

LILLIAN COLEMAN,

Plaintiff,

VS.

LUCY DANIELS,

Defendant

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. NO. 3412

This cause coming on to be heard is submitted upon the original and amended bill of complaint, answer of Respondent and the testimony of witnesses taken ore tenus, together with exhibits thereto.

The Court, after considering all of the pleadings and the testimony of the witnesses, together with the plat filed as evidence, is of the opinion and finds that the Complainant claims, and is the owner of Lot Five (5), Block Six (6) of the Hoyle Worcester Addition to Fairhope, according to plat recorded in Map Book 1, page 1, Probate Records, Baldwin County, Alabama; that the Respondent claims, and according to the original bill of complaint is the owner of Lot Six (6), Block Six (6), of the Hoyle-Worcester Addition to Fairhope, according to plat recorded in Map Book 1, page 1, Probate Records, Baldwin County, Alabama;

That the dividing line between the property of Complainant and the property of the Respondent is the line dividing said Lot five (5), Block Six (6) from the said Lot Six (6), Block Six (6) -

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the true, lawful and correct boundary line between the properties of the Complainant and the Respondent is the West boundary line of Lot Five (5), Block Six (6), of the Hoyle-Worcester Addition to Fairhope, according to plat recorded in Map Book 1, page 1, Probate Records of Baldwin County, Alabama, which said Lot Five (5) is more specifically described as follows:

From the Northwest corner of the Northeast Quarter of Section 20, Township 6 South, Range 2 East, run East 796.0 feet along the North line of Section 20

to a point, thence East 90 degrees 0' South
30 feet to a point of beginning, marked by a pine
Engineer's stake, thence continue east 90 degrees,
0' South along the West boundary of Lot Five, a
distance of 210 feet to a point marked by a cedar
stake, thence East 100 feet to a point marked by a
cedar stake, thence north 210 feet to a point marked
by a cedar stake, thence west 100 feet to the point of
beginning, and being in Baldwin County, Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY the Court
that the Complainant be and she is hereby taxed with the cost
accrued in this case, for which execution may issue.

This 11th day of June, 1956.

Robert M. Stace

Judge, 28th Judicial Circuit
of Alabama.

FILED

JUN 12 1956

ALICE J. BRICK, Register

LILLIE COLEMAN

COMPLAINANT

VS

LUCY DANIELS

RESPONDENT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY

Comes now the Respondent in the above styled cause and demurs to the Complainant's bill of complaint and for grounds therefor says:

There is no equity in the bill.

The Complaint fails to describe the true boundary lines or state that the true line is unknown.

Wilters & Brantley

BY:

John M Brantley
Solicitor for the Respondent

3412

ELITE COLMAN

VS

LUY JAMES

CONTINUED

RESPONDENT

FILED

DEC 15 1954

ALICE J. BOWEN, Registrar

LILLIE COLEMAN

COMPLAINANT

VS

LUCY DANIELS

RESPONDENT

IN THE CIRCUIT COURT OF

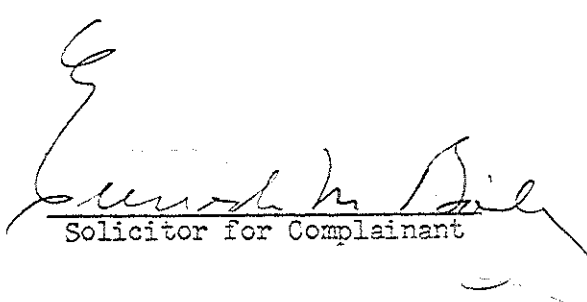
BALDWIN COUNTY, ALABAMA

IN EQUITY

Case No 3412

Comes now the Complainant, and by leave of the Court first had, and obtained, amends her bill of complaint heretofore filed in said cause by adding thereto, immediately following paragraph four (4) of said bill, the following:

The true, lawful and correct boundary line between the properties of the Complainant and Respondent is the West boundary of Lot 5, Block 6, of the Hoyle-Worcester Addition to Fairhope, according to plat recorded in Map Book #1, at page #1, Probate Records, Baldwin County, Alabama, which Lot is hereby more specifically described as follows; From the NW corner of the NE $\frac{1}{4}$ of Section 20, T6S, R2E, run East 796.0' along the N line of Sec. 20 to a point; thence E 90° 00' South 30' to a point of beginning (marked by a pine Engr's stake); thence continue E 90° 00'S along the W boundary of Lot 5 (being the Complainant's Lot) a distance of 210' to a point (marked by a cedar stake); thence East 100' to a point (marked by a cedar stake); thence North 210' to a point (marked by a cedar stake); thence West 100' to the point of beginning. Said Lot being 100' wide and 210' long.



Solicitor for Complainant

3412

LILLIE COLEMAN

COMPLAINANT

VS

LUCY DANIELS

RESPONDENT

APPENDIX TO

BILL OF COMPLAINT

525

195

LILLIE COLEMAN

COMPLAINANT

VS

LUCY DANIELS

RESPONDENT

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

PLEAS IN ANSWER

1.

The Respondent admits the allegations in Section 1 and Section 2 of the Bill of Complaint.

2.

The Respondent admits the allegations in Section 3 of the Complaint.

3.

The Respondent denies the allegations contained in Section 4.

4.

