

1198

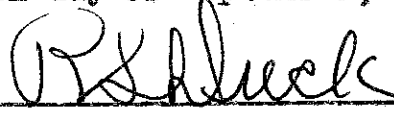
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jesse Moor^{Adams}~~er~~ and Jim Cox, to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, Equity Side, at the place of holding same, and plead, answer or demur to the Bill of Complaint filed against them by Enoch Thomas.

Witness my hand this 15th day of September, 1944.



Register.

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

Your Orator, Enoch Thomas, presents this Bill of Complaint against Jesse Moorcer, George ^{Adams}~~Moorcer~~ and Jim Cox, and thereupon your Orator complains and shows unto the Court and your Honor as follows:

1. Your Orator is over twenty-one years of age and a resident of the State of Alabama. The Respondents are each over twenty-one years of age and are each residents of Bay Minette in Baldwin County, Alabama.

2. Your Orator owns Lot Numbered 5 in Block Numbered 2 in Douglasville, Baldwin County, Alabama, according to the plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama.

3. The above described property sold for taxation on May 27, 1929 for delinquent taxes for 1928 assessed to "Owner Unknown #6" which sale is recorded in Sales Book 7 at page 80, Baldwin County, Alabama Records, at which said sale the said property was purchased by the State of Alabama which held the title so acquired until the said property was conveyed by the State Land Commissioner of Alabama to Taylor Wilkins, by Tax Deed dated November 10, 1943 and recorded in Deed Book 81 N. S. at page 335, Baldwin County, Alabama Records, a copy of which deed is hereto attached marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein. The alleged tax sale by which the Tax Collector of Baldwin County, Alabama attempted to sell the said property for delinquent taxes as outlined above is void for one or more of the following reasons:

(a) The owner of the said property at the time it was assessed for taxation for the tax year of 1928 could have been ascertained by the Tax Assessor of Baldwin County, Alabama if he had made proper inquiry and search therefor, the said property was improperly assessed to "Owner Unknown #6" for the tax year of 1928.

(b) The owner of the said property at the time of said tax sale was a resident of the State of Alabama and was not

personally served with notice of the said proceedings.

(c) The Probate Court of Baldwin County, Alabama had no jurisdiction of the owner of the said property or of the said property on April 28, 1929, at which time a Decree of Sale was rendered by the said Court ordering a sale of the said property for the reason that service by publication had not been perfected against the owner of the said property because the delinquent notice of the said tax sale which appeared in the March 28, 1929, April 4, 1929 and April 11, 1929 issues of the Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, which was the only attempted service of said notice, was not completed ten days prior to the commencement of the April, 1929 term of the Probate Court of Baldwin County, Alabama, and the said Decree of April 28, 1929 was rendered before the said case was at issue and before a default judgment could be taken in the said cause.

(d) The alleged Decree of Sale against the said property purports to have been made and entered on the 28th day of April, 1929 and the Tax Collector of Baldwin County, Alabama commenced advertisement of the tax sale which was held on May 27, 1929 on April 25, 1929 which was before the expiration of the term of the Probate Court in which the said decree was rendered.

4. The said Taylor Wilkins, who acquired the said tax title from the State of Alabama by the above described deed, together with his wife, have, by Quit Claim Deed, conveyed all of their right, title and interest in and to the said property to the Respondent, Jesse Moorner, by deed dated December 30, 1943 which is recorded in Deed Book 85 N. S. at page 335, Baldwin County, Alabama Records, a copy of which is hereto attached, marked Exhibit "B" and by reference made a part hereof as though fully incorporated herein. Your Orator further alleges that the said Jesse Moorner has sold or agreed to sell all of his right, title and interest in and to the said property to the Respondent, George ^{Adams} Moorner and Jim Cox, and has accepted from them one or more payments on the said property but has not at the time of the filing of this suit conveyed the property to them by any

conveyance which has been filed for record in the office of the Probate Judge of Baldwin County, Alabama.

