

3330

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

WE COMMAND YOU, that you summon Queenie A. Jackson, whose address is 1905 Eagle Drive, Mobile, Alabama, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, 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 Winberg Orchards & Nurseries Company, Inc., a corporation, against the said Queenie E. Jackson, and further to do and perform what said Judge shall order and direct in that behalf and this the defendant shall in no wise omit, under penalty of the law; and we further command that you return this writ, with your endorsement thereof, to our said court immediately upon the execution thereof.

WITNESS, Alice J. Duck, Register of said Circuit Court, this the 4th day of August, 1954.

Alice J. Duck
Register.

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation,

COMPLAINANT

VS

QUEENIE E. JACKSON,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Comes Winberg Orchards & Nurseries Company, Inc., a corporation, and humbly complaining against Queenie E. Jackson, respectfully shows unto your Honor as follows:

FIRST: That your complainant is a corporation organized and doing business in the State of Alabama, with its principal place of business at Silverhill, Alabama; that the defendant is over the age of twenty-one years and her post-office address is as follows: Queenie E. Jackson, 1905 Eagle Drive, Mobile, Alabama.

SECOND: That the complainant is the owner of and in the peaceable possession of the following described lands situated

in the County of Baldwin, State of Alabama, to-wit:

The Northwest quarter of the Northwest quarter of Section 34, Township 5 South, Range 3 East.

THIRD: That the said Queenie E. Jackson claims or is reputed to claim some right, title, claim, or interest in, lien, or encumbrance upon the above described lands, or some part thereof, and the complainant calls upon her to set forth and specify her right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and to show how and by what instrument or instruments the same is derived or created.

FOURTH: That there is no suit pending to enforce or test the validity of the complainant's title to the said lands, or to enforce or test the validity of the defendant's right, title, claim, interest in, lien, or encumbrance upon the said lands, or any part thereof.

FIFTH: The complainant further says that it is informed and believes and upon such information and belief alleges that the said defendant claims a right, title, claim, or interest in, lien, or encumbrance upon the aforesaid lands, or some portion thereof by virtue of a tax deed issued to J. A. Jackson by the State of Alabama on September 8, 1948, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 134, page 252, and by the defendant under the will of said J. A. Jackson, now deceased, dated March 30, 1931 and admitted to probate and record in Crenshaw County, Alabama, June 29, 1954, and a copy thereof recorded in the office of the Judge of Probate of Baldwin County, in Deed Book 210 at pages 534-5; that the said deed purports to have been executed under a sale of the said lands June 17, 1940 for taxes under an assessment against said Winberg Orchards & Nurseries Company, Inc., and this complainant alleges that at the time of the said sale, said Winberg Orchards & Nurseries Company, Inc., was the owner of the said lands and in possession of the same; that your complainant was the owner of the said lands and in

possession thereof at the time of the sale to the State of Alabama, and at the time of the sale of the same by the State of Alabama to the said J. A. Jackson, and that he has been in continuous possession of the said lands from the date of the aforesaid sale to the State of Alabama to this date, and your complainant is now in possession of the said lands and each and every parcel of the same and is the owner thereof.

Sixth: Complainant further says that it is informed and believes and upon such information and belief alleges that the said tax title of the said Queenie E. Jackson is void.

WHEREFORE, your complainant prays this Honorable Court take jurisdiction of the cause made by this bill of complaint and make the said Queenie E. Jackson party defendant hereto, and by appropriate process require her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the said defendant, Queenie E. Jackson, has no right, title, claim, interest in, lien or encumbrance upon the said lands, or any part thereof, and that the title to the said lands be quieted and established in this complainant as against the said defendant; and that the said defendant be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim any right, title or interest in, lien or encumbrance upon the said lands, or any part thereof.

Complainant further prays that if it shall be mistaken in the relief prayed for, that this Honorable Court will ascertain the amount of taxes and costs for which the said lands were sold, and interest thereon, and the taxes and interest thereon paid subsequent to the said sale, and that this complainant be permitted to redeem the said lands from the aforesaid tax sale; and this

complainant prays for such other, further or different relief as
in equity it shall be entitled to receive in the premises.

