

TONEY RYAN AND EMMA RYAN,  
Complainants,  
VS.

) IN THE CIRCUIT COURT OF  
) BALDWIN COUNTY, ALABAMA

)  
) 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,  
) JAMES W. FULFORD, BLAINE DICKMAN,  
) ERNEST WIGSTROM AND FRANK STURMA,  
)  
) Respondents.

) IN EQUITY. NO. 2394

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

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

ONE

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

TWO

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, a 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 complainant's 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 complainant's information and belief, resides at or near Gulf Shores, in Baldwin County, Alabama; Roberta White, a daughter of Henrietta Fulford, who, according to complainant's information and belief, resides at or near Gulf Shores, in Baldwin County, Alabama; Eileene Smith, a daughter of Henrietta Fulford, who, according to complainant's information and belief, is a non-resident of the State of Alabama whose

address is otherwise unknown to Complainants, 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 complainant's information and belief, is a non-resident of the State of Alabama, whose address is 3012 Dormont Avenue, South Hills, Pittsburg, Pennsylvania; Winnie <sup>10</sup> (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; Armitta 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, <sup>12</sup> is over the age of twenty-one years and resides in Baldwin County, Alabama; that the Respondents, Blaine Dickman, Ernest Wigstrom and Frank Sturma, are each over the age of twenty-one years and reside in Baldwin County, Alabama.

### THREE

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.

#### FOUR

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 said 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 to 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" (underscoring supplied); 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.

#### FIVE

Complainants aver that, at the time of the rendition of said decree, as alleged in Paragraph Four, above, the East Half of said Lot #1 of the division of the East half of said Section 6 was owned, and presently is owned, in fee simple by Respondent, James W. Fulford; that the West Half of said Lot #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 #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 Three above, and as alleged in said bill of complaint and confirmed by decree of said Chancery Court, as alleged in Paragraph Four 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.X

Complainants further aver that they are the owners in fee simple of that portion of a tract of land in the West half of said Section 6,



which is commonly known and referred to as Lot One 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 land of the heirs of Henrietta Fulford on the West, the East boundary line of Complainant's said land being the said middle or dividing line of said Section 6 as hereinabove in this paragraph described, and the Southeast corner of Complainant's 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 Respondents, Blaine Dickman, Ernest Wigstrom and Frank Sturma own in fee simple that portion of said Lot #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 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.

Complainants further aver that a true and correct map or plat is attached hereto, marked "Exhibit A" and made a part hereof, showing the locations and boundary lines of the respective parcels of land now owned or claimed by your Complainants and the sundry Respondents hereto, respectively, Complainants 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 as hereinabove described.

Complainants further aver that, although for many years, to-wit, more than 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 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 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

#### SIX

Your Complainants further allege that they caused to be constructed upon the said East boundary line of their said property, said line being the said middle or dividing line of said Section 6 as hereinabove described, a barbed wire fence; that Complainants, 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 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 land of Complainants to the West of said line and fence, 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 Complainants, did take down and destroy said barbed wire fence, and did erect a fence some distance, to-wit, 97 feet, 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 and did cut down and destroy six oak trees, and did cut down and destroy seven cypress trees, and did cut down and destroy forty-two pine trees, and did cut down and destroy three bay trees; all to the damage of your Complainants in the sum of Two Thousand Dollars (\$2,000.00).

#### 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, Blaine Dickman, Ernest Wigstrom and Frank Sturma, 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 coundary line between the said lands of Complainants to the West of said line, in Lot #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 #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 #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 Respondents, (Blaine Dickman, Ernest Wigstrom and Frank Sturma) in said Lot #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 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.

4. That the 25 foot strip of land lying and situate between the said lands of respondents, (Blaine Dickman, Ernest Wigstrom and Frank Sturma) in said Lot #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 #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 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 A. Fulford, in paragraph six 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 6 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.

27524  
Respectfully submitted,

VAN ANTWERP & RECTOR

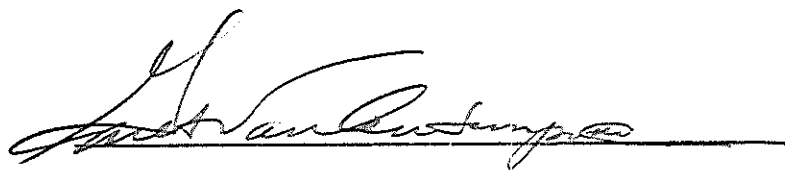
by:

Garet Van Antwerp, III

STATE OF ALABAMA )

COUNTY OF MOBILE )

BEFORE ME, Billie M. Kelly, a Notary Public in and for the State of Alabama At Large, personally appeared Garet Van Antwerp, III, who, being by me first duly sworn, under oath deposes and says that he is one of the Solicitors 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; Affiant further says that the residence of the Complainants is in the Southern portion of Baldwin County at a point inconvenient of access and that at least one of the Complainants, to-wit, Toney Ryan, and possibly both Complainants, are temporarily absent from the State of Alabama, but that both of them are bona fide resident citizens of this State.



Subscribed and sworn to before me this 1st day of December, 1949

  
Notary Public, State of Alabama At Large

*Service accepted and further notice waived  
this 7th day of December, 1949*

*Blaine Dabbsman  
Ernest Wigstrom  
Frank Steina  
By J. B. Steadman  
His Attorney*

TOMMY HYAN AND EMMA HYAN, ) IN THE CIRCUIT COURT OF  
Complainants, ) BALDWIN COUNTY, ALABAMA

VS. )

JAMES ADRIAN FULFORD, JOSEPH  
H. FULFORD, J. E. FULFORD,  
AMELIA BERNIUS (MRS. G. A.  
BERNIUS), SUSIE BURGESS,  
ROBERTA WHITE, WILBENE SMITH,  
RUBY HATFIELD, NINETTE (NINONA)  
HASLETT, ARNETTA DUCK, ALL BEING  
THE HEIRS OF HENRIETTA FULFORD,  
JAMES W. FULFORD, BLAISE DICHMAN,  
ERNEST WIGHTMAN AND FRANK STURMA,

Respondents. )

IN EQUITY. NO. \_\_\_\_\_

TO THE HONORABLE TELFAIR WASHBURN, JR., JUDGE OF SAID COURT, SITTING  
IN EQUITY.

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spectfully show unto your Honor as follows:

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

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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 be-  
lieve, is c/o Back'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 Mail Avenue, Algiers,  
Louisiana; J. E. Fulford, a son of Henrietta Fulford, whose address,  
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Alabama; Amelia Bernius (Mrs. G. A. Bernius), a daughter of Henrietta  
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non-resident of the State of Alabama, who resides in the State of Califor-  
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to complainant's information and belief, resides at or near Gulf Shores,  
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address is otherwise unknown to Complainants, 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 complainant's 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, Blaine Dickman, Ernest Wigstrom and Frank Sturma, are each over the age of twenty-one years and reside in Baldwin County, Alabama.

### THREE

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.

#### FOUR

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 said 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 to 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" (underscoring supplied); 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.

#### FIVE

Complainants aver that, at the time of the rendition of said decree, as alleged in Paragraph Four, above, the East Half of said Lot #1 of the division of the East half of said Section 6 was owned, and presently is owned, in fee simple by Respondent, James W. Fulford; that the West Half of said Lot #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 #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 Three above, and as alleged in said bill of complaint and confirmed by decree of said Chancery Court, as alleged in Paragraph Four 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.

