

H. M. & L. M. HEMPSTEAD,

Complainants,

-vs-

MARGUERITE D. MEREDITH,

Defendant.

IN THE CIRCUIT COURT OF

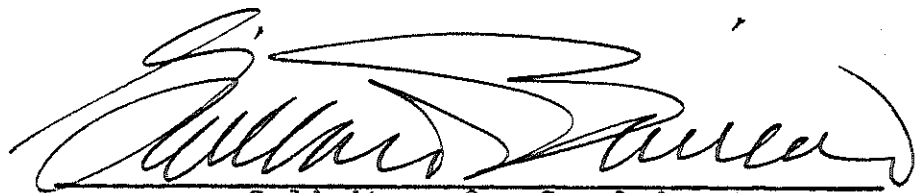
BALDWIN COUNTY, ALABAMA

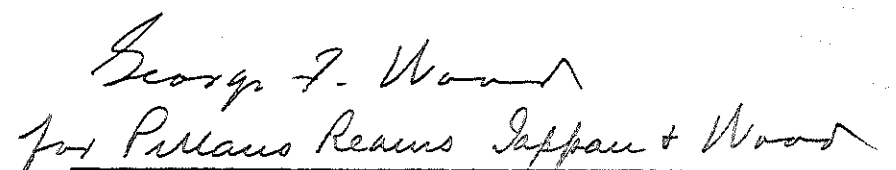
IN EQUITY

NO. 2355.

MOTION TO DISMISS

Come now the complainants and the defendant by and through their respective solicitors of record, and would show unto this Honorable Court that this matter has been compromised and settled by the execution of a partition deed; and moves this Honorable Court to dismiss this suit now pending.


Solicitors for Complainants


for William Reams Jaffan & Wood
Solicitors for Defendant

H. M. HEMPSTEAD and
L. M. HEMPSTEAD,

Complainants

-vs-

MARGUERITE D. MEREDITH,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

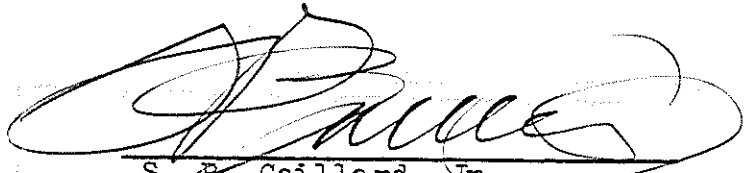
IN EQUITY NO. _____

INTERROGATORIES PROPOUNDED BY THE
COMPLAINANTS TO THE DEFENDANT,
MARGUERITE D. MEREDITH

1. In your Answer you say that the property owned jointly by you and the complainants can be equitably and fairly partitioned on the ground; therefore, the complainants ask you to describe said property in detail, giving the character of the land, its contours, and describe the water frontage.
2. On what body of water does this property front?
3. How much frontage does it have on such body of water?
4. How many acres of land is contained in the tract?
5. How many acres of the property is marsh land?
6. How many acres of the land is arable?
7. How many acres can be used for building a home?
8. Do you consider the water front to be of any particular value in excess of the value of the other part of the property?
9. How much of the water front is usable without filling in the marsh?
10. Attach to your Answer, a map or plat of said property, designating on said map, the water frontage and the location of the marsh.
11. Attach to your Answer, a map or plat of said property showing a partition thereof which in your opinion, is a fair and equitable partition of the property in kind.
12. What, in your opinion, is the fair market value of the property as a home?
13. What, in your opinion, is the fair market value of each part of the property shown by your proposed division or partition plat?


GAILLARD & GAILLARD, Attorneys
for Complainants

Comes S. P. Gaillard, Jr., one of the attorneys for the complainants, and on oath says that Answers to the foregoing Interrogatories as well and truly made, will be material evidence for the complainants in trial of the above titled cause.



S. P. Gaillard, Jr.

Subscribed and sworn
to Before me this 31st
day of October, 1949.



Notary Public, Mobile County, Alabama

23 55-

INTERROGATORIES PROPOUNDED
BY THE COMPLAINANTS TO THE
DEFENDANT, MARGUERITE D.
MEREDITH.

H. M. HEMPSTEAD and L. M.
HEMPSTEAD,

Complainants,

vs.

