitations of 20 years.

NINTH:

Said bill does not set up any facts upon which latches would operate to prevent respondents from claiming ownership of said lands.

TENTH:

Said bill shows on its face that the respondents are in possession of the said lands under claim of ownership, and does not allege any facts upon which this court could dispossess them.

ELEVENTH:

The said bill seeks to enjoin the respondents from exercising possession of said lands but does not set up facts upon which this court should as a matter of law and justice issue any such injunction.

TWELFTH:

Said bill seeks a money judgment against the respondents, but does not allege facts upon which such money judgment could be rendered.

*W. C. Bulley*  
Solicitor for above named Respondents.

*Filed*  
*7-5-52*

## RETURN RECEIPT

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Date of delivery

6-24-50

, 1950

FILED  
JUN 26 1950  
JUL 1 1950

BLAINE DICKMAN, ERNEST WIGSTROM  
and FRANK STURMA,

VS.

Complainants,

JAMES ADRIAN FULFORD, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

DECREE

It is, on motion of the Complainants with the consent  
of the Respondents, acting through their Solicitor of record,  
Ordered, Adjudged and Decreed by the Court that this cause be and  
it is hereby set for hearing at 9:30 A. M. on July 9, 1951.

ORDERED, ADJUDGED AND DECREED on this the 27<sup>th</sup> day  
of June, 1951.

Jeffrey J. MacArthur, Jr.  
Judge.

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PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300

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*Mrs Alice J. Smith*

(NAME OF SENDER)

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*1253*

Post Office

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No.

16-12421

State

*Bay Minette, Ala*

BLAINE DICKMAN, ERNEST WIGSTROM  
and FRANK STURMA,

VS. Complainants,

JAMES ADRIAN FULFORD, ET AL,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY No 2477

FILED

JUN 27 1984

WILLIAM J. GIBSON, CLERK

Register

# RETURN RECEIPT

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JUN 26 1950  
ALICE J. DUCK, Register

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(Signature or name of addressee)

2  
\_\_\_\_\_  
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Date of delivery 6-24, 1945

FRANK STURMA, et al  
COMPLAINANTS

VS

JAMES ADRIAN FULFORD, JOSEPH M.  
FULFORD, J. E. FULFORD, AMELIA  
BERNIUS (MRS. G. A. BERNIUS),  
SUSIE BURGESS, ROBERTA WHITE,  
EILEENE SMITH, RUBY HATFIELD,  
WINNIE (WINONA) HASLETT, ARMITTA  
BUCK, BEING ALL THE HEIRS OF  
HENRIETTA FULFORD, JAMES W. FUL-  
FORD, TONEY RYAN AND EMMA RYAN,

RESPONDENTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

The death of one of the respondents having been suggested  
and more than twelve months having elapsed and the cause not having  
been revived;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this  
cause be and is hereby dismissed out of Court;

~~IT IS FURTHER ORDERED, ADJUDGED AND DECREED~~ that the complai-  
ants be and are taxed with the costs of Court in this cause, for  
which let execution issue.

Done this the 11th day of June, 1957.

Hubert M. Hall  
Judge



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16-12421

State *Ala*



BLAINE DICKMAN ET AL,	)	
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
JAMES ADRIAN FULFORD ET AL,	)	IN EQUITY. NO. 2477
Respondents.	)	
	)	

This cause coming on to be heard on this date is  
 mitted by agreement of parties on Respondents' demurrer to the  
 of Complaint, upon consideration of all of which it is, therefo  
 ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Respondents' demurrer to the Bill of Comp  
 shall be and it is hereby overruled.

2. The Respondents are allowed twenty days from  
 date of this decree to file an answer in this cause.

ORDERED, ADJUDGED AND DECREED on this the 11th day  
 October, 1950.

Felton J. Mathews, Jr.  
 Judge.

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No.

16-12421

State

*Bay Minette, Ala*

DECREE

BLAINE DICKMAN ET AL,

Complainants,

VS.

JAMES ADRIAN FULFORD ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2477

FILED

OCT 11 1950

ALICE J. DUCK, Register

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Rev. 1-4-40

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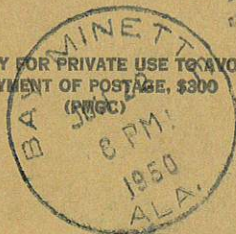
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Mrs Alice J. Such  
circuit clerk  
Bay Minette  
Ala

~~C.O.D.~~