

CECIL G. CHASON

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CHARLES H. SIMS III
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October 24, 1969

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

Mrs. Alice J. Duck
Circuit Clerk
Baldwin County
Bay Minette, Alabama 36507

RE: B & E Farms, et al vs. George
Wilson, et al and James G. Blake
vs. George Wilson

Dear Mrs. Duck:

Enclosed please find Pleas for the above referenced cases, copies of which have been mailed to the respective attorneys of record therein. Please file.

Yours very truly,



C. G. Chason

CGC:ec
encs:

CECIL G. CHASON

Attorney at Law

CHARLES H. SIMS III
ASSOCIATE

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

June 13, 1969

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: B and E Farms vs. George Wilson,
d/b/a Wilson's Flying Service
Case No. 8699

James G. Blake vs. George Wilson,
d/b/a Wilson's Flying Service
Case No. 8698

Dear Mrs. Duck:

Enclosed are Demurrers in the above styled cases,
along with a copy thereof. The Complaints do not show
the attorney who is representing the Plaintiffs.

Yours very truly,


C. G. Chason

CGC:jc

Encls: 4

JAMES G. BLAKE,)	IN THE CIRCUIT COURT OF BALDWIN
)	
Plaintiff,)	COUNTY, ALABAMA
)	
VS)	AT LAW
)	
GEORGE WILSON, d/b/a)	CASE No. 8698
WILSON'S FLYING SERVICE,)	
)	
Defendant.)	

ORDER

The motion of the Defendant, GEORGE WILSON d/b/a WILSON'S FLYING SERVICE, in the above action at law coming on to be heard before the undersigned judge presiding at the hearing of this action, the matter having been duly considered, the undersigned judge is of the opinion that said motion should be granted. It is therefore, CONSIDERED, ORDERED and ADJUDGED:

(1) That the motion heretofore filed by the said GEORGE WILSON sufficiently asserts and shows an equitable right of defense and further that a decision on the Law Side of the Court would not settle all controversies between the parties.

(2) That the said motion be, and the same is hereby granted.

(3) That the said Action of JAMES G. BLAKE vs. GEORGE WILSON, d/b/a WILSON'S FLYING SERVICE be, and the same hereby is transferred from the Law Side of the Court to the Equity Side of the Court, and to be docketed and proceed in the manner and form provided by Statute and the rules of equity.

DONE this the 3rd day of August, 1970.

Julius A. Mosleburn
CIRCUIT JUDGE

JAMES G. BLAKE,)	
)	IN THE CIRCUIT COURT OF
Plaintiff,)	
)	BALDWIN COUNTY, ALABAMA
-vs-)	
)	AT LAW
GEORGE WILSON, d/b/a/)	
WILSON'S FLYING SERVICE,)	CASE NO. 8698
)	
Defendant.)	

MOTION TO TRANSFER FROM THE LAW SIDE OF THE COURT TO EQUITY

Comes the Defendant in the above styled cause and shows unto this Honorable Court the following:

That the Plaintiff is suing for the collection of rentals alleged to be due to him whereas the facts are as follows:

1. That the Defendant went into possession of the properties described in the Complaint in 1956 under a contract and agreement with Riemers Company, Inc., which said company the Defendant believed to be the owner of the property.

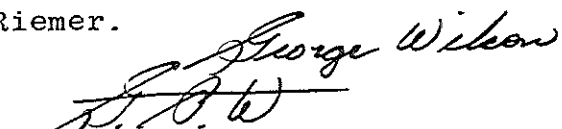
2. That in 1964, while still in possession of the property, the Defendant entered into a contract of sale and purchase of the property with William C. Riemer and Richard G. Riemer, who were acting by and through William H. Riemer and paid a part of the consideration for purchase of said lands by furnishing materials, labor, etc. for spraying and dusting farms of the sellers.

3. That as a result of the agreement to purchase said property, the Defendant did in June, 1964, have prepared by J. A. Ertzinger & Son, Licensed Abstractor, a search and report of the matters on file in the office of the Judge of Probate of Baldwin County, Alabama, and subsequently on December 1, 1969, has caused to be prepared another search and report of J. A. Ertzinger & Son and finds from these reports the chain of title to the property in question to be as follows: Conveyance on October 10, 1948, from Lamar Irwin and wife to W. H. Riemer and Emma Riemer, husband and wife, with rights of survivorship; conveyance July 1, 1949, from William H. Riemer and Emma Riemer, husband and wife, to Gust Riemer, William H. Riemer and Reinhard Riemer, who Defendant believed and alleged at that time were doing

business as a partnership; conveyance from Adela Riemer, a widow, whom Defendant believes to have inherited this property under the Last Will and Testament of Gust Riemer, deceased, to Reinhardt Riemer on May 21, 1969; conveyance May 23, 1966, Reinhardt Riemer and wife to William M. Campbell and reconveyance from Campbell to Reinhardt Riemer and Thelma Riemer on the same date by instrument recorded on June 5, 1969; conveyance on December 23, 1962, from Wm. H. Riemer and wife to William Carl Riemer and Richard Gustav Riemer; conveyance March 2, 1968, from William C. Riemer and Richard G. Riemer to James C. Blake. Defendant therefore alleges and shows that from the chain of title as herein set out, the ownership of the property is fractionally vested in James C. Blake, Reinhardt Riemer, and Thelma Riemer.