BEEBE & SWEARINGEN

BY

F. D. Swearingen
Solicitors for Complainant

STATE OF ALABAMA:

COUNTY OF MOBILE:

Personally appeared before me, the undersigned, authority,
ALBERT S. GASTON, who being by me first duly sworn, deposes and says:
That Winberg Orchards & Nurseries Company, Inc., a corporation, now
has a suit pending in the Circuit Court of Baldwin County, Alabama,
against Queenie E. Jackson, (Case No. 3330); and that the attached
interrogatories propounded to the Complainant in said cause will be
material testimony for the Defendant in said cause.

Albert S. Gaston
AFFIANT.

SUBSCRIBED AND SWORN TO
BEFORE ME THIS THE 9TH
DAY OF November, 1954.

Samuel S. Gaston
NOTARY PUBLIC MOBILE COUNTY, ALABAMA.

WINBERG ORCHARDS, & NURSERIES
COMPANY, INC., A CORPORATION.

COMPLAINANT.

-vs-

QUEENIE E. JACKSON,

DEFENDANT.

: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA.
:
: IN EQUITY.
:
: CASE NO. 3330

Comes now Albert S. Gaston, attorney for the Defendant in the above and entitled cause and propounds the following interrogatories to the Plaintiff, Winberg Orchards & Nurseries Company, Inc., a corporation, who is a material witness on behalf of the Defendant and whose deposition when taken, will be offered in evidence in this said cause.

INTERROGATORY NO. 1 (a) Have you paid a franchise tax to the State of Alabama for any year since 1939?

INTERROGATORY NO. 1 (b) If your answer to Interrogatory No. 1 (a) is in the affirmative, please state the year or years, enumerating each and every one of them for which a said corporation franchise tax has been paid and the dates on which such payments have been made.

INTERROGATORY NO. 2 (a) Have you paid a corporate tax to the State of Alabama for any year since 1939?

INTERROGATORY NO. 2 (b) If your answer to Interrogatory No. 2 (a) is in the affirmative, please state the year or years, enumerating each and every one of them for which a said corporate tax has been paid and the dates on which such payments have been made.

INTERROGATORY NO. 3 (a) Have you taken out a license to do business in the State of Alabama for any year since 1939?

INTERROGATORY NO. 3 (b) If your answer to Interrogatory No. 3 (a) is in the affirmative, please state the year or years, enumerating each and every one of them for which a said license has been paid and the dates on which such payments have been made.

3330

Winberg, Richard

vs

Queenie E. Jackson

received 12 day of Nov 1954

and on 18 day of Nov 1954

served a copy of the within Interrog

of Cuba & Guernsey

service on Madeline Byars

Secretary

TAYLOR WILKINSON

By J. D. Brown D.S.

FILED

NOV 12 1954

ALICE J. DUCK, Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation
COMPLAINANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

-vs-

IN EQUITY.

QUEENIE E. JACKSON,
DEFENDANT.

CASE NO. 3330.

ANSWER AND CROSS-BILL

Comes now the Defendant in the above styled cause and files this, her Answer and Cross-Bill, to the Bill of Complaint filed herein.

ANSWER

1. Defendant denies that Complainant is a corporation organized and doing business in the State of Alabama with its principal place of business at Silverhill, Alabama; and admits the other allegations of Paragraph First of the Bill of Complaint.

2. Defendant denies the allegation of Paragraph Second of the Bill of Complaint.

3. Defendant admits that she claims title to the lands described in the Bill of Complaint and alleges that the allegations of the first fourteen lines of Paragraph Fifth of the Bill of Complaint set forth her chain of title and claim to said lands.

4. Defendant admits the allegations of Paragraph Fourth of the Bill of Complaint.

5. Defendant denies the allegations of Paragraph Fifth beginning with the words "and this Complainant alleges" in the sixteenth line of Paragraph Fifth of the Bill of Complaint.

6. Defendant denies the allegations of Paragraph Sixth of the Bill of Complaint.

CROSS-BILL

And by way of Cross-Bill Defendant alleges as follows:

(a) Defendant is informed and believes, and, upon such in-

formation and belief, alleges that Winberg Orchards and Nurseries Company, Inc., a corporation, has not done any business in the State of Alabama for more than 10 years next immediately preceeding the filing of the Bill of Complaint in this cause and had not functioned in any way as a corporation during said period, and for that reason the said corporation became defunct and is no longer in existence.

BOOK 019 PAGE 34

(b) Defendant alleges that her predecessor in title, J. A. Jackson, went into possession of the said lands almost immediately after he obtained the Tax Deed of September 8th, 1948 referred to in Paragraph Fifth of the Bill of Complaint and that he, acting personally, and through his agents, servants or employees continued to exercise possession of said lands up to the time of his death in 1954; and that since his death Complainant has continued to exercise such possession personally or through her agents, servants or employees.

