

4156

LEA LOXLEY ADAMS,

Complainant,

vs.

E. H. EAKLE,

Respondent.

Y
Y
Y
Y
Y
Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEMURRER

Comes the Respondent in the above styled cause and demurs to the Bill of Complaint filed in said cause and to each and every paragraph thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said Bill of Complaint does not state a cause of action.

CHASON & STONE

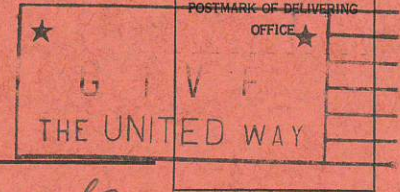
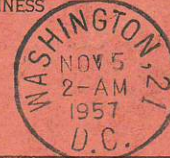
By: *John Stone*
Attorneys for Respondent

Filed

11-19-57

Post Office Department
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300
(GPO)



Return to Alice J. Duck
(NAME OF SENDER)

Street and Number, or Post Office Box, Box 239

REGISTERED ARTICLE

No. 103 Post Office Bay Marquette

INSURED PARCEL

No. _____ State Ala
AIA (573)

16-12421

4156

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the number of which appears on the face of this Card.

ALICE I. DEK, Register

NOV 4 1957

FILED

1 Ettrable

(Signature or name of addressee)

2

(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery

19 NOV 4 1957

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon E. H. EAKLE 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 to Bill of Complaint filed against him by LEA LOXLEY ADAMS.

WITNESS my hand this 31 day of Oct,
1957.

Alvin J. Hirsch
Register.

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

Your Oratrix, presents this Bill of Complaint against
E. H. Eakle, and thereupon, your Oratrix complains and shows unto
the Court and your Honor as follows:

1. Your Oratrix is over twenty-one years of age and
is a resident of Baldwin County, Alabama. The Respondent, E. H.
Eakle, is a non-resident of the State of Alabama and his address
is 1108 East Capitol Street, Washington, D. C.

2. Your Oratrix claims to own and is in the actual,
quiet, peaceable possession of the following described real
property situated in Baldwin County, Alabama, to-wit:

The North half of the Northeast Quarter of
Section 11, and all of that part of the
North half of the Northwest Quarter of
Section 12, South of Little River, all in
Township 3 North, Range 4 East.

3. The Respondent claims or is reputed to claim some
right, title or interest in, or encumbrance on the said lands. No
suit is pending to enforce or test the validity of such title,
interest in, lien or encumbrance upon the said lands, and your
Oratrix brings this Bill of Complaint against the said Respondent
to settle the title to said lands and clear up all doubt and dis-
pute concerning the same. Your Oratrix here and now calls upon
the said Respondent to set forth and specify his right, title or
interest in, lien or encumbrance upon the said lands, or any part
thereof, and how and by what instrument the same is derived and
created.

PRAYER FOR PROCESS:

Your Oratrix prays that the said E. H. Eakle be made
a party Respondent to this Bill of Complaint and that notice of
this proceeding be given to the said Respondent by registered mail,
requiring him to appear in this cause and plead, answer or demur
to this Bill of Complaint within the time and in the manner pro-
vided by the Laws of Alabama.

PRAYER FOR RELIEF:

Your Oratrix prays that upon a final hearing of this cause the Court will make and enter a decree against the said Respondent, quieting the Complainant's title to the said lands, adjudging and decreeing that she is the owner thereof in her own right; that title thereto is in her, forever quieting her title against the said Respondent, adjudging that he is without right, title or interest in and to the said lands, and has and holds no encumbrance thereon; and further, that he be permanently and perpetually enjoined from trespassing on the said lands, or any part thereof.

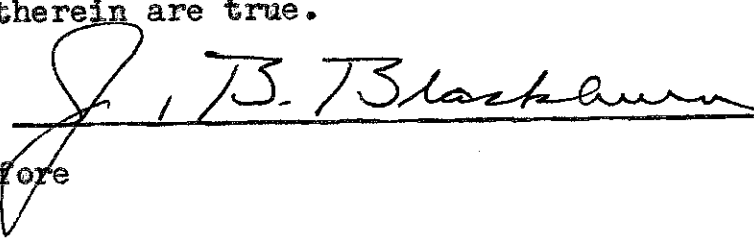
Your Oratrix further prays for such other, further and general relief as she may be equitably entitled to, the premises considered.