Complainants further aver that they are the owners in fee simple of that portion of a tract of land in the West half of said Section 6,

which is commonly known and referred to as Lot One 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 land of the heirs of Henrietta Fulford on the West, the East boundary line of Complainant's said land being the said middle or dividing line of said Section 6 as hereinabove in this paragraph described, and the Southeast corner of Complainant's 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 Respondents, Blaine Dickman, Ernest Wigstrom and Frank Sturma own in fee simple that portion of said Lot #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 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.

Complainants further aver that a true and correct map or plat is attached hereto, marked "Exhibit A" and made a part hereof, showing the locations and boundary lines of the respective parcels of land now owned or claimed by your Complainants and the sundry Respondents hereto, respectively. Complainants aver that said respective parcels of land

TONEY RYAN and EMMA RYAN           |   IN THE CIRCUIT COURT OF  
  |  
  |   Complainants,   |  
  |   BALDWIN COUNTY, ALABAMA  
  |  
  |   vs                |  
  |  
JAMES ADRIAN FULFORD, et al       |   IN EQUITY.  
  |  
Defendants.                           |   No. 2398.

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, Armita 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 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, distant 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. Greenamyer, 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. Greenamyer, 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 cost in this behalf expended.

W C Becke  
Solicitor for Respondents

no 2398

Joseph Ryan & Emma  
Ryan

Complainants

VS

James Adrian Telford  
et al

Respondents

Answer

FILED

JAN 19 1951

ALICE J. DUFF, Reg.

copies  
marked  
1-19-51

2398





DECREE

TONEY RYAN and EMMA RYAN,

Complainants,  
VS.

JAMES ADRIAN FULFORD, ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2398

FILED

JUN 27 1951

ALICE J. DUCK, Clerk

TONEY RYAN AND EMMA RYAN,  
COMPLAINANTS

VS

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, JAMES W. FULFORD,  
BLAINE DICKMAN, ERNEST WIGSTROM  
AND FRANK STURMA,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY,

NO. 2398

Now do come the defendants in the above styled cause, except Blaine Dickman, Ernest Wigstrom and Frank Sturma, and amend their answer to complainants' bill of complaint to read as follows:

First: They admit the allegations of paragraphs first and second.

Second: They admit the allegations of paragraph third that in Case Number 2937 in the Chancery Court of the 13th District of Alabama in a cause entitled John E. Wallace vs Elisha Nelson et al, that Elisha Nelson was ordered to convey and that he did subsequently convey to John E. Wallace and Allen L. Wallace the Augustine LaCoste grant, known as the Elisha Nelson tract, being Section 6, Township 9 South, Range 3 East in Baldwin County, Alabama; that in and by said proceedings and the conveyance executed thereunder that John E. Wallace and Allen L. Wallace were each vested with a one-half interest in the said property and that they subsequently divided the same into two parts running a line near the center thereof from Bay John on the North, also known as Oyster Bay, to Little Lagoon on the South, and that the West portion thereof was set aside to John E. Wallace and that he was put into actual possession thereof, and that the East portion thereof was set aside to the heirs of Allen L. Wallace and that they were put into actual possession thereof; they admit that prior to the year 1905 the heirs of Allen L. Wallace subdivided the East portion into five lots running North and South, but they deny that the same were actually or were intended to be of

equal width or that the same were each  $7\frac{1}{2}$  chains, or 495 feet in width; they admit that the West half of Lot 1, being the Westerly lot of the Eastern division was allotted to Henrietta L. Fulford, through whom and from whom, as her heirs, the defendants hold title thereto; they also admit that the East boundary of Lot 5 of the Eastern division of said section was the East boundary of the said Section 6, Township 9 South, Range 3 East;

Third: Answering the allegations of the fourth paragraph of the said bill of complaint, defendants admit that on August 15, 1905, the heirs of Allen L. Wallace, including Henrietta Fulford, filed a bill of complaint in the Chancery Court of the 13th District of Alabama against the unknown heirs of Augustine LaCoste and the heirs of John E. Wallace, including one John H. Childress, who was at that time the owner of Lot 1 of the division of the West half of said section, which said lot was the Elisha Nelson lot and lying West of the West half of Lot 1 of the Easterly division, separated therefrom by a 25 foot roadway; and that in and by the said action, being case number 8067, title to the complainants therein was quieted and established in them as against the unknown heirs of Augustine LaCoste and against the said John H. Childress and the other heirs of John E. Wallace and as well as others; defendants deny that the decree in the said cause fixed and established the width of the said lots or fixed the location thereof as alleged in the complaint in this cause; the said lots were not specifically described therein but were described only by number.

Fourth: Answering the fifth paragraph of the said bill of complaint the defendants say that they admit that at the time of the rendition of the decree in that cause set out in paragraph fourth of the bill of complaint that the East half of Lot 1 of the Eastern division of said Section 6 was owned by the respondent James W. Fulford, and that at that time the West half of said Lot 1 was owned in fee simple by Henrietta Fulford, and is now owned by these defendants as her heirs at law, she having died intestate; they deny that the West boundary line of the West half of Lot 1 was fixed and

determined in the said action and they deny that the line so fixed and determined was a line 2475 feet Westward from the East boundary line of said Section 6; defendants deny that the complainants own in fee simple that portion of Lot 1 of the West half of said Section 6 lying North of Dixie Graves Parkway as described in paragraph fifth of the said bill of complaint; they admit that there is a public right of way 25 feet wide lying between the lands of defendants and the lands formerly owned by John H. Childress; defendants deny that Blaine Dickman, Ernest Wigstrom and Frank Sturma own in fee simple that portion of a tract of land which is commonly known and referred to as Lot 1 of the West half of Section 6 lying South of Public road, or highway known as Dixie Graves Parkway; they further deny that Lot 1 of Section 6 adjoins the lands belonging to the defendants, the heirs of Henrietta Fulford on the West; they deny that the East boundary of the defendants land is as described in said paragraph fifth of the bill of complaint; defendants deny that the complainants owned lands adjoining the lands of these defendants and that their boundary depend on a common line;

Defendants deny that for more than forty years the mesne owners of the West half of Lot 1 of the East division of Section 6 and the owners of Lot 1 of the West division of said Section 6 have recognized, claimed and been in possession of adjoining lands with the middle or dividing line as described in the bill of complaint; defendants deny that James W. Fulford, defendant, or either of these defendants have recently raised a dispute as to the location of the dividing line of their lands and of lands claimed by the complainants; they deny that the interested owners of the said respective tracts have ever recognized the <sup>(line)</sup> ~~line~~ as described in complainants' bill of complaint as being the dividing line between the respective tracts of land; and they deny that the line as described in the bill of complaint was fixed and established in the said action between Henrietta Fulford and others in 1905 quieting title to the said lands; they further deny that they are estopped to claim lands up to the true West line of the lands owned by them; they deny that any statute of ten years or twenty years or laches has operated against them.

Fifth: Answering the sixth paragraph of the bill of complaint defendants say that the complainants and their predecessors in title do not own and have never owned and have never been in the open, notorious, adverse possession of any portion of the lands in dispute in this cause, namely the 97 feet mentioned in said bill of complaint, and say that the same is a portion of Lot 1 of the East division and not a portion of Lot 1 of the West division of said Section 6, but they say that the East line of the West division is a line up to and parallel to a 25 foot roadway, which said roadway lies between the East line of the lands claimed by the complainants and the West line of the lands owned by the defendants; and they deny that any such line as described in the bill of complaint as ~~the~~ the dividing line between the two respective tracts of land has for 20 years next preceding the filing of the bill of complaint in this cause has ever been recognized, and say that such has never been recognized, by the owners of the respective tracts of lands; defendants deny that they have trespassed upon the lands of the complainants; they admit that they did erect a house on the lands owned by them and they deny that they have caused any damage to the complainants in this cause.