PRAYER FOR PROCESS

To the end, therefore, that Equity may be done in the premises, Complainant prays that Winberg Orchards and Nurseries, Company, Inc., a corporation, the Complainant and Cross-Defendant be made a party Defendant to this Cross-Bill, and that process in the usual form and in accordance with the practice of this Honorable Court be issued to them requiring them to answer, plead or demur to this Defendant's and Cross-Complainant's Cross-Bill as they may be advised.

PRAYER FOR RELIEF

Defendant and Cross-Complainant prays that upon a final hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the Complainant and Cross-Defendant, Winberg Orchards & Nurseries Company, Inc., a corporation, has no right, title, claim, interest in, lien or encumbrance upon the said land or any part thereof, and that the title to said lands be quieted and established in Defendant and Cross-Complainant as against the said Complainant and Cross-Defendant; and that the said Complainant and Cross-Defendant be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim, any right, title, or interest in, lien or encumbrance upon the said land or any part thereof; and Defendant and Cross-Complainant prays for such other, further or different relief as in Equity she may be entitled to receive in the premises, and Defendant and Cross-Complainant will forever pray.

WILLIAM GRAYSON and ALBERT S. GASTON

BY



SOLICITORS FOR DEFENDANT
AND CROSS-COMPLAINANT.

3330

RECORDED

FILED

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ALICE J. DUCK, Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation

Complainant

vs

QUEENIE E. JACKSON

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It appearing to this Court that Queenie E. Jackson has failed to comply with the order of this court entered July 7, 1955, that the complainant has paid into this court the sum required by the said decree to be paid, namely: \$214.27, and has paid the court cost in said cause and has fully complied with all of the terms of the said decree and in compliance with the said decree Alice J. Duck, Register of this Court, has executed and delivered to the complainant a proper conveyance conveying all the right, title and interest of Queenie E. Jackson in and to the lands described in the complaint and in said decree, namely: The Northwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East, and the same has been exhibited to the undersigned Judge of this Court;

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the deed and the execution and delivery thereof by the Register aforesaid be and the same is hereby fully approved, ratified and confirmed, and that the defendant, Queenie E. Jackson, has no right, title or interest in, claim, lien or encumbrance upon the said Northwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East, or any part or parcel thereof, and that the title to the said lands be and the same is quieted and established in Winberg Orchards & Nurseries Company, Inc., a corporation, as against the said Queenie E. Jackson and any and all other persons, firms or corporations holding under her, and the said Queenie E. Jackson is hereby restrained and enjoined from claiming or attempting to claim any right, title or interest in the said land or any part or parcel thereof, and from exercising or attempting to exercise any possession or right to possession over the same or any part or parcel thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this decree be filed by the Register of this Court in the Probate

office of Baldwin County and the cost of recording the same be paid by her and charged in the cost in this proceeding;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Queenie E. Jackson, pay all cost that have accrued by virtue of her failure to execute the deed as required by the former order of this Court, and that the same be deducted from the money held by this Court for her aforesaid and the remainder thereof paid over by her to the said Queenie E. Jackson.

Done this the ^{9th} day of August, 1955.

Robert M. Hall
Judge

ALBERT S. GASTON

COUNSELOR AT LAW - PROCTOR IN ADMIRALTY

GRAYSTONE BUILDING

MOBILE, ALABAMA

TELEPHONE
HEMLOCK 3-8063

P. O. BOX 820

MARCH 11th, 1955.


Mrs. Alice J. Duck,
Register of the Circuit Court,
Baldwin County, Alabama,
Bay Minette, Alabama.

IN RE: WINBERG ORCHARDS & NURSERIES COMPANY, INC.,
-VS-
QUEENIE E. JACKSON. CASE NO. 3330.

Dear Mrs. Duck:

Enclosed is the Amendment to Answer of Defendant
and Cross-Complainant.

Very sincerely,


ALBERT S. GASTON

ENCLOSURE

ASG
bnk

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation.

COMPLAINANT.

-VS-

QUEENIE E. JACKSON,

DEFENDANT.

: IN THE CIRCUIT COURT OF
:
: BALDWIN COUNTY, ALABAMA
:
: IN EQUITY.
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: CASE NO. 3330.
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AMENDMENT TO ANSWER OF DEFENDANT AND CROSS
COMPLAINANT.

