

3367

RUBY DALE

COMPLAINANT

VS

LUCY DANIELS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes now the Respondent in the above styled case and demurs to the Complainant's Bill of Complaint and for grounds therefor says as follows:

1.

There is no equity in the bill.

2.

The Bill fails to offer to do equity.

3.

The Complaint fails to describe the true boundary line between the lands owned by the Complainant and Respondent or allege that it is unknown.

Wiltors & Brantley

BY:

John M Brantley

Solicitor for Respondent

3366

RUBY DALE

COMPLAINANT

VS

LUCY DANIELS

RESPONDENT

DEMURRERS

FILED

OCT 29 1954

ALICE J. DECK, Register

Handwritten:
Ruby Dale
Lucy Daniels
Demurrers

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LUCY DANIELS to appear within thirty days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Bill of Complaint filed against her by RUBY DALE.

Dated this 1st day of Oct, 1954.

Reice J. Lewis
Register

RUBY DALE,
Complainant

vs.

LUCY DANIELS,
Respondent

Ø
Ø
Ø
Ø

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

To the Honorable Judges of the Circuit Court of Baldwin County,
Sitting in Equity:

Your Oratrix, RUBY DALE, presents this bill of complaint against
LUCY DANIELS and, thereupon, your Oratrix complains and shows unto the Court
as follows:

1.

Your Oratrix is over the age of twenty-one years and resides in
Baldwin County, State of Alabama. The Respondent is also over the age of
twenty-one years and resides in Baldwin County, Alabama.

2.

Your Oratrix, the Complainant, owns the following described property
situated in Baldwin County, Alabama, to-wit:

LOT 5, BLOCK 6, of the Hoyle-Worcester Addition
to Fairhope, according to plat recorded in Map Book
1, Page 1, Probate Records, Baldwin County, Alabama.

3.

That the Respondent owns land adjoining Complainant's and is reputed
to claim same by deed from ROSA WORCESTER and OLIVE WORCESTER, her husband, to
LUCY DANIELS by deed recorded in Deed Book 118, Page 153, wherein the property
is described as follows:

LOT 6, BLOCK 6, in block six (6) situated in the
Hoyle-Worcester Addition to Fairhope, according to
plat recorded in Map Book 1, Page 1, Probate Records,
Baldwin County, Alabama.

4.

The above tract of land, which is owned by the Complainant, and
the above described tract of land, which is owned by the Respondent, adjoin.
The Complainant and the Respondent are co-terminous owners of the two said tracts
of land and the boundary line between the two said tracts is disputed.

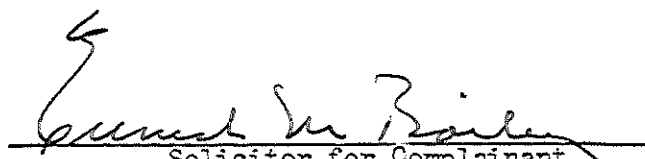
PRAYER FOR PROCESS

Complainant prays that the usual process of this Honorable Court
forthwith issue to the Respondent, requiring her to appear and plead, answer or
demur to the bill of complaint filed against her in this cause within the time
and under the pains and penalties prescribed by law and the rules of this Court.

PRAYER FOR RELIEF

The Complainant prays for the following separate and several relief:

1. That the boundary line between the tract of land owned by the Complainant and the tract of land owned by the Respondent be established.
2. That the order or decree of this Court locate and define the boundary line between the property of the Complainant and that of the Respondent by reference to well-known permanent landmarks and if the Court deem for the best interests of the parties after the entry of the judgment, the Court direct a competent surveyor to establish a permanent stone or iron landmark in accordance with the judgment and as provided by Section 4 of Title 47, of the 1940 Code of Alabama.
3. Complainant further prays for such other, further or different and general relief as she may equitably be entitled to, the premises considered.


Solicitor for Complainant

REYNOLDS BROTHERS LUMBER
COMPANY,

VS.

C. D. SWEAT,

Complainant,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3367

FINAL DECREE

This cause having been settled between the parties, it is
Ordered, Adjudged and Decreed by the court that it be and it is
hereby dismissed and the defendant taxed with the costs.

