

CECIL G. CHASON

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PHONE 205/943-3171

July 22, 1970

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

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

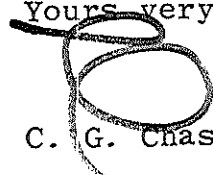
B and E Farms vs. George Wilson  
d/b/a Wilson's Flying Service  
Case No. 8699

Dear Mrs. Duck:

Enclosed are motions to transfer the above styled cases from the law side to the equity side of court. Please present to Judge Mashburn for his consideration.

I have mailed Kenneth Cooper, attorney for the Plaintiffs, copies of the motions.

Yours very truly,

  
C. G. Chason

CGC:jc

Encl.

B and E FARMS, a Partnership	)	IN THE CIRCUIT COURT OF
composed of WILLIAM C. RIEMER	)	
and RICHARD C. RIEMER,	)	BALDWIN COUNTY, ALABAMA
	)	
Plaintiff,	)	AT LAW
	)	
vs.	)	
	)	CASE NO. 8699
GEORGE WILSON, d/b/a 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 B and E FARMS, a Partnership composed of WILLIAM C. RIEMER and RICHARD C. RIEMER vs. GEORGE WILSON, d/b/a WILSON'S FLYING SERVICE be, and the same is hereby 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.

William C. McDaniel  
Circuit Judge

B and E FARMS, a Partnership	)	
composed of WILLIAM C. RIEMER	(	
and RICHARD C. RIEMER,	)	IN THE CIRCUIT COURT OF
	(	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	(	
-vs-	)	AT LAW
	(	
GEORGE WILSON, d/b/a WILSON'S	)	CASE No. 8699
FLYING SERVICE,	(	
	)	
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.

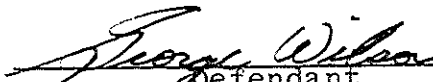
2. That in 1964, while still in possession of the property, the Defendant entered into a contract of sale and purchase of the property with William C. Riemer and Richard G. Riemer, who were acting by and through William H. Riemer, and paid a part of the consideration for purchase of said lands by furnishing 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, B and E Farms, a Partnership composed of William C. Riemer and Richard C. Riemer, and James G. Blake, 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

B and E FARMS, a PARTNERSHIP  
COMPOSED OF WILLIAM C. RIEMER  
AND RICHARD C. RIEMER,

Plaintiff,

-vs-

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

Defendant.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW

) CASE NO. 8699

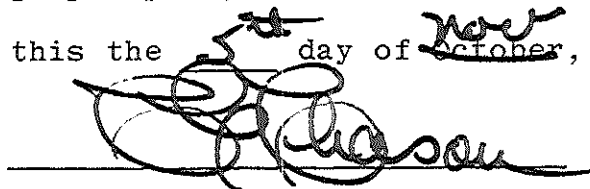
PLEA

Comes now the Defendant and for answer to the Complaint  
and to Court One and Count Two separately and severally, saith  
and alleges the following:

1. Not guilty.
2. That the allegations of Count One and Count Two 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 5<sup>th</sup> day of Nov ~~October~~, 1969.



FILED

NOV 5 1969

ALICE J. DUCK CLERK  
REGISTER



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 B and E Farms, a Partnership Composed of William C. Riemer and Richard C. Riemer, Plaintiff.

WITNESS my hand this 14 day of May, 1969.

Anna J. Due CLERK.

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B and E FARMS, a Partnership    )  
Composed of WILLIAM C. RIEMER   )  
and RICHARD C. RIEMER,           )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

Plaintiff,                            ) AT LAW

Vs.                                        ) CASE NO. 8699

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

COUNT ONE

The Plaintiff claims of the Defendant One Thousand (\$1,000.00) 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 5th day of June, 1966, said rent commencing on the 1st day of July, 1966, and ending on the 30th day of June, 1968.

COUNT TWO

The Plaintiff claims of the Defendant One Thousand (\$1,000.00) 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 5th day of June, 1966, for an annual rental of Five Hundred (\$500.00) Dollars per annum, commencing on 1 July, 1966, and ending on 30 June, 1967, and on the same date of each succeeding year thereafter.

B and E FARMS, a Partnership  
Composed of WILLIAM C. RIEMER  
and RICHARD C. RIEMER.

*William C. Riemer*  
WILLIAM C. RIEMER  
*Richard C. Riemer*  
RICHARD C. RIEMER

Plaintiff demands a trial by jury.

*William C. Riemer*  
WILLIAM C. RIEMER  
*Richard C. Riemer*  
RICHARD C. RIEMER

KC.

FILED

MAY 14 1969

ALICE J. DECK CLERK  
REGISTER

\*\*\*\*\*

CASE NO. 8699

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B and E FARMS, a Partnership  
Composed of WILLIAM C. RIEMER  
and RICHARD C. RIEMER,

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. DUCK CLERK  
REGISTER

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DEFENDANT'S ADDRESS:

Foley, Alabama

\*\*\*\*\*

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

Received 14 day of May 1969  
at 16 city of Tring  
I served a copy of the within etc  
on George Wilson  
By service on  
TAYLOR WILKINS Sheriff  
BY Willie  
D.S.