Exceptions filed by Complainant and Cross-Defendant to the answers of Defendant and Cross-Complainant having been sustained, Defendant and Cross-Complainant amends Paragraph 3 of her answer to read as follows:

3. Defendant claims title to said lands by virtue of a tax deed issued to J. A. Jackson by the State of Alabama on September 8th, 1948, recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 134, page 252 and under the will of the said J.A. Jackson, now deceased, dated March 30th, 1931 and admitted to Probate and record in Crenshaw County, Alabama, June 29th, 1954, and a copy thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 210 at Pages 534-5 under which she acquired the title of the said J.A. Jackson in and to said property.

WILLIAM GRAYSON and ALBERT S. GASTON

BY:


SOLICITORS FOR DEFENDANT AND
CROSS-COMPLAINANT.

ALBERT S. GASTON
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY
GRAYSTONE BUILDING
MOBILE, ALABAMA

TELEPHONE 3-8063

P. O. BOX 820

NOVEMBER 8th, 1954.

Mrs. Alice J. Duck,
Register of the Circuit Court,
of Bayminette, Alabama.

IN RE: WINBERG ORCHARDS AND NURSERIES COMPANY, INC., A
CORPORATION -vs- QUEENIE E. JACKSON

CASE NO. 3330. Circuit Court in Equity.

Dear Mrs. Duck:

Enclosed is the Answer and Cross-Bill on behalf of the
Defendant in this cause.

Very sincerely,


ALBERT S. GASTON

ASG
bnk

ALBERT S. GASTON
COUNSELOR AT LAW - PROCTOR IN ADMIRALTY
GRAYSTONE BUILDING
MOBILE, ALABAMA

TELEPHONE 3-8063

P. O. BOX 820

NOVEMBER 10th, 1954.

Mrs. Alice J. Duck,
Register of the Circuit Court,
Bay Minette, Alabama.

IN RE: WINBERG ORCHARDS & NURSERIES COMPANY, INC., a
CORPORATION -vs- QUEENIE E. JACKSON.
CASE NO. 330. Circuit Court in Equity.

Dear Mrs. Duck:

* Enclosed are interrogatories propounded by the Defendant
and Cross-Complainant to the Complainant and Cross-Defen-
dant in the above styled cause.

Very sincerely,


ALBERT S. GASTON

ASG
bnk

* ENCLOSURES 1

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation,

COMPLAINANT,

VS

QUEENIE E. JACKSON,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes the complainant and cross-respondent in the above styled cause and answering defendant's cross bill as amended says:

FIRST: In answer to paragraph (a) of said cross bill, that Winberg Orchards and Nurseries Company, Inc., a corporation, complainant and cross-respondent, with its principal place of business at Silverhill, Alabama, is a legal corporate entity, operating under the laws of the State of Alabama; that it had been a legal corporate entity under the laws of the State of Alabama for more than ten (10) years next preceding the filing of its bill of complaint in the above styled cause; that it has been a legal corporate entity since the filing of its bill of complaint in the above styled cause and that it still is a legal corporate entity operating under the laws of the State of Alabama; that it is not now a defunct corporation and has not been a defunct corporation since the issuance of its charter by the State of Alabama.

SECOND: In answer to paragraph (b) of said cross bill, that the said J. A. Jackson did not go into possession of said property almost immediately after he obtained said tax deed on September 8, 1948, but on the contrary, said Winberg Orchards & Nurseries Company, Inc., a corporation, complainant and cross-respondent, was in actual possession of the said property at the time of the issuance of said tax deed on September 8, 1948, to the said J. A. Jackson; that said complainant and cross-respondent has been in actual possession of said lands continuously since said date of said tax deed to the time of the filing of its bill of complaint in the

above styled cause; that said complainant and cross-respondent has been in actual possession continuously since the filing of its bill of complaint in said cause and said complainant and cross-respondent still is in actual possession of said lands.

THIRD: And further answering said cross-bill, said

complainant and cross-respondent says that the defendant and

cross-complainant is barred by the statute of limitations from prosecuting her cross bill because more than three years have

elapsed since she or her predecessor in title acquired the alleged tax title to the said land and that neither the defendant and

cross-complainant nor her predecessor in title have at any time been in possession of the said lands, but that during the whole

of the said time this complainant and cross-respondent has been in the continuous adverse possession of the said lands.