Sixth: Further answering complainants' bill of complaint and every allegation therein made the defendants say they deny every allegation therein not herein specifically admitted, and further say that the complainants have no right, title or interest in and to the lands, or any portion thereof, described in the bill of complaint and demand strict proof thereof.

Seventh: And further answering complainants' bill of complaint and every allegation therein made the defendants say that they are the owners of the West half of Lot 1 of the East division of the Allen L. Wallace tract, which said West half of Lot 1 is specifically described as: Commencing at a point in Section 6, Township 9 South, Range 3 East on Little Lagoon 2802.94 feet East of the West line of said Section 6 and 2575 feet West of the East line of said Section 6, run thence North to Bay John, thence North-eastwardly along Bay John following its meanders to a point 270

feet East of the point of beginning, above described, thence South to Little Lagoon, thence Westward along Little Lagoon to the point of beginning, being a strip of land 270 feet wide running North and South from Little Lagoon to Bay John; that any dispute as to the West line of the lands owned by these defendants and as to the East line of the lands claimed by complainants in this section is but a fiction and without basis in fact as shown by the records of Baldwin County, Alabama, and as shown by the physical possession, use and occupancy of the said lands, and that this suit is instituted in the guise of establishing a dividing line, but its true object is to acquire lands to which the complainants are not entitled at law or in equity, the lands described in the complaint as in dispute were not owned by the persons from whom they claim title and to which he and his predecessors in title had not title whatever and now by this proceeding, under the guise of establishing a dividing line, seek to move in and on lands owned by these defendants and which they and they predecessors in title have owned for more than 50 years, and of which they and their predecessors in title have been in the continuous, actual possession under claim of ownership for more than 50 years continuously next preceding the filing of the complaint in this cause.

Eighth: Further answering complainants' bill of complaint and every allegation therein made, the defendants say that on August 15, 1905, John B. Childress, Mose B. Childress, Mary Childress Suarez, John H. Childress and Mary H. A. Childress, the owners of respective tracts constituting the whole of the West division, filed their suit in the 13th Division of the Southwest Chancery District of Alabama against the heirs, devisees, next of kin and representatives of Augustine LaCoste, Adele Cook and John LaCoste, alias John Cook a son of Adele Cook, deceased, John LaCoste or Donat LaCoste, and Martha Wallace Myers, Hattie Wallace, Mary Wallace Calloway, John Wallace, Stephen Wallace, David Wallace, George Wallace and against the next of kin and heirs of Thomas Wallace, deceased, viz: Annie Wallace, widow, and John Wallace, Pearl Wallace and Thomas Wallace, minors; and against Henrietta Fulford; that the said John H. Childress,

one of the complainants in the said action was the owner of Lot 1 of the West division of said Section 6, and that Henrietta Fulford, one of the defendants therein named, was the owner of the West half of Lot 1 of the East division of said Section; that in and by the said decree the said complainants, including John H. Childress then the owner of said Lot 1 of the West division, did specifically set forth and describe the dimensions and boundaries of the respective tracts of land owned by them and did fix and determine the East boundary line of the West division of said land to be a line drawn North and South through said Section 2777.94 feet East of the West line of said section; that whatever title, if any, to the lands the complainants may have in said Section 6 is derived from and through the said John H. Childress; that at the time of the said suit and of the decree therein and at all times subsequent thereto so long as he owned the same, or any portion of the same, the said John H. Childress recognized his East property line as being a line 2777.94 feet East from the West line of said Section 6, and he did recognize and agree that a 25 foot lane lay between his East line and the West line of the lands owned by these defendants; and said John H. Childress and the other owners of all of the lands in the West division of the said section, together with the owners of the West half of Lot 1, and the East half of Lot 1 and of Lots 2 and 3 in the East division did cause a survey to be made by N. L. Durant, a county surveyor, whose survey fixed and determined the East boundary line of the West division of said land and the lands of John H. Childress to be a line 2777.94 feet East of the West line of said Section and did show and establish a 25 foot roadway immediately East of the East line of said Lot 1 of the West division and did fix and determine the West line of the West half of Lot 1 of the East division to be a line 25 feet East from the East line of Lot 1 of the West division and 2575 feet West from the East line of said Section 6; and it did show the said Lot 1 to be 540 feet wide and the West half thereof to be 270 feet wide; and the said parties

did subdivide the South portion of all of the West division of the said Section and all of Lot 1, 2 and 3 of the East division of the said lands and cause a plat thereof to be made by the said N. L. Durant and the said lands so subdivided to be designated as Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, said plat being dated March 20, 1905; that all of the owners of the subdivided portion of the West division of the said section, subsequent thereto conveyed such subdivided portion, namely lots 6, 7, 8 and 9 to George W. Brett and as well those persons owning subdivided lands in the East division, namely the East half of Lot 1 and of Lots 2 and 3, the said subdivided portion designated as Lots 1, 2, 3, and 4 also sold the said lots as subdivided and laid out by the said N. L. Durant to George W. Brett and each of them, that is, the owners of Lots 1, 2, 3, 4, 6, 7, 8 and 9 of said subdivision conveyed the said lands to the said George W. Brett according to and as described in and with reference to the said survey and map made by N. L. Durant, March 20, 1905; that on August 17, 1910, one A. G. Greenmeyer was the owner of the said lots shown on the N. L. Durant map of March 20, 1905, designated as Lots 1, 2, 3, 4, 6, 7, 8 and 9, and he did have the said survey and plat of N. L. Durant dated March 20, 1905 filed in the office of the Judge of Probate of Baldwin County, Alabama, and recorded in Misc. Book 1, page 288; that any title the complainants have as to any lands in Section 6 is derived through and under conveyance from the heirs of said John H. Childress; that John H. Childress and his heirs recognized and accepted the East line of the lands owned by him in the West division of said section to be the line above described and recognized and accepted the 25 foot roadway lying between the said Lot 1 of the East division and Lot 1 of the West division and recognized and accepted the West line of the West half of Lot 1 of the East division to be a line 25 feet West from the East line of said Lot 1 of the West division, and did recognize and admit that the West half of Lot 1 of the East division to be 270 feet wide; that those through whom the complainants



claim the lands described in the complaint have at all times from 1905 down to the time of filing of this suit recognized and admitted the true line of the respective properties as set out in this answer; that on and for several years prior to March 20, 1905 Henrietta Fulford was in possession of the whole of the West half of Lot 1 of the East division, a strip of land 270 feet wide, the West line of which was a line running North and South through the said Section 25 feet distant from a line drawn North and South 2777.94 feet East of the West line of said Section; that they lived on and maintained a house on the North portion of said lot and maintained along the West line thereof a fence and that these defendants and their predecessor in title, Henrietta Fulford, have for more than 50 years next preceding the filing of the bill of complaint in this cause, been in the actual, notorious, hostile, peaceable possession of all of the West half of said Lot 1 of the East division as herein described claiming to own the same and that neither John H. Childress, nor any person claiming to hold title through him, including the complainants in this cause, and their predecessors in title, have ever had any possession of any portion of the West half of said Lot 1 of the East division, or claimed any right or title to the same, or right to possession of the same, or any portion thereof, but have at all times admitted and agreed that the said West half of Lot 1 of the East division was as hereinabove described, namely: a Lot 270 feet wide running North and South, the West line of which was a roadway 25 feet wide, the West line of said roadway being the Eastern line of Lot 1 of the West division of said Section distant 2777.94 feet East from the West line of said section.

