

2830

BOSS THOMPSON and RHETT THOMPSON,
Complainants,

-VS-

SAM JACOBY,

Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA. IN EQUITY.
NO. 2830.

Now comes the Respondents, and without waiving their demurrer heretofore filed in this cause and insisting thereon, files the following answer.

1. They admit that the Complainants are both over 21 years of age and bona fide residents of Baldwin County, Alabama.

That the Respondents are both over the age of 21 years of age and residents of Mobile County, Alabama, rather than Baldwin County, Alabama.

2. They deny all of the allegations contained in paragraph Two, and demand strict proof thereof.

And further answering paragraph Two, the Respondents say that they ~~are~~ are the owners of and in the actual possession of said lands and were in the actual possession thereof at the time the suit was filed in this cause.

3. The Respondents allege, in answer to paragraph three, that they are the owners in fee simple, and in the actual possession of said lands described in the bill of complaint, and were the owners and in the actual possession of said lands on the day this suit was filed.

And for further answer to the complainants' bill of complaint the respondents say that on June 7, 1951 Sam Jacoby and Rudolph Jacoby, as Plaintiffs, filed suit in ejectment, in the Circuit Court of Baldwin County, Alabama, being cause No. 1671, against Boss Thompson and Rett Thompson, as defendants, the said Plaintiffs and defendants being the same parties in this suit, which complaint was executed by service on the said defendants on June 14, 1951; that the following judgment was entered in and by the Circuit Court of Baldwin

County, Alabama, at law, in said cause: "12-18-51 Judgment by default in favor of the Plaintiffs and against the defendants for the lands sued for in the complaint. Writ of possession ordered. Telfair J. Mashburn, Jr. Judge."

The Sheriff's return in said cause shows: " Executed ~~7-14-52 by delivering the within described property to Sam Jacoby and Rudolph Jacoby. Taylor Wilkins, Sher. by: H.F. Hall".~~

That the present suit was filed in the Circuit Court of Baldwin County, Alabama, in equity, No. 2830, by Boss Thompson and Ret Thompson, Complainants, vs. Sam Jacoby and Rudolph Jacoby, respondents, and service perfected on the respondents on June 27, 1951.

That Boss Thompson and Ret Thompson, as Complainants, filed suit against Sam Jacoby and Rudolph Jacoby, as Respondents, being the same parties to this present suit, in ejectment to recover possession of the lands described in the bill of complaint in this cause, being No. 1825, on the law side of the Court; that this suit was filed on July 3, 1952, and service perfected on July 5, 1952. That judgment was entered in said cause in the Circuit Court of Baldwin County, Alabama, at law, as follows: 10-20-52, Jury and verdict for the defendants. Telfair J. Mashburn, Jr., Judge."

Wherefore, the Respondents having fully answered, now pray that this cause be forthwith dismissed.

FILED

12-22-55

ALICE I. DUCK, Clerk


Solicitors for the Respondents

RECORDED

Answer

no. 2830

FILED
DEC 23 1963
RICE & DICK, CLERK

State of Alabama
County of Baldwin

To my Sheriff of the State of Alabama:

You are hereby commanded to summon Sam Jacoby and Rudolph Jacoby to appear and plead, answer or demur to the Bill of Complaint filed in the Circuit Court of Baldwin County, in Equity by Ross Thompson and Ret Thompson, as Complainants and against Sam Jacoby and Rudolph Jacoby as Respondents.

Witness my hand this the 27th day of June 1932

Alvin H. Hirsch
Clerk

Ross Thompson and	*	
Ret Thompson	*	
Complainants	*	
	*	
	*	In the Circuit Court of
	*	Baldwin County, Alabama
	*	In Equity
Sam Jacoby and	*	
Rudolph Jacoby	*	
Respondents	*	
	*	

To Honorable Telfair J. Mashburn, Jr. Judge of the Circuit Court of Baldwin County, Alabama, in Equity:

Your Complainants, Ross Thompson and Ret Thompson respectfully represents and shews unto Your Honor and this Honorable Court as follows:

1.

That your Complainants are both over twenty one years of age and bona fide residents of Baldwin County, Alabama; that your Respondents are both over the age of twenty one years and bona fide residents of Baldwin County, Alabama.

2.

That your Complainants are the owners in fee simple and in the actual possession of the following ~~described~~ described lands, situated in Baldwin County, Alabama, having been in the actual, open and notorious possession of said lands, adverse to all the world, for a period of to-wit, twenty five years.

Description of said lands, to-wit: Beginning at the SW corner of Lot 7, Block 1, Fort Morgan addition to Bay Minette, Alabama, as per plat of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 127, thence southerly 50 feet to a point, place of beginning, thence southerly 200 feet along west line Plot 6, Block 1, thence East 100 feet, thence Northeast 200 feet to a point, thence East 100 feet to place of beginning.

3.

That the Respondents are alleged to claim some right, title or interest in and to said property and the Complainants therefore calls upon the Respondents to set forth and specify what right, title or interest they have in or claim to said property and by what instrument the same is derived and or created.

That your Complainants on to-wit February 22, 1928 paid the purchase price of said land to Wallace Mcmillan now deceased, was put into possession of said land by the said Wallace McMillan under color of title and have remained in continuous and uninterrupted possession of said land since that time.

Wherefore, the premises considered, your Complainants pray that Your Honor will by proper proceeding make the said Sam Jacoby and Rudolph Jacoby, party Respondents to this bill of complaint, requiring them to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this honorable court.

4.

