

2296

WADE B. THOMPSON  
PLAINTIFF  
VS  
W. A. GLOVER  
DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
NO. 2194  
1269

Now comes the Defendant, W. A. Glover, and moves the Court to transfer this cause from the Law side of the docket to the Equity side thereof, and represents that there is an equitable question, the decision of which should dispose of the cause, and which cannot be disposed of on the Law side of the Court, and that he has an equitable defense to the Plaintiff's complaint as follows:

1.

That on November 9th, 1938, the Defendant conveyed to J. M. BRANTLEY, the following described land in Baldwin County, Alabama, of which the land described in the bill of complaint in this cause forms a part;

South half of Northeast quarter of Northeast quarter of Section 28, Township 5 South, Range 2 East.

2.

That it was expressly understood and mutually agreed between the Defendant and the said J. M. Brantley, that the fence running East and West through the said Northeast quarter of the Northeast quarter, was to be the dividing line between the property of the Defendant and the said J. M. Brantley.

3.

That the said J. M. Brantley, later sold to the Plaintiff a strip of land consisting of five acres across the northerly part of the South half of Northeast quarter of Northeast quarter of Section 28, Township 5 South, Range 2 East; that it was expressly understood and mutually agreed between the Plaintiff and the said J. M. Brantley, that the Defendant, W. A. Glover, owned all of the said Northeast quarter of the Northeast quarter of Section 28,

Township 5 South, Range 2 East, lying North of the said fence running East and West including the fence; that the Plaintiff's five acres so sold to him by the said J. M. Brantley, was to be measured southwardly from the said fence.

WHEREFORE, the Defendant respectfully requests that this cause be transferred to the equity side of the docket, that he may obtain the benefits of his equitable defense to this cause of action.

W A Glover  
Defendant

John Lee  
Solicitor for Defendant

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State personally appeared W. A. Glover, who is known to me and who having been by me first duly sworn, deposes and says that he is the Defendant in the above styled cause; that the facts stated in the foregoing motion to transfer this cause to the equity side of the docket are true.

W A Glover

Sworn to and subscribed before me on this the 6 day of December, 1948.

John Lee  
Notary Public, Baldwin County, Alabama.

1269

RECORDED

WADE H. THOMPSON

COMPLAINANT

VS

W. A. GLOVER

DEFENDANT

Filed 12-10-48  
A. J. Clark  
clerk

W. A. GLOVER

COMPLAINANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

VS.

IN EQUITY

WADE B. THOMPSON and J.  
M. BRANTLEY

RESPONDENTS

Now come the Cross-Respondents, W. A. Glover and J. M. Brantley and demur to the Cross-Complainant, Wade B. Thompson's Cross-Bill, and for grounds thereof, separately and severally, say:

1. That there is no equity in the cross-bill.
2. That there is a misjoinder of parties cross-respondents.
3. That the cross-complainant in his cross-bill does not offer to do equity.

  
Solicitor for the Cross-Respondents,  
W. A. Glover and J. M. Brantley.

W. A. GLOVER

COMPLAINANT

VS

WADE B. THOMPSON AND  
J. M. BRANTLEY

RESPONDENTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY  
NO. 2276

Now comes the said W. A. Glover and J. M. Brantley, and with leave of the court first had and obtained, amend the prayer contained in the original bill of complaint <sup>and answer</sup> in this cause so that the same shall read as follows:

WHEREFORE the premises considered, the said W. A. Glover and J. M. Brantley pray that this be taken as their answer to the cross complaint of the said Wade B. Thompson; that a decree be made and entered establishing the dividing line between the properties of the Complainant W. A. Glover and the Respondent Wade B. Thompson; that a further decree be made ~~and entered finding and fixing the true line between the properties of~~ the said Glover and said Thompson as follows:

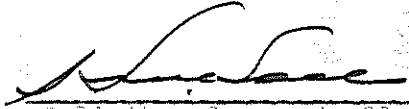
The old fence which now exists along the South line of the following described tract of land in Baldwin County, Alabama, to-wit:

From the Northeast corner of Section 28, Township 5 South, Range 2 East, run South along the East line of said Section 667.5 feet to the Northeast corner of the South half of Northeast quarter of Northeast quarter of said Section 28, Township 5 South, Range 2 East, for a point of beginning, thence run North 88° 40' West 1322 feet along the North line of said South half of Northeast quarter of Northeast quarter of said Section 28, to a corner; thence run South 25.5 feet to an old fence; thence run South 89° 32' East 522 feet along said old fence to a point, thence run South 89° 50' East 800 feet along said old fence to the said East section line of said Section 28, thence run North 9 feet to the point of beginning.