PRAYER FOR PROCESS

Your Orator prays that the Court will take jurisdiction of the cause made by this Bill of Complaint and that due notice thereof be given to the Respondents, Jesse Moorner, George ~~Moorner~~^{Adams} and Jim Cox in the form and manner prescribed by law, requiring them and each of them to appear and plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

PRAYER FOR RELIEF

Your Orator further prays for the following separate and several relief:

1. That a proper decree be made and entered decreeing that the said tax sale is void; that your Orator is entitled to redeem the said property from the said alleged tax sale against it and that this cause be referred to the Register of this Court who shall be instructed and directed to ascertain the amount to which the Complainant will be required to pay to redeem the said property under the provisions of Section 283, Title 51 of the 1940 Code of Alabama on redemption of the said property and will also ascertain to which of the said Respondents the said redemption money shall be paid.

2. Your Orator further prays for such other, further and general relief as he may be equitably entitled to the premises considered.

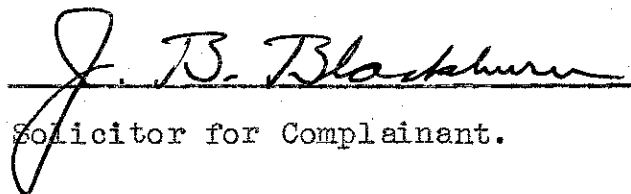

Solicitor for Complainant.

EXHIBIT "A"

ORIGINAL

NO. 8531

THE STATE OF ALABAMA.

KNOW ALL MEN BY THESE PRESENTS: That Whereas, On 22 day of April, A. D., 1929, 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 Owner Unknown #6 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 27 day of May, 1929, 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, and 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 State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Thirty-eight and no/100 (\$38.00) 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 Land Commissioner of the State of Alabama by Taylor Wilkins to purchase said lands, and said sum of Thirty-eight and no/100 (\$38.00) dollars therefor has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him 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 Taylor Wilkins, 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:

Lot 5, Block 2, Douglasville.

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 Taylor Wilkins, and his heirs and assigns forever.

In Testimony Whereof, I have hereunto set my hand and seal this the 10 day of November, 1943.

STATE LAND COMMISSIONER OF ALABAMA,
By H. G. Dowling,
State Land Commissioner.

Approved:
Chauncey Sparks, Governor.

THE STATE OF ALABAMA, |

BALDWIN COUNTY. |

I, Mary Slade, a Notary Public, in and for said County,

In witness whereof, I hereunto set my hand and official seal this 30 day of December, 1943.

(Seal)

Winnie G. Scarborough,
Notary Public, Baldwin County,
Alabama.

State of Alabama,
Baldwin County.

Filed this 8 day of July, 1944 at 10 A.M. and duly recorded in Deed Book 85 at page 335 and I certify that \$.50 deed tax has been paid as required by law.

G.W. Robertson,
Judge of Probate.

[Handwritten signature]

IN WITNESS WHEREOF
I have hereunto set my hand and official seal
this 30th day of December, 1943.

Winnie G. Scarborough

Notary Public

Alabama

G. W. Robertson

Judge of Probate

State of Alabama

[Handwritten notes]

[Large handwritten notes and signatures at the bottom of the page]

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, GEORGE ADAMS and
JIM COX,

Respondents.

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

DECREES PRO CONFESSO ON PERSONAL SERVICE

In this cause, it being made to appear to the Register that a Summons was served upon the Respondents, Jesse Moorner, George Adams and Jim Cox, more than thirty (30) days prior to this date, requiring them to appear and plead, answer or demur to the Bill of Complaint in this cause within thirty (30) days from the service of the said Summons and that the said Respondents having each failed to plead, answer or demur to the said Bill of Complaint to date hereof:

IT IS, THEREFORE, on motion of the Complainant, ORDERED AND DECREED that the said Bill of Complaint in this cause be, and it hereby is in all things taken as confessed against the said Jesse Moorner, George Adams and Jim Cox, Respondents aforesaid.