MARGUERITE D. MEREDITH,

Defendant.

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

Filed November 7th, 1949.

Wright. Ketch
Register.

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

29 October 1949

Mrs. Alice J. Duck
Register, Circuit Court
Bay Minette, Ala.

Dear Mrs. Duck:-

Enclosed herewith is Answer of the defendant in the case of Hempstead vs. Meredith. A copy of this Answer is being sent to Gaillard & Gaillard of Mobile and Hybart, Chason & Stone of Bay Minette, attorneys for the complainant.

Yours very truly,


C. G. Chason

CGC:lu

Encl:

cc: Gaillard & Gaillard, Attys.
717 First National Bank Annex
Mobile, Alabama

Hybart, Chason & Stone, Attys.
Bay Minette, Alabama

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

LAWYERS AND PROCTORS

VAN ANTWERP BUILDING

P. O. BOX 935

MOBILE 5, ALABAMA

PALMER PILLANS
W. DEWITT REAMS
JOHN H. TAPPAN
GEORGE F. WOOD
BONNERRAE H. ROBERTS

CABLE ADDRESS: PTAH

November 9, 1951

Register in Chancery,
Circuit Court of Baldwin County,
Bay Minette, Alabama

Dear Madam:

re: Case No. 2355 - In Equity
H. M. & L. M. Hempstead vs.
Marguerite D. Meredith.
(Our File 9419)

We enclose herewith a joint motion of the parties
to dismiss the above matter on account of settlement.

We also forward our check in the sum of \$13.05
as court costs.

Very truly yours,

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY:

George F. Wood

GFW/da

encls.

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

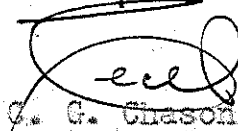
13 May 1950

Honorable Telfair J. Mashburn, Jr.
Judge, Circuit Court
Bay Minette, Alabama

Dear Telfair:-

I have this day filed a request for taking of testimony orally in open court in the case of Hempstead vs. Meredith. We will attempt to set a date satisfactory to the other parties but I first wanted to determine whether you or Mrs. Nelson contemplated any absence for vacations, etc. We will be glad to set the case at your convenience and will need only approximately two weeks notice to the other parties.

Yours very truly,


C. G. Chason

CGC:lu

cc: Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Ala.

H. M. HEMPSTEAD,
R. M. HEMPSTEAD,

Complainants,

-vs-

MARGUERITE D. MEREDITH,

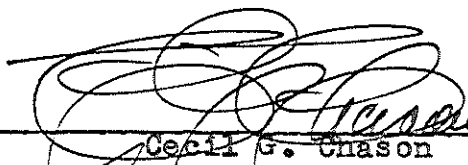
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

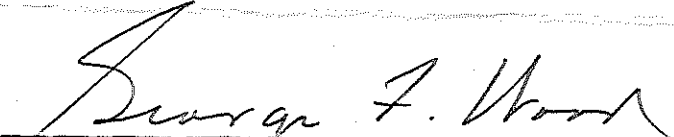
NO. _____

Comes now the Defendant, Marguerite D. Meredith,
and under the provisions of Alabama Equity Rule 56, requests
the court to order that all of the testimony in this cause be
taken orally in open court.


Cecil G. Chason


For PILLANS, REAMS, TAPPAN & WOOD
Solicitors for Defendant.

I hereby certify that a copy of the above pleading
has been served on the Complainants by depositing it in the
United States Mail, postage prepaid, addressed to Messrs. Gaillard
& Gaillard, First National Bank Annex, Mobile, Alabama, their
attorneys of record.


George F. Wood

PILLANS, REAMS, TAPPAN & WOOD
LAWYERS AND PROCTORS

VAN ANTWERP BUILDING

P. O. BOX 935

MOBILE 5, ALABAMA

PALMER PILLANS
W. DEWITT REAMS
JOHN H. TAPPAN
GEORGE F. WOOD
BONNERRAE H. ROBERTS

CABLE ADDRESS: PTAH

February 4th, 1950

Alice J. Duck,
Register in Chancery,
Baldwin County Court House,
Bay Minette, Alabama.

