

2443

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Willye C. Metzger, Ella Juanita Summerlin, William C. Strain, Annie Mary Strain and John E. Price, to appear and plead, answer or demur within thirty days from the service hereof to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, in equity, by Corte Realty Company, Inc., a corporation, as Complainant and against Willye C. Metzger, Ella Juanita Summerlin, William C. Strain, Annie Mary Strain and John E. Price, as Respondents.

WITNESS my hand this the 10<sup>th</sup> day of March, 1950.

W. J. Ruck  
Register

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CORTE REALTY COMPANY, INC.,  
A CORPORATION.

COMPLAINANT

VS.

WILLYE C. METZGER, ELLA JUANITA  
SUMMERLIN, WILLIAM C. STRAIN,  
ANNIE MARY STRAIN and JOHN E.  
PRICE.

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO HONORABLE TELFAIR J. WASHBURN JR., JUDGE OF THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA:

Now comes the Complainant, Corte Realty Company, Inc., a corporation,  
and humbly complaining against the Respondents, Willye C. Metzger, Ella Juanita  
Summerlin, William C. Strain, Annie Mary Strain and John E. Price, respectfully  
represents unto your Honor and this Honorable Court as follows:

1. That your Complainant is a corporation, duly organized and existing  
under the laws of the State of Alabama with its principle place of business  
at Loxley, in Baldwin County, Alabama.
2. That the Respondents are all over the age of twenty-one years and  
residents of Baldwin County, Alabama, living at Battles Wharf.
3. That the property at Battles Wharf, an unincorporated town in Section  
25, Township 6 South, Range 1 East, in Baldwin County, Alabama, was some years  
ago, platted and streets designated among them De Briere Avenue, Woolworth Avenue  
and Battles Avenue or Battles Lane, running East and West and Curran Street, and  
other streets, running North and South; that the property abutting upon the said  
avenues and streets has been conveyed with reference to said streets and avenues.

4. That the Complainant owns land at Battles Warf, abutting Curran Street; that the Respondents also own land at Battles Warf abutting Curran Street.

5. That the Complainant at the time it bought property at Battles Warf abutting the said Curran Street, it was understood that the said Curran Street, had been surveyed out, and that the property was conveyed with reference to said Street.

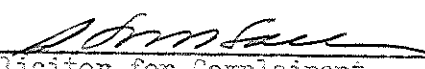
6. That the said Curran Street, a street 50 feet in width, runs Northwardly from the old Point Clear Fairhope road across De Briere to Battles Lane; that said Curran Street is a public street.

7. That the Respondents have recently placed, and/or maintaining obstructions in the said Curran Street, adjacent to the property of the Complainant, which materially affects the accessibility to the property of the Complainant abutting said Curran Street; that said obstructions were made without the consent or approval of the Complainant.

8. That the conduct of the Respondents in obstructing and/or maintaining obstructions in the said Curran Street constitutes a continuing nuisance.

WHEREFORE the premises considered your Complainant prays that your Honor will by proper process make the said Willye C. Metzger, Ella Juanita Summerlin, William C. Strain, Annie Mary Strain and John E. Price, parties respondent to this bill of complaint requiring them and each of them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a hearing hereof this Honorable Court will make and enter an order directing and requiring the Respondents to move any obstructions placed and/or maintained by them or any of them in the said Curran Street; that a perpetual injunction be granted forever prohibiting the Respondents or any of them from obstructing, or maintaining any obstructions in the Curran Street; that this Honorable Court will give and grant to your Complainant such other, further, different or general relief as it may be in equity and good conscience entitled to receive.

  
Solicitor for Complainant.

70 2443

BILL OF COMPLAINT

CORTE REALTY COMPANY, INC.,  
A CORPORATION

COMPLAINANT

VS.

WILLYN C. METZGER, ELLE JOANITA  
SUMMERLIN, WILLIAM C. STRAIN,  
ANNIE MARY STRAIN and JOHN E.  
PRICE.

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN REPLY

In law office of Hubert E.  
Hall.

Dated this <sup>10th</sup> day of March, 1950.

Deicy French

Received in Sheriff's Office  
this 10 day of Mar, 1950  
TAYLOR WILKINS, Sheriff

Executed \_\_\_\_\_ 19 \_\_\_\_  
by serving copy of within Summons and  
Complaint on

Annie Mary Strain 3-15-50

John E. Price 3-15-50

William C. Strain 5-27-50

Willye C. Metzger 5-31-50

Taylor Wilkins Sheriff

By 147 Hall Deputy Sheriff

Returned 31 day of May 1950

Not found in my county after diligent search and it  
city. as to Elle Joanita Summerlin  
out of state Taylor Wilkins, Sheriff

By 147 Hall Deputy Sheriff

Honorable Telfair Mashburn  
Judge of the Circuit Court  
Bay Minette, Alabama

June 22nd 1951

Dear Judge:

I write you this letter in connection with the case of

Corte Realty Company, Inc. vs Willye C. Metzger and others  
In Equity

I am named as one of the Respondents. I own property on the east side of Curran Street which is closed southward to Highway 89. It is true that certain roads were indicated in the original lay out, among them Curran Street and De Briere Street which runs westward from Curran to the Bay Road. I am willing and prepared to do what is necessary to conform with the original lay out but I do feel that all other property owners who own land bordering on these roads should do likewise. The Corte Corporation seeks to compel me to do an equitable thing in keeping Curran Street completely open as planned but they do not indicate any willingness on their part to likewise in keeping De Briere Street completely open. De Briere Street runs eastward into Curran almost in the back of my land. They have fenced 25 feet of De Briere thereby reducing it to half of the intended width. Are they being equitable? Further, Lonnie Mann owns the piece next south of me and also borders Curran Street but there is no mention of any demand upon the Manns to open that portion of Curran Street. I feel that the Manns should be made a party to this suit so that full and complete equity can be performed.

