

STATE OF ALABAMA: : CIRCUIT COURT OF BALDWIN
BALDWIN COUNTY: : COUNTY, ALABAMA
IN EQUITY

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

We command you that you summon Fred McKenzie to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising chancery jurisdiction, within thirty days after the service of summons, and there to answer, plead, or demur to a bill of complaint lately exhibited by Marion S. Adams against said Fred McKenzie, and further to do and perform what the said Judge shall order and direct in that behalf. And this, the said respondent shall in no wise omit, under penalty, etc., and we further command that you return this writ with your endorsement thereon to our said court immediately upon the execution thereof.

WITNESS ^{Quint} R. S. Duck, Register of said Circuit Court, this
16th day of Feb, 1952.

Quint J. Duck
Register

* * *

MARION S. ADAMS,	I	IN THE CIRCUIT COURT OF
COMPLAINANT,	I	
vs.	I	BALDWIN COUNTY, ALABAMA.
FRED McKENZIE,	I	
RESPONDENT.	I	IN EQUITY No. _____

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

Comes your complainant, Marion S. Adams, and presents this his bill of complaint against Fred McKenzie, who is over

21 years of age and is a resident of Fairhope, Baldwin County, Alabama, and respectfully represents and shows unto Your Honor and this Honorable Court as follows:

1. That your complainant is over the age of 21 years and is a bona fide resident citizen of the City and County of Mobile, Alabama; that he is in peaceable possession of and is claiming ownership in his own right of the legal title in fee simple to the following described lands in Baldwin County, Alabama:

Beginning at a juniper stump on the West Bank of Fish River, which stump has an iron stake driven in it, and is located 581 feet South-eastwardly from the junction of Turkey Branch and Fish River, thence running West 11 degrees south 1750 feet, more or less, in a straight line to Turkey Branch, thence turning north-eastwardly and running along Turkey Branch following the meanderings thereof to the junction of said Turkey Branch and Fish River, at which point there is an old warehouse, thence running Southeastwardly along the West Bank of Fish River 581 feet to the point of beginning, said tract of land being situate in Lot No. 6 of Section 24, Township 7 South, Range 2 East.

2. That no suit is pending to test the validity of his said title to said land;

3. That the respondent, Fred McKenzie, claims or is reputed to claim some rights or interest in or encumbrance upon said lands.

WHEREFORE, complainant prays that this Honorable Court will by appropriate process make the said Fred McKenzie a party respondent to this bill of complaint and by appropriate process require him to plead, answer or demur to this bill of complaint within the time and under the penalties described by law and the practices of this Honorable Court; and complainant calls upon said respondent to set forth and specify his title, claim,

interest or encumbrance, and how and by what instrument the same is derived and created.

Your complainant further prays that upon a final hearing of this cause, this Honorable Court will make and enter a decree ascertaining and decreeing that the fee simple title to the above described land is vested in your complainant, Marion S. Adams, and that the said Fred McKenzie has no title, claim, interest, or encumbrance in, to, upon or against said lands.

And your complainant prays for such other, further, different or general relief as in equity and good conscience he may be entitled to receive, as your complainant will ever pray.

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By N. F. Adams
Solicitors for Complainant

MOTION TO DISMISS

MARION S. ADAMS,)	IN THE CIRCUIT COURT OF
Complainant,)	BALDWIN COUNTY, ALABAMA
VS.)	IN EQUITY
FRED McKENZIE,)	CASE NO. 2777
Respondent.)	

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

Comes now your Movant, James E. Keith, Jr., acting by and
through his attorney, Tolbert M. Brantley, and respectfully shows
unto the Court as follows:

1.

That Marion S. Adams and Frank McKenzie are both dead and have
been for more than 12 months.

2.

That the heirs of Marion S. Adams have failed to revive this
suit.

3.

That the heirs of Frank McKenzie have failed to revive this
suit.

4.

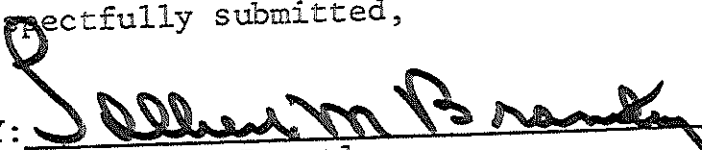
That this suit was filed in the Circuit Court of Baldwin
County, Alabama, to quiet title on certain land described therein
on the 16th day of February, 1952. No action has been taken in this
matter since March 6, 1952.

5.

That your Movant has filed a Bill to Quiet Title on land which
may be the same land as is described in this suit, and this suit is
a bar to this proceedings.

Respectfully submitted,

BY:


Tolbert M. Brantley

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Tolbert M. Brantley, who is known to me and who being by me first duly sworn, deposes and says: That he has read the foregoing Motion to Dismiss and that the matters set out therein are true and correct to the best of his knowledge and belief.

Tolbert M. Brantley
Tolbert M. Brantley

Sworn to and subscribed before me on this the 7th day of November, 1968.

FILED

NOV 7 1968

Roselin B. Perkins
Notary Public, Baldwin Co., Ala.

