

MID-STATE HOMES, INC.,	)	IN THE CIRCUIT COURT OF
A Corporation,	)	
	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	
	)	
VS.	)	AT LAW
	)	
CURTIS DEE ROBERTS	)	
and HAZEL ROBERTS,	)	
Jointly and Individually,	)	
	)	
Defendants.	)	CASE NO. <u>8156</u>

C O M P L A I N T

COUNT ONE

The plaintiff sues to recover possession of the following tract of land in Baldwin County, Alabama:

Begin at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 14, Township 1 North, Range 4 East, thence run North on the East line of said Section 14, 380 feet to the Point of Beginning. Thence run North on and along said East line 210 feet to a point. Thence run West 210 feet to a point. Thence run South 210 feet to a point. Thence run East 210 feet back to the Point of Beginning. Containing one acre more or less.

of which the plaintiff was in possession and upon which, pending such possession and before the commencement of this suit, the defendants entered and unlawfully withheld, together with \$1,000.00 for the detention thereof.

COUNT TWO

The plaintiff sues to recover the possession of the following tract of land in Baldwin County, Alabama:

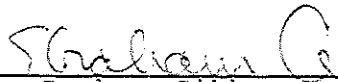
Begin at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 14, Township 1 North, Range 4 East, thence run North on the East line of said Section 14, 380 feet to the Point of Beginning. Thence run North on and along said East line 210 feet to a point. Thence run West 210 feet to a point. Thence run South 210 feet to a point. Thence run East 210 feet back to the Point of Beginning. Containing one acre more or less.

to which said tract of land the plaintiff has the legal title,  
and upon which tract of land, before the commencement of this  
suit, the defendants entered and unlawfully withheld, together  
with \$1,000.00 for detention thereof.



E. Graham Gibbons  
Attorney for the Plaintiff  
Mid-State Homes, Inc., a corporation

Since the plaintiff is a non-resident corporation, I hereby  
hold myself liable for costs.



E. Graham Gibbons  
Attorney for the Plaintiff

Serve the defendants at: Perdido, Alabama

FILED

MAY 24 1963

ALICE J. DUCK CLERK  
RECORDED

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon .....Curtis Dee Roberts & Hazel Roberts.....

.....Jointly & Individually.....

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.....Curtis Dee Roberts

.....and Hazel Roberts, Jointly & Individually....., Defendant.....

by .....MID-STATE HOMES, INC., A Corporation.....

....., Plaintiff.....

Witness my hand this.....24th.....day of ~~JUNE~~ May.....1968.....

*Alise D. Duck*, Clerk

No. 8156

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

MID-STATE HOMES, INC., A CORP.

Plaintiffs

vs.

CURTIS DEE ROBERTS & HAZEL ROBERTS,

Defendants

Jointly & Individually

SUMMONS AND COMPLAINT

Filed May 24 1968

Alice J. Duck Clerk

Gibbons & Stokes, P. O. Box 293  
Mobile, Ala.  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

PERDIDO, ALA.

Received **RECEIVED**

MAY 24 1968 19

WASLEY WILKINS Sheriff

I have executed this summons

this June 4 1968

by leaving a copy with

Curtis Dee Roberts  
Hazel Roberts

52 miles at  
52  
Sheriff claims  
Ten Cents per mile Total \$  
TAYLOR WILKINS Sheriff  
W. A. Tolbert  
DEPUTY SHERIFF

Taylor Wilkins Sheriff  
W. A. Tolbert Deputy Sheriff  
Perdido

GIBBONS & STOKES

ATTORNEYS AT LAW  
160 CONGRESS STREET  
MOBILE, ALABAMA  
TELEPHONE 433-2611

E. GRAHAM GIBBONS  
B. F. STOKES, III  
JOHN S. GONAS, JR.

July 24, 1968

MAILING ADDRESS  
P. O. BOX 293  
MOBILE, ALABAMA. 36601

Mrs. Alice Duck, Clerk  
Circuit Court  
Baldwin County, Alabama  
Bay Minette, Alabama

Re: Jim Walter Corporation vs Curtis Dee Roberts and  
Hazel Roberts, Case No. 8156

Dear Mrs. Duck:

I enclose a final decree as evidence in this cause.  
Please have the Judge enter a default judgment on the  
law side based upon this decree.

If there is any question about this, I will be glad to  
come over to Bay Minette, if necessary, in order to  
obtain a default judgment.

Please advise me when the judgment is taken.