Ninth: Defendants further answering said bill of complaint and every allegation therein made separately and severally say, that in 1916, namely on to-wit: the 17th day of July, 1916, by deed recorded in Deed Book 78 NS, page 23, Eliza R. Childress, Joseph L. Suarez, Mary L. Suarez, Ophelia Childress, J. E. Childress, J. H. Childress and C. E. Childress, being the owners of all that portion of the West division of said Section 6, North of the platted portion shown on the N. L. Durant map dated March 20, 1905, the said J. H.

Childress, who is the same person as John H. Childress referred to herein, owning Lot 1 of the West division and being in possession of the same up to a line drawn North and South through said Section distant 2777.94 feet East from the West line of said Section, to confirm and remove all doubts as to the land owned by Henrietta Fulford did convey to her the West half of Lot 1 of the East division describing the same as follows: The West half of Lot No. 1 bought of Steven M. Wallace, bounded on the North by Bay John, on the East by A. F. Calloway, on the South by the Lagoon, on the West by land of John Childress, being and lying in Baldwin County, Alabama, Township 9 South, Range 3 East, Grant 6, Section 13, containing 33 acres, more or less.

And now having fully answered, these defendants pray they may go hence with their reasonable cost in this behalf expended.

BEEBE & SWEARINGEN

BY W C Beebe  
Solicitors for defendants

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, this day personally appeared W. C. Beebe who being by me duly sworn deposes and says that he is solicitor for the defendants in the above styled cause, and that he has read and knows the allegations made in the foregoing answer, that he is informed and believes that the facts stated therein are true and upon such information and belief says that the facts stated in the foregoing answer to complainants' bill of complaint in the case of Toney Ryan and Emma Ryan vs James Adrian Fulford et al, in the Circuit Court of Baldwin County, Alabama, number 2398, are true.

W C Beebe

Sworn to and subscribed before me this the 6 day of January, 1956.

Madelina S. Byars  
Notary Public, State of Ala. at large.

TONY RYAN ET AL,	)	
	)	IN THE CIRCUIT COURT OF
VS. Complainants,	)	BALDWIN COUNTY, ALABAMA
	)	IN EQUITY. NO. 2398
JAMES ADRIAN FULFORD ET AL,	)	
Respondents.	)	

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

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

2. The Respondents are allowed twenty (20) days from the date of this decree to file an answer in this cause.

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

Julius J. Madhury Jr.  
Judge.

DECREE

TONY RYAN ET AL,

Complainants,

VS.

JAMES ADRIAN FULFORD ET AL,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY. NO. 2398

FILED  
OCT 11 1950  
ALICE L. DUEK, Registrar

TONY RYAN, AND EMMA RYAN,  
Complainants,  
VS.  
JAMES ADRIAN FULFORD, ET AL.,  
Respondents.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 2398

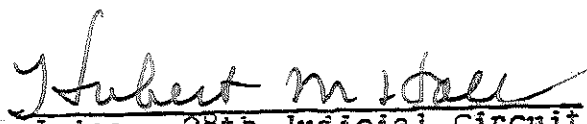
It appearing to the Court that this matter was instituted on December 7, 1949. That it has been continued from time to time and no effort has been made toward a final disposition thereof.

It is the opinion of the Court that this matter should be tried with the least possible delay.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this case be set down for a hearing on Wednesday, November 13, 1957, at 9:00 o'clock A. M. in the Court Room at Bay Minette, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court give due notice to the Complainants and the Respondents and the Respective Solicitors of record for the Complainants and the Respondents of this setting.

Dated at Bay Minette, Alabama, this 15th day of October, 1957.

  
Judge, 28th Judicial Circuit  
of Alabama.

FILED

OCT 16 1957

ALICE J. DUCK, Register

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2398

Fall TERM, 1919

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~JAMES ADRIAN FULTON~~, et al.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

~~JAMES ADRIAN FULTON~~ et al.

, Defendant

by ~~ROBERT ELIAS AND EDNA ELIAS~~

, Plaintiff

Witness my hand this 7th day of Dec. 1919

Alice J. Duck, Clerk

TONEY RYAN AND EMMA RYAN,

Complainants,

VS.

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, Deceased,

Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2398

D E C R E E

This cause coming on to be heard is submitted for decree on the motion, made by complainants in open Court, to dismiss this cause without prejudice because of their inability, due to a scrivener's mistake in the preparation of a deed to them, to prove their title to the lands claimed by them which are the basis of this suit; and the same being considered and understood by the Court, and the Court being of the opinion that said motion should be granted, IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, BY THE COURT, AS FOLLOWS:

1. That this cause be, and it is hereby, dismissed without prejudice.
2. That the complainants, TONEY RYAN AND EMMA RYAN, be, and they are hereby, taxed with the costs of this cause, for which let execution issue.

DONE AND ORDERED this 19 day of November, 1957.

Hubert M. Voss  
J U D G E.

M  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

IN EQUITY. No. 2398 ~~2898~~

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TONEY RYAN AND EMMA RYAN,  
Complainants,

VS.

JAMES ADRIAN FULFORD, et al.  
Respondents.

\*\*\*\*\*

DE C R E E.

FILED

NOV 18 1957

ALICE J. DUCK, Registrar



TONY RYAN and EMMA RYAN,  
Complainants,  
VS.  
JAMES ADRIAN FULFORD, JOSEPH  
M. FULFORD, J. E. FULFORD,  
AMELIA BERNIUS (MRS. G. A.  
BERNIUS), SUSIE BURGESS, ROBER-  
TA WHITE, EILEENE SMITH, RUBY  
HATFIELD, WINNIE (WINONA)  
HASLETT, ARMITA BUCK, ALL BEING  
THE HEIRS OF HENRIETTA FULFORD,  
JAMES W. FULFORD,  
Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2398

MOTION TO REINSTATE

Come now TONY RYAN AND EMMA RYAN and show unto this Honorable Court as follows:

1. That they are the complainants in the above styled cause, that their bill of complaint in said cause was filed in this Honorable Court on, to-wit: the 7th day of December, 1944; that they have a meritorious cause of action; and that they employed Honorable Garett Van Antwerp of Mobile, Alabama, as their Solicitor to represent them in this action;

2. That on several occasions since their bill of complaint was filed as aforesaid this cause has been set down for hearing, and that, on each occasion, the cause was continued, as they were informed by their Solicitor, at the request of the respondents; that your complainants have at all times been ready and willing and anxious to have this cause heard by the Court and disposed of on its merits;

3. That since January, 1955, your complainants' Solicitor has been a member of the Senate of the State of Alabama, and has been out of his office much of the time, and that your complainants have tried time and time again to get him to get this cause heard by this Honorable Court;

4. That, on, to-wit: the 15th day of May, 1956, there was entered on the Docket Sheet of this cause the following notation, to-wit: "Death of Joseph Fulford suggested with leave to revive.";

5. That, on, to-wit: the 18th day of June, 1957, this Honorable Court made and entered a decree dismissing this cause out of this Honorable Court because, "The death of one of the respondents having been suggested and more than twelve months having elapsed and the cause not having been revived";

6. That your complainants know of their own knowledge that the "JOSEPH FULFORD" who died prior to the 15th day of May, 1956, was not the same JOSEPH M. FULFORD who is one of the respondents in this cause; that they live in the same Community, or near the same Community, where the said decedent lived, and that said decedent, JOSEPH FULFORD, was not, and is not, a descendant of HENRIETTA FULFORD, and was not a party to this cause;

7. That, as stated in Paragraph 1 hereof, your Complainants have a meritorious cause of action and they are ready and willing to try this cause on its merits at any time that may be convenient to this Honorable Court and to the Respondents;

WHEREFORE, THE PREMISES CONSIDERED, your complainants pray that this Honorable Court will take jurisdiction of this their Petition and will set the same down for a hearing and will give the Respondents, or their Solicitors, due notice thereof; and Complainants further pray that on a hearing hereof this Honorable Court will make and enter an Order or Decree setting aside and declaring null, void and of no effect the Decree of this Honorable Court, dated the 18th day of June, 1957, dismissing this cause out of this Honorable Court; and that Your Honor will make and enter an Order or Decree reinstating this cause on the trial docket of this Honorable Court and setting them same down for trial on such date as may be convenient to this Honorable Court and to the Respondents.