Your Complainants further pray that upon a hearing hereof, your Honor will make and enter a decree establishing the title of Your Complainants and to said lands and that the Respondents have no right, title or interest in or encumbrance upon the said lands or any part thereof; That your Honor will enter a decree granting unto your Complainants such other, further, different or general relief as they may be in Equity and good conscience entitled to receive and your Complainants offer to do such Equity in the premises as Your Honor may see fit to require, and in duty bound they will ever pray.

FILED

6-27 1953

ALICE J. BUCK, Clerk

Ruben T. McQuiley
Solicitor for the Complainants

712538 RECORDED

Boss Thompson and Ret Thompson
Complainants

Vs

Sam Jacoby and Rudolph Jacoby
Respondents

Received in Sheriff's Office
this 27 day of June, 1952
TAYLOR WILKINS, Sheriff

Executed 27 June 1952
by serving copy of within Summons and
Complaint on

Sam Jacoby
Rudolph Jacoby

Taylor Wilkins Sheriff

By W. G. Smith Deputy Sheriff

Bill of Complaint

From the Law office of
Reuben F. McKinley
Bay Minette, Alabama

Filed 6-27-52
W. G. Smith

BOSS THOMPSON AND
RET THOMPSON,

PLAINTIFFS

VS

SAM JACOBY AND
RUDOLPH JACOBY

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1825

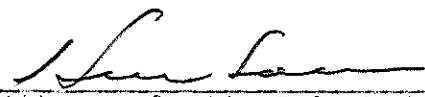
Now come the Defendants, separately and severally, and for answer
to the Plaintiffs' bill of complaint, and to each allegation therein con-
tained plead:

1.

Not guilty.

FILED

July 14 1932
ALICE J. DUCK, Clerk


Attorney for the Defendants.

1825 RECORDED

BOSS THOMPSON AND
RET THOMPSON

PLAINTIFFS

VS

SAM JACOBY AND
RUDOLPH JACOBY

DEFENDANTS

ANSWER

FILED

JUL 14 1952

ALICE L. DUCK, Clerk

BOSS THOMPSON AND
RET THOMPSON,

COMPLAINANTS

VS

SAM JACOBY AND
RUDOLPH JACOBY

RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

NO. 2830

Now come the Respondent, separately and severally and demur to the
Complainant's bill of complaint in this cause and for grounds thereof say:

1.

There is no equity in the bill.

FILED

July 14 1952
ALICE J. DUCK, Clerk


Solicitor for the Respondents

RECORDED

no 283 0

BOSS THOMPSON AND
RET THOMPSON

COMPLAINANTS

VS

SAM JACOBY AND
RUDOLPH JACOBY

RESPONDENTS

DEMURRERS

FILED

JUL 14 1952

ALICE J. DUCK, Register

BOSS THOMPSON AND
RETT THOMPSON,

COMPLAINANTS

VS

SAM JACOBY AND
RUDOLPH JACOBY

RESPONDENTS

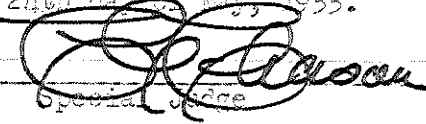
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
IN EQUITY

This cause coming on to be heard is submitted for decree upon the original bill of complaint of the Complainants and answer of the Respondents and testimony of the witnesses taken ore tenus and the court after considering the Pleadings and the testimony, is of the opinion that the Complainants are not entitled to the relief prayed for;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, BY THE COURT, that the bill of complaint be and the same is hereby dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainants pay the costsof this proceeding, for which let execution issue.

Dated at Bay Minette, Alabama, this the 24th day of May, 1955.


Special Judge

2830

recre

FILED

MAY 31 1955

ALICE J. DUCK, Registrar

Reuben F. McKinley
Attorney at Law
Bay Minette, Alabama
December 15, 1953

Messrs Sam & Rudolph Jacoby
Bay Minette, Alabama

Dear Sirs:

Cecil Chason of Foley has been appointed to try the case of
Thompson Vs Jacoby, now pending in Circuit Court. The pleadings in
the case will be argued the 3rd Tuesday in January.

Yours Very Truly

Reuben F. McKinley

RFM:im
cc: Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

CIVIL SUBPOENA — ORIGINAL — In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he shall be barred.

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Case No. 2830 TERM, 1955

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETINGS: .

You Are Hereby Commanded to Summon

1. Bernard Sumley
2. Elmer Sumley
3. John Little
4. Jesse Byrd
5. Chief Barron
6. Dick Owen, Sr

5/24/55
5/24/55

if to be found in your County, at the instance of the complainant

to be and appear before the Honorable, the Judge of the Circuit Court of Baldwin County, at the Court House

thereof, by 2:30 o'clock of the P.M. forenoon, on the 24 day of May, 1955, and from

day to day and term to term of said Court until discharged by law, then and there to testify, and the truth

to say, in a certain cause pending, wherein Boss Thompson, Plaintiff and

Sam Jacoby, Defendant.

Herein Fail Not, and have you then and there this Writ.

Given under my hand and seal, this 21 day of May, 1955.

Berge J. Leuck Clerk.

Received in office this 21 day of

May, 1955
Myron Williams
SHERIFF

I have executed this writ:

5-24-55

Taylor Wilkins
SHERIFF

ORIGINAL

No. 2830

Page

THE STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Boes Thompson

Plaintiff

Vs.

Sam Jacoby

Defendant

Equity **CIVIL SUBPOENA**

Issued this 21 day of

May, 1955
Alice Jewell
Clerk