3367

| RUBY DALE | V |
|--------------|--------------------------|
| | IN THE CIRCUIT COURT OF |
| COMPLA INANT | BALDWIN COUNTY, ALABAMA, |
| VS | IN ECUITA |
| LUCY DANTELS |) |
| RESPONDENT |) |

Comes now the Respondent in the above styled cause 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.

Wilters & Brantley

BY: Jolley M 13 r and

RUBY DALE

COMPLA INANT

LUCY DANIEIS

RES PONDENT

DEMURRERS

QCT 29 1954 AUGE J. DECK, Register

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LUCY DANIEIS 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 M day of September, 1954.

Alice Register

| RUBY DALE, | Q | TN WITH GENERALITY COURSE OF |
|---------------|----|------------------------------|
| Complainant | δ | IN THE CIRCUIT COURT OF |
| VS• | * | BALDWIN COUNTY, ALABAMA |
| LUCY DANIELS, | Q | IN EQUITY |
| Respondent | Ž. | 2.24 1.30 C 2. 2. 2. |

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:

l.

Your Cratrix 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.

Complainant,

C. D. SWEAT,

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 27 day of November, 1957.

I filer & M There

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

HALL A MOK. 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 _____day of October, 1954.

Alice J-hluck

Complaint

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

PLAINTIFF

WS:

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 IIE

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 exected, 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 BB" and prays that it be established.

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, 1894, for material furnished by Reynolds Brothers Lumber Company for the constriction 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, Kofskkeeper and Menager

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 says 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 beliff.

Jeg Clipper

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

Just Ollu M.

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 win

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

BV:

Bookkeper 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 says.

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

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

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
(\$75.24), 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)/

Kay Clippes

Sworn to and subscribed before me, a

Notary Public in and for Baldwin County,

Alabama, this the 4th day of October, 1954.

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, separately 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.

Solicitor for Respondent

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 ALIEE J. DUCK, Register



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KENTILE FLOOR COVERINGS

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WARREN'S PAINTS

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Reynolds Brothers Lumber Company

FOLEY, ALABAMA
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KENTILE FLOOR COVERINGS

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Reynolds Brothers Lumber Company

FOLEY, ALABAMA

A COMPLETE LINE OF BUILDING MATERIALS

Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies

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