

K. SAWADA  
Complainant

vs.

W. F. MANDRELL and  
ALFRED DANIEL BROWN and wife  
Defendants

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IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

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

BOOK

004

PAGE

31

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA SITTING IN EQUITY:

Comes your Complainant, K. SAWADA, and brings this Bill of  
Complaint against W. F. MANDRELL and ALFRED DANIEL BROWN, respect-  
fully showing unto this Honorable Court as follows:

ONE

Heretofore, on the 26th day of November 1945, the Complainant  
purchased the following described property in Baldwin County, Alabama,  
to-wit:

Lots Nineteen (19) and Twenty-nine (29) in Block One  
(1) of Peterson Point, a subdivision in Southeast  
Quarter of Section Two (2), Township Eight (8) South,  
Range Eight (8) in Baldwin County, Alabama, as per  
map records in Map Book 1 Page 82.

This deed was recorded in the Probate Court of Baldwin County,  
Alabama, on February 6, 1946, in Deed Book 103 Page 125, and Arthur  
Pearson and wife were the grantors therein.

TWO

Complainant alleges that he is an adult resident of Mobile  
County, Alabama and that Alfred Daniel Brown is an adult resident  
of Baldwin County, Alabama and that W. F. Mandrell is an adult  
resident of Mobile County, Alabama.

THREE

The Complainant alleges that on June 17, 1926, a map of the  
subdivision which included the lots described hereinabove was  
recorded in Map Book 1 Page 82 of the Probate Records of Baldwin  
County, Alabama and alleges that after the purchase of said lots  
from the said Arthur Pearson and wife in 1945 the Complainant  
assessed said property for taxation and has paid taxes on assess-  
ments made by him since the date of the purchase of said property  
by him.

FOUR

Arthur Pearson and Wilma J. Pearson acquired the property  
conveyed by them to K. Sawada under a warranty deed from W. F.

Mandrell and wife, by a deed dated December 4, 1943, and recorded in October of 1953, in the Probate Court of Baldwin County, Alabama.

FIVE

The Complainant alleges that W. F. Mandrell, the same person who executed said warranty deed on said lots to the said Pearson and wife did subsequently attempt to re-subdivide the same property and on the 4th day of October signed a certificate of ownership of the land described within the attempted subdivision which included the lots described in said Paragraph One above.

SIX

The Complainant alleges that the plat of the attempted re-subdivision dated October 1951, was recorded in the Probate Court of Baldwin County, Alabama, on October 5, 1951, and the property was named and designated as "Pine Wood Shores," a re-subdivision of Peterson Point, and alleges that said plat was prepared by Wm. Irby, Mobile, a registered surveyor.

SEVEN

The Complainant further alleges George Marinos signed the following certificate, "Certificate of Concord and Agreement:"

The undersigned George Marinos, owner of Lots 15 and 16 in Block 20 as shown upon the original map of Peterson Point hereby amended which said original map is duly recorded in Baldwin County, Alabama in Map Book 1, Page 82, consents, agrees to and joins in the re-subdivision of same as hereon set forth."

EIGHT

The Complainant alleges that W. F. Mandrell had previously executed the warranty deed covering said Lots 19 and 29 in Block 1, Peterson Point and, therefore, knew, or should have known, that the certificate of ownership as signed by the said W. F. Mandrell on October 4, 1951, was incorrect.

The Complainant alleges that on October 3, 1951, W. F. Mandrell and wife executed a warranty deed conveying Lot 2 of Block 11 of Pine Wood Shores to the Defendant Alfred Daniel Brown and alleges that this Lot 2 comprises the same or substantially the same land as Lots 19 and 29 of Block 1 of the map of Peterson Point.

NINE

The Complainant alleges that at the time of the attempted subdivision of Pine Wood Shores, Lots 19 and 29 of Peterson Point were owned by the Complainant and the deed to the Complainant had been filed for record and said lots were being assessed.

TEN

The Complainant alleges that the attempted subdivision of Pine Wood Shores was void and of no affect insofar as the same includes the said lots owned by the Complainant and insofar as the same attempts to change the name of the subdivision or the numbers of the lots is concerned.

ELEVEN

The Complainant alleges that the deed from the said W. F. Mandrell and wife to Albert Daniel Brown dated October 23, 1951, is null and void insofar as the attempts to convey to Albert Daniel Brown any right, title or interest in or to the property owned by the Complainant and described in Paragraph One hereof.

TWELVE

The Complainant further alleges that the attempted subdivision of Pine Wood Shores is void and should be vacated.

THIRTEEN

The Complainant alleges that the owner, W. F. Mandrell failed to obtain any approval for the filing of this plat to Pine Wood Shores and alleges that the filing thereof, if valid, would have the affect of annulling or vacating the previous plat under which the Complainant acquired title and alleges that the failure of the defendant, W. F. Mandrell to conform to the provisions of Chapter 3 Article 1, Sections 26-31, inclusive, Title 56 of the Code of 1940 is a defect in the procedure necessary to validate said subsequent plat purporting to be a plat of Pine Wood Shores.

FOURTEEN

The Complainant alleges that the Defendants, W. F. Mandrell, and Albert Daniel Brown, have no right, title or interest in or to the property described in Paragraph One hereof.