Dear Madam:-

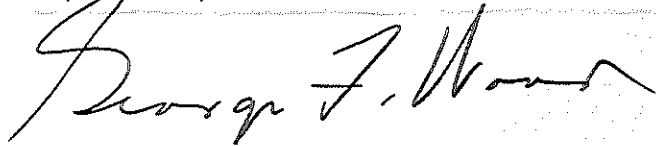
re: Hempstead vs. Meredith

We enclose herewith, for filing, answers to
interrogatories propounded by complainants in the above
matter. As you will note, complainants have been served
with a copy of the answers and have acknowledged service
on the answers enclosed.

Very truly yours,

PILLANS, REAMS, TAPPAN & WOOD

BY:



Attorneys for Respondent.

GFW:da

Encl.

H. M. HEMPSTEAD and
L. M. HEMPSTEAD,

Complainants,

vs.

MARGUERITE D. MEREDITH,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. _____

ANSWERS TO INTERROGATORIES
PROPOUNDED BY PLAINTIFF.

1. It is principally sandy, high, wooded land. Along the lagoon front there is a low, marshy area extending the entire width of the property at variable depths from the lagoon. On the west side of the property there is a swamp area about 750 feet in a north-south direction by 150 feet in width and semi-circular in shape. Attention is called to the plat attached to these answers. The "Dixie Graves" highway crosses the northern end of the property.

2. Little Lagoon.

3. Slightly in excess of 672.8 feet. This figure represents the width of the property at right angles to the east and west lines. The frontage does not follow such a perpendicular but is uneven. Defendant does not know the exact footage touching the lagoon.

4. 23.51 acres.

5. Approximately 7.5 acres.

6. This is unknown to defendant but from the appearance of the soil, being sandy, it is not considered of any value for cultivation.

7. All is suitable except the approximately 7.5 acres of swamp or marsh land.

8. Yes, the waterfront gives the property its major value in defendant's opinion.

9. The answer to this interrogatory would vary with the use contemplated. As a homesite, none would be usable for in excess of 100 feet back from the water front without filling, except for a small knoll lying in the southeast portion. The approximate location of this knoll is shown on the plat. Its exact size is unknown to defendant. There might be other uses for which the entire

waterfront could be employed. A study of the plat shows the terrain at the waterfront.

10. (See plat attached).

11. Defendant proposes a division as shown by the red line running North and South and will allow the complainants to choose either parcel as evidence of her belief in its equity.

12. \$8073.60 based on \$12.00 per front foot measured on a line perpendicular to the East and West boundary lines.

13. \$4036.80 - representing \$10.00 per front foot for the parcel to the west measuring 403.68 feet in width and \$15.00 per front foot for the parcel to the east measuring 269.12 feet in width.

Marguerite D. Meredith
Marguerite D. Meredith

STATE OF ALABAMA)
TUSCALOOSA COUNTY)

Personally appeared before me, the undersigned authority, Marguerite D. Meredith, who by me being first duly sworn, deposes and says:

That she has read the foregoing answers to interrogatories and is informed and believes and upon such information and belief, states that the matters set out therein are true.

The sources of her information are a survey prepared by J. B. Allen, a registered surveyor, and her own observation.

Marguerite D. Meredith

Subscribed and sworn to before me
this 2nd day of February, 1950.

Sam M. Payne
NOTARY PUBLIC, Tuscaloosa County, Alabama.

Copy of the above answers served on us this 3 day of February, 1950.

William T. Miller
Attorneys for Complainants.

H. M. HEMPSTEAD and	)	
L. M. HEMPSTEAD,	:	
	)	IN THE CIRCUIT COURT OF
Complainants	)	BALDWIN COUNTY, ALABAMA
	:	
-vs-	)	IN EQUITY NO. _____
MARGUERITE D. MEREDITH,	)	
	:	
Defendant.	)	

TO THE HONORABLE JUDGE OF SAID COURT, IN EQUITY SITTING:--

Comes now Marguerite D. Meredith, and for answer to the bill of complaint, says:

ONE

Defendant admits the averments of Paragraph ONE of the said bill.

TWO

Defendant admits that she owns an undivided one/half interest in the real property described in Paragraph TWO and that the complainants, who are husband and wife, own an undivided one/half interest in the said property.

