

CARL HANSELMAN,
Complainant,
-vs-
ANNA H. NAGELE,
Respondent.

)
IN THE CIRCUIT COURT--IN EQUITY
STATE OF ALABAMA
BALDWIN COUNTY.

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

FIRST:

That there is no equity in said Bill.

Herbert S. Hanson
Solicitors for Respondent.

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To this Motion the Respondent filed her Demurrer, assigning several grounds, which appear therein as follows:-

1. That said Motion shows no reason or ground for the Court to permit the Complainant to redeem the lands involved in this suit in accordance with Section 3108 of the Code.
2. That the Answer heretofore filed by this Defendant to the Bill of Complaint in this cause denies the ownership of the lands involved by the Complainant, and expressly alleges that the ownership of the same is in her.
3. That the Answer in this cause filed by the Defendant to the Bill of Complaint in this cause asserts that she is in the actual possession of said lands.
4. That the material inquiries under the pleading; that is, under the Bill of Complaint and the Answer thereto, are as to the ownership of the property involved, and also as to possession of the same.
5. Before the Complainant is entitled to maintain said Motion, it would have to be admitted in the pleading that the Complainant was in the possession of the land at the time that he filed his Bill of Complaint, which fact is emphatically denied by the Defendant in her Answer to said Bill of Complaint.
6. In the present status of the record in this case the aforesaid Motion is inapplicable and inept.
7. That the aforesaid Motion is premature.
8. That the only way that the law sets up for the

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be sustained.

Hyatt & Gerson
Solicitors for Respondent.

We hereby certify that we have this day mailed a copy of the within Brief to Hon. Lloyd A. Magney, Foley, Alabama, Solicitor for Complainant, postage prepaid.

Dated this 16th day of December, 1937.

Hyatt & Gerson
Solicitors for Respondent.

CARL HANSELMAN,

Complainant,

-vs-

ANNA H. NAGELE,

Respondent.

IN THE CIRCUIT COURT--EQUITY SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Defendant in the aforesaid cause, and files this, her Demurrer to the Motion heretofore filed by the Complainant, and as grounds therefor, says:-

1st. That said Motion shows no reason or ground for the Court to permit the Complainant to redeem the lands involved in this suit in accordance with Section 3108 of the Code.

2nd. That the Answer heretofore filed by this Defendant to the Bill of Complaint in this cause denies the ownership of the lands involved by the Complainant, and expressly alleges that the ownership of the same is in her.

3rd. That the Answer in this cause filed by the Defendant to the Bill of Complaint in this cause asserts that she is in the actual possession of said lands.

4th. That the material inquiries under the pleading; that is, under the Bill of Complaint and the Answer thereto, are as to the ownership of the property involved, and also as to possession of the same.

5th. Before the Complainant is entitled to maintain said Motion, it would have to be admitted in the pleading that the Complainant was in the possession of the land at the time that he filed his Bill of Complaint, which fact is emphatically denied by the Defendant in her Answer to said Bill of Complaint.

6th. In the present status of the record in this case the aforesaid Motion is inapplicable and inept.

7th. That the aforesaid Motion is premature.

8th. That the only way that the law sets up for the determination of the question of ownership and possession of the property involved in this suit in the present status of the record

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is the orderly procedure of an ordinary Bill and Answer thereto
in Chancery for the removal of a cloud from the title.

Wm. H. H. H. H.
Solicitors for Respondent.