Solicitor for Complainant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared J. B. Blackburn, who first being duly and legally sworn, deposes and says: That he is the Solicitor for the Complainant in the above cause; that he has read over the foregoing Bill of Complaint and that the facts stated therein are true.


Sworn to and subscribed before
me on this the 31st day of
October, 1957.


Notary Public, Baldwin County, Ala.

Filed -
10-31-57

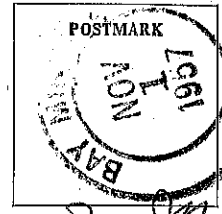
REGISTERED NO. 103

Value \$ *None* Spec. del'y fee \$

Fee \$ Ret. receipt fee \$ *10*

Surcharge \$ Rest. del'y fee \$ *50*

Postage \$ Airmail



Postmaster, By *mjl*

From *Alice J. Dunt*
Bay Bridge, N.J.

To *E. H. Eakle*
1108 E. Capitol St. Wash DC

POD Form 3806
Sept. 1955

c9-16-70493-2

The sender is not required to pay a registration fee providing for full indemnity coverage (up to the limit of \$1,000). However, if the actual value of the matter mailed exceeds \$25, the sender must pay a fee of at least 55 cents. Some matter having no intrinsic value, so far as the registry service is concerned, may involve considerable cost to duplicate if lost or destroyed. The sender is privileged to pay a fee for insurance against costs of duplication if desired.

Domestic registered mail is subject to surcharge when the declared value exceeds the maximum indemnity covered by the fee paid by \$1,000 or more. Claims must be filed within 1 year from date of mailing.

Consult postmaster as to fee chargeable on registered parcel post packages addressed to foreign countries.

A. B. B.

GPO 60-16-70433-2

See copy of Adams
G. H. Eakle

LEA LOXLEY ADAMS,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
VS.	X	BALDWIN COUNTY, ALABAMA
	X	
E. H. EAKLE,	X	CIVIL ACTION NO: <u>4156</u>
Defendant.	X	

ANSWER AND CROSS-BILL

Comes now the Defendant in the above styled cause, by and through his attorneys of record, and for answer to the Bill of Complaint heretofore filed against him in said cause, would show unto your Honor and unto this Honorable Court as follows:

1. The Defendant admits the allegations of paragraph "1" of the Complaint.
2. The Defendant denies the allegation of paragraph "2" of the Complaint and demands strict proof thereof.
3. The Defendant admits the allegations of paragraph "3" of the Complaint.

And now having fully answered the Complaint heretofore filed against the Defendant, said Defendant makes the following cross-claim against the Plaintiff in said cause.

COUNTER-CLAIM

FIRST:

The Defendant adopts the allegations of paragraph "1" of the original Complaint filed in this cause.

SECOND:

The Defendant says that the Plaintiff and Defendant jointly own the following described property situated in Baldwin

County, Alabama, to-wit:

The North Half of the Northeast quarter of Section 11, and all of that part of the North Half of the Northwest Quarter of Section 12, in Township 3 North, Range 4 East which lies South of Little River in Baldwin County, Alabama.

That the Plaintiff is the owner of an undivided three-fourths interest in said property and the Defendant is the owner of an undivided one-fourth interest in said property.

THIRD:

That the Defendant, E. H. Eakle, has paid all state and county taxes due on such lands since 1940, including the year 1973. That he has received no contribution from the Plaintiff toward these expenses advanced on behalf of both the Plaintiff and Defendant.

FOURTH:

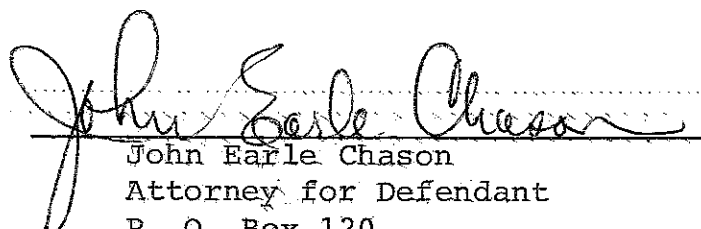
That said property is unimproved raw land and is valuable chiefly for its mineral resources, and the Defendant believes that said property can be equitably divided between the parties.

FIFTH:

The Defendant further shows unto the Court that it was necessary to employ the services of an attorney to represent him in this case and for the purpose of seeking a partition or division of said property for the benefit of all parties interested in this suit.

WHEREFORE, the premises considered, the Defendant respectfully prays that your Honor will take jurisdiction of this cause and will proceed to hear the parties and that your Honor will determine the amount of taxes advanced by the Defendant on behalf

of the Plaintiff and will allow the Defendant a judgment against the Plaintiff in such sum, or in the event that said property is sold for division of the proceeds, that said sum be paid to the Defendant from said proceeds before a division thereof among the parties; the Defendant further prays that on final hearing of this cause that your Honor will ascertain the respective interests of the Plaintiff and the Defendant in this cause and will enter and make an order directing that the property be divided in kind between the Plaintiff and the Defendant in accordance with their respective interests; and that in the event that your Honor should determine that it is impossible to make an equitable division of said property in kind, that your Honor will enter an order directing that the property be sold, converted into money and the proceeds of such sale distributed to the Plaintiff and Defendant in accordance with the proportion determined by the Court to be proper; that your Honor will further ascertain a reasonable attorney's fee to be paid Chason, Stone & Chason as Attorneys for the Defendant for the filing of this action and conducting the same, and will cause this fee to be made a part of the cost in this proceeding.


John Earle Chason
Attorney for Defendant
P. O. Box 120
Bay Minette, Alabama

OF COUNSEL:

CHASON, STONE & CHASON
P. O. Box 120
Bay Minette, Alabama

FILED

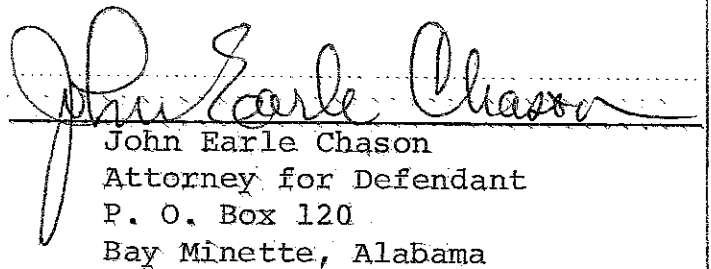
MAY 22 1974

EUNICE G. TINDAL, Register
Baldwin Co., Ala.

135 521

CERTIFICATE OF SERVICE

I, John Earle Chason, Attorney for the Defendant in the above styled action, hereby certify that I have this 22nd day of May, 1974, served a copy of the foregoing Answer and Cross-Bill upon James R. Owen, Esquire, Attorney for the Plaintiff, by depositing a copy of same in the United States mails, postpaid and properly addressed to him at his office in Bay Minette, Alabama.


John Earle Chason
Attorney for Defendant
P. O. Box 120
Bay Minette, Alabama

LEA LOXLEY ADAMS,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
E. H. EAKLE,	X	IN EQUITY NO: <u>4156</u>
Respondent.	X	

FINAL DECREE

This matter coming on to be heard on the Summons and Bill of Complaint filed by the Complainant in said cause, on the Answer and Cross-Bill filed by the Respondent in said cause and on the Stipulation entered into between the parties to said cause acting by and through their respective Solicitors of Records, and the parties being present in Court through their respective Solicitors of Record, and the Court having considered the same is of the opinion that a Final Decree should be rendered in said cause in accordance with the Stipulation filed by the parties.

And it appearing to the Court from the pleadings and Stipulation that the Complainant is the owner of an undivided three-fourths interest, and the Respondent is the owner of an undivided one-fourth interest in and to the following described land situated in Baldwin County, Alabama, to-wit:

That part of the North Half of the Northeast Quarter of Section 11, and that part of the North Half of the Northwest Quarter of Section 12, all in Township 3 North, Range 4 East, which lies South of the main stream of Little River, the land lying in Section 11 containing 32.65 acres, more or less, and the land lying in Section 12 containing 25.75 acres, more or less, or a total of 58.40 acres.

And it further appearing to the Court that by written Stipulation above referred to, the parties to this proceeding

have agreed that the Complainant shall receive the West three-fourths of such lands, and that the Respondent shall receive the East one-fourth of such lands and the Court having approved the division of said lands; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the Complainant is the owner of the full fee simple title to the following described land situated in Baldwin County, Alabama, to-wit:

That part of the North Half of the Northeast Quarter of Section 11, Township 3 North, Range 4 East which lies South of the main stream of Little River, containing 32.65 acres, more or less.

ALSO: That part of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East which lies South of the main stream of Little River, SAVE AND EXCEPT the following described lands, viz: Begin at the Southeast corner of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East, run thence North 84° West 1386 feet to a point; run thence North 415 feet to the center of the stream of Little River; run thence Eastwardly along the center of the stream of Little River to a point due North of the Point of Beginning; run thence South 671 feet to the Point of Beginning, said excepted parcel containing 14.60 acres, more or less, the lands belonging to the Complainant in such Section containing 11.15 acres, more or less, the total acreage of the Complainant being 43.80 acres, more or less.

2. That the Respondent is the owner of the full fee simple title to the following described land situated in Baldwin County, Alabama, to-wit:

Begin at the Southeast corner of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East, run thence North 84° West 1386 feet to a point; run thence North 415 feet to the center of the stream of Little River; run thence Eastwardly along the center of the stream of Little River to a point due North of the Point of Beginning; run thence South 671 feet to the Point of Beginning, containing 14.60 acres, more or less.

3. That the Complainant shall pay to the Respondent in accordance with the terms of the Stipulation the sum of Six Hundred Eighty-four Dollars and Eighty Cents (\$684.80), such payment to be made within twenty (20) days from the date of this Decree.

4. That the Complainant shall pay three-fourths of the court costs due in this cause and the Respondent shall pay one-fourth of the court costs in such cause, for which let execution issue.

5. That the Register of this Court will cause a certified copy of this Final Decree to be filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, and indexed in both the direct and indirect indexes in the names of both the Complainant and the Respondent, the cost of which shall be taxed as part of the costs of this proceeding.

Done this 26th day of July, 1974.

Justin A. Madaleno
Circuit Judge

I, Eunice G. Tindal, Register of the Circuit Court of Baldwin County, Alabama, do hereby certify that the foregoing is a correct copy of the original decree rendered by the Judge of the Circuit Court in the stated cause, which said decree is on file and enrolled in my office.

WITNESS MY HAND AND SEAL this the 26th day of July, 1974

Eunice G. Tindal
Register of Circuit Court, In Equity



STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

JUL 26 1974 / 1:35 PM

and that no tax was collected. Recorded in

Book 464 Mary Doherty
Page 772 Judge of Probate

By 774

BOOK 464 PAGE 774

911
Sumner Tindal

l-2.30

LEA LOXLEY ADAMS, X
 Complainant, X IN THE CIRCUIT COURT OF
 X
 vs. X BALDWIN COUNTY, ALABAMA
 X
 E. H. EAKLE, X IN EQUITY NO: 4156
 Respondent. X

FINAL DECREE

This matter coming on to be heard on the Summons and Bill of Complaint filed by the Complainant in said cause, on the Answer and Cross-Bill filed by the Respondent in said cause and on the Stipulation entered into between the parties to said cause, acting by and through their respective Solicitors of Records, and the parties being present in Court through their respective Solicitors of Record, and the Court having considered the same is of the opinion that a Final Decree should be rendered in said cause in accordance with the Stipulation filed by the parties.

And it appearing to the Court from the pleadings and Stipulation that the Complainant is the owner of an undivided three-fourths interest, and the Respondent is the owner of an undivided one-fourth interest in and to the following described land situated in Baldwin County, Alabama, to-wit:

That part of the North Half of the Northeast Quarter of Section 11, and that part of the North Half of the Northwest Quarter of Section 12, all in Township 3 North, Range 4 East, which lies South of the main stream of Little River, the land lying in Section 11 containing 32.65 acres, more or less, and the land lying in Section 12 containing 25.75 acres, more or less, or a total of 58.40 acres.