4. Defendant further alleges and shows that there were a number of judgments against William H. Riemer, individually, and against Riemers Company, a partnership composed of Gust Riemer, William H. Riemer, and Reinhardt Riemer in 1964 at the time he agreed to purchase the property and further alleges that he was ready, willing and able to pay the agreed purchase price as soon as title could be cleared, and that he was at that time and still is in possession of the property based on his agreement to purchase and not as a tenant.

In order to fix and determine the ownership and title to the property; to fix and determine any rights of purchase which the Defendant might have; to prevent a multiplicity of suits; to fix and determine whether any rental is due, and if so, to whom; Defendant prays that this cause be transferred and removed from the Law Side of the Circuit Court of Baldwin County, Alabama, and the Defendant be allowed to proceed to determine the issues by a Bill of Complaint in Equity to be instituted against the Plaintiff herein, James G. Blake, and William H. Riemer and Emma Riemer, Reinhardt Riemer and Thelma Riemer.



Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Janice L. Childress, a Notary Public in and for said County in said State, personally appeared George Wilson, who is known to me, and who, first being by me duly and legally sworn, deposes and says under oath as follows: That the matters and facts set out in the foregoing petition are true and correct to the best of his knowledge, information, and belief.

George Wilson

Sworn to and subscribed before
me on this the 22 day of
July, 1970.

Janice L. Childress
Notary Public, Baldwin County
State of Alabama

FILED

JUL 23 1970

ALICE J. DUCK CLERK
REGISTER

JAMES G. BLAKE,

Plaintiff,

-vs-

GEORGE WILSON, d/b/a
WILSON'S FLYING SERVICE,

Defendant.

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)

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)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
CASE NO. 8698

PLEA

Comes now the Defendant and for answer to the Complaint,
saith and alleges the following:

1. Not guilty.
2. That the allegations of the complaint are untrue.



Attorney for Defendant

I hereby certify that I have mailed a copy of the foregoing
Plea to the Honorable Kenneth Cooper by placing the same, properly
addressed and postage pre-paid in the United States Post Office,
Foley, Alabama, on this the 5th day of Nov, 1969.



FILED

NOV 5 1969

ALICE J. DUCK CLERK
REGISTER

DEMURRER

SUMMONS AND COMPLAINT

STATE OF ALABAMA
BALDWIN COUNTY

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

TERM, 1969

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon George Wilson, d/b/a Wilson's Flying Service, 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 George Wilson, d/b/a Wilson's Flying Service, Defendant, by James G. Blake, Plaintiff.

WITNESS my hand this 14 day of May, 1969.

James G. Blake, CLERK.

JAMES G. BLAKE,
Plaintiff,

Vs.

GEORGE WILSON, d/b/a
WILSON'S FLYING SERVICE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8698

COUNT ONE

The Plaintiff claims of the Defendant Five Hundred (\$500.00) Dollars, the rent of a tract of land, viz:

Lots 1 thru 24 in Plot "C", and Lots 1 thru 24 in Plot "F", Riemer's Subdivision of Southwest Quarter of Northwest Quarter, Section 21, Township 7 South, Range 4 East, Baldwin County, Alabama,

demised by the Plaintiff to the Defendant, on or about the 1st day of JULY, 1968, said rent commencing on the 1st day of July, 1968, and ending on the 30th day of June, 1969.

James G. Blake
JAMES G. BLAKE

Plaintiff demands a trial by jury.

James G. Blake
JAMES G. BLAKE

Received 14 day of May 1969
and on 18 day of May 1969
I served a copy of the within SC
on George Wilson

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Childress
DEPUTY SHERIFF

By service on _____
TAYLOR WILKINS, Sheriff
D.S.

CASE NO. 8698

DEFENDANT'S ADDRESS:

Foley, Alabama

JAMES G. BLAKE,
PLAINTIFF,

VS.

GEORGE WILSON, d/b/a
WILSON'S FLYING SERVICE,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

ATTORNEY FOR PLAINTIFF:
KENNETH COOPER

FILED

MAY 14 1969

ALICE J. DICK
CLERK
REGISTER