ORDERED, ADJUDGED AND DECREED on this the 22 day of
November, 1957.

Herbert M. Hall
Judge

FINAL DECREE

REYNOLDS BROTHERS LUMBER COMPANY,
VS.

Complainant,

C. D. SWEAT,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3367

FILED

NOV 22 1957

WILLIAM A. BUCK, Register

SUMMONS

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summons C. D. SWEAT, 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 C. D. Sweat, by REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS.

Witness my hand this the 5th day of October, 1954.

Alice J. Hensck
Clerk

.....

Complaint

REYNOLDS BROTHERS LUMBER COMPANY,
a partnership composed of J. P.
REYNOLDS and M. S. REYNOLDS,

PLAINTIFF

VS:

C. D. SWEAT,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

COUNT I:

The plaintiff claims of the defendant the sum of FIVE HUNDRED THIRTY TWO & 16/100 DOLLARS (\$532.16), for merchandise, goods and chattels sold by the plaintiff to the defendant on the 13th day of April, 1954, which sum of money, with interest thereon, is still unpaid.

The plaintiff further avers that on the 5th day of October, 1954, they filed in the probate court of Baldwin County, Alabama, where defendant's said land, on which said improvements were erected, is located, plaintiff's verified statement of their account with defendant, which is in words and figures, as set out in Exhibit "A", hereto attached. And plaintiff claims a lien on the property described in Exhibit "A", and prays that it be established.

COUNT IIF

The plaintiff claims of the defendant the sum of SEVENTY FIVE & 84/100 DOLLARS (\$75.84) for merchandise, goods and chattels sold by the plaintiff to the defendant on the 13th day of April, 1954, which sum of money, with interest thereon, is still unpaid.

The plaintiff further avers that on the 5th day of October, 1954, they filed in the probate court of Baldwin County, Alabama, where defendant's land, on which said improvements were erected, is located, plaintiff's verified statement of their account with defendant, which is in words and figures, as set out in Exhibit "B", hereto attached. And plaintiff claims a lien on the property described in Exhibit "B" and prays that it be established.

Wm. P. Cumler
Attorney for Plaintiff

EXHIBIT "A"

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

Reynolds Brothers Lumber Company, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS, with its principal place of business at Foley in Baldwin County, Alabama, files this statement in writing, verified by the oath of Roy Clipper, who has personal knowledge of the facts herein set forth:

The said Reynolds Brothers Lumber Company claims a lien on the following described property, situated in Robertsdale, in Baldwin County, Alabama, to wit:

Lots 16 and 17, Block 2, of Robertsdale Terrace, as per map thereof recorded in Map Book 3, page 36, in the office of the Judge of Probate of Baldwin County, Alabama.

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said lands. The said lien is claimed to secure an indebtedness of FIVE HUNDRED THIRTY TWO & 16/100 DOLLARS (\$532.16), with interest thereon from April 13, 1954, for material furnished by Reynolds Brothers Lumber Company for the construction of a residential building on the said lands. The name of the owner of the said property is C. D. SWEAT, Robertsdale, Baldwin County, Alabama.

REYNOLDS BROTHERS LUMBER COMPANY
BY:

Roy Clipper
Roy Clipper, Bookkeeper and Manager

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

Before me, a Notary Public in and for said County and State, personally appeared Roy Clipper, who, being by me first duly sworn doth depose and say: that he has personal knowledge of the facts as set forth in the foregoing statement of lien and that the same are true and correct to the best of his knowledge and belief.

Roy Clipper
Roy Clipper

Sworn to and subscribed before me
this the 4th day of October, 1954.

[Signature]
Notary Public

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

EXHIBIT "B"

Reynolds Brothers Lumber Company, a partnership, composed of J. P. REYNOLDS and M. S. REYNOLDS, with its principal place of business at Foley, Baldwin County, Alabama, files this statement in writing, verified by the oath of Roy Clipper, who has personal knowledge of the facts herein set forth;

The said Reynolds Brothers Lumber Company claims a lien on the following described property, situated in Robertsdale, in Baldwin County, Alabama, to wit:

Lots 18 and 19, Block 2 of Robertsdale Terrace as per map thereof
Recorded in Map Book 3, page 36, in the office of the Judge of Probate
of Baldwin County, Alabama.