WITNESS my hand this 15th day of April, 1946.



Register.

ENOCH THOMAS,

VS.

JESSE MOORER, GEORGE ADAMS and
JIM COX,

Complainant,

Respondents.


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

MOTION FOR DECREES PRO CONFESSO

Now comes the Complainant, by his Solicitor, and shows unto the Register that a copy of the Summons and Bill of Complaint was served on the Respondents, Jesse Moorner, George Adams and Jim Cox, by the Sheriff or a Deputy Sheriff of Baldwin County, Alabama more than thirty (30) days prior to this date and that the said Respondents and each of them have to date hereof failed to appear and plead to, answer or demur to the Bill of Complaint filed against them in this cause.

WHEREFORE, Complainant moves the Register to make and enter a Decree Pro Confesso against the said Respondents and each of them.

DATED this 15th day of April, 1946.


Solicitor for Complainant.

LIS PENDENS NOTICE

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, GEORGE MOORER
AND JIM COX,

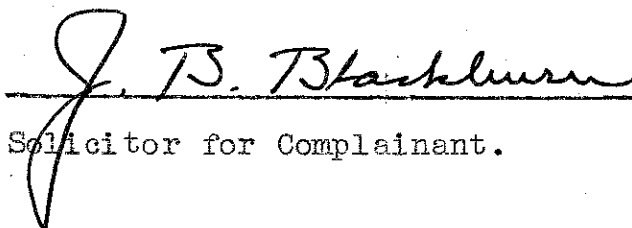
Respondents.

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

Notice is hereby given that the said Complainant has on this date filed in the Circuit Court of Baldwin County, Alabama, in Equity, his Bill of Complaint in which he alleged in substance that he owns Lot Numbered 5 in Block Numbered 2 in Douglasville, Baldwin County, Alabama, according to the official plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama; that the Tax Collector of Baldwin County, Alabama attempted to sell the said property for delinquent taxes on May 27, 1929 and that the said tax sale is void. The Prayer of the said Bill of Complaint is that the said tax sale be decreed to be void and that the Complainant be permitted to redeem the said property from the said sale, that the amount of taxes to redeem the said property from the said sale be ascertained and further that it be determined to which of the said Respondents the said redemption money shall be paid.

All persons are cautioned against purchasing the said property or acquiring any interest therein except subject to the rights of the Complainant in this suit.

Dated this 15th day of September, 1944.


Solicitor for Complainant.

ENOCH THOMAS,
Complainant,
VS.
JESSE MOORER, ET ALS,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1198.

NOTE OF TESTIMONY.

This cause is submitted for Final Decree on behalf of
the Complainant upon the following:

1. Original Bill of Complaint.
 2. Motion for Decrees Pro Confesso against the Respondents.
 3. Decrees Pro Confesso against the Respondents.
 4. Decree dated April 24, 1946.
 5. Register's Report filed July 12, 1947.
 6. Decree confirming Register's Report dated August 1, 1947.
 7. Register's Report dated August 9, 1947.
- DATED this 15th day of August, 1947.

Alice J. Reuck
Register.

J. B. Blackburn
Solicitor for Complainant.

ENOCH THOMAS,

VS.

JESSE MOORER, et als,

Complainant,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 1198.

DECREE

This cause coming on to be heard on this date is submitted for an Interlocutory Decree on the original Bill of Complaint, Motion for Decrees Pro Confesso on Personal Service against the Respondents, Jesse Moorner, George Adams and Jim Cox, and Decrees Pro Confesso against the said Respondents, upon consideration of all of which it appears to the Court that the Complainant is entitled to the relief prayed for by him in his said Bill of Complaint and the said Bill of Complaint being taken as confessed against the said Respondents and each of them, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The tax sale held on May 27, 1929 for delinquent taxes assessed to "Owner Unknown #6", which said sale is recorded in Sales Book 7 at Page 80, Baldwin County, Alabama Records, is void for the reasons alleged in the Bill of Complaint filed in this cause.

