

J. R. COBB AND EUNICE LEE COBB,  
Complainants,  
VS.  
CENTRAL BANK OF BALDWIN,  
Respondent.

} IN THE  
CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA. IN EQUITY  
NO. 2225.

This being the day regularly set for a hearing in the above cause, such order being made on the regular day of the Court, and with the consent and approval of the Solicitors for the respective parties, and the case being regularly called and the complainants not appearing, and having made no effort towards a trial or continuance of the case, it is the opinion of the Court that this cause should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the case of J. R. Cobb and Eunice Lee Cobb, as Complainants, vs. Central Bank of Baldwin, as Respondent, be and the same is hereby dismissed for want of prosecution.

This 19th day of May, 1955.

Hubert M. Hale  
JUDGE

STATE OF ALABAMA  
BALDWIN COUNTY.

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS:

WE COMMAND YOU that you summon the Central Baldwin Bank of Robertsdale, a corporation, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction, within thirty days after service of summons, and there to plead, answer or demur, without oath to a bill of complaint lately exhibited by J.R. Cobb and Eunice Lee Cobb against the said Central Baldwin Bank of Robertsdale, and further to do and perform what the said Judge shall order and direct in that behalf, and this you shall in no wise omit under penalty of the law. And we further command that you return this writ with your execution thereon to our said Court immediately upon execution thereof.

WITNESS, ALICE J. DUCK, Register of said Court, this  
the 14 day of February, 1949.

Alice J. Wicks

Registers

PETITION FOR DECLARATORY JUDGMENT

J.R. COBB  
EUNICE LEE COBB  
Complainants  
VS  
CENTRAL BANK OF BALDWIN, a Corporation  
Respondent  
IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA,  
IN EQUITY.

TO THE HONORABLE TELFAIR J. MASHBURN JR., JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY, SITTING:

Come your Complainants, J.R. Cobb and Eunice Lee Cobb respectfully complaining against The Central Bank of Baldwin, a Corporation of Robertsdale, Alabama, show unto your Honor as follows:

FIRST

That your Complainants are both over the age of twenty-one years and reside at Chickasaw, Mobile County, Alabama, and that Respondent, The Central Bank of Baldwin, is a corporation with its home office at Robertsdale, Alabama.

SECOND

Your Complainants further show on, to-wit: May 8th, 1945 they purchased from Thomas K. Mishon and Mary Mishon, his wife, a certain tract of land containing 10 acres more or less, and described as follows:

"The South Half of the South Half of the Northwest Quarter of Section 19, Township 5, South Range 4 East, containing 10 acres more or less."

in the deed from the said Grantors, said deed omitting a

portion of the description, through error. Your Complainants were placed in possession of the Grantors' homestead of a certain specified tract of land containing 10 acres more or less, upon payment of a portion of the purchase price and other valuable considerations. Your Complainants resided upon this property purchased from said Grantors until on or about, to-wit: the 11th day of February 1946, at which time Your Complainants sold this, their homestead, to Arnold Cobb and Eunice Lee Cobb, his wife, for the sum of Fifteen Hundred Dollars, receiving Seven Hundred Dollars as a payment at the time the deed was executed, and a mortgage Deed with power of sale in the amount of Eight Hundred Dollars was then executed by the said Arnold Rogers and Beatrice Rogers, his wife, as a purchase money mortgage to secure the remainder of the purchase money to be paid.

These papers, the deed and the mortgage back, were prepared by a scrivener for the parties to the transactions, and said deed was drawn to describe the certain specified homestead as follows:

"The South Half of the South Half of the Northwest Quarter of the Northeast Quarter of Section 19, Township 5, South Range 4 East, containing 10 acres, more or less."

SAID MORTGAGE was drawn to describe the certain specified homestead as follows:

"The South Half of the South Half of the Northwest Quarter of Section 19, Township 5, South, Range 4, East, containing 10 acres more or less."

Said deed from Thomas K. Mishon and Mary Mishon, his wife to J.R. Cobb, dated May 8, 1945 was recorded on January 12, 1946 in the office of the Judge of Probate of Baldwin County in the Deed Book NS-102, pages 181 and 182.

Said deed from J.R. Cobb and wife, Eunice Lee Cobb to Arnold Rogers and Beatrice Rogers, his wife, was dated February 11, 1947 and recorded on February 13, 1947 in the office of the Judge of Probate of Baldwin County in Deed Book NS-116 pages 456 and 457. Said Mortgage from Arnold Rogers and Beatrice Rogers, his wife, to J.R. Cobb and wife, Eunice Lee Cobb was

dated March 23, 1946 and recorded May 24, 1946.

