

1073

HORACE WILSON,
Complainant,
VS.
TOMMIE WILSON, et als,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

ANSWER

Now comes Thomas Wilson, one of the Respondents named in this cause, and for answer to the original and Amended Bills of Complaint filed in this cause and to each and every paragraph thereof separately and severally says:

1. He admits the allegations of paragraph numbered First of the Bill of Complaint.

2. He denies that the/Respondents are joint owners of the property described in paragraph Second of the original Bill of Complaint and in paragraph Second of the Amended Bill of Complaint and for further answer to the said paragraphs says, that he is the sole owner of all of the said property and that none of the other parties to this suit have any title to the said property, any interest therein or any lien or encumbrance thereon.

3. This Respondent admits that the parties to this proceeding are the children and all of the children of Thomas Wilson, Deceased, but denies that they or any of them inherited the said property from the said Thomas Wilson.

4. This Respondent denies each and all of the allegations of paragraph Numbered Four of the original Bill of Complaint and further denies that it has been necessary for the Complainant to employ attorneys to prosecute this suit.

5. For further answer to the said original and Amended Bills of Complaint this Respondent says that he owns the said property involved in this proceeding in his own right, absolutely, and further denies that the Complainant, Horace Wilson, or any of the other parties to this suit has any interest whatever

in the said property or any part thereof. This Respondent claims title to all of the said property under and by virtue of the following deeds:

✓ Deed from W. H. Gasque, Judge of Probate, Baldwin County, Alabama to Orolean Wilson, dated April 16, 1887, recorded in Book 0 at pages 365-66, Baldwin County Records, a true copy of which is hereto attached marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein.

✓ Deed from Evie D. Hoyle, a Widow, to Thomas Wilson, Jr., (the same person as the Respondent, Thomas or Tommie Wilson) dated February 27, 1920 and recorded in Deed Book 30 N. S. at page 15, a true copy of which marked Exhibit "B" is hereto attached and by reference made a part hereof as though fully incorporated herein.

Deed from Orolean Wilson, a Widow, to Thomas Wilson, dated July 14, 1937 and recorded in Deed Book Number 85 N. S. at page 115, Baldwin County Records, a true copy of which is hereto attached, marked Exhibit "C" and by reference made a part hereof as though fully incorporated herein, which said deed was delivered to this Respondent on July 26, 1937.

This Respondent further alleges that after the said Orolean Wilson, who was the mother of all of the parties to this suit, acquired title to what is known as the "Cypert lands" under the above described deed from the Judge of Probate of Baldwin County, Alabama, she immediately went into possession of the said property and remained in the continuous actual possession thereof until the time of her death a few years ago, during all of which time she regularly assessed and paid taxes on all of the said property under the following description: "Bounded north and east by Dr. Hill's land, South by George Hoyle's and West by range line, Section 19, Township 6 South Range 2 East." During all of the said period of time the said Orolean Wilson has claimed to own the said lands and her ownership thereof and right of possession thereto have not at anytime been disputed by any person. Since the death of the said Orolean Wilson, all of the said property has been in the actual possession of the Respondent, Thomas Wilson.

6. Approximately twenty years ago the Complainant, Horace Wilson, who, at that time had no place to live, obtained from the Respondent, Thomas Wilson, permission to use a part of the tract

EXHIBIT "B"

WARRANTY DEED

STATE OF ALABAMA

BALDWIN COUNTY

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of Three Hundred, thirty two & 00/100 Dollars to me in hand paid by Thomas Wilson, Jr, the receipt whereof is hereby acknowledged Evie D. Hoyle (widow) do grant, bargain, sell and convey unto the said Thomas Wilson, Jr the following described lands situated in Baldwin County, Alabama, to-wit:

From a stake which is forty (40) chains North of the Southwest corner of Fractional Section Nineteen (19) Twp. Six (6) S R Two (2) E. run East Three (3) chains and Thirty-two (32) links, to a stake; thence South Twelve & one half ($12\frac{1}{2}$) degrees West three (3) chains to a stake; and East Two (2) Chains and Twenty-one (21) links to the point of beginning, thence Fifteen (15) degrees five (5) minutes West, fifty-two (52) feet to a stake, thence South Twenty nine (29) degrees, Twenty (20) minutes West One Hundred and Seventy three and one half ($173\frac{1}{2}$) feet to a stake; thence North Eighty nine (89) degrees Forty (40) minutes East seven hundred and seventy two (772) feet to a stake; thence North Twenty (20) minutes, West Two hundred feet to a stake; thence West six hundred and seventy four (674) feet to the beginning-

Contains three and thirty-two hundredths acres, more or less.