2. The Tax Deed from the State Land Commissioner of Alabama to Taylor Wilkins, dated November 10, 1943 and recorded in Deed Book 81 N. S. at Pages 334-5, Baldwin County, Alabama Records, is based on the said tax sale and is, therefore, void and the Complainant, Enoch Thomas, is entitled to redeem the property described in the said tax sale and deed, namely, Lot Numbered Five (5) in Block Numbered Two (2) in Douglasville, Baldwin County, Alabama, according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama, from the said sale.

3. The Respondents, Jesse Moorner, George Adams and Jim Cox, or some of them, are entitled to receive from the Complainant

the amounts due for taxes, fees and costs to be computed as provided by Title 51, Section 283 of the 1940 Code of Alabama, and the Register of this Court is hereby ordered and instructed to hold a reference and determine the amount of taxes, fees and costs which the Complainant, Enoch Thomas, shall be required to pay and also determine which of the said Respondents are entitled to receive such payment and report his conclusions. Notice of the said reference shall be given to the parties in this cause in the manner prescribed by law.

4. The Register of this Court shall file a certified copy of this Decree for record in the office of the Judge of Probate of Baldwin County, Alabama and tax the costs of such recording as a part of the costs of this proceeding.

5. Jurisdiction of this cause is reserved for such other and further orders or decrees which may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED this 24th day of April, 1946.

J. W. Lane

Judge.

ENOCH THOMAS,
Complainant,
VS.
JESSE MOORER, ET ALS,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1198.

DECREE CONFIRMING REGISTER'S REPORT.

This cause coming on to be heard on this date is submitted for decree on the report of the Register filed in this cause on July 12, 1947 from which it appears that no exceptions or objections have been filed thereto and that the said report should be confirmed, WHEREUPON, it is therefore Ordered, Adjudged and Decreed by the Court as follows:

1. The said Register's report filed in this cause on July 12, 1947 be and it is hereby confirmed.
2. The Complainant, Enoch Thomas shall, within thirty days of the date of the decree pay to the Register of this Court, the sum of \$50.63, the payment of which, when made, shall be reported by the said Register to this Court for the purpose of enabling the Court to make and enter such other and further orders and decrees as may be requisite and proper in the premises.
3. Jurisdiction of this cause is reserved for the purpose of making such other and further orders and decrees which may be requisite and proper in the premises.

ORDERED, ADJUDGED AND DECREED this 1st day of August,
1947.

J. W. Stare

Judge.

ENOCH THOMAS,
Complainant,
VS
JESSE MOORER, ET ALS,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1198.

REGISTER'S REPORT.

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

In the decree rendered in this cause on August 1, 1947,
the Register's Report filed in this cause on July 12, 1947 was con-
firmed and the Complainant, Enoch Thomas, was allowed thirty days
from the date of the said decree to pay to the Register of this Court,
the sum of \$50.63, payment of which, when made, was to be reported
by the Register to the Court. Pursuant to the said decree, the
Complainant, Enoch Thomas, did, on August 6, 1947, pay to the Regis-
ter of this Court the sum of \$50.88 which covered the said sum of
\$50.63, together with interest from July 12, 1947 to date of payment,
of which sum the Respondent, Jim Cox, is entitled to receive the
sum of \$23.29 and the Respondent, George Adams, is to receive the
sum of \$27.59.

Respectfully submitted on this the 9th day of August,
1947.

Alice J. Clark
Register

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1198.

REGISTER'S REPORT ON REFERENCE.

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

WHEREAS, by a decree of this Court heretofore made in this cause and dated the 24th day of April, 1946, I was ordered and instructed to hold a reference to determine the amount of taxes, fees and costs which the Complainant, Enoch Thomas, shall be required to pay to redeem the property involved in this suit and also to determine which of the said Respondents are entitled to receive payment of the said sum so paid by the Complainant.

