

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT OF BALDWIN
COUNTY, ALABAMA EQUITY No. 4287

KNOW ALL MEN BY THESE PRESENTS: That Whereas, Abe Wallace and Lillian Wallace, as Principals, and the undersigned as Sureties, are held and firmly bound unto Duncan Turnbull and Alice Turnbull in the sum of \$350.00, for the payment of which we bind ourselves, our heirs and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated this the 21st day of May, 1958.

That, Whereas, the said Abe Wallace and Lillian Wallace have filed their Bill of Complaint against the said Duncan Turnbull and Alice Turnbull in the Circuit Court of Baldwin County, Alabama, in Equity, and have obtained an order for the issuance of an injunction to restrain the said Duncan Turnbull and Alice Turnbull, and their agents, servants, or employees from trespassing on the following described land in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of Section 21, thence West 18.96 chains to a stake; thence North 6.32 chains to a stake in a muddy branch; thence East 18.96 chains to a stake in the South margin of the same branch; thence South 6.32 chains to the point of beginning, containing 12 acres, according to a survey of N. L. Durant, County Surveyor, in Township 1 North, Range 2 East.

and from cutting and removing timber standing or growing thereon.

NOW, THEREFORE, the condition of the above obligation is such that if the said Abe Wallace and Lillian Wallace or either of them shall pay or cause to be paid all damages which any person may sustain by the suing out of the said injunction, if the same is dissolved, then this obligation to be void; otherwise to remain in full force and effect.

WITNESS OUR HANDS AND SEALS, this the day and year first above written.

Abe Wallace (LS)

Taken and approved on this the 21 day of May, 1958.

Lillian Wallace (LS)

Alice J. Gensert
Register

Archib M. McMillan (LS)

No. 4287

INJUNCTION BOND

Filed 5-11-58
Aerie French
Registrar

ABE WALLACE AND LILLIAN WALLACE,

Complainants

vs.

DUNCAN TURNBULL AND ALICE TURNBULL,

Respondents

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 4287

WRIT OF INJUNCTION

TO DUNCAN TURNBULL AND ALICE TURNBULL, AND THEIR AGENTS, SERVANTS AND EMPLOYEES:

WHEREAS, Abe Wallace and Lillian Wallace have exhibited their Bill of Complaint in Equity in the Circuit Court of Baldwin County, Alabama, and have obtained from the Honorable Herndon Inge, Jr., Mobile County, Alabama, in the absence of the Honorable Hubert M. Hall, Judge, from the Judicial Circuit, an order for the issuance of a temporary injunction or restraining order to restrain you, as hereinafter mentioned; and,

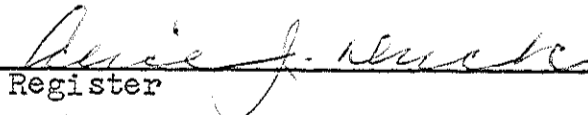
WHEREAS, the said complainants have, in accordance with said order, entered bond conditioned as required by law in the sum of \$350.00, which has been approved by me:

NOW, THEREFORE, you and each of you and your agents, servants and employees are hereby enjoined from trespassing on the following described land:

Beginning at the Southeast corner of Section 21, thence West 18.96 chains to a stake; thence North 6.32 chains to a stake in a muddy branch; thence East 18.96 chains to a stake in the South margin of the same branch; thence South 6.32 chains to the point of beginning, containing 12 acres, more or less, according to a survey of N. L. Durant, County Surveyor, in Township 1 North, Range 2 East.

and from cutting or removing timber thereon, and this injunction you are required to obey under the penalties of law until the further order of this Court.

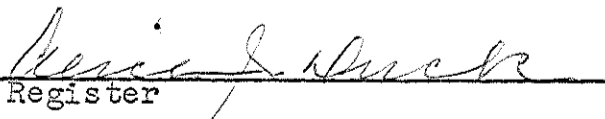
Witness my hand and seal, this the 21 day of May, 1958.


Register

TO THE SHERIFF OF BALDWIN COUNTY, ALABAMA

You are hereby commanded to execute this writ and return the same with your endorsement thereon to this court with all convenient dispatch.

Witness my hand this the 21 day of May, 1958.


Register

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Duncan Turnbull and Alice Turnbull to appear within thirty days from the service of this writ in the Circuit Court to be held for said county, Equity Side, at the place of holding same, then and there to answer the Bill of Complaint of Abe Wallace and Lillian Wallace.

WITNESS my hand and seal on this the 21 day of May, 1958.

W. J. Hester
Register

*ABE Wallace and
Lillian Wallace,
Complainants*

*vs
Duncan Turnbull &
Alice ~~W~~ Turnbull
Respondents*

Herndon Inge, Jr.

TO THE HONORABLE ~~WILLIAM V. McDERMOTT~~, JUDGE OF THE CIRCUIT
COURT OF MOBILE COUNTY, ALABAMA.

Now come Abe Wallace and Lillian Wallace, as Complainants and present this Bill of Complaint against Duncan Turnbull and Alice Turnbull and respectfully show unto the Court and your Honor as follows:

1. The complainants are over the age of 21 years and are residents of Baldwin County, Alabama.

2. The respondents are over the age of 21 years and are residents of Baldwin County, Alabama.

3. The complainants claim to own the following described land in Baldwin County, Alabama, to-wit:

Beginning at the Southeast corner of Section 21, thence West 18.96 chains to a stake; thence North 6.32 chains to a stake in a muddy branch; thence East 18.96 chains to a stake in the South margin in the same branch; thence South 6.32 chains to the point of beginning, containing 12 acres, according to survey of N. L. Durant, County Surveyor, in Township 1 North, Range 2 East.

by virtue of the following:

A. Warranty deed from M. A. Robinson, a widow, to Frank James, said deed being dated October 31, 1906, and recorded in Deed Book 265 at pages 27-28.

B. Warranty deed from Florence James, a widow; Letha Shambuger, a married woman whose husband is a non-resident of the State of Alabama; Frank James and Cora James, his wife; Annie York and John H. York, her husband; being all of the heirs of Frank James to Abe Wallace and Lillian Wallace, said deed being dated October 5, 1953, and recorded in Deed Book 202 N.S., pages 514, and 515.

4. That the said Abe Wallace and Lillian Wallace and those individuals through whom they claim have had continuous and uninterrupted possession of the property since the year, 1906, farming the same and cutting and removing timber from the same, fencing the same and maintaining said fences, until on, to-wit: May 20, 1958, when the respondents, or some of them, or their agents, servants or employees, went upon the said land and cut timber therefrom which was standing and growing thereon and are now in the process of cutting and removing further timber and paperwood, which said action will denude that portion of the land in timber.

5. That the Honorable Hubert M. Hall, the Judge of the Circuit Court of Baldwin County, Alabama, is not at the time of the filing of this Bill within Baldwin County, Alabama, and will not return for several days.

6. The complainants claim of the respondents the sum of One hundred dollars(\$100.00) as damages for a trespass by the respondents on the tract of land described in Paragraph 3 of this petition, belonging to the complainants on, to-wit: the 20th day of May, 1958, and in the possession of the complainants on, to-wit: the 20th day of May, 1958.

PRAYER FOR PROCESS

Complainants pray that the usual process of this Honorable Court forthwith issue to the respondents and each of them, commanding them to appear in this court and plead, answer or demur to this Bill of Complaint within the time prescribed by law.

PRAYER FOR RELIEF