TO HAVE AND TO HOLD to the said Thomas Wilson Jr. his heirs and assigns forever.

And I do covenant with the said Thomas Wilson Jr that I am seized in fee of the above described premises; that I have the right to sell and convey the same, that the said premises are free from all encumbrances; and that I will and my heirs, executors and administrators shall forever WARRANT AND DEFEND the same to the said Thomas Wilson Jr, heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS my hand and seal this 27 day of Feby. 1920.

(Signed) Mrs. Evie D. Hoyle (L.S.)

WITNESSES:

Warren W. Worcester
John P. Lowell

STATE OF ALABAMA

BALDWIN COUNTY

I, John P. Lowell, a Notary Public in and for said State and County, do hereby certify that Evie D. Hoyle (widow) whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that being informed of the contents of the said conveyance she executed the same voluntarily on the day the same bears date.

Given under my hand this 27 day of Feby. 1920.

John P. Lowell
Notary Public

Notary's seal
affixed.

EXHIBIT "C"

STATUTORY WARRANTY DEED

STATE OF ALABAMA

BALDWIN COUNTY

THIS INDENTURE, made and entered into on this the 14th day of July, 1937, by and between Orolean Wilson, a Widow, hereinafter referred to as the party of the first part, and Thomas Wilson, hereinafter referred to as the party of the second part, WITNESSETH: The party of the first part, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, to her this day in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, has and by these presents does hereby GRANT, BARGAIN, SELL AND CONVEY unto the said party of the second part, the following described real property situated in Baldwin County, Alabama, to-wit:

From the Northwest Corner of Government Subdivision No. 4 of Fractional Section 19, Fractional Township 6 South Range 2 East, surveyed according to the Act of Congress approved June 1, 1858, for the relief of Laurent Millaudon; thence run East 219 feet and North 16 degrees 30 minutes East 87 feet for a point of beginning; thence North 19 degrees 20 minutes East 244 feet; thence South 84 degrees 30 minutes East 307 feet; thence North 84 degrees East 150 feet; thence South 5 degrees West 325 feet; thence North 87 degrees West 163 feet; thence North 16 degrees 30 minutes East 40 feet; thence North 74 degrees West 198 feet to the point of beginning.

TO HAVE AND TO HOLD, unto the said party of the second part, his heirs and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and affixed her seal on this the day and year first above written.

(Signed) Orolean Wilson (SEAL)

STATE OF ALABAMA

BALDWIN COUNTY

I, J. B. Blackburn, a Notary Public, within and for said County in said State, hereby certify that Orolean Wilson, a Widow, whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this the 26th day of July, 1937.

(Signed) J. B. Blackburn
Notary Public, Baldwin County, Alabama.

*Filed Aug 26, 1944 at 2:40 PM and recorded in
Deed Book 85 at page 115.*

EXHIBIT "D"

STATE OF ALABAMA
COUNTY OF BALDWIN

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of ONE DOLLAR to us in hand paid by Horace Wilson, the receipt whereof is hereby acknowledged, We, OROLEAN WILSON, a Widow, and THOMAS WILSON, JR, a single man, do grant, bargain, sell and convey unto the said HORACE WILSON, the following described lands situated in Baldwin County, Alabama, to-wit:

From the 1/2 Section post on the West line of Fl., Sec. 19, T. 6. S. R. 2. E. thence South 398 feet, and East 384 feet for a point of beginning., thence North 5' East 132 feet; thence South 87' East 163 feet; thence South 5' West 121.5 feet; thence West 163 feet to the point of beginning. Lot lies in the U. S. Subdivision 8, Fl. Sec. 19, T. 6. S. R. 2. E.

TO HAVE AND TO HOLD to the said HORACE WILSON, his heirs and assigns, forever.

And we do covenant with the said HORACE WILSON, that we are seized in fee of the above described premises; that we have the right to sell and convey the same, that the said premises are free from all encumbrances; and that we will and our heirs, executors and administrators shall forever warrant and Defend the same to the said HORACE WILSON, his heirs and assigns, against the lawful claims of all persons whomsoever.

Witness our hands and seals this 27th day of February, A. D., 1940.