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said lands. The said lien is claimed to secure an indebtedness of SEVENTY FIVE & 84/100 DOLLARS (\$75.84), with interest thereon from April 13, 1954, for materials furnished by Reynolds Brothers Lumber Company for the construction of a residential building on the said lands. The name of the owner of the said property is C. D. SWEAT, Robertsdale, Baldwin County, Alabama.

REYNOLDS BROTHERS LUMBER COMPANY
BY:

Roy Clipper
Bookkeeper and Manager.

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

Before me, a Notary Public in and for said County and State, personally appeared Roy Clipper, who, being by me first duly sworn doth depose and say: That he has personal knowledge of the facts set forth in the foregoing statement of lien and that the same are true and correct to the best of his knowledge and belief.

Roy Clipper
Roy Clipper

Sworn to and subscribed before me
this the 4th day of October, 1954.

Walter C. C. C.
Notary Public

AFFIDAVIT OF ROY CLIPPER

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

ROY CLIPPER, first being duly sworn, deposes and says as follows:

I am the office manager, credit manager and bookkeeper for REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS AND M. S. REYNOLDS, Foley, Alabama, and as such know that my records are correct. We delivered to Baldwin Builders for the C. D. Sweat house # 3, located on Lots 16 and 17, Block 2, Robertsdale Terrace as per map thereof recorded in Map Book 3, page 36, Baldwin County Probate Records, materials in the amount of FIVE HUNDRED THIRTY TWO & 16/100 DOLLARS (\$532.16); and we delivered to Baldwin Builders for the C. D. Sweat house # 2, located on Lots 18 and 19, Block 2, Robertsdale Terrace as per map thereof recorded in Map Book 3, page 36, Baldwin County Probate Records, materials in the amount of SEVENTY FIVE & 84/100 DOLLARS (\$75.84), as shown by the original invoices attached hereto, and the last item was delivered on April 13, 1954.

No payments have been made on these accounts, and after allowing all just credits, the amounts remaining due on these accounts are FIVE HUNDRED THIRTY TWO & 16/100 DOLLARS (\$532.16), and SEVENTY FIVE & 84/100 DOLLARS (\$75.84)/

Roy Clipper
Affiant

Sworn to and subscribed before me, a
Notary Public in and for Baldwin County,
Alabama, this the 4th day of October, 1954.

M. J. Almon
Notary Public

REYNOLDS BROTHERS LUMBER
COMPANY,

Complainant,

VS.

C. D. SWEAT,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DEMURRER

Now comes the Respondent in the above styled cause and demurs to that aspect of the Bill of Complaint by which the Complainant seeks to establish a lien on the property described in the said Bill of Complaint and as grounds for said demurrer, assigns the following, seperately and severally:

1. There is no equity in the said Bill of Complaint.
2. It is multifarious.
3. There is a misjoinder of causes of action.

J. B. Blackman
Solicitor for Respondent

3367

DEMURRER

REYNOLDS BROTHERS LUMBER COMPANY,

Complainant,

VS.

C. D. SWEAT,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

FILED

NOV 4 1954

ALICE J. DUCK, Register

3367

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

P. O. BOX 855

Customer's

Order No.

Date

3-11-1954

M

Address

Sold by Cash C. O. D. Charge On Acct. Mdse. Ret. Paid Out

QUAN.	DESCRIPTION	PRICE	AMOUNT
4 cu yds	2500 # mix	13.00	52.00
1 sq	cement		1.15
			53.15
	Tax		1.60
			54.75

All claims and returned goods MUST be accompanied by this bill.

P 1774

Rec'd by

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

P. O. BOX 855

Customer's

Order No.

Date

3-12-1954

M

Address

Sold by Cash C. O. D. Charge On Acct. Mdse. Ret. Paid Out

QUAN.	DESCRIPTION	PRICE	AMOUNT
4 cu yds	2500 # mix	13.00	52.00
	Tax		1.56
			53.56

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

P. O. BOX 855

Customer's

Order No.

Date

3-11-1954

M

Address

Sold by Cash C. O. D. Charge On Acct. Mdse. Ret. Paid Out

QUAN.	DESCRIPTION	PRICE	AMOUNT
4 cu yds	2500 # mix	13.00	52.00
			1.56
			53.56

All claims and returned goods MUST be accompanied by this bill.