Sincerely,

  
E. Graham Gibbons

EGG:fo

Sp  
ctf

MID-STATE HOMES, INCORPORATED	)	IN THE CIRCUIT COURT
A Corporation,	)	OF BALDWIN COUNTY,
Complainant	)	ALABAMA
VS.	)	IN EQUITY
CURTIS DEE ROBERTS and HAZEL	)	
ROBERTS, Husband and Wife,	)	
CLARK HADLEY, Jointly and	)	
Individually,	)	
Respondents.	)	Case No. 7484

FINAL DECREE

This cause coming on to be heard on this \_\_\_\_ day of February, 1968, is submitted for final decree upon Complainant's Bill of Complaint, upon the Decree Pro Confesso rendered herein and upon the documentary evidence submitted, and the Certificate of the Register, all of which is noted by the Register, and it appears to the satisfaction of the Court:

First, that the Complainant, Mid-State Homes, Inc., at the time of the filing of the Bill of Complaint in this cause, is the Assignee and Mortgagee of that certain Real Property Mortgage entered into between Jim Walter Corporation and the Respondents, Curtis Dee Roberts and Hazel Roberts; said Real Property Mortgage describing lands lying in the County of Baldwin, State of Alabama, and more particularly described as follows:

From the Northeast Corner of the Northeast Quarter of the Southeast Quarter of Section 14, Township 1 North, Range 4 East, go North on the East 1/4 line 380 feet to the point of beginning; thence go North on said 1/4 line 210 feet, thence go West 210 feet, thence go South 210 feet, thence go East 210 feet to the point of beginning. Containing one acre, more or less.

Second, that by a mutual mistake of the parties to the real property mortgage, the legal description contained therein was not the actual property intended to be conveyed

by the mortgagors nor received by the mortgagee, but that said legal description describing with certainty the land in controversy should be reformed to satisfy the intent of the parties and correctly describe the real property situated in the County of Baldwin, State of Alabama more particularly as follows:

"Begin at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 14, Township 1 North, Range 4 East, thence run North on the East line of said Section 14, 380 feet to the Point of Beginning. Thence run North on and along said East line 210 feet to a point. Thence run West 210 feet to a point. Thence run South 210 feet to a point. Thence run East 210 feet back to the Point of Beginning. Containing one acre more or less."

Third, that said real property mortgage thus correctly describing the property intended to be conveyed by the parties was to secure a promissory note executed by the Respondents, Curtis Dee Roberts and Hazel Roberts, which said note came into default March 16, 1962 and has remained in default since that time.

Fourth, that at the time of the filing of said Bill of Complaint no suit was pending to test the Plaintiff's title to, interest in or right to possession of said land and that all parties known by the Complainant to have any claim or interest in said land has been notified and served personally with a copy of said complaint, and upon the Respondents' failure to respond thereto the allegations of fact contained in Complainant's Bill of Complaint are taken as true.

Fifth, that the Complainant is entitled to foreclosure pursuant to the terms of said mortgage as herein reformed. It is, therefore,

ORDERED, ADJUDGED AND DECREED by the Court:

1. That the Complainant is entitled to the relief prayed for in its Bill of Complaint.

2. That a certified copy of this decree be recorded in the Office of the Judge of Probate of Baldwin County, Alabama and that it be indexed in the name of Mid-State Homes, Inc. on both the direct indexes and indirect indexes.

3. That the legal description therein be reformed by deleting the description contained in that certain real property mortgage heretofore recorded in Mortgage Book 353 Page 297 in the Office of the Judge of Probate Baldwin County, Alabama and the property therein conveyed be described more particularly as follows:

"Begin at the Southeast corner of the Northeast quarter of the Southeast quarter of Section 14, Township 1 North, Range 4 East, thence run North on the East line of said Section 14, 380 feet to the Point of Beginning. Thence run North on and along said East line 210 feet to a point. Thence run West 210 feet to a point. Thence run South 210 feet to a point. Thence run East 210 feet back to the Point of Beginning. Containing one acre more or less."

4. That the Complainant is entitled to foreclose said mortgage as reformed pursuant to the terms of said mortgage.

5. That Complainant pay the costs of these proceedings for which let execution issue.

Done this 20th day of February, 1968.

~~Telfair J. Nashburn~~  
TELFAIR J. NASHBURN, Circuit 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 the above entitled case, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL THIS THE 21st day of Feb. 1968

*Alice J. Duck*  
Register of the Circuit Court, in Equity



GIBBONS & STOKES

ATTORNEYS AT LAW  
160 CONGRESS STREET  
MOBILE, ALABAMA  
TELEPHONE 433-2611

E. GRAHAM GIBBONS  
B. F. STOKES, III  
JOHN S. GONAS, JR.

May 23, 1968

MAILING ADDRESS  
P. O. BOX 293  
MOBILE, ALABAMA, 36601

Mrs. Alice Duck, Clerk  
Circuit Court  
Baldwin County  
Bay Minette, Alabama

8156

Re: Mid-State Homes, Inc. vs. Curtis Dee Roberts and Hazel  
Roberts

Dear Mrs. Duck:

I enclose herein an original and two copies of a complaint in ejectment in the above case. I would appreciate it if you would file the same in the Circuit Court of Baldwin County and issue it for service, and I would also appreciate it if you would confirm the filing date and also the date when service is perfected.

The defendants' address is Perdido, Alabama.

Thank you very much for your attention to this matter.

Sincerely,

  
E. Graham Gibbons

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Enclosures