FOURTH: And further in answer to said cross bill, said

complainant and cross-respondent says that the defendant and cross-complainant is barred by laches from prosecuting her cross bill

because more than three years have elapsed since she or her

predecessor in title acquired the alleged tax title to the said land and that neither the defendant and cross-complainant nor her

predecessor in title have at any time been in possession of the lands, but that during the whole of the said time this complainant

and cross-respondent has been in the continuous adverse possession of the said lands.

FIFTH: Further answering the said cross bill the complain-

ant and cross-respondent says that the defendant does not own the

lands described in the bill of complaint or any part or parcel

thereof, and that the said lands and each and every part and

parcel thereof is owned by this complainant and cross-respondent.

And now having fully answered the complainant and cross-

respondent prays it may go hence with its reasonable costs expended

in this behalf.

BEEBE & SWEARINGEN

BY *[Signature]*
Solicitor for complainant &
cross-respondent

above styled cases; and any complaint and cross-rejoinder
has been in correct possession of the right to file all
the bill of complaint in said case and any complaint and
cross-rejoinder filed in said case and any complaint and
cross-rejoinder filed in said case and any complaint and

THIRD: The further answer and cross-rejoinder

complaint and cross-rejoinder have been the defendant and

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CASE # 2330

ANSWER

RECORDED

WINBERG ORCHARDS & NURSERIES,
Co., Inc.,

COMPLAINANT

VS

QUEENIE E. JACKSON

DEFENDANT

FILED
MAR 26 1956

ALICE J. BUCK, Register

of the said lands.

THAT: The answer and cross-rejoinder

and any other than the defendant and cross-rejoinder

being any other than the defendant and cross-rejoinder

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being any other than the defendant and cross-rejoinder

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation

COMPLAINANT

VS

QUEENIE E. JACKSON,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

CASE NO. 3330

Comes the complainant in the above styled cause and except to the answer heretofore filed by the defendant in said cause and as grounds of exception says:

1. The said answer does not set forth and specify what right, title or interest in the property described in the bill of complaint the defendant has or claims to have, and how and by what instrument or instruments the same was derived or created.


Solicitor for complainant

RECORDED

3330

Humberg D H Co Inc

vs

Amie E Jackson

In Equity

Ex Cepts to
Answer

FILED

DEC 8 1954

ALICE J. DUCK, Register

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WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation,

Complainant

vs

QUEENIE E. JACKSON

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes the complainant in the above styled cause and respectfully shows unto this Honorable Court that more than thirty days have elapsed since the entry of the order of the Honorable Hubert M. Hall, directing Queenie E. Jackson to convey all of her right, title and interest in and to the property described in the complaint in the said cause to Winberg Orchards & Nurseries Company, Inc., and the said Winberg Orchards & Nurseries Company, Inc., has paid into this court the sum required by said decree to be paid by it, namely; \$214.27, and more than thirty days have elapsed since said decree and the said Queenie E. Jackson has failed to comply with the said decree and to execute deed to this complainant as provided by the said decree;

And this complainant moves, petitions and requests the Register of this Court to execute and deliver to this complainant a proper conveyance conveying to this complainant the interest of Queenie E. Jackson in and to the aforesaid land all as provided in the said decree entered July 7, 1955.

BEEBE & SWEARINGEN

BY

W. L. Beebe
Solicitors for complainant

~~(3330)~~ 3330

Heinberg Charles O
Morse & Co Inc
NY

Freddie E Jackson

Walter J. Register
Executive
Sec

Filed August
8, 1955

Marie J. French
Register

WINBERG ORCHARDS & NURSERIES	:	IN THE CIRCUIT COURT OF
COMPANY, INC., a corporation,	:	BALDWIN COUNTY, ALABAMA.
COMPLAINANT.	:	IN EQUITY.
-vs-	:	
QUEENIE E. JACKSON,	:	
DEFENDANT.	:	CASE NO. 3330.

Comes the Respondent, QUEENIE E. JACKSON, in the above styled cause and demurs to the complaint filed herein and as grounds therefor assigns the following:

ONE

That there is no equity in the Bill.

TWO

The allegation in paragraph Fifth of the Bill of Complaint that the complainant was in actual, peaceful possession of said lands at the time of the aforesaid tax sale is a conclusion of the pleader.

THREE

The allegations contained in the Fifth paragraph of the Bill affirmatively show that the Defendant owned the real estate described in the Bill of Complaint from, to-wit, June 17th, 1940, either in her own right or through her predecessors in title to the date of the filing of the Bill.