P 1773

Rec'd by

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

P. O. BOX 855

Customer's

Order No.

Date

3-12-1954

M

Address

Sold by Cash C. O. D. Charge On Acct. Mdse. Ret. Paid Out

QUAN.	DESCRIPTION	PRICE	AMOUNT
1 cu yd	2500 # mix	13.00	13.00
1 sack	cement		1.15
			14.15
	Tax		43
			14.58

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

P. O. BOX 855

Customer's

Order No.

Date

3-11-1954

M

Address

Sold by Cash C. O. D. Charge On Acct. Mdse. Ret. Paid Out

QUAN.	DESCRIPTION	PRICE	AMOUNT
4 cu yds	2500 # mix	13.00	52.00
	Tax		1.56
			53.56

All claims and returned goods MUST be accompanied by this bill.

P 1771

Rec'd by

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

P. O. BOX 855

Customer's

Order No.

Date

3-11-1954

M

Address

Sold by Cash C. O. D. Charge On Acct. Mdse. Ret. Paid Out

QUAN.	DESCRIPTION	PRICE	AMOUNT
4 cu yds	2500 # mix	13.00	52.00
	Tax		1.56
			53.56

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick-Tile-Plumbing Supplies-Hardware-Electrical Supplies

ONE 157

WE ALSO DO PLUMBING WORK

P. O. BOX 855

Customer's
Order No.

Date

Name

Address

SOLD BY

CASH

C. O. D.

CHARGE

ON ACCT.

MDSE. RETD.

PAID OUT

QUANTITY

DESCRIPTION

PRICE

AMOUNT

12

2 X 6-20 SK #2

24 00

tax 72

24 72

C. B. Ames

All claims and returned goods MUST be accompanied by this bill.

No. 5829

Rec'd by _____

Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick-Tile-Plumbing Supplies-Hardware-Electrical Supplies

PHONE 157

WE ALSO DO PLUMBING WORK

P. O. BOX 855

Customer's
Order No.

Date

Name

Address

SOLD BY

CASH

C. O. D.

CHARGE

ON ACCT.

MDSE. RETD.

PAID OUT

QUANTITY

DESCRIPTION

PRICE

AMOUNT

1000

Gal. 1/2 lb. Oil #2

90.00

5

Gal. 15# fuel

17.25

tax

107.25

3.22

110.47

All claims and returned goods MUST be accompanied by this bill.

No. 5863

Rec'd by C. B. Ames

Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick-Tile-Plumbing Supplies-Hardware-Electrical Supplies

PHONE 157

WE ALSO DO PLUMBING WORK

P. O. BOX 855

Customer's
Order No.

Date

Name

Address

SOLD BY

CASH

C. O. D.

CHARGE

ON ACCT.

MDSE. RETD.

PAID OUT

QUANTITY

DESCRIPTION

PRICE

AMOUNT

3

gal. Cap. R. Fuel

4.95

tax

15

5.10

C. B. Ames

All claims and returned goods MUST be accompanied by this bill.

No. 5659

Rec'd by _____

Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company

FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

PHONE 157

WE ALSO DO PLUMBING WORK

P. O. BOX 855

Customer's Order No.		Date		3-12-1931		
Name		Baldwin Builders				
Address						
SOLD BY YL	CASH	C. O. D.	CHARGE ✓	ON ACCT.	MDSE. RETD.	PAID OUT
QUANTITY	DESCRIPTION			PRICE	AMOUNT	
450	H. Luge Shae				13.50	
375	1/2 1/2 cts Dgw stop				19.00	
150	H. Window stop				4.50	
175	H. Window				6.12	
	Stop				43.12	
					1.30	
					44.42	
C. B. Ames						

All claims and returned goods MUST be accompanied by this bill.

No. 5581

Rec'd by

[R] Shephard Printing & Stationery Co., Foley, Ala.

00 T

5356
5356
5475
5356
1458
5356
5356
5474
510
11047
2472
53216 T

HOUSE #3

LOTS 16-17

670
2472
4442
7584 T

HOUSE #2

LOTS 18-19