NOW, THEREFORE, having held a reference for the purpose of ascertaining the matter called for in the said decree of reference, I report as follows:

1. The hearing of the reference was had at my office at the Court House in Bay Minette, Alabama at 10:00 o'clock A. M. on July 12, 1947, due notice of which was given to all of the parties of this proceeding at which reference were present the Respondent, Jim Cox, J. B. Blackburn, Solicitor for the Complainant and the undersigned Register.

2. The amounts to be paid by the Complainant to redeem the said property are as follows:

November 10, 1943	\$38.00
Interest-November 10, 1943 to July 12, 1947	<u>8.37</u>
TOTAL	\$46.37

1945 taxes-Escape Number 147 paid by George Adams on May 27, 1946	\$ 2.26
Interest-May 27, 1947 to July 12, 1947	<u>.16</u>
TOTAL	\$ 2.42

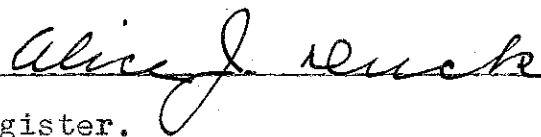
1946 taxes-Supplemental assessment number 1 paid by George Adams on December 7, 1946	\$ 1.76
Interest-December 7, 1946 to July 12, 1947	<u>.08</u>
TOTAL	\$ 1.84

Grand total of above items

\$50.63

The Respondent, Jim Cox is entitled to receive one-half of the above sum of \$46.37 or \$23.19 and all of the other said amounts, namely, \$27.44 should be paid to the Respondent, George Adams.

All of which is respectfully submitted this 12th day of July, 1947.


Register.

RECORDED

REGISTER'S REPORT.

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1198.

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DECREE

ENOCH THOMAS,

Complainant,
VS.

JESSE MOORER, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 1198.

Final Decree 2:5-1944
W. M. Moorer

NOTE OF TESTIMONY.

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, ET ALIS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 1198.

LITIGATING NOTICE

ENOCH THOMAS, 33

Complainant,

VS.

JESSE MOORER, et al 48

George Moore
Respondents.

Final 53

9-15-44

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

STATE OF ALABAMA, BALDWIN COUNTY

Filed SEP 15 1944

8506

Recorded Final Book 1 page 236-7
and I certify that the following Privilege Tax has
been paid.

Deed Tax

Mortgage Tax

W. H. ...
Judge of Probate

By

W. H. ...
210

7700011111

MOTION FOR DECREES PRO
CONFESSO.

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, GEORGE ADAMS and
JIM COX,

Respondents.

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

Good Order 15/19/44
[Signature]

RECORDED

DECREES PRO CONFESSO ON PERSONAL SERVICE.

ENOCH THOMAS,

Complainant,
vs.

JESSE MOORER, GEORGE ADAMS and
JIM COX,

Respondents.

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

Original

1198

RECORDED

File No 9/14/44
Jesse Moore 9/18/44
Jesse Moore 9/19/44

Executed Sept 16th
1944 by serving copy
of within filed of
Complaint on Jesse Moore
on Sept 18th 1944
I served copy of
Complaint on Jesse
Moore. on & on
Sept 19th 1944
I served & copy
of Bill of Complaint
on Jesse Moore

W. M. Street
Shirley

SUMMONS AND BILL OF COMPLAINT

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, et als,

Respondents.

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

Jesse Moore 9/18/44
R. B. Street

State of Alabama
Baldwin County
I, the undersigned, Clerk of the Circuit Court of Baldwin County, Alabama, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of said court.

SUMMONS AND BILL OF COMPLAINT

ENOCH THOMAS,

Complainant,

VS.

JESSE MOORER, et als

Respondents.

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

1198

W. R. STUART
PROBATE JUDGE

No. 7370

Bay Minette, Ala., Aug 2, 1917

Received of Mrs. Lude

No.	Deed Tax	Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.
<i>Emory Thomas</i>							
<i>Jessie Moore</i>						1	40
							40

FOR RECORD

TOTAL \$ 1 ⁴⁰/₁₀₀

W. R. Stuart