~~The said W. A. Glover and J. M. Brantley further pray that your Honor~~ will make and enter a decree reforming the deed from J. M. Brantley to Wade B. Thompson dated August 8, 1945, and of record in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 95 NS pages 401-2, so as to express the true intent of the said J. M. Brantley and the said Wade B. Thompson, so that the description contained in said deed shall be as follows:

South half of Northwest quarter of Northeast quarter, West half of Southwest quarter of Northeast quarter, West  $\frac{3}{4}$  of the East half of Southwest quarter of Northeast quarter, From the Northeast corner of Section 28, Township 5 South, Range 2 East, run South along the East line of said section 676.5 feet to a point, thence South  $89^{\circ} 50'$  West 800 feet along an old fence to a point, thence North  $89^{\circ} 32'$  West along an old fence 522 feet to a point, thence South 165 feet to a point, thence East 1322 feet to a point, thence North 165 feet to a point, the place of beginning, all being in Section 28, Township 5 South, Range 2 East, and containing 60 acres, more or less.

That a further decree be made and entered awarding to the Complainant W. A. Glover and the Respondent J. M. Brantley such other, further, general or different relief as they will be entitled in the premises.



Solicitor for W. A. Glover and  
J. M. Brantley.

RECORDED

FILED

MAR 8 1951

ALICE J. DUCK, Register

ALFONSO TRAYEN

2276

RESPONDENTS

WADE B. THOMPSON AND  
J. M. BRANTLEY

VS

COMPLAINANT

W. A. GLOVE

STATE OF ALABAMA )  
BALDWIN COUNTY )

IN THE CIRCUIT COURT

LAW SIDE.

NO. 2194

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons W. A. Glover to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the Complaint of Wade B. Thompson.

Witness my hand this 8<sup>th</sup> day of November, 1948.

W. J. Luck  
Clerk

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COMPLAINT

WADE B. THOMPSON,  
Plaintiff

vs.

W. A. GLOVER,  
Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. \_\_\_\_\_

The Plaintiff sues to recover possession of the following parcel or tract of land, to wit:

From the Northeast corner of Section 28, Township 5 South, Range 2 East, run South along the East Section line of said Section 667.5 feet to the Northeast corner of the South Half ( $S\frac{1}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section 28, for the point of beginning; thence run North 89 Degrees, 40 Minutes West 1322 feet along the North line of said South Half ( $S\frac{1}{2}$ ) of Northeast Quarter ( $NE\frac{1}{4}$ ) of Northeast Quarter ( $NE\frac{1}{4}$ ) of said Section 28 to a corner; thence run South 25.5 feet to an old fence; thence run South 89 Degrees 32 Minutes East 522 feet along said old fence to a point; thence run South 89 Degrees 50 Minutes East 800 feet along said old fence to the said East Section line of



said Section 28; thence run North 9 feet to the point of beginning; containing 0.66 acres, more or less, and being an irregular strip of land in said South Half ( $S\frac{1}{2}$ ) of Northeast Quarter ( $NE\frac{1}{4}$ ) of Northeast Quarter ( $NE\frac{1}{4}$ ) lying along the North line thereof, all in Section 28, Township 5 South, Range 2 East,

to which the Plaintiff is seized of the legal title, and upon which, and prior to the commencement of this suit, the Defendant entered and unlawfully withholds, together with <sup>Twenty</sup> ~~Five~~ Hundred Dollars (\$2500.00) for the detention thereof.

Van Dusen & Pector  
Attorneys for Plaintiff

Plaintiff demands a trial by jury of this cause.

Van Dusen & Pector  
Attorneys for Plaintiff