

163

RECORDED
Subl
6-21-35

Serve on Elizabeth D. Sanders

Circuit Court of Baldwin County
IN EQUITY

No. 163

SUMMONS

W.E. Cooney, et al

THE STATE OF ALABAMA

BALDWIN COUNTY

Received in office this 12

day of Oct, 1935

W. E. Cooney

SHERIFF

Executed this 22 day

Oct 1935

by leaving a copy of the within Summons wi

Elizabeth D. Sanders

Defendant

W. E. Cooney

Sheriff

By _____ Deputy Sheriff

BEERBE & HALL
Solicitor for Complainant

Recorded in Vol. _____ Page _____

163 RECORDED
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6-21-35

W. E. COONEY ET AL.,
Complainants,

VS.

ELIZABETH D. SANDERS,
Defendant.

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

BILL OF COMPLAINT.

Filed October 14, 1935
W. E. Cooney
Registrar.

BEERBE & HALL
LAWYERS

The State of Alabama, { Circuit Court of Baldwin County, In Equity
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Elizabeth D. Sanders

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

W.E. Cooney, John R. Cooney, P. J. Cooney, Mary Cooney Smith, Annie M. Jones, and Thomas Cooney, ~~and~~

against said Elizabeth D. Sanders,

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 11th day of October 193 5

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

TO THE HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Come W. E. COONEY, JOHN R. COONEY, P. J. COONEY, MARY COONEY SMITH, ANNIE M. JONES and THOMAS COONEY, and humbly complaining against ELIZABETH D. SANDERS, respectfully show unto your Honor as follows:

FIRST:

That your complainants are each over the age of twenty-one years; that all of your complainants, except W. E. Cooney and Thomas Cooney, are residents of Mobile County, Alabama; that W. E. Cooney is a resident of Baldwin County, Alabama, and Thomas Cooney is a resident of Cuyahoga County, Ohio; that the defendant, Elizabeth D. Sanders, is a resident of Foley, Baldwin County, Alabama.

SECOND:

That your complainants are the owners of and in possession of the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section twenty (20), Township seven (7) South, Range four (4) East, in Baldwin County, Alabama.

THIRD:

That Elizabeth D. Sanders claims or is reputed to claim some right, title or interest in or incumbrance upon the above described land, or some part thereof, and your complainants call upon her to set forth and specify her right, title, claim, interest in or incumbrance upon the same, and how and by what instrument or instruments the same is created or derived.

FOURTH:


That there is no suit pending to enforce or test the validity of such right, title, claim, interest in or incumbrance upon the said lands, or any part thereof.

WHEREFORE, your complainants pray this Honorable Court will take jurisdiction of the cause made by this bill of complaint; that due and proper notice be given to the defendant, Elizabeth D.

Sanders, requiring her to plead, answer or demur to this bill of complaint within the time and under the penalties prescribed by law and the practice of this Honorable Court.


And complainants further pray that this Honorable Court will upon a final hearing of this cause order, adjudge and decree that the said defendant, Elizabeth D. Sanders, has no right, title, claim or interest in or incumbrance upon the said lands, or any part thereof, and that the title to the said property be quieted and established in your complainants as against the said defendant, and that the said defendant be forever enjoined from asserting or attempting to assert, from claiming or attempting to claim, any right, title, claim or interest in, lien or incumbrance upon or possession of the said lands, or any part thereof.

And complainants further pray for such other, further or different relief as in equity they shall be entitled to receive in the premises.


Attorneys for Complainants.

NOTE:

Defendant is required to answer every allegation of the foregoing bill of complaint, Paragraph FIRST to FOURTH, both inclusive, but not under oath, oath is hereby expressly waived.


Attorneys for Complainants.

W. E. COONEY, et als,
Complainants,
VS.
ELIZABETH D. SANDERS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 163.

ANSWER AND CROSS BILL.

Now comes the Respondent, Elizabeth D. Sanders, and for answer to the Bill of Complaint in the said cause, and to each and every count thereof, separately and severally, and for this her Cross Bill says:

1. Respondent admits the allegations in paragraph numbered "FIRST" of the Bill of Complaint.
2. Respondent denies that the Complainants own and that they are in peaceable possession of the Southeast Quarter of the Southwest Quarter of Section 20, Township 7 South, Range 4 East in Baldwin County, Alabama.
3. Respondent claims to own the said lands described in the Bill of Complaint, namely: The Southeast Quarter of the Southwest Quarter of Section 20, Township 7 South, Range 4 East in Baldwin County, Alabama, under a tax title arising out of a tax sale held on to-wit, June 13, 1932, wherein the said lands were sold to the State of Alabama, which conveyed them to this Respondent by deed dated September 9, 1935, which is recorded in Deed Book 57 N. S. at page 524, 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.
4. Respondent admits that no suit, other than this suit, is pending to enforce or test the validity of her title to or interest in the said lands.
5. Respondent denies each and all other allegations of the said Bill of Complaint which are not specifically answered herein.