The above described deed, being the second such deed executed between said parties, whereby the Plaintiffs in this cause granted said property to Arnold Rogers and Beatrice Rogers, setting forth the correct description, replacing a deed drawn at the time of the drawing of the Mortgage. There is attached hereto copy of original Mortgage Deed. (Original is exhibit "A" in case no. 2030).

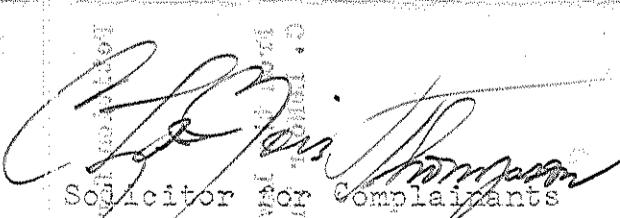
That the said Arnold Rogers and Beatrice Rogers also gave a mortgage to the Central Baldwin Bank of Roberts-dale with a proper description of said property.

That a bill is now pending in this Honorable Court to correct the erroneous Mortgage given from the aforesaid Rogers to your petitioners and to foreclose said corrected instrument. That the Central Baldwin Bank had notice of the aforesaid Mortgage by virtue of it's having been recorded in the office of the Probate Judge and had notice of the aforesaid petition.

Your Complainant further prays that upon final hearing of this cause made by this bill of Complaint, this Honorable court will make and enter an order declaring the aforesaid Mortgage to your petitioners as the Senior Mortgage on said property on said lands and allowing your petitioner to assert all rights of a Senior Mortgagee wherein said lands are involved and these Complainants pray for such other further or different relief as in Equity and good conscience they shall be entitled to in good premises.

FILED  
2-14-1946  
ALICE J. DUCK, Clerk

By:

  
Robert J. Thompson  
Solicitor for Complainants

Received in Sheriff's Office  
this 15 day of Feb, 1949  
**TAYLOR WILLING, Sheriff**

20222671

J.R. Cobb  
Eunice Lee Cobb  
Complainants

VG  
VII

Central Bank of Baldwin, a Corp.  
Respondent

Petition for Declaratory Judgment

From the law office of  
C. LeNoir Thompson

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FEB 14 194

在這裏，我們可以說，當我們說「我」的時候，我們其實是在說「我們」。因為「我」就是「我們」的一個部分，是「我們」的一個代表。所以，當我們說「我」的時候，我們其實是在說「我們」。

J. R. COBB ET AL.  
COMPLAINANTS

VS.

CENTRAL BALDWIN BANK,  
a corporation.

RESPONDENT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

IN EQUITY

Now comes the Respondent and demurs to the Complainants petition for declaratory judgment, and for grounds thereof, says:

1.

That said petition sets out no facts entitling the Complainants to the relief prayed for.

2.

That said petition sets out no facts warranting a declaratory judgment.

3.

That said petition sets out no facts bringing the matters alleged within the purview of the declaratory judgment statute.

4.

That said petition does not present a justiciable controversy.

5.

That said petition sets out no facts, or controversies that could not be presented to a court having jurisdiction;

6.

That said petition seeks the execution of a right on behalf of the Complainants, rather than to declare the rights of the Complainants.

7.

That the Complainants have a full and adequate remedy in other proceedings.

8.

That there is another suit pending between the parties hereto, in which all issues presented may be determined.

FILED

2-14 1988

ALICE J. DUCK, Clerk

  
John G. Clark  
Solicitor for Respondent.

2225.

RECORDED

J. R. COBB ET AL

COMPLAINANTS

VS.

CENTRAL BALDWIN BANK,  
a corporation.

RESPONDENT

Filed 3-2-49  
Deicy J. Nuck  
clerk

J. R. COBB AND EUNICE  
IEE COBB

COMPLAINTANTS

VS

CENTRAL BANK OF BALDWIN,  
A CORPORATION,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2225

RESPONDENTS

Now comes the Central Baldwin Bank, a corporation, and for answer to the Complaint filed in this cause against the Central Bank of Baldwin, a corporation, says:

1.

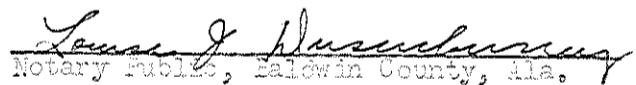
That the above styled complaint was served upon the Central Baldwin Bank, a corporation, but that the Central Baldwin Bank is not the Central Bank of Baldwin, a corporation. Further that the Central Bank of Baldwin is not a corporation.