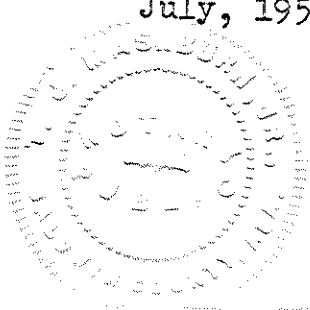
  
  
COMPLAINANTS (PETITIONERS)

STATE OF ALABAMA,    0  
                              0  
COUNTY OF BALDWIN.   0

Before me, T. J. Mashburn, Jr., a Notary Public in and for said County and State, personally appeared TONY RYAN AND EMMA RYAN, whose names are signed to the foregoing Motion to Reinstate and who are known to me, and who, being by me first duly and legally sworn, depose and say, on oath: "We are the Complainants in the above styled cause, and we signed the foregoing Motion to Reinstate and the allegations and statements contained in said Motion are true and correct." Further Deponents say not.


Sworn to and subscribed before me on this 6th day of  
July, 1957.



J. A. Marshall  
NOTARY PUBLIC, BALDWIN COUNTY, ALABAMA.

ORDER

The above and foregoing Motion to Reinstate was presented to me on the 9<sup>th</sup> day of July, 1957, and the same being considered, it is ORDERED, ADJUDGED AND DECREED by the Court that said motion be, and it is hereby, set down for hearing at 11 o'clock, A. M., on Tuesday, the 16th day of July, 1957.

DONE AND ORDERED this the 9 day of July, 1957.

Hubert M. Hall  
J U D G E.

I, as one of the Solicitors of Record for the respondents in this cause hereby accept service of a copy of the above and foregoing Motion to Reinstate and Order of the Court Setting the same for hearing.

This the 9<sup>th</sup> day of July, 1957.

H. P. Biche

FILED this the 9<sup>th</sup> day of July, 1957.

Reice J. Duck  
R E G I S T E R.

7/16/57 The foregoing motion Continued to Aug 15, 1957  
Hubert M. Hall

TONY RYAN AND EMMA RYAN,  
Complainants,  
VS.  
JAMES ADRIAN FULFORD, et  
al.,  
Respondents.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2398

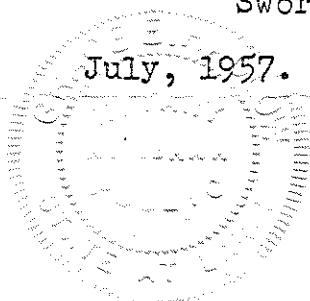
AFFIDAVIT

Before me, the undersigned authority in and for the State of Alabama, personally appeared ANGELINE FULFORD CALLOWAY, who is known to me and who, being by me first duly and legally sworn, deposes and says, on oath, as follows: "My name is ANGELINE FULFORD CALLOWAY. I am over the age of twenty-one years and I am a resident of said State and County, residing at Oyster Bay, Baldwin County, Alabama. I am the daughter of JOSEPH FULFORD, who departed this life, in Baldwin County, Alabama, on April 28, 1956. My Father was not a party to the above captioned suit; he was not a descendant, or heir, of Henrietta Fulford and had no connection with lands belonging to the said Henrietta Fulford, during her life time. It is my information and belief that the JOSEPH FULFORD who is a party to the above captioned suit is a resident of the State of Louisiana." Further Deponent says not.

Angeline Fulford Calloway

Sworn to and subscribed before me on this the 18<sup>th</sup> day of  
July, 1957.

Grace E. Faddow  
NOTARY PUBLIC, BALDWIN COUNTY, ALA.



IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
IN EQUITY. NO. 2398

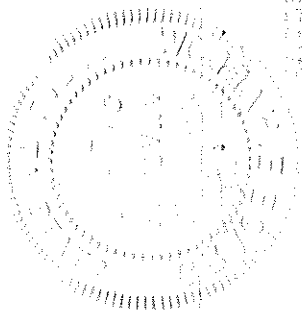
\*\*\*\*\*

TONY RYAN AND EMMA RYAN,  
Complainants,  
VS.  
JAMES ADRAIN FULFORD, etal.  
Respondents.

\*\*\*\*\*

AFFIDAVIT.

*Filed 8/15/95  
J. H. Hall Jr.*



TONEY RYAN and EMMA RYAN

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, ARMITA  
BUCK, ALL BEING THE HEIRS OF  
HENRIETTA FULFORD, JAMES W. FUL-  
FORD,

DEFENDANTS

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 complainants be and they are taxed with the costs of Court in this cause, for which let execution issue.

Done this the 12 day of June, 1957.

Hubert M. Hall  
Judge

TONNY RYAN AND EMMA RYAN,	)	IN THE CIRCUIT COURT OF
Complainants,	)	BALDWIN COUNTY, ALABAMA
VS.	)	
JAMES ADRIAN FULFORD, JOSEPH	)	
H. FULFORD, J. E. FULFORD,	)	
AMELIA BERNIUS (MRS. C. A.	)	
BERNIUS), SUSIE BURGESS,	)	
ROBERTA WHITE, EILEENE SMITH,	)	
RUEY HATFIELD, WINNIE (WINONA)	)	
HASLETT, ARMITTA BUCK, ALL BEING	)	
THE HEIRS OF HENRIETTA FULFORD,	)	
JAMES W. FULFORD, BLAINE DICKMAN,	)	
ERNEST WIGSTROM AND FRANK STURMA,	)	
Respondents.	)	IN EQUITY. NO. _____

TO THE HONORABLE TELFAIR WASHBURN, JR., JUDGE OF SAID COURT, SITTING  
IN EQUITY.

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

ONE

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

TWO

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, a son of Henrietta Fulford, whose address, complainants are informed and believe, is 1071 Cottrell Street, Mobile, Alabama; Amelia Bernius (Mrs. C. A. Bernius), a daughter of Henrietta Fulford, who, according to complainant's 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 complainant's information and belief, resides at or near Gulf Shores, in Baldwin County, Alabama; Roberta White, a daughter of Henrietta Fulford, who, according to complainant's information and belief, resides at or near Gulf Shores, in Baldwin County, Alabama; Eileene Smith, a daughter of Henrietta Fulford, who, according to complainant's information and belief, is a non-resident of the State of Alabama whose

address is otherwise unknown to Complainants, 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 complainant's information and belief, is a non-resident of the State of Alabama, whose address is 3012 Dormont Avenue, South Hills, Pittsburg, Pennsylvania; Winnie (Winona) Maslett, 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, Blaine Dickman, Ernest Wigstrom and Frank Sturma, are each over the age of twenty-one years and reside in Baldwin County, Alabama.