ALICE J. DUCK

CLERK
REGISTER

DECREE

Having read and understood the foregoing Verified Motion to Dismiss, the Court is of the opinion that the Movant is entitled to the relief he seeks therein.

It is therefore ORDERED, ADJUDGED and DECREED that this case be and the same is hereby dismissed for failure to revive the same within the time provided by law.

Done this 7th day of November 1968

Telfair Mashburn
Telfair Mashburn
Circuit Judge

FILED

NOV 7 1968

ALICE J. DUCK

CLERK
REGISTER

MARTIN S. ADAMS

COMPLAINANT

VS

FRED MCKENZIE

RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2777

Now comes the Respondent and for answer to the Complainant's complaint says:

He denies all the allegations contained in said bill of complaint not herein expressly admitted, and demands strict proof of the same.

He admits that the Respondent is over twenty-one years of age and a resident of Baldwin County, Alabama.

He admits the allegations contained in paragraph one of the bill of complaint that the Complainant is over twenty-one years of age and a bona fide resident citizen of the City and County of Mobile, Alabama.

He denies the allegations contained in said paragraph one that the Complainant is in the peaceable possession of the land described in the bill of complaint, and on the contrary says that the respondent is in the actual, adverse and peaceable possession of said land, and has been for many years actually claiming to own the same.

He admits the allegations contained in paragraph 2 of the bill of complaint.

The Respondent, Fred McKenzie, for answer to paragraph 3 of the bill of complaint says that he is the owner in fee simple and in the actual and exclusive possession of the said land, ever claiming to own the same; that he has exercised his rights of possession by cutting and removing timber therefrom; building and occupying houses thereon; fencing the same; and by exercising a general supervision thereover; and by keeping off all trespassers; that he has a boat wharf on said land which he has main-

tained for many years; that he has used the boat landing on the said property for anchoring boats; that he has exercised general supervision and rights of possession to said land.

J. L. Lee
Attorney for Respondent.

The Respondent demands a trial by jury as to the issue of possession of the property involved.

J. L. Lee
Attorney for Respondent

2777

EMILION S. ADAMS

COMPLAINANT

VS

PAUL LORREITH

RESPONDENT

ANSWER

FILED

FEB 29 1952

ALICE J. DUCK, Register

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS
ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. McCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE

February 15, 1952

Mrs. Alice J. Duck, Register
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is original and one copy of bill to quiet title brought by Marion S. Adams against Fred McKenzie. We shall appreciate your filing the original and having copies served on Mr. McKenzie, it being our understanding that he resides in Fairhope.

Very truly yours,



RFA:vsg

Encl.

No 2777

Marion S. Adams

vs.

Fred McRungie

Quiet Title

Filed 2-16-52

McCormey, Turner, Rogers,
Johnstone & Adams.

MARION S. ADAMS

COMPLAINANT

VS

FRED McKENZIE

RESPONDENT

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2777

Comes the Complainant and respectfully moves the Court to strike Respondent's answer and for grounds for said motion assigns, separately and severally, the following:

1.

Because said answer does not comply with the statutory requirements of the state of Alabama relating to such matters.

2.

Because said answer does not specify Respondent's title, claim, interest or incumbrance on the land described in the bill of complaint.

3.

Because said answer does not specify Respondent's title, claim, interest or incumbrance, and how and by what instrument the same is derived and created.

4.

Because said answer of Respondent does not specify and set forth the title, claim, interest or incumbrance claimed by Respondent to the land described in the bill of complaint, nor does it specify and set forth the manner in which, and the sources through which, such title, claim, interest or incumbrance is claimed to be derived and created.

Without waiving the foregoing motion, but expressly insisting thereon, Complainant moves to strike from Respondent's answer, paragraph numbered 4 in Respondent's said answer, and as grounds for said motion assigns, separately and severally, each ground hereinabove assigned for the motion to strike Respondent's answer in its entirety.

Without waiving the foregoing motions, or either of them, but expressly insisting thereon, Complainant moves to strike

from Respondent's answer paragraph numbered 6 therein, and as grounds for said motion assigns, separately and severally, each of the grounds hereinabove assigned to the motion to strike Respondent's answer in its entirety.

MCCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

By 
Solicitors for Complainant

McCORVEY, TURNER, ROGERS, JOHNSTONE & ADAMS

ATTORNEYS AT LAW

NINTH FLOOR, MERCHANTS NATIONAL BANK BUILDING

TELEPHONE 3-6556 P. O. BOX 1070

MOBILE 6, ALABAMA

GESSNER T. McCORVEY
BEN D. TURNER
C. M. A. ROGERS
C. A. L. JOHNSTONE, JR.
R. F. ADAMS
JAMES L. MAY, JR.
CHAUNCEY MOORE
ALEX T. HOWARD, JR.

March 5, 1952

Mrs. R. S. Duck
Register in Chancery
Bay Minette, Alabama

Dear Mrs. Duck:

We shall appreciate it if you will file for us the enclosed motion to strike in the case of Adams vs. McKenzie.

Very truly yours,



RFA:mah
Encl: