

J. W. CLEMONS,

Complainant

vs.

LITTLE C. THOMAS,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO.

4214

DEMURRER

Now comes the respondent and demurs to the Bill of Complaint filed against her in this cause and as grounds for such demurrer assigns, separately and severally, the following:

1. There is no equity in the Bill of Complaint.
2. The allegations of the Bill of Complaint are but conclusions of the pleader and no facts are alleged to show complainant's right to the relief which he is seeking.
3. Said Bill does not allege that the complainant was the grantor of the property conveyed to respondent.
4. It affirmatively appears from said Bill that complainant never owned the property in question.
5. It affirmatively appears from said Bill that the annulment or cancellation of those deeds whereby the respondent received title to the property would not invest title in the complainant.
6. It affirmatively appears from said Bill that complainant attempts to allege himself as a "grantor in equity" without alleging sufficient facts supporting the same.
7. Said Bill does not allege what consideration was paid by the complainant to the Home Owners Loan Association.
8. Said Bill does not allege when said consideration was paid by the complainant to the Home Owners Loan Association.
9. Said Bill does not allege wherein the respondent has failed to maintain and support the complainant.
10. No facts are alleged showing the jurisdictional authority of this Court to divest by decree a title out of the respondent and vest the same in the complainant.
11. It affirmatively appears from said Bill that the Complainant is guilty of laches in said cause in that he alleges that the respondent has wholly and completely failed to support complainant.

II

Now comes the respondent and demurs that aspect of the Bill of Complaint whereby the complainant is seeking to have that deed dated November 7, 1940, which is recorded in Deed Book 73 at page 343, Baldwin County, Alabama, Records cancelled or annulled and as grounds for demurrer, assigns

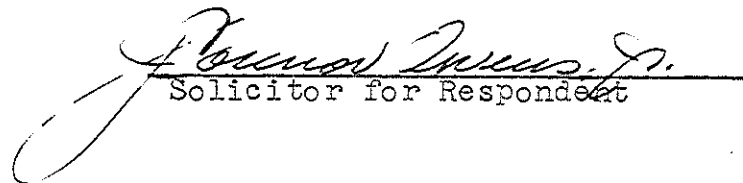
demurrers numbered 1 through 11, both inclusive, which are set out above herein, just as the same had been specifically written herein.

### III

Now comes the respondent and demurs to that aspect of the Bill of Complaint whereby the complainant seeks to have that deed dated April 16, 1947, which is recorded in Deed Book 119 at pages 377-8, Baldwin County, Alabama, Records cancelled or annulled and as grounds for demurrer, assigns demurrers numbered 1 through 11, both inclusive, which are set out above herein, just as the same had been specifically written herein.

### IV

Now comes the respondent and demurs to that aspect of the Bill of Complaint whereby the complainant seeks to have fee simple title to the above described property vested in the complainant, and as grounds for demurrer, assigns demurrers numbered 1 through 11, both inclusive, which are set out above herein, just as the same had been specifically written herein.

  
Solicitor for Respondent

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LITTLE C. THOMAS, 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 same, then and there to answer the Bill of Complaint filed against her by J. W. CLEMMONS.

WITNESS my hand this 24 day of January, 1958.

Price L. Duck  
Register.

The Respondent, Little C. Thomas  
resides at Tillman's Corner in  
Mobile County, Alabama.

J. W. CLEMMONS,

Complainant,

vs.

LITTLE C. THOMAS,

Respondent.

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

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

J. W. Clemmons, as Complainant presents this Bill of  
Complaint against Little C. Thomas, as Respondent, and thereupon,  
the Complainant shows unto the Court and your Honor as follows:

1. The Complainant is over twenty-one years of age  
and a resident of Baldwin County, Alabama. The Respondent, Little  
C. Thomas, is over twenty-one years of age and a resident of Mobile  
County, Alabama,

2. On to-wit, November 7, 1940, the Home Owners Loan  
Corporation conveyed to James S. Clemmons and Little C. Tew, who is  
the same person as the Respondent, Little C. Thomas, Lot 4 in Block  
169 in the Hand Land Company's Addition to the Town of Bay Minette,  
Alabama, which conveyance was made by deed dated November 7, 1940,  
which is recorded in Deed Book 73 at page 343, Baldwin County, Ala-  
bama Records.