### THREE

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.

FOUR

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 said 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 to 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" (underscoring supplied); 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.

#### FIVE

Complainants aver that, at the time of the rendition of said decree, as alleged in Paragraph Four, above, the East Half of said Lot #1 of the division of the East half of said Section 6 was owned, and presently is owned, in fee simple by Respondent, James W. Fulford; that the West Half of said Lot #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 #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 Three above, and as alleged in said bill of complaint and confirmed by decree of said Chancery Court, as alleged in Paragraph Four 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.

Complainants further aver that they are the owners in fee simple of that portion of a tract of land in the West half of said Section 6,

which is commonly known and referred to as Lot One 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 land of the heirs of Henrietta Fulford on the West, the East boundary line of Complainant's said land being the said middle or dividing line of said Section 6 as hereinabove in this paragraph described, and the Southeast corner of Complainant's 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 Respondents, Elaine Dickman, Ernest Wigstrom and Frank Sturua own in fee simple that portion of said Lot #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 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 238, 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 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.

Complainants further aver that a true and correct map or plat is attached hereto, marked "Exhibit A" and made a part thereof, showing the locations and boundary lines of the respective parcels of land now owned or claimed by your Complainants and the sundry Respondents hereto, respectively. Complainants 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 as hereinabove described.

Complainants further aver that, although for many years, to-wit, more than 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 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 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

#### SIX

Your Complainants further allege that they caused to be constructed upon the said East boundary line of their said property, said line being the said middle or dividing line of said Section 6 as hereinabove described, a barbed wire fence; that Complainants, 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 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 land of Complainants to the West of said line and fence, 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 Complainants, did take down and destroy said barbed wire fence, and did erect a fence some distance, to-wit, 97 feet, 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 and did cut down and destroy six oak trees, and did cut down and destroy seven cypress trees, and did cut down and destroy forty-two pine trees, and did cut down and destroy three bay trees; all to the damage of your Complainants in the sum of Two Thousand Dollars (\$2,000.00).

PRAYER FOR PROCESS

THE PREMISES CONSIDERED, your Complainants pray that Respondents, James Adrian Fulford, Joseph H. Fulford, J. H. Fulford, Amelia Bernius (Mrs. G. A. Bernius), Susie Burgess, Roberta White, Eileene Smith, Ruby Hatfield, Winnie (Winona) Haslett, Armita Buck, all being the heirs of Henrietta Fulford, Respondent, James H. Fulford, and Respondents, Elvaine Dickman, Ernest Wigstrom and Frank Sturma, 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 #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 #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 #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 Respondents, Elaine Dickman, Ernest Wigstrom and Frank Sturma in said Lot #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 respondents, Elaine Dickman, Ernest Wigstrom and Frank Sturma in said Lot #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 #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 LeCoste 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 Pulford, and respondent, James W. Pulford, 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 Pulford, and respondent, James W. Pulford, forthwith to remove from the lands of 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 Pulford, and of respondent, James A. Pulford, in paragraph six 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 6 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.

Respectfully submitted,

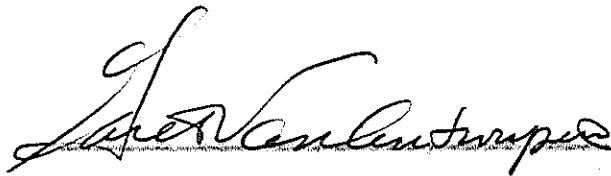
VAN ANTHONY & RECTOR

by: 

STATE OF ALABAMA )

COUNTY OF MOBILE )

BEFORE ME, Billie H. Kelly, a Notary Public in and for the State of Alabama At Large, personally appeared Caret Van Antwerp, III, who, being by me first duly sworn, under oath deposes and says that he is one of the Solicitors 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; Affiant further says that the residence of the Complainants is in the Southern portion of Baldwin County at a point inconvenient of access and that at least one of the Complainants, to-wit, Toney Ryan, and possibly both Complainants, are temporarily absent from the State of Alabama, but that both of them are bona fide resident citizens of this State.

  
Caret Van Antwerp, III

Subscribed and sworn to before me this 1st day of December, 1949

  
Billie H. Kelly  
Notary Public, State of Alabama at Large

FILED

DEC 1 1949  
MOBILE ALA



TONY RYAN, AND EMMA RYAN,  
Complainants,  
VS.  
JAMES ADRIAN FULFORD, ET AL.,  
Respondents.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY, ALABAMA  
IN EQUITY  
NO. 2398

It appearing to the Court that this matter was instituted on December 7, 1949. That it has been continued from time to time and no effort has been made toward a final disposition thereof.

It is the opinion of the Court that this matter should be tried with the least possible delay.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this case be set down for a hearing on Wednesday, November 13, 1957, at 9:00 o'clock A. M. in the Court Room at Bay Minette, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Register of this Court give due notice to the Complainants and the Respondents and the Respective Solicitors of record for the Complainants and the Respondents of this setting.

Dated at Bay Minette, Alabama, this 15th day of October, 1957.

Hubert M. Hale  
Judge, 28th Judicial Circuit  
of Alabama.

CIVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 2398 Feb. TERM, 1956

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

You Are Hereby Commanded to Summon Lillian Chanis - 253 West Branch,  
M. Landersbaugh, 416 Hillside Drive, Chickasaw, Ala.

if to be found in your County, at the instance of the Resp'ts

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 9:00 o'clock of the forenoon, on the 20 day of Feb., 1956, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein Torrey Ryan, et al, Plaintiff and James Adrian Fulford Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 10 day of Feb., 1956.

Alvin J. Duck Clerk.

Received in office this 10 day of

Sub, 1956  
Rayton Williams  
SHERIFF

I have executed this writ:

by serving copies on  
William Chanial and M.  
Lauderbaugh  
Feb. 15,  
1956.

Ray H. Bridges  
SHERIFF

H. B. Sanders, Jr.

ORIGINAL

No. 2398 Page \_\_\_\_\_

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lonny Ryan, et al

Plaintiff

Vs.

James Adrian  
Fulford, et al

Defendant

CIVIL SUBPOENA

Issued this 10 day of

Feb., 1956

Alvin J. Duck  
Clerk

*Equity*

CIVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 2398 Feb. TERM, 195 6

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS:

1- H. W. Graham - Fairhope

2- Claude Arnold - "

3- Lee Calloway - Gulf Shores, Ala.

4- J. B. Childress, Foley, Ala.

You Are Hereby Commanded to Summon

if to be found in your County, at the instance of the Respt.

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof, by 9:00 o'clock of the forenoon, on the 20 day of February, 1956, and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain cause pending, wherein:

Lonny Ryan, et al., Plaintiff and James  
Adrian Fulford, Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 10 day of Feb., 1956

Alice J. Duck Clerk.

19

Received in office this 10 day of

Feb, 1956

Rayton Wilkins  
SHERIFF

I have executed this writ:

SHERIFF

ORIGINAL

No. 2398

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Lonny Ryan, et al

Plaintiff

Vs.

James Adrian Fulford

Defendant

CIVIL SUBPOENA

Issued this 20 day of

Feb., 1956

Chas J. Duck  
Clerk

TONEY RYAN AND EMMA RYAN,  
COMPLAINANTS,  
VS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

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,  
JAMES W. FULFORD, BLAINE DICKMAN,  
ERNEST WIGSTROM AND FRANK STURMA,  
RESPONDENTS.