Wilters & Brantley

BY:

  
Secretary for the Central Baldwin  
Bank, a corporation.

Sworn to and subscribed before me this 19 day of May, 1955.

  
Lorraine J. Harrelson  
Notary Public, Baldwin County, Fla.

J. R. COBB AND EUNICE  
LEE COBB

COMPLAINANTS

VS

CENTRAL BANK OF BALDWIN,  
A CORPORATION,

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY

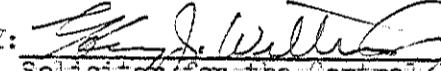
NO. 2225

Now comes the Central Baldwin Bank, a corporation, and for answer to the Complaint filed in this cause against the Central Bank of Baldwin, a corporation, says:

1.

That the above styled complaint was served upon the Central Baldwin Bank, a corporation, but that the Central Baldwin Bank is not the Central Bank of Baldwin, a corporation. Further that the Central Bank of Baldwin is not a corporation.

Wilters & Brantley

BY:   
Solicitor for the Central Baldwin  
Bank, a corporation.

Sworn to and subscribed before me this 19 day of May, 1955.

  
L. M. Henshaw  
Notary Public, Baldwin County, Ala.

RECORDED

J. R. COBB AND JUNICE  
LEE COBB

COMPLAINANTS

VS

CENTRAL BANK OF BALDWIN,  
A CORPORATION,

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2225

Now comes the Respondent, and without waiving their demurrers and  
Plea of Null Tiel Corporation heretofore filed in this cause and insisting  
thereon, files the following answer:

1.

They admit that the Complainants are over the age of twenty-one years  
and reside at Chickasaw, Alabama. They deny the Central Bank of Baldwin  
is a corporation with its home office at Robertsdale, Alabama.

2.

The Respondent admits that part of Section 2 of the Complaint which  
states that J. R. Cobb and wife Junice Lee Cobb conveyed to Arnold Rogers  
and Beatrice Rogers, his wife, the South half of the South half of the  
Northwest quarter of the Northeast quarter of Section 19, Township 5 South,  
Range 4 East, containing 10 acres, more or less, and that this deed was  
dated February 11, 1947, and recorded in the office of the Judge of Probate  
of Baldwin County, Alabama, in Deed Book 116, pages 456-7. Further the  
Respondent admits that Arnold Rogers and Beatrice Rogers also gave a  
mortgage to the Central Baldwin Bank of Robertsdale with the same des-  
cription as above alleged of this property. That the Respondent denies all  
other allegations contained in Section 2 of the Complaint that they have  
not specifically admitted and demands strict proof of the same.

3.

For further answer to the Complainants' Complaint the Respondent says  
that Arnold Rogers and wife Beatrice Rogers gave a mortgage to the Central  
Baldwin Bank of Robertsdale, Alabama, dated February 12, 1947, and recorded  
in Mortgage Book 124, page 431 the following described lands situated in  
Baldwin County, Alabama, to-wit:

South half of South half of Northwest quarter of Northeast quarter of Section 19, Township 5 South, Range 4 East.

And for further answer to the Complaint the Respondent says that they caused a diligent search of the records in the office of the Judge of Probate to ascertain and determine whether there was any existing mortgages, liens or encumbrances against the South half of South half of Northwest quarter of Northeast quarter of Section 19, Township 5 South, Range 4 East, Baldwin County, Alabama, and whether the said Arnold Rogers and Beatrice Rogers had a good and valid authority to mortgage the said lands. That this search was caused to be made by their attorney, the Honorable H. T. Hall.

Further that the Respondents had no actual or constructive notice of any mortgages, liens or encumbrances existing upon the aforesaid lands in favor of J. R. Cobb and Burice Lee Cobb or any other person, firm or corporation.

Wilters & Brantley

BY:

Solicitor for the Central Baldwin Bank, a corporation.

FILED

2-14 1949

ALICE J. DUCK, Clerk  
Baldwin Co. Ala.

**RECORDED**

J. R. COBB AND EUNICE  
IRE COBB

**COMPLAINTS**

**VS**

CENTRAL BANK OF BALDWIN,  
A CORPORATION,

**RESPONDENT**

**ANSWER**

**FILED**  
**MAY 19 1955**

**ALICE J. DUCK, Clerk**

2225

SEARCHED

INDEXED

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FILED