On to-wit, April 16, 1947, Little C. Thomas, formerly  
Little C. Tew, conveyed to James S. Clemmons, the North half of  
Lot 4 in Block 169 in the Hand Land Company's Addition to the Town  
of Bay Minette, Alabama, which conveyance was made by deed dated  
April 16, 1947, which is recorded in Deed Book 119 at page 272,  
Baldwin County, Alabama Records.

On to-wit, April 16, 1947, James S. Clemmons and Clara  
E. Clemmons, his wife, conveyed to Little C. Thomas, the South half  
of Lot 4 in Block 169 in the Hand Land Company's Addition to the  
Town of Bay Minette, Alabama, which conveyance was made by deed  
dated April 16, 1947, which is recorded in Deed Book 119 at pages  
377-8, Baldwin County, Alabama Records.

The two deeds last above described were made, executed and delivered by the said parties for the purpose of partitioning or dividing the said property.

James S. Clemmons and wife, have, since they acquired title to the North half of Lot 4 in Block 169 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, conveyed the said property to a bona fide purchaser but the South half of the said Lot 4 in the said Block 169 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, is now owned by the Respondent, Little C. Thomas, subject only to the rights of the Complainant as set out in this Bill of Complaint.

3. The entire consideration for the said property at the time it was purchased from the Home Owners Loan Corporation, was paid by the Complainant J. W. Clemmons and the property was conveyed to James S. Clemmons and Little C. Thomas, formerly Little C. Tew, for a consideration, the material part of which was and agreement by the said grantees to support the Complainant J. W. Clemmons, who purchased the property from the Home Owners Loan Corporation and paid the entire consideration therefor.

4. The Complainant, J. W. Clemmons is now in possession of the South half of Lot 4 in Block 169 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama, which property is situated in Baldwin County, Alabama.

The Respondent, Little C. Thomas has wholly and completely failed to maintain and support the Complainant in accordance with her said agreement with him at the time the said property was purchased from the Home Owners Loan Corporation, conveyance of which was made by the above described deed. Because of the failure of the said Respondent to maintain and support the Complainant, he has elected to declare the said conveyance void and has filed this proceeding in the manner provided by Title 20, Section 15 of the 1940 Code of Alabama, to annul the two said conveyances to the Respondent, which convey the South half of Lot 4 in Block 169 in the Hand Land Company's Addition to the Town of Bay Minette, Alabama,

according to the official map or plat thereof which is recorded in Deed Book 4 N. S. at pages 158 et seq., Baldwin County, Alabama Records.

PRAYER FOR PROCESS

Complainant prays that the usual process of this Honorable Court will forthwith issue to the Respondent, requiring her to appear in this Court and plead, answer or demur to this Bill of Complaint within the time and under the penalties prescribed by law.

PRAYER FOR RELIEF

Upon a final hearing of this cause the Complainant prays for the following separate and several relief:

(a) That the two above described conveyances to the Respondent, be adjudged and decreed to be void as provided in and by Title 20, Section 15 of the 1940 Code of Alabama; that the two said conveyances be annulled and the fee simple title to the above described property vested in the Complainant who paid the entire purchase price for the said property and who is now in possession of it.

(b) Complainant further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

Respectfully submitted,

  
Solicitor for Complainant.

4214

UNITED STATES DEPARTMENT OF AGRICULTURE

WATER RESOURCES DIVISION

WASHINGTON, D. C. 20250

REPORT OF THE DIRECTOR OF THE BUREAU OF RECLAMATION

RECLAMATION PROJECTS

IN THE STATE OF CALIFORNIA

FOR THE YEAR ENDING DECEMBER 31, 1964

BY THE DIRECTOR OF THE BUREAU OF RECLAMATION

AND THE CHIEF OF THE DIVISION OF WATER RESOURCES

AND THE CHIEF OF THE DIVISION OF RECLAMATION

AND THE CHIEF OF THE DIVISION OF CONSTRUCTION

AND THE CHIEF OF THE DIVISION OF PLANNING

AND THE CHIEF OF THE DIVISION OF ADMINISTRATION

AND THE CHIEF OF THE DIVISION OF FINANCE

AND THE CHIEF OF THE DIVISION OF LEGAL COUNSEL

AND THE CHIEF OF THE DIVISION OF TECHNICAL SERVICES

AND THE CHIEF OF THE DIVISION OF INFORMATION

AND THE CHIEF OF THE DIVISION OF RESEARCH

AND THE CHIEF OF THE DIVISION OF