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 as  
grounds of demurrer say:

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:

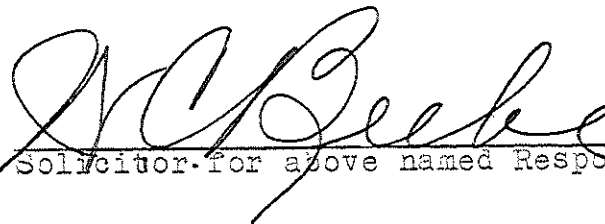
Said bill shows on its face that the respondents are in possession of the said lands under claim of ownership, and does not allege any facts upon which this court could dispossess them.

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.

  
Solicitor for above named Respondents.

Form 3877  
(Rev. 10-13-41) **APPLICATION FOR POSTAL REGISTRATION AND CERTIFICATE OF DECLARED VALUE OF MATTER SUBJECT TO POSTAL SURCHARGE**  
(No collection of surcharge is required on international registered mail)

The undersigned sender hereby applies for the registration of the articles described on this sheet and certifies that the amounts of the declared values set forth on the sheet are the full values of the articles listed, or the known or estimated cost of duplication in the case of nonnegotiable securities and that the amounts of commercial insurance placed on the matter to be registered as stated on this sheet are also correct.

RECEIVED from Alice C. C. C. the following-described  
pieces of Registered mail.  
(Insert "Registered" or "Registered O. O. D.")

(Signature of sender)

NOTE.—Additional receipted copies of this bill will be furnished as certificates of mailing only, upon payment of one cent for each article listed on each additional copy of the bill. Claims for indemnity may not be paid unless articles are properly packed and indorsed, and unless claims are filed within the prescribed time limits. (See postmaster for detailed information.)

(1) NUMBER OF ARTICLE	(2) NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	(3) CLASS	(4) Postage (exclusive of other charges or fees)	(5) Registry fee	(6) Fee paid for return receipt	(7) Special delivery fee	(8) Amount due sender if C. O. D.	(9) *Indorse- ment on article if fragile	(10) Delivery restricted —Fee paid	(11) Value of any contents on which surcharge is based on value only or value and length of haul instead of cost of duplication. If of no value, so state	(12) Known or esti- mated cost of du- plication of con- tents on which surcharge is based on cost of dupli- cation, as dis- tinguished from the full value	(13) Total of items 11 and 12	(14) Total surcharge on entire contents of article	(15) Total contents covered by commercial insurance in amount of—	(16) Remarks
5020	Eileen Smith, Mobile Ala	1	9	25	5				20	5.00					
5021	Janus Adams, Truford, New York	1	9	25	5				20	5.00					
5022	Anglin Burns, Mobile Ala	1	9	25	5				20	5.00					
5023	Ruby Hatfield, Pittsburg Pa	1	9	25	5				20	5.00					
5024	Winnie Gastitt, 11, 11	1	9	25	5				20	5.00					
5025	Joseph H. Telford, Algiers La	1	9	25	5				20	5.00					
7															
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12															
13															
14															
15															

\* Mark "F" if "Fragile."

NOTE.—Diagonal mark must be drawn through lines not used.

Total number of pieces listed by sender

(Write number here in words)

Total number of pieces received at post office

Postmaster, per

(Name of receiving employee)

Affix stamp here for additional copies of this bill



Postmark and date of receipt



Range 3 East  
Range 4 East

4822 ±

5

4

3

2

E 1/2 1

W 1/2 1

Robert L Fulford.

Henrietta Fulford.

Tony Ryan

9000'

2475.8'  
Measured

Iron

Concrete

Iron

Iron

50' E 166.7

Line Highway

100 100 25

Plat of Survey

Lot No. 1

West portion Augustine La Coste

Section 6, T. 9 S., R. 3 E.

Date 11-25-49.

Scale 1" = 300'

I hereby certify to the correctness of this  
survey and plat. *Dunstall Payne, Surveyor*  
Reg. # 1583

2,900 n.





ision line

E 1/2 1

Robert L Fulford.

W 1/2 1

Henrietta Fulford.

1

Tony Ryan

2

3

iron

iron

iron

.929

100

100

25

concrete

Highway

166.7

N 61° 30' E

.099

N 35° 30' E 153.4

754.7

N 60° 15' E

577° 00' E 910'

original stake  
N.L. Duroon +  
survey

Little Lagoon

Little

Date 11

50

Note: All markers shown here were in place when



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 as hereinabove described.

Complainants further aver that, although for many years, to-wit, more than 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 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 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

#### SIX

Your Complainants further allege that they caused to be constructed upon the said East boundary line of their said property, said line being the said middle or dividing line of said Section 6 as hereinabove described, a barbed wire fence; that Complainants, 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 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 land of Complainants to the West of said line and fence, 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 Complainants, did take down and destroy said barbed wire fence, and did erect a fence some distance, to-wit, 97 feet, 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 heris 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 and did cut down and destroy six oak trees, and did cut down and destroy seven cypress trees, and did cut down and destroy forty-two pine trees, and did cut down and destroy three bay trees; all to the damage of your Complainants in the sum of Two Thousand Dollars (\$2,000.00).

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, Armita Buck, all being the heirs of Henrietta Fulford, Respondent, James W. Fulford, and Respondents, Blaine Dickman, Ernest Wigstrom and Frank Sturma, 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 #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 #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 #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 Respondents, Blaine Dickman, Ernest Wigstrom and Frank Sturma in said Lot #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 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.

4. That the 25 foot strip of land lying and situate between the said lands of respondents, Blaine Dickman, Ernest Wigstrom and Frank Sturma in said Lot #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 #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 LaCeste 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 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 A. Fulford, in paragraph six 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 6 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.

Respectfully submitted,


VAN ANTWERP & RECTOR

by:

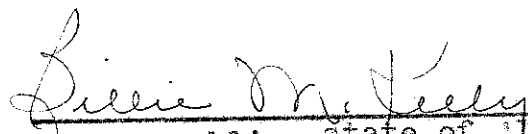
  
Garet Van Antwerp, III

STATE OF ALABAMA )  
COUNTY OF MOBILE )

BEFORE ME, Billie M. Kelly, a Notary Public in and for the State of Alabama At Large, personally appeared Garet Van Antwerp, III, who, being by me first duly sworn, under oath deposes and says that he is one of the Solicitors 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; Affiant further says that the residence of the Complainants is in the Southern portion of Baldwin County at a point inconvenient of access and that at least one of the Complainants, to-wit, Toney Ryan, and possibly both Complainants, are temporarily absent from the State of Alabama, but that both of them are bona fide resident citizens of this State.

  
\_\_\_\_\_

Subscribed and sworn to before me this 1st day of December, 1949.

  
\_\_\_\_\_  
Notary Public, State of Alabama At Large

FILED

DEC 1 1949

ALBANY, ALABAMA



division line

Range 3 East  
Range 4 East

4022 ±

5

4

3

2

E 1/2 1

W 1/2 1

Robert L Fulford.

Henrietta Fulford.

Tony Ryan

2475.8'  
Measured

9000'

iron

iron

iron

Concrete Highway

100

100

100

30° E 166.7'

2900 n.

Plot of Survey  
of  
Lot No. 1

West portion Augustine La Coste  
Section 6, T. 9 S., R. 3 E.

Date 11-25-49.

Scale 1" = 300'

I hereby certify to the correctness of this  
survey and plat.  
Dunstable, Arizona, Surveyor  
Reg. # 1583







SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2398

Fall TERM, 19 49

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JAMES ADRIAN FULFORD et als.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

JAMES ADRIAN FULFORD et als.

