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.

Solde itors for Respondent.

CARL HANSELMAN.

Complainant,

-VS-

ANNA H. NAGELE.

Respondent.

IN THE CIRCUIT COURT--EQUITY SIDE STATE OF ALABAMA

BALDWIN COUNTY.

BRIEF AND ARGUMENT OF RESPONDENT ON DETURRERS TO THE MOTION FILED BY COMPLAINANT.

In this proceeding the Complainant has filed his Bill to Quiet his Title to the lands therein involved, and among other averments of his Bill Complainant states that he is the owner and in the peaceable possession of said lands. To this Bill of Complaint the Respondent filed her Answer (not asking any affirmative relief) denying the ownership of said land by Complainant, and also denying that Complainant was in the possession of said land. After issue was joined between the parties, as heretofore outlined, Complainant filed a Motion setting up that the Respondent claimed title by virtue of a Tax Deed, and that Complainant was the Vended of the owner at the time of the Tax Sale, and moved the Gourt to ascertain the amount of taxes paid by Respondent, together with subsequent taxes paid by Respondent, with interest at 15% per annum, and enter a judgment in favor of Respondent, and declare * 1 such Judgment to be a lien on the property, and that on the same being paid by Complainant to Respondent, title to said land be divested out of Respondent and invested in Complainant, and that Complainant be given the benefit of Section 3108 of the Code of Alabama.

(page one)

(page two)

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 (page two)

(page four)

be sustained.

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.

Soficitors for Respondent.

CARL HANSELMAN,

Complainant,

-Vs-

ANNA H. NAGELE,

Responden t.

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:-

lst. 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

(page two)

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

Soligitors for Respondent.