I wish this letter to be considered as my appearance and wish to go on record as being willing to do my part toward conforming with the intent to provide roads in the original surveys or conveyances establishing such roads. I believe that all matters affecting the entire tract should be considered so that all land owners on Curran and De Briere Streets should be compelled to perform, whether by decree or by compromise agreement.

Respectfully yours,

We, the undersigned Respondents,  
are in accord with the action  
and statements set forth herein-  
above:

*Lonnie Mann*  
*William C. Strain*

*Willye C. Metzger*  
Willye C. Metzger



STATE OF ALABAMA }  
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

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WITNESS my hand this the 10th day of March, 1950.

Wesley Duck  
Register

=====

CORTE REALTY COMPANY, INC.,  
A CORPORATION.

COMPLAINANT

VS.

WILLYE C. METZGER, ELLA JUANITA  
SUMMERLIN, WILLIAM C. STRAIN,  
ANNIE MARY STRAIN and JOHN E.  
PRICE.

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

TO HONORABLE TELFAIR J. WASHBURN JR., JUDGE OF THE PROBATE COURT OF  
BALDWIN COUNTY, ALABAMA:

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and humbly complaining against the Respondents, Willye C. Metzger, Ella Juanita  
Summerlin, William C. Strain, Annie Mary Strain and John E. Price, respectfully  
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at Loxley, in Baldwin County, Alabama.
2. That the Respondents are all over the age of twenty-one years and  
residents of Baldwin County, Alabama, living at Battles Wharf.
3. That the property at Battles Wharf, an unincorporated town in Section  
25, Township 6 South, Range 1 East, in Baldwin County, Alabama, was some years  
ago, platted and streets designated among them De Briere Avenue, Woolworth Avenue  
and Battles Avenue or Battles Lane, running East and West and Curran Street, and  
other streets, running North and South; that the property abutting upon the said  
avenues and streets has been conveyed with reference to said streets and avenues.

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4. That the Complainant owns land at Battles Warf, abutting Curran Street; that the Respondents also own land at Battles Warf abutting Curran Street.

5. That the Complainant at the time it bought property at Battles Warf abutting the said Curran Street, it was understood that the said Curran Street, had been surveyed out, and that the property was conveyed with reference to said Street.

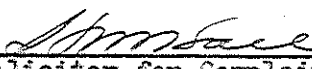
6. That the said Curran Street, a street 50 feet in width, runs Northwardly from the old Point Clear Fairhope road across De Briere to Battles Lane, that said Curran Street is a public Street.

7. That the Respondents have recently placed, and/or maintaining obstructions in the said Curran Street, adjacent to the property of the Complainant, which materially affects the accessibility to the property of the Complainant abutting said Curran Street; that said obstructions were made without the consent or approval of the Complainant.

8. That the conduct of the Respondents in obstructing and/or maintaining obstructions in the said Curran Street constitutes a continuing nuisance.

WHEREFORE the premises considered your Complainant prays that your Honor will by proper process make the said Willye C. Metzger, Ella Juanita Summerlin, William C. Strain, Annie Mary Strain and John E. Price, parties respondent to this bill of complaint requiring them and each of them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant further prays that upon a hearing hereof this Honorable Court will make and enter an order directing and requiring the Respondents to move any obstructions placed and/or maintained by them or any of them in the said Curran Street; that a perpetual injunction be granted forever prohibiting the Respondents or any of them from obstructing, or maintaining any obstructions in the Curran Street; that this Honorable Court will give and grant to your Complainant such other, further, different or general relief as it may be in equity and good conscience entitled to receive.

  
Solicitor for Complainant.

*[Signature]*

empty and good conscience entitled to receive.

Complainant such other, further, different or various relief as it may be in  
in the Court Street; that this Honorable Court will give and grant to him  
the respondents or any of them from operations, or maintaining any operations  
said Court Street; that a perpetual injunction be granted forever prohibiting  
move any operations placed and/or maintained by them or any of them in the  
Court will make and enter an order directing and redacting the respondents to  
your Complainant further prays that upon a hearing hereof this Honorable  
practice of this Honorable Court.

to the same within the time and under the penalties prescribed by law and the  
this bill of complaint redacting them and each of them to bleed, answer or deny  
William C. Stein, Anne Mary Stein and John E. Price, parties respondent to

will be understood as made the said William C. Stein, Anne Mary Stein and John E. Price

WHEREFORE the premises complained your Complainant prays that your Honor  
operations in the said Court Street constitutes a continuing nuisance.

8. That the conduct of the respondents in operating and/or maintaining  
or removal of the Complainant.

FILED  
MAR 10 1950  
ALICE J. DUCK, Register

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operating said Court Street; that said operations were made at the Court Street  
which materially affects the accessibility to the property of the Complainant  
known in the said Court Street adjacent to the property of the Complainant  
1. That the respondents have recently placed and/or maintaining operations  
there, that said Court Street is a public street.

whereby from the old point Green Highway road across to Baitles

9. That the said Court Street, a street 20 feet in width, runs North-  
said Street.

had been surveyed out, and that the property was conveyed with reference to  
splitting the said Court Street, it was understood that the said Court Street;

2. That the Complainant at the time it bought property at Baitles West  
that the respondents also own land at Baitles West splitting Court Street;

3. That the Complainant owns land at Baitles West, splitting Court Street;

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