FOUR

The Bill of Complaint shows on its face that the Complainant is guilty of laches.

WILLIAM GRAYSON
ALBERT S. GASTON
Attorneys for Defendant

BY:

Albert S. Gaston

3330

RECORDED

FILED

SEP 14 1954

ALICE J. DICK, Registrar

Handwritten signature or initials, possibly "H. J. DICK".

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., A CORPORATION

COMPLAINANT

VS

QUEENIE E. JACKSON

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

CASE NO. 3330

Comes O. F. E. Winberg, president of Winberg Orchards & Nurseries Company, Inc., a corporation, and answering the interrogatories propounded by Albert S. Gaston, Solicitor for Queenie E. Jackson, defendant in that certain suit pending in the Circuit Court of Baldwin County, Alabama, wherein Winberg Orchards & Nurseries Company, Inc., a corporation, is complainant, and Queenie E. Jackson, is defendant, case No. 3330;

In answering interrogatory 1 (a), he says, "Yes, Winberg Orchards & Nurseries Company, Inc., has paid franchise taxes to the State of Alabama each year from 1939 to date."

In answering interrogatory 1 (b) he says that in answering interrogatory 1 (a) he has answered 1 (b).

Answering interrogatory 2 (a) he says that Winberg Orchards & Nurseries Company, Inc., has paid a corporate tax to the State of Alabama for each year since 1939 to date.

Answering interrogatory 2 (b) he says that in answering interrogatory 2 (a) he has answered 2 (b).

Answering interrogatory 3 (a) he says that Winberg Orchards & Nurseries Company, Inc., has taken out a license to do business in Alabama each year since 1939 to date.

Answering interrogatory 3 (b) he says that he has answered interrogatory 3 (b) in answering interrogatory 3 (a).

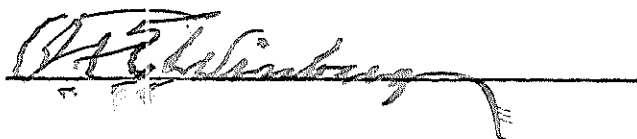
WINBERG ORCHARDS & NURSERIES CO., INC.

BY O. F. E. Winberg
President

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public in and for said State and County, this day personally appeared O. F. E. Winberg, who is known to me and who being by me duly sworn deposes and says: that he is president of Winberg Orchards & Nurseries Company, Inc., a corporation, organized under the laws of the State of Alabama, with its principal place of business in Silverhill in Baldwin County, Alabama; that he knows of his own personal knowledge the facts given in answer to the foregoing interrogatories, and that the facts as stated in such answer are true.

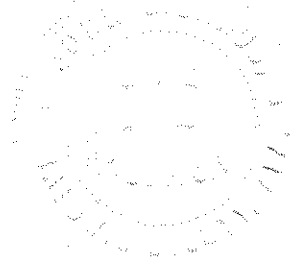


Sworn to and subscribed before me on this the 2/day of

December 1954


Notary Public, Baldwin Co., Ala.

My term expires on Monday after the
second Tuesday in January, 1955.



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DEC 29 1954-

VS.
QUEENIE E. JACKSON,
Defendant.

NO. 3330

This cause coming on to be heard is submitted for a final decree upon the original bill of complaint, answer and cross bill, amendment to answer and cross bill, answer to cross bill, and stipulation, and testimony of witnesses taken ore tenus, and the Court, after considering all of the pleadings and the testimony, is of the opinion and finds as follows:

3. That the parties, in open Court in person and by and through their respective Solicitors of record, stipulated and agreed that the sole question for determination by the Court was whether Winberg Orchards & Nurseries Company, Inc., a Corporation, has been in possession of said lands since the date of said tax sale and therefore and thereby entitled to redeem; that the evidence was to the effect that the Complainant, the record title holder of said lands, was and had been for many years, in constructive possession of said land, and also for some years recently in the actual possession thereof.

4. That the only evidence of possession on the part of the Respondent or her predecessors in title, was an occasional visit upon said lands, with no acts of possession.