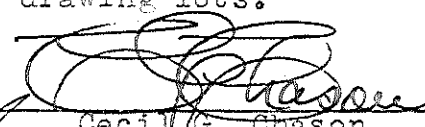
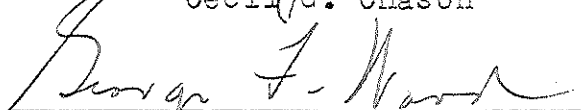
THREE

Defendant lacks information sufficient to form a belief as to the averments in Paragraph THREE of the said bill and demands strict proof thereof.

FOUR

Defendant denies the averments of Paragraph FOUR of the said bill, and further answering says that the said real property consists of wooded, unimproved land, measuring, to-wit: 660 ft. by 1650 ft., and that the said property can be equitably and fairly partitioned on the ground.

And now having fully answered said bill, defendant prays that upon the hearing of this cause, this Honorable Court will decree that the real property which is the subject matter of this suit can be equitably and fairly partitioned; that Commissioners be appointed to effect the said partition and to assign the parcels to the complainants and defendant by means of drawing lots.


 Cecil G. Chason

 For PILLANS, REAMS, TAPPAN & WOOD
 Attorneys for Defendant.

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA
IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Marguerite D. Meredith 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 H. M. Hempstead and L. M. Hempstead, as Complainants against Marguerite D. Meredith as Defendant.

Witness my hand this 19th day of September, 1949.

Alfred. Welch
Register.

This property cannot be equally or equitably partitioned or divided between the joint owners and tenants in common and a sale

FOUR

The complainants have made some advances for taxes and the defendant owes to the complainants one-half of the sums advanced by him for the joint account of both parties to this suit.

THREE

All that real property lying in Baldwin County, Alabama, starting at the Northeast corner of Section 22, Township 9 South, Range 3 East, running thence West 10 chains across the North end of Lot 7 for the beginning corner; thence South Twenty-five (25) chains to a stake on the North bank of Lagoon, thence West along said Lagoon Ten (10) chains, thence North Twenty-five (25) chains thence East Ten (10) chains to the place of beginning lying in Section 22, Township 9 South, Range 3 East;

The complainants and the defendant are joint owners and tenants in common of the following described real property lying and being in Baldwin County, Alabama, the complainants owning an undivided one-half interest and the defendant owning one-half interest therein:

TWO

The complainants are both adult residents of Baldwin County, Alabama. The defendant is over twenty-one years of age and is a resident of Alabama, residing in Tuscaloosa, Alabama.

ONE

Comes H. M. Hempstead and T. M. Hempstead and bring this bill of complaint against Marguerite D. Meredith, respectfully showing unto this Honorable Court as follows:

TO THE HONORABLE JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA

H. M. HEMPSTEAD and
T. M. HEMPSTEAD,
Complainants
-VS-
MARGUERITE D. MEREDITH,
Defendant
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. _____

of the same is necessary for a division of the proceeds derived therefrom between the owners thereof.

PRAYER

Complainants pray that the defendant be made a party to this bill of complaint, that she be required to plead, answer or demur hereto within the time allowed by law, and by the rules and practices of this Court, and that at a hearing of said cause, this Court will

ORDER, ADJUDGE AND DECREE that said property cannot be equally or equitably divided between the owners thereof and will order that

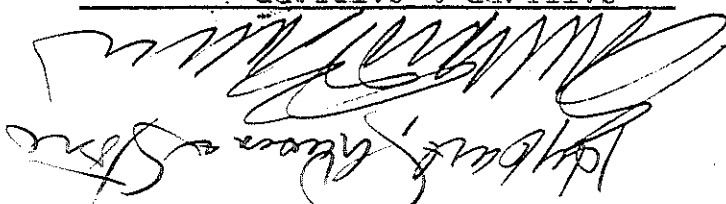
a sale thereof be made by the Register of this Court for the purpose of dividing the net proceeds derived therefrom between the parties

to this cause, and complainant prays that the Register be authorized to execute a deed to the purchaser at such sale and be authorized to

deduct from such sale the costs of this cause, including reasonable attorney's fees for the parties hereto, and be authorized to deduct therefrom any amounts due by either of said parties to the other by

reason of adjustments made for taxes or other legitimate expenses incurred in connection with said property, and complainants pray

for such other, further and different relief as they may be entitled to in the premises.


Wm A Stone
GALLARD & GALLARD
Attorneys for Complainants