PRAAYER

Complainant prays that the defendants be made parties to this cause according to the rules and practices of this Honorable Court and that they be required to plead, answer, or demurr hereto within the time allowed by law and such practices that at a hearing of the cause this Honorable Court will order, adjudge and decree that the Complainant, K. Sawada, is vested with the title to the

land described in Paragraph One of the Complaint and that the Defendants, W. F. Mandrell and Albert Daniel Brown, have no right, title or interest therein and will further order, adjudge and decree that the attempted subdivision called Pine Wood Shores be vacated and that the attempt to subdivide said property is null and void and further that said attempted re-subdivision insofar as it affects lands described in the deed to Complainant referred to herein is null and void and Complainant prays for such other further or different relief as they may be entitled to in the premises.



Gaillard & Gaillard  
Attorneys for the Complainant

BOOK 001 PAGE 37

I, K. Sawada, the Complainant in the above styled  
cause, have read over said complaint and the matters  
alleged therein are true and correct.

K. Sawada  
K. SAWADA

Subscribed and sworn to before  
me this 23rd day of February,  
1954.

Alston F. Dyer  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

no 3206

FILED  
FEB 23 1954  
ALICE I. DUCK, Register

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon W. F. Mandrell and Alfred Daniel Brown  
and Wife

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Com-  
plaint filed in said Circuit Court, in equity, for said County of said State.

by K. Sawada

against W. F. Mandrill, Alfred Brown and wife

Herein fail not. Due return make of this writ as the law directs.

Witness this 26th day of February, 19 54

George F. Ruck, Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

Code 1923-6528-6529

BOOK 004 PAGE 36

# The State of Alabama

Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY

K. SAWADA

vs.

W. F. MANDRELL AND ALFRED

DANIEL BROWN AND WIFE

## SUMMONS

Returned by the Sheriff and filed in office, this  
the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_, Register.

*(3) Williams*  
*St*

FILED

FEB 26 1954

ALICE J. DICK, Register

*Adams*

Received in office, this the *26* day of

19*54*

*Raynor & Selig*, Sheriff.

I have executed the within by leaving a copy  
thereof with *W. H. Mandrell*

MAY 3 1954

*Alfred & wife*  
*Brown*  
*Mr. H. M. Brown*  
*By*

defendant named herein, on this the *6th*

day of *March*, 19*54*

*W. H. Holcomb*, Sheriff.

By *R. H. Matthes*, Deputy.



TONSMEIRE & HODNETTE  
ATTORNEYS AND COUNSELLORS AT LAW  
ANNEX FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

GEORGE A. TONSMEIRE  
ROBERT E. HODNETTE, JR.  
STOVA F. MCFADDEN

April 24, 1956

Judge Hubert M. Hall  
Bay Minette, Alabama

Dear Judge Hall:

Thank you for your letter of April 11 relative to  
the matter of Sawada vs Mandrell, No. 3206.

Under the terms of our agreement with Mr. Gaillard  
the suit was to be dismissed with prejudice and we are sending  
him a copy of this letter to remind him to have this matter  
taken care of.

Yours very truly,

TONSMEIRE & HODNETTE

  
George A. Tonsmeire

vg

GIBSON AND GIBSON

1605-16 COMER BUILDING

BIRMINGHAM 3, ALABAMA

WHITE E. GIBSON  
WHITE E. GIBSON, JR.  
DAN M. GIBSON

5 May, 1954

Mrs. Alice J. Duck  
Register in Chancery  
Baldwin County Court House  
Bay Minette, Alabama

Dear Mrs. Duck:

Re: Case No. 3206  
K. Sawada v. W. F.  
Mandrill et al.

---

Attached is demurrer of respondent, Alfred Daniel Brown, which we shall appreciate your filing in the above case.

Please date, sign and return to us the attached receipt for our file.

Thanking you, we are

Yours very truly,

GIBSON AND GIBSON

WEG Jr/A  
Enc.

By

*White Gibson, Jr.*

GIBSON AND GIBSON

1605-16 COMER BUILDING

BIRMINGHAM 3, ALABAMA

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WHITE E. GIBSON, JR.  
DAN M. GIBSON

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By

*White Gibson, Jr.*

K. Sawada,  
Complainant,  
VS.  
W. F. Mandrell,  
Respondent.

IN THE  
CIRCUIT COURT OF BALDWIN COUNTY,  
ALABAMA. IN EQUITY  
NO. 3206

This cause being regularly called, and the respective parties, acting by and through their Solicitors of Record, requests that this cause be dismissed with prejudice.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be and the same is hereby dismissed, with prejudice.

Dated this 2nd day of May, 1956.

  
Judge of the 28th Judicial Circuit

Page 2

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Page 2

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Page 2

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Filed  
5-9-56  
AUGUSTINE  
RECEIVED

K. SAWADA,	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA
V.	)	IN EQUITY
W. F. MANDRILL and	)	No. 3206
ALFRED DANIEL BROWN and	)	
wife,	)	
RESPONDENTS	)	

Now comes the respondent, Alfred Daniel Brown, in the above styled cause, by his solicitors, Gibson and Gibson, and demurs to each paragraph of complainant's bill of complaint, separately and severally, and for grounds of demurrer thereto separately and severally assigns the following:

1. For that there is no equity in the bill.

GIBSON AND GIBSON  
SOLICITORS FOR RESPONDENT,  
ALFRED DANIEL BROWN

By White Gibson, Jf.