Thomas Wilson L. S.
Orolean Wilson L. S.

\$.50 USIR stamp attached-cancelled O.W.-T.W.

STATE OF ALABAMA
COUNTY OF BALDWIN

I, G. E. Perkins, a Notary Public, within and for said County, in said State, hereby certify that OROLEAN WILSON, a Widow, and THOMAS WILSON, JR., a single man, whose names are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal on this 27 day of May A. D., 1940.

G. E. Perkins, Notary Public
Baldwin Co. Alabama.

Affix Seal.
My Commission expires:
Seal.

STATE OF ALABAMA
BALDWIN COUNTY PROBATE COURT

Filed in office this 7 day of October, 1940 at 8:00 A. M., and duly recorded in Deed Book No. 73 N. S. at page 126-27 and I certify that \$.50 deed tax has been paid as required by law. G. W. Robertson, Judge of Probate.

HORACE WILSON,

Complainant,

VS.

TOMMIE WILSON, et als,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY.


ANSWER

Now come Earline Wilson Stapleton and Lucile Wilson Leavins, and for answer to the original and Amended Bills of Complaint filed in this cause say:

1. They each admit the allegations of paragraph numbered First of the original Bill of Complaint.
2. They each deny the allegations of paragraph numbered Second of the original and Amended Bills of Complaint filed in this cause.
3. They admit that the parties to this proceeding are the children of Thomas Wilson, Deceased, but deny that the property involved in this proceeding was inherited by the said parties from the said Thomas Wilson.
4. These Respondents deny that the Complainant, Horace Wilson, owns an undivided one-fourth interest in the above described property and further deny that it was necessary for him to employ attorneys to prosecute this suit.
5. These respondents deny each and all of the other allegations of the said original and Amended Bills of Complaint that have not been specifically answered herein.
6. For further answer to the said original and Amended Bills of Complaint these Respondents allege that a part of the property involved in this proceeding was conveyed by W. H. Gasque, Probate Judge of Baldwin County, Alabama, to Orolean Wilson by tax deed dated April 16, 1887, and recorded in Book "O" at pages 365-66, Baldwin County, Alabama Records.
7. These Respondents further allege that after the said Orolean Wilson, who was the mother of all of the parties involved in this proceeding, acquired the said property by the said tax deed,

she went into the actual possession of it and lived on the said property until the time of her death. The said Orolean Wilson erected a residence on the said property around the year 1900 and lived in this residence continuously until the time of her death, during all of which time she claimed to own all of the said property involved in this proceeding except that which was owned by Respondents' brother, Thomas Wilson, who is named in this proceeding as Tommie Wilson. During all of the time that the said Orolean Wilson owned the said property it was actually occupied by her, she was in the open, notorious, hostile, exclusive and continuous possession thereof and during all of the said period of time she regularly assessed and paid taxes thereon. A part of the said property involved in this proceeding was conveyed by Evie D. Hoyle, a Widow, to Thomas Wilson, Jr., by deed dated February 27, 1920, and recorded in Deed Book Number 30 N. S. at page 15, Baldwin County, Alabama Records. During the lifetime of the said Orolean Wilson she did, by deed dated July 14, 1937, which is recorded in Deed Book 85 at page 115, Baldwin County, Alabama Records, convey all of her right, title and interest in and to all of the property involved in this proceeding to Thomas Wilson, Jr., who is named in this proceeding as Tommie Wilson, because of all of which these Respondents disclaim all right, title and interest to all of the property described in this proceeding and further allege that it is the property of the said Thomas Wilson, Jr., also known as Tommie Wilson.

Having fully answered the said original and Amended Bills of Complaint these Respondents pray that they be discharged with their reasonable costs in this behalf expended.


Solicitor for Earline Wilson Stapleton
and Lucile Wilson Leavins, Respondents.

THE STATE OF ALABAMA, }
BALDWIN COUNTY, } No. 1073.

CIRCUIT COURT BALDWIN COUNTY
February. TERM, 1944

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Tommie Wilson. Earline Wilson Stapleton.
and Lucile Wilson Leavins

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

Tommie Wilson. Earline Wilson Stapleton. and Lucile Wilson, Leavins.
by _____, Respondants.

Horace Wilson. Plaintiff

Witness my hand this 29th. day of February, 1944

R. L. Duck Clerk.

HORACE WILSON,

Complainant,

VS.