IT IS, THEREFORE, THE OPINION OF THE COURT that the Complainant is entitled to the relief prayed for and to redeem the property from the said tax sale,

And it appearing to the satisfaction of the Court that the parties have agreed that the amount of taxes originally paid, subsequent taxes and interest thereon amount to TWO HUNDRED FOURTEEN AND 27/100 (\$214.27) DOLLARS -

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Complainant is entitled to redeem said lands described in the bill of complaint, to-wit: Northwest Quarter of Northwest Quarter, Section 34, Township 5 South, Range 3 East, upon the payment of the sum of TWO HUNDRED FOURTEEN AND 27/100 (\$214.27) DOLLARS.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant, within 30 days from the date hereof pay into the hands of the Register of this Court the sum of TWO HUNDRED FOURTEEN AND 27/100 (\$214.27) DOLLARS to be paid over to the Respondent, upon a proper conveyance executed by her conveying to the Complainant all right, title and interest which she now has or had at the time of the filing of this suit in and to said land.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the Respondent should fail or refuse for a period of 30 days from the date hereof to execute said deed as above directed to the Complainant, then the Register of this Court is hereby authorized, empowered and directed to execute and deliver to the Complainant a proper conveyance conveying all right, title and interest which the Respondent has or had in and to the said lands.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that if the Complainant should fail for a period of thirty days from the date hereof to pay the amount herein required to be paid, into the hands of the Register of the Circuit Court of Baldwin County, Alabama, then the suit stands dismissed and

title is vested in the Respondent.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainant pay the cost herein taxed, which execution may issue.

Dated at Bay Minette, Alabama, this 7th day of July, 1955.

Robert M. Stone

Judge, 28th Judicial Circuit of Alabama.

RECEIVED

FILED

FILED
JUL 6 1955

JUL 6 1964
ALICE J. MACK, Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation,

COMPLAINANT,

VS

QUEENIE E. JACKSON,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

ANSWER

Comes the complainant and cross-respondent in the above styled cause and in answer to the cross bill filed by the defendant and cross-complainant, says:

FIRST: In answer to paragraph (a) of said cross bill, that Winberg Orchards and Nurseries Company, Inc., a corporation, complainant and cross-respondent, with its principal place of business at Silverhill, Alabama, is a legal corporate entity, operating under the laws of the State of Alabama; that it had been a legal corporate entity under the laws of the State of Alabama for more than ten (10) years next preceding the filing of its bill of complaint in the above styled cause; that it has been a legal corporate entity since the filing of its bill of complaint in the above styled cause and that it still is a legal corporate entity operating under the laws of the State of Alabama; that it is not now a defunct corporation and has not been a defunct corporation since the issuance of its charter by the State of Alabama.

SECOND: In answer to paragraph (b) of said cross bill, that the said J. A. Jackson did not go into possession of said property almost immediately after he obtained said tax deed on September 8, 1948, as alleged by defendant and cross-complainant in her cross bill, but on the contrary, said Winberg Orchards & Nurseries Company, Inc., a corporation, complainant and cross-respondent, was in actual possession of the said property at the time of the issuance of said tax deed on September 8, 1948, to the said J. A. Jackson; that said complainant and cross-respondent has been in actual possession of said lands continuously since said date of said tax deed to

the time of the filing of its bill of complaint in the above styled cause; that said complainant and cross-respondent has been in actual possession continuously since the filing of its bill of complaint in said cause, and said complainant and cross-respondent still is in actual possession of said lands.

THIRD: And further in answer to said cross bill, said complainant and cross-respondent says that the defendant and cross-complainant is barred by the statute of limitations from prosecuting her cross bill because more than three (3) years have elapsed since she or her predecessor in title acquired the alleged tax title to the said land and that neither the defendant and cross-complainant nor her predecessor in title have at any time been in possession of the said lands, but that during the whole of the said time this complainant and cross-respondent has been in the continuous adverse possession of the said lands.

FOURTH: And further in answer to said cross bill, said complainant and cross-respondent says that the defendant and cross-complainant is barred by laches from prosecuting her cross bill because more than three (3) years have elapsed since she or her predecessor in title acquired the alleged tax title to the said land and that neither the defendant and cross-complainant nor her predecessor in title have at any time been in possession of the said lands, but that during the whole of the said time this complainant and cross-respondent has been in the continuous adverse possession of the said lands.

And now having fully answered the cross bill of the defendant and cross-complainant, the complainant and cross-respondent prays it may go hence with its reasonable costs expended in this behalf.

BEEBE & SWEARINGEN

By J. B. Swearingen
Solicitor for Complainant
and Cross-Respondent.

