

2867

STATE OF ALABAMA)
 *)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon DAVID LYLE to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County, Equity Side, then and there to answer the Bill of Complaint filed against him by CLARA LYLE.

WITNESS my hand this 13th day of August, 1952.

Beicef. K. K. K.

Register.

CLARA LYLE,
Complainant,
VS.
DAVID LYLE,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

BILL OF COMPLAINT

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

Your Oratrix, Clara Lyle, presents this Bill of Complaint against David Lyle and thereupon complains and shows unto the Court and your Honor as follows:

1. She is over twenty-one years of age and a resident of the State of Alabama. The Respondent is over the age of twenty-one years and is a resident of Baldwin County, Alabama. The Respondents address is Bay Minette, Alabama.

2. Your Oratrix and the Respondent are joint owners of the following described real property situated in Baldwin County, Alabama to-wit:

Beginning at the Southeast corner of Lot 16, Russel's Addition to Douglasville, in the Southwest Quarter of the Southwest Quarter of Section 16, Township 2 South, Range 3 East and run thence North 225 feet for a beginning corner, thence North 225 feet to a point, thence West 210 feet to a point, thence South 225 feet to a point, thence East 210 feet to the place of beginning; containing 1.09 acres.

3. This said property has a dwelling house situated thereon, because of which it cannot be equitable divided among the complainant and respondent without a sale thereof and a division of the proceeds.

4. During the month of August 1951 or thereabouts, your Oratrix and the Respondent, who are husband and wife, seperated and have not lived together since that time.

5. Since the seperation of your Oratrix and the Respondent, the Respondent has lived in the said dwelling house and occuppied the property described in paragraph 2, above. The Respondent has neither offered nor paid your Oratrix any rent for the occupation of the said property.

6. During the year 1951 the Respondent paid real estate taxes on the said property, and the amount of these taxes, to the best knowledge of your Oratrix is Seven Dollars and Eighty-six cents

(\$7.86). Your Oratrix offers to do equity and is ready, willing, and able to pay her just share of these taxes, or any other taxes paid by the Respondent.

7. It has been necessary for your Oratrix to employ J.B. Blackburn of Bay Minette, Alabama, for the purpose of filing this suit to effect a division of the said property among the said joint owners.


PRAYER FOR PROCESS

Your Oratrix prays that the Court will take jurisdiction of this Bill of Complaint and that due notice thereof, in the form and manner prescribed by law be given to the Respondent, requiring him to appear and plead, answer or demur to this Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Your Oratrix prays for the following separate and several relief:

1. That the above described property be ordered sold in the manner prescribed by law for a division among the said joint owners.
2. That the Court ascertain and adjudge the amount of rent due your Oratrix, as joint owner, from the Respondent and order this amount to be paid by the Respondent to your Oratrix.
3. That the Court ascertain and adjudge the amount of taxes paid by the Respondent since the separation of your Oratrix and the Respondent and that your Oratrix be ordered to pay the Respondent her just share of such taxes.
4. That this Court will make and enter a proper order or decree fixing the Solicitors fee to be paid to your Oratrix's Solicitor, making it a common charge against the proceeds of the sale of the said property.
5. That such other orders be made and decrees rendered as may be requisite and proper in the premises.


Solicitor for Complainant

CLARA LYLE,)
Complainant,) IN THE CIRCUIT COURT OF
VS.) BALDWIN COUNTY, ALABAMA
DAVID LYLE,) IN EQUITY NO. 2867
Respondent.)

DECREE

On motion of the complainant, it is ORDERED, ADJUDGED AND DECREEED by the Court that this cause be and it is hereby dismissed without prejudice and the complainant taxed with the costs.

ORDERED, ADJUDGED AND DECREEED on this the 6th day of February, 1953.

Hubert M. Facer

Judge.

DECREE

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CLARA LYLE,

VS.

Complainant,

DAVID LYLE,

Respondent.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 2867