THOMMIE WILSON, EARLINE
WILSON STAPLETON, AND
LUCILE WILSON LEAVINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

TO THE HONORABLE F. W. HARE, JUDGE OF THE TWENTY-FIRST JUDICIAL
CIRCUIT OF ALABAMA:

Your orator Horace Wilson humbly complaining of
the defendants in a matter that will hereinafter appear shows
unto your Honor and unto this Court as follows:-

FIRST:

That your orator and the defendants are all over
the age of twenty-one years and are resident citizens of Baldwin
County, Alabama, residing near Fairhope.

SECOND:

Your orator further shows unto your Honor that he
and the defendants are the joint owners of the following describ-
ed real estate situated in Baldwin County, Alabama, to-wit:-

That certain tract of land bounded on the
North and East by lands belonging to Dr.
Hill, bounded on the South by land belong-
ing to George Hoyle, on the West by the
Range line, said tract of land lying in
Section 19, Township 6 South, Range 2 East,
and containing $9\frac{1}{2}$ acres, more or less,
together with the improvements thereon,
meaning and intending to describe the house
and tract of land known as the Thomas Wilson
home place near Fairhope, Alabama.

ALSO the following described tract of land:-
Begin 40 chains North of the Southwest corner
of Fractional Section 19, ^{East} Township 6 South,
Range 2 East, run thence 3.32 chains, thence
South $\frac{1}{2}$ degree West 3 chains, thence East
2.35 chains to place of beginning, thence
run 15 degrees West 52 feet, thence East
200 feet, thence West 674 feet, lying in
Section 19, Township 6 South, Range 2 East,
containing 3.32 acres, more or less.

PRAYER FOR RELIEF.

The premises considered, your orator prays that on a final hearing of this cause that your Honor will order and decree that said land be sold for partition and division among the joint owners thereof; and that your Honor will further order that the Register hold a reference to ascertain a reasonable Solicitors' fee to be paid to Hybart & Chason as Solicitors for the Complainant for their services in this proceeding, and that said Solicitors' fee be taxed as a part of the costs in this proceeding. Your orator further prays that after such costs have been paid that the balance of said money shall be divided between the joint owners thereof, and that appropriate orders and decrees be made to this effect. Your orator further prays for such other, further, different and general relief as in equity may seem just and meet.

Harold Wilcox
Complainant.

Hybart & Chason
Solicitors for Complainant.

HORACE WILSON,

Complainant,

VS.

TOMMIE WILSON, et als,

Respondents.

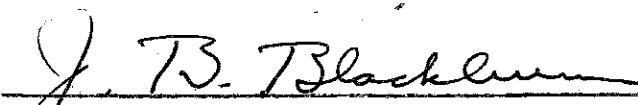
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 1073.

DEMURRER

Now come Tommie Wilson, Earline Wilson Stapleton and Lucile Wilson Levins, the Respondents named in this cause, who each separately and severally demur to the Amended Bill of Complaint and to each and every count thereof, and as grounds therefor set down and assign separately and severally the following.

1. There is no equity in the bill.
2. There is a mis-joinder of parties respondent.


Solicitor for Respondents.

HORACE WILSON,

Complainant,

Vs.

THOMMIE WILSON, EARLINE
WILSON STAPLETON, AND
LUCILE WILSON LEAVINS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

Comes the Complainant in the above styled cause and amends the second paragraph of his Bill of Complaint in said cause so that the second paragraph shall read as follows:-

SECOND:

Your Orator further shows unto your Honor that he and the Defendants are the joint owners of the following described real estate situated in Baldwin County, Alabama, to-wit:-

Begin at the Half Section Corner on the East line of Section 24, Township 6 South, Range 1 East; run thence East 219.12 feet to a point; run thence North 16 degrees 30 minutes East 87 feet to a point; which is the point of beginning; run thence North 74 degrees West 20 feet to a point; run thence North 8 degrees East 230 feet to a point; run thence South 85 degrees East 216 feet to a point; run thence North 84 degrees East 516.3 feet to a point; run thence South 3 degrees West 472.5 feet to a point; run thence West 400 feet to a point; run thence North 5 degrees East 170 feet to a point; run thence North 87 degrees West 163 feet to a point; run thence North 16 degrees 30 minutes East 40 feet to a point; run thence North 74 degrees West 198 feet to a point, the point of beginning.


Solicitors for Complainant.