For further answer to the bill of Complaint, the Respondent says there is not a boundary line dispute between the Complainant and Respondent. The dispute is as to the location of the two lots described in the Bill of Complaint. The Respondent avers that the lands in dispute were pointed out to her by the agent of her grantor at the time of her purchase in 1942; that she entered into immediate possession, has built buildings of a permanent nature thereon and has continuously occupied and used said land as her own since that time.

That the Complainant has never disputed her right to the use of this land prior to the time of the filing of this suit. That the entire question before the court is not the location of the boundary line but whether the lands claimed by the Complainant and Respondent is in fact Lot 5 or Lot 6, Block 6 of the Hoyle-Worcester Addition to Fairhope, according to plat recorded in Map Book 1, page 1, Probate records, Baldwin County, Alabama.

That the complainant has brought this case in the wrong form; that he has an adequate remedy at law.

Walters & Brantley

BY:

Solicitors for the Respondent

STATE OF ALABAMA)
BALDWIN COUNTY)

BOOK 021 PAGE 36

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LUCY DANIELS to appear within thirty 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 her by LILLIE COLEMAN.

Dated this 29 day of ~~December~~ ^{November}, 1954.

Archie J. Duck
Register

LILLIE COLEMAN,
Complainant

vs.

LUCY DANIELS,
Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

To the Honorable Judges of the Circuit Court of Baldwin County,

Sitting in Equity:

Your Oratrix, LILLIE COLEMAN, presents this bill of complaint against LUCY DANIELS and, thereupon, your Oratrix complains and shows unto the Court as follows:

1.

Your Oratrix is over the age of twenty-one years and resides in Baldwin County, State of Alabama. The Respondent is also over the age of twenty-one years and resides in Baldwin County, Alabama.

2.

Your Oratrix, the Complainant, owns the following described property situated in Baldwin County, Alabama, to-wit:

Lot 5, Block 6, of the Hoyle-Worcester Addition to Fairhope, according to plat recorded in Map Book 1, Page 1, Probate records, Baldwin County, Alabama.

3.

That the Respondent owns land adjoining Complainant's and is reputed to claim same by deed from ROSA WORCESTER and OLIVE WORCESTER, her husband, to LUCY DANIELS by deed recorded in Deed Book 118, Page 153, wherein the property is described as follows, to-wit:

Lot 6, Block 6, situated in the Hoyle-Worcester Addition to Fairhope, according to plat recorded in Map Book 1, Page 1, Probate Records, Baldwin County, Alabama.

The above tract of land, which is owned by the Complainant, and the above described tract of land, which is owned by the Respondent, adjoins. The Complainant and the Respondent are co-terminous owners of the two said tracts of land and the boundary line between the two said tracts is disputed.

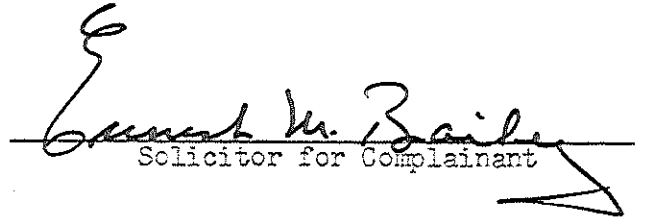
PRAYER FOR PROCESS

Complainant prays that the usual process of this Honorable Court forthwith issue to the Respondent, requiring her to appear and plead, answer or demur to the bill of complaint filed against her in this cause within the time and under the pains and penalties prescribed by law and the rules of this Court.

PRAYER FOR RELIEF

The Complainant prays for the following separate and several relief:

1. That the boundary line between the tract of land owned by the Complainant and the tract of land owned by the Respondent be established.
2. That the order or decree of this Court locate and define the boundary line between the property of the Complainant and that of the Respondent by reference to well-known permanent landmarks and if the Court deem for the best interests of the parties after the entry of the judgment, the Court direct a competent surveyor to establish a permanent stone or iron landmark in accordance with the judgment and as provided by Section 4 of Title 47, of the 1940 Code of Alabama.
3. Complainant further prays for such other, further or different and general relief as she may equitably be entitled to, the premises considered.


Solicitor for Complainant

DECREE SUSTAINING DEMURRERS

LILLIE COLEMAN

COMPLAINANT

VS

LUCY DANIELS

RESPONDENTS

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

This cause now comes on to be heard on the demurrer of the Respondent to the bill of complaint filed herein on the 29th day of November, 1954; and comes the parties and submit the same for consideration of the court; and the court is of the opinion that the said demurrer is well taken. It is, therefore, ordered, adjudged and decreed by the court as follows:

1.

That the demurrer filed by the Respondent herein be and the same is hereby sustained.

2.

That the Complainant may have 20 days from this date to amend his bill of complaint, if he be so advised.

Done this 21st day of December, 1954.

Hubert M. Hall
CIRCUIT JUDGE.

LILLIAN COLEMAN,

Complainant,

VS.

LUCY DANIELS,

Respondent

IN THE

CIRCUIT COURT OF BALDWIN COUNTY,

ALABAMA. IN EQUITY

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This cause being regularly called, on this a regular day for the calling of the docket of this Court, and the parties not answering,

It is ORDERED by the Court that this cause be continued until April 27, 1956.

IT IS FURTHER ORDERED that this cause be, and it is hereby set down for the taking of testimony, and submission for final decree on April 27, 1956, at the Courthouse in Bay Minette, Alabama, beginning at 10 A. M.

IT IS FURTHER ORDERED that a copy of this order be mailed to the respective Solisitors of Record for the parties to this cause.

This 17th day of April, 1956.

Richard M. Shaw

Judge, 28th Judicial Circuit