And it further appearing to the Court that by written Stipulation above referred to, the parties to this proceeding

have agreed that the Complainant shall receive the West three-fourths of such lands, and that the Respondent shall receive the East one-fourth of such lands and the Court having approved the division of said lands; it is, therefore,

ORDERED, ADJUDGED and DECREED by the Court as follows:

1. That the Complainant is the owner of the full fee simple title to the following described land situated in Baldwin County, Alabama, to-wit:

That part of the North Half of the Northeast Quarter of Section 11, Township 3 North, Range 4 East which lies South of the main stream of Little River, containing 32.65 acres, more or less.

ALSO: That part of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East which lies South of the main stream of Little River, SAVE AND EXCEPT the following described lands, viz: Begin at the Southeast corner of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East, run thence North 84° West 1386 feet to a point; run thence North 415 feet to the center of the stream of Little River; run thence Eastwardly along the center of the stream of Little River to a point due North of the Point of Beginning; run thence South 671 feet to the Point of Beginning, said excepted parcel containing 14.60 acres, more or less, the lands belonging to the Complainant in such Section containing 11.15 acres, more or less, the total acreage of the Complainant being 43.80 acres, more or less.

2. That the Respondent is the owner of the full fee simple title to the following described land situated in Baldwin County, Alabama, to-wit:

Begin at the Southeast corner of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East, run thence North 84° West 1386 feet to a point; run thence North 415 feet to the center of the stream of Little River; run thence Eastwardly along the center of the stream of Little River to a point due North of the Point of Beginning; run thence South 671 feet to the Point of Beginning, containing 14.60 acres, more or less.

3. That the Complainant shall pay to the Respondent in accordance with the terms of the Stipulation the sum of Six Hundred Eighty-four Dollars and Eighty Cents (\$684.80), such payment to be made within twenty (20) days from the date of this Decree.

4. That the Complainant shall pay three-fourths of the court costs due in this cause and the Respondent shall pay one-fourth of the court costs in such cause, for which let execution issue.

5. That the Register of this Court will cause a certified copy of this Final Decree to be filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, and indexed in both the direct and indirect indexes in the names of both the Complainant and the Respondent, the cost of which shall be taxed as part of the costs of this proceeding.

Done this 26th day of July, 1974.

Julian A. Madaleno
Circuit Judge

LEA LOXLEY ADAMS,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
E. H. EAKLE,	X	IN EQUITY 4156
Respondent.	X	

STIPULATION

It is hereby stipulated and agreed by and between the parties to this proceeding, acting through their respective solicitors of record, as follows:

1. That the Complainant is the owner of an undivided three-fourths interest and the Respondent is the owner of an undivided one-fourth interest in and to the following described lands situated in Baldwin County, Alabama, to-wit:

That part of the North Half of the Northeast Quarter of Section 11 and that part of the North Half of the Northwest Quarter of Section 12 all in Township 3 North, Range 4 East, which lies South of the main stream of Little River, the lands lying in Section 11 containing 32.65 acres, more or less, and the lands lying in Section 12 containing 25.75 acres, more or less or a total of 58.40 acres.

which lands are the lands involved in this suit.

2. That the Respondent, E. H. Eakle, has paid all State and County Taxes due on such lands since 1940 including the year 1973. That during such period of time he has paid the taxes in the amounts as set out in Exhibit "A", which is attached hereto and made a part hereof, and in addition thereto the sum of \$28.00 as taxes for 1973. That he has computed simple interest at six percent (6%) per annum on such payments since the date the same were made and the interest which has accrued is set out in such Exhibit. The total amount paid on taxes, as set out

