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CHASON & STONE  
ATTORNEYS AT LAW  
BAY MINETTE, ALABAMA

JOHN CHASON  
NORBORNE C. STONE

October 28, 1955

PHONE 3641

Mrs. Alice J. Duck  
Bay Minette, Alabama

Dear Mrs. Duck:

Will you please dismiss the suit of Joseph Homan vs. J. L. Mothershed which is now pending in the Circuit Court of Baldwin County, Alabama, in Equity.

I hand you herewith check of Joseph Homan payable to you in the sum of Ten Dollars and Sixty-five Cents in payment of the Court costs which have accrued.

Yours very truly,

CHASON & STONE

By: 

JC:ld  
Encl:1

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. L. Mothershed to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Joseph Homan, as Complainant, against J. L. Mothershed, as Respondent.

Witness my hand this 3 day of September, 1955.

*Joseph Homan*  
Register.

JOSEPH HOMAN,  
Complainant,  
vs.  
J. L. MOTHERSHED,  
Respondent.

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

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

Comes the Complainant in the above styled cause and files this his Bill of Complaint to redeem from a void tax sale and shows unto this Court and unto your Honor as follows:

FIRST:

That your Complainant is over the age of twenty-one years and is a resident citizen of Chicago, Illinois. That the Respondent is over the age of twenty-one years and is a resident citizen of Baldwin County, Alabama.

SECOND:

That your Complainant is the owner of the following described lands situated in Baldwin County, Alabama, to-wit:

The Northwest Quarter of the Northeast Quarter of

Section 3 and the Southeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 9, all in Township 3 South, Range 2 East,

and he has been the owner of such lands for more than seven (7) years next immediately preceding the filing of this Bill of Complaint

THIRD:

That your Complainant was the owner of the lands above described at the time such lands were assessed to him for 1951 taxes. That said lands were sold by the Tax Collector of Baldwin County, Alabama, for unpaid taxes for 1951 under the assessment to your Complainant on June 16, 1952, and the Respondent purchased said lands at the sale thereof for a consideration of Thirteen and 73/100 Dollars (\$13.73). That when such assessment for 1951 taxes was made and when such lands were sold for unpaid taxes for 1951 and during the intervening time your Complainant was a non-resident of the State of Alabama. That the above mentioned tax sale is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Sales Book 28, page 22. That prior to the sale a notice thereof was published in the Foley Onlooker for three weeks but in the advertisement and notice which was published in such newspaper the lands were not described as being assessed to your Complainant but his name appeared in said notice as "Joseph Holmans". That Joseph Holmans to whom notice was given was not the owner of the property at the time of the making of such assessment and the giving of such notice and no notice was given your Complainant of such tax sale as required by law. That the tax sale as above referred to was erroneous and void.

FOURTH:

Your Complainant further shows unto your Honor that the above mentioned tax sale was not redeemed within the time allowed by law and that W. R. Stuart, Judge of Probate of Baldwin County, Alabama, issued a tax deed to the Respondent, J. L. Mothershed, on June 22, 1955, which said tax deed is recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 222, page 330, which said deed attempted to convey all of the right, title and interest of your Complainant in and to the above described lands. That said tax deed recites that the Respondent had purchased such lands at the

tax sale hereinabove referred to and that the time allowed for redemption had elapsed. Your Complainant avers that such tax deed is void and does not convey the title of your Complainant to said lands.

FIFTH:

Complainant offers to do equity and to pay the Respondent all taxes, fees and costs necessary to redeem the lands hereinabove described from said erroneous tax sale.

PRAYER FOR PROCESS:

The premises considered, your Complainant prays that the above named J. L. Mothershed be made a party Defendant to this cause by the usual writ or process of this Honorable Court requiring him to appear and plead, answer or demur within the time and under the penalties prescribed by the rules of this Court and the Statutes in such cases made and provided.

PRAYER FOR RELIEF:

Your Complainant further prays that this Court will adjudge and decree that the tax sale and tax deed hereinabove referred to are void and that Complainant has the right to redeem said property from Respondent and will ascertain and declare the amount necessary to redeem from such sale and that upon payment by your Complainant to the Respondent or to the Court of the amount necessary to redeem and upon performance of such other conditions as the Court may fix that the Court will effectuate Complainant's redemption of said property and will divest out of the Respondent all of his right, title and interest in and to said property and will vest the same in your Complainant. Your Complainant prays for such other and further and general relief as may be proper in the premises.

CHASON & STONE

By:   
Solicitors for Complainant.

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