CASE No. 3330

RECORDED

ANSWER

WINBERG ORCHARDS +
NURSERIES COMPANY, INC.,
A CORPORATION,

COMPLAINANT

VS

QUEENIE E. JACKSON,
DEFENDANT

FILED

NOV 12 1954

Alice L. Duck, Register

WINBERG ROCHARD & NURSERY
COMPANY, INC., a corporation

Complainant

vs

QUEENIE B. JACKSON,

DEFENDANT

IN THE DISTRICT COURT OF

SALINE COUNTY, ALABAMA,

IN EQUITY

CASE NO. 3330

This cause coming on to be heard is submitted for decree upon complainant's exception to defendant's answer, and the same being considered by the Court, the Court is of the opinion that the exceptions are well taken;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that complainant's exception to defendant's answer be and the same is hereby sustained. The defendant is given twenty days in which to answer complainant's bill of complaint.

This the 23 day of February, 1955.

Hubert M. Hall

RECORDED

FILED

FEB 23 1955

ALICE J. DUCK, Register

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation,

Complainant,

VS

QUEENIE E. JACKSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

This cause coming on to be heard, the same is submitted upon the demurrers heretofore filed by the defendant to the bill of complaint on the 14th day of September, 1954.

And the same being considered by the Court, the Court is of the opinion that the grounds of demurrer are not well taken and that the same ought to be overruled.

It is therefore Ordered, Adjudged and Decreed that the same be overruled, and they are hereby overruled. Defendant is given 20 days to answer.

Done this the 20 day of October, 1954.

E. J. M. Hall
Judge.

RECORDED

CASE No. 3330

DECREE

WINBERG ORCHARDS +
NURSERIES COMPANY, INC.,
A CORPORATION,
COMPLAINANT

VS

QUEENIE E. JACKSON,
DEFENDANT

FILED

OCT 20 1954

ALICE L. DICK, Register

Nº 1831

Bay Minette, Ala., Feb 22, 1944

Received of *Mr. H. H. H.*

[illegible]

FOR RECORD

TOTAL \$

Gill-Mobile.

Judge of Probate,

WINBERG ORCHARDS & NURSERIES
COMPANY, INC., a corporation

Complainant

vs

QUEENIE E. JACKSON

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

It appearing to this Court that Queenie E. Jackson has failed to comply with the order of this court entered July 7, 1955, that the complainant has paid into this court the sum required by the said decree to be paid, namely: \$214.27, and has paid the court cost in said cause and has fully complied with all of the terms of the said decree and in compliance with the said decree Alice J. Duck, Register of this Court, has executed and delivered to the complainant a proper conveyance conveying all the right, title and interest of Queenie E. Jackson in and to the lands described in the complaint and in said decree, namely: The Northwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East, and the same has been exhibited to the undersigned Judge of this Court;

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that the deed and the execution and delivery thereof by the Register aforesaid be and the same is hereby fully approved, ratified and confirmed, and that the defendant, Queenie E. Jackson, has no right, title or interest in, claim, lien or encumbrance upon the said Northwest quarter of Northwest quarter of Section 34, Township 5 South, Range 3 East, or any part or parcel thereof, and that the title to the said lands be and the same is quieted and established in Winberg Orchards & Nurseries Company, Inc., a corporation, as against the said Queenie E. Jackson and any and all other persons, firms or corporations holding under her, and the said Queenie E. Jackson is hereby restrained and enjoined from claiming or attempting to claim any right, title or interest in the said land or any part or parcel thereof, and from exercising or attempting to exercise any possession or right to possession over the same or any part or parcel thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a copy of this decree be filed by the Register of this Court in the Probate

office of Baldwin County and the cost of recording the same be paid by her and charged in the cost in this proceeding;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Queenie E. Jackson, pay all cost that have accrued by virtue of her failure to execute the deed as required by the former order of this Court, and that the same be deducted from the money held by this Court for her aforesaid and the remainder thereof paid over by her to the said Queenie E. Jackson.

Done this the 7th day of August, 1955.

Robert M. Hall
Judge

I, Alice J. Duck, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in above stated cause, which said decree is on file and enrolled in my office.
WITNESS MY HAND AND SEAL THIS THE 22 day of Aug 19 55

Alice J. Duck
Register of Circuit Court, in Equity

STATE OF ALABAMA, BALDWIN COUNTY

Filed 8-22-55 1:30 P. M.

Recorded And book 224 page 154-5

MR. Stuart
Judge of Probate

RECORDED