in the Exhibit, is in the sum of \$552.54 and the interest amounts to \$381.63 for a total of taxes and interest in the sum of \$934.17. That since such Exhibit was prepared, he has paid the 1973 taxes in the sum of \$28.00 and additional interest has accrued on the taxes as set out in the Exhibit in the sum of \$33.15, making a total now due for taxes and interest in the sum of \$995.32. Of such amount, the Complainant should pay the Respondent three-fourths or the total sum of \$746.49. That on October 26, 1963, the Complainant caused a survey of the property to be made which is being used in connection with this settlement and she paid the sum of \$150.00 for such survey. That the Respondent should pay one-fourth of such amount or \$37.50 together with interest at the rate of six percent (6%) per annum on such amount for ten years and nine months, or \$24.19, making a total due by the Respondent to the Complainant in the sum of \$61.69. Deducting this amount from the money due the Respondent by the Complainant would leave the sum of \$684.80, which the Complainant agrees to pay the Respondent in a settlement of this matter.

3. The parties hereto agree that the Complainant shall receive the full fee simple title to the West three-fourths of such land and the Respondent shall receive the full fee simple title to the East one-fourth of such land and it is hereby stipulated and agreed that the Court shall render a consent decree vesting each party with the full fee simple title to the lands which they are to receive. The land which the Respondent shall receive under the terms of such decree shall be described as follows:

Begin at the Southeast corner of the North Half of the Northwest Quarter of Section 12, Township 3 North, Range 4 East, run thence North 84° West 1386 feet to a point; run thence North 415 feet to the center of the stream of Little River; run thence Eastwardly along the center of the stream of Little

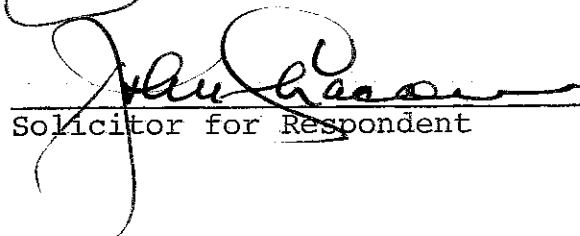
River to a point due North of the Point of Beginning; run thence South 671 feet to the point of beginning, containing 14.6 acres, more or less.

The land that the Complainant is to receive is all of the land described in paragraph "1" of this Stipulation except the land hereinabove described which the Respondent is to receive.

4. It is further understood and agreed by and between the parties hereto that the Complainant will pay three-fourths of the court cost which has accrued in connection with this suit and the Respondent will pay one-fourth of such cost and as soon as the above mentioned Decree has been rendered, a copy of such Decree will be filed in the Office of the Judge of Probate of Baldwin County, Alabama, and indexed in the direct and indirect indexes of such County as provided by the laws of the State of Alabama. Each party shall pay their own solicitor's fee.

Dated this 18th day of July, 1974.


Solicitor for Complainant


Solicitor for Respondent

FILED

JUL 26 1974

EUNICE G. TINDAL, Register
Baldwin Co., Ala.

YEAR	TAXES	INTEREST (6% simple)	INT & PRIN
1972	28.00	.28	28.28
1971	28.00	1.96	29.96
1970	28.00	3.64	31.64
1969	28.00	5.32	33.32
1968	28.00	7.00	35.00
1967	28.00	8.68	36.68
1966	26.00	9.62	35.62
1965	26.00	11.18	37.18
1964	26.00	12.74	38.74
1963	26.00	14.30	40.30
1962	26.00	15.86	41.86
1961	23.60	15.86	39.46
1960	21.50	15.70	37.20
1959	21.00	16.60	37.60
1958	21.00	17.86	38.86
1957	12.60	11.46	24.06
1956	12.60	12.21	24.51
1955	12.85	13.22	26.07
1954	11.00	12.00	23.00
1953	10.50	12.07	22.57
1952	10.50	12.70	23.20
1951	10.50	13.33	23.83
1950	10.50	13.96	24.46
1949	12.30	17.09	29.39
1948	7.43	10.78	18.21
1947	7.43	11.23	18.66
1946	7.43	11.68	19.11
1945	6.30	10.26	16.56
1944	19.48	32.68	52.16
1943	—		
1942	—		
1941	8.69	16.20	24.89
1940	7.33	14.16	21.49
	552.54	381.63	934.17