, Defendant

by TONY RYAN AND EMMA RYAN

, Plaintiff

Witness my hand this 7th day of Dec. 19 49

Alice J. Wicks

, Clerk

MRS. R. S. DUCK

CIRCUIT CLERK

BALDWIN COUNTY

BAY MINETTE, ALA.



Second Notice No R  
First Notice, Mailed

For better  
Mailed, Let  
No such ed

REGISTERED

NO. 5020

Deliver to Addressee Only

Eileen Smith,  
c/o 1071 Cottrell St.,  
Mobile, Alabama

RETURN RECEIPT REQUESTED

Registered

For Delivery Only To Person  
To Whom Addressed

Return Receipt Requested

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

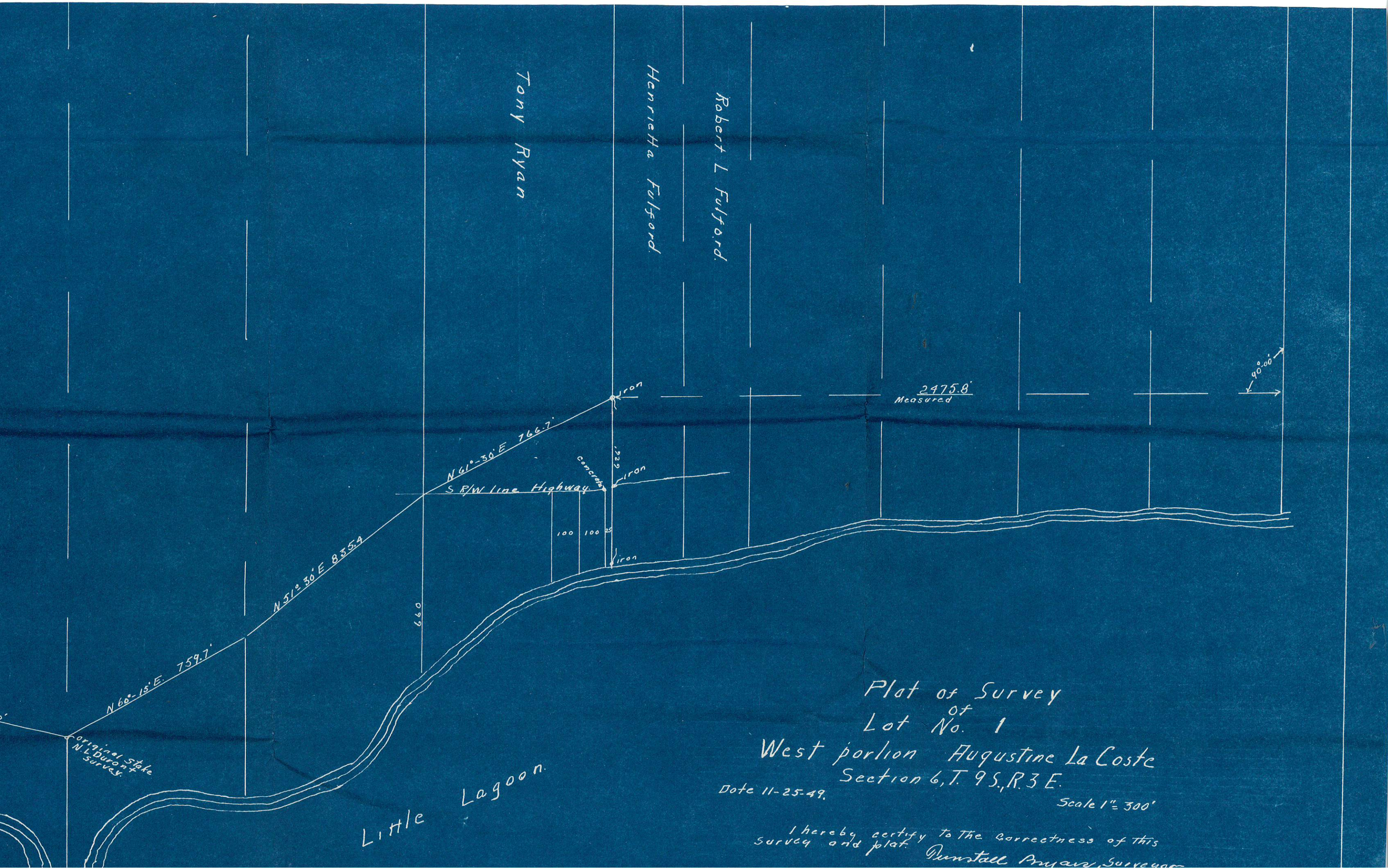
No. 2398

Fall TERM, 19 49

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JAMES ADRIAN FULFORD, et als.







Range 3 East  
Range 4 East

Division line

Oyster Bay (Bay John)

1870  
old corner



THE STATE OF ALABAMA, Baldwin County. S. D. Page No. CIRCUIT COURT  
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 2398 Feb. Term, 1956  
YOU ARE HEREBY COMMANDED TO SUMMON H. W. Graham

if to be found in your County, at the instance of the Resp't.  
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House  
thereof, by 9:00 o'clock of the forenoon, on the 20 day of Feb., 1956, and from day  
to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a  
certain cause pending, wherein Tony Ryan, et al, Plaintiff and James D. Telford Defendant.  
Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 10 day of Feb., 1956  
Alvin J. Duck CLERK.

THE STATE OF ALABAMA, Baldwin County. S. D. Page No. CIRCUIT COURT  
TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: Case No. 2398 Feb. Term, 1956  
YOU ARE HEREBY COMMANDED TO SUMMON J. D. Childress, Foley, Ala.

if to be found in your County, at the instance of the Resp't.  
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House  
hereof, by 9:00 o'clock of the forenoon, on the 20 day of Feb., 1956, and from day  
to day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a  
certain cause pending, wherein Tony Ryan, et al, Plaintiff and J. A. Telford Defendant.  
Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 10 day of Feb., 1956  
Alvin J. Duck CLERK.

MRS. R. S. DUCK

CIRCUIT CLERK

BALDWIN COUNTY

BAY MINETTE, ALA.



Registered

For Delivery Only To Person  
To Whom Addressed

Return Requested

REASON FOR  
Unclassified  
Unknown  
For  
Moved  
No such  
No such



Deliver to Addressee Only

Amelia Bernius,  
c/o 1071 Cottrell St.,  
Mobile, Alabama

RETURN RECEIPT REQUESTED

Second Notice  
to First Notice. Mail

"HOLD"

DEC 3 1949

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2398

Fall TERM, 1949

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JAMES ADRIAN FULFORD et als.



No. 398

Page \_\_\_\_\_

**THE STATE OF ALABAMA**

BALDWIN COUNTY

**CIRCUIT COURT**

TONEY RYAN AND EMMA RYAN

Plaintiffs

vs.

JAMES ADRIAN FURFORD et als.

Defendants

**SUMMONS and COMPLAINT**

Filed 12-7, 19 49

Chas. J. French, Clerk

X/5 Armita Beuch

X/12 J.E. Hulford

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at \_\_\_\_\_

RECEIVED IN OFFICE

Dec. 8, 19 49

Walter W. ... Sheriff

I have executed this summons

this 12+13 Dec., 19 49  
by leaving a copy with

Armita Beuch

J.E. Hulford

W. H. Holcombe Sheriff  
H. Sanders  
Allie Tartigue