PRAYER FOR PROCESS.

The said Elizabeth D. Sanders, having now answered the said Bill of Complaint, prays that this her answer may be taken and treated in all respects as a Cross Bill and that the said W. E. Cooney, John R. Cooney, P. J. Cooney, Mary Cooney Smith, Annie M. Jones and Thomas Cooney, and each of them, be made parties respondent to this her Cross Bill and that they have notice of the same according to the rules and practice of this Honorable Court.

PRAYER FOR RELIEF.

Respondent and Cross-Complainant prays that upon a final hearing of this cause, it be adjudged and decreed that she is the owner of the said property as against the Complainants and Cross-Respondents and each of them, subject only to their right to redeem the said property from the said tax sale and upon their failure to redeem, the said property and pay the full amount due therefor, including taxes, fees, costs, penalties, interest, attorney's fees for Respondent and Cross-Complainant's attorney in bringing this suit and all other proper and lawful charges within some reasonable time to be fixed by the Court; that Respondent and Cross-Complainant be placed in possession of the said lands; that it be adjudged and decreed that the Complainants and Cross-Respondents, and each of them, have no right, title, claim or interest in or encumbrance upon the said lands or any part thereof; that the title to the said land be quieted and established in Respondent and Cross-Complainant as against the Complainants and Cross-Respondents and each of them, and that they, and each of them be forever enjoined from asserting or attempting to assert, claiming or attempting to claim any right, title, claim or interest in, lien or encumbrance upon or possession of the said lands or any part thereof.

Respondent and Cross-Complainant further prays for such other, further and general relief as she may be equitably entitled

EXHIBIT "A"

No. 594

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 9th day of May, A. D. 1932, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from W. E. Cooney, Agt for Est. P. J. Cooney, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 13th day of June, 1932, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Tax Commission, and the State Tax Commission of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Three Hundred and no/100 (\$300.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees and costs, and officers' fees which were due upon or have accrued against said lands, as provided for by law.

AND WHEREAS, application has been made to the State Tax Commission of the State of Alabama by Elizabeth D. Sanders to purchase said lands, and said sum of Three hundred and no/100 (\$300.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Tax Commission of the State of Alabama, by virtue of and in accordance with the authority in it vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, and convey unto the said Elizabeth D. Sanders, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

SE $\frac{1}{4}$ of SW $\frac{1}{4}$ sec 20, t7s r4e,

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Elizabeth D. Sanders and her heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 9th day of September, 1935

STATE TAX COMMISSION OF ALABAMA,

By Henry S. Long
President.

Approved

By Bibb Graves
Governor.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Julia Klinge, a Notary Public in and for said County, in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as President of the State Tax Commission, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such President, executed the same voluntarily on the day the same bears date.

Given under my hand this the 9th day of September, 1935.

Julia Klinge, Notary Public.

ANSWER AND CROSS BILL

W. H. GOONEN, et al's,

Complainants,

vs.

HILZABETH D. SANDERS,

Respondent.

IN THE CIRCUIT COURT OF

BARBEN COUNTY, ALABAMA

IN EQUITY. NO. 1166

Filed 11/17/66

Robert A. Russell

J. B. BLACKBURN
ANTHONY A. DAW
BARBEN COUNTY, ALABAMA

6-2277

Handwritten notes:
The books were removed from
the shelves on 11/17/66
further removed from the shelves
books were
removed from
11/17/66

W. E. COONEY, et al,
Complainants,
VS.
ELIZABETH D. SANDERS,
Respondent.



IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 163.

DEMURRERS.

Now comes the Respondent in the above entitled cause and for demurrer to the Bill of Complaint and to each and every count thereof separately and severally says:

1. There is no equity in the bill.

J. B. Blackburn
Solicitor for Respondent.

FILED FOR RECORD IN BALDWIN COUNTY ALABAMA
JAN 10 1930
BY THE CLERK OF THE COURT

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Original ~~SECOND~~ *6-2-35*

DEMURRERS.

W. E. COONEY, et al,
Complainants,
VS.
ELIZABETH D. SANDERS,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 163.

Filed on this the 12th day of
November, 1935
Calvin D. Smith
Register

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

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

IN EQUITY.

Believe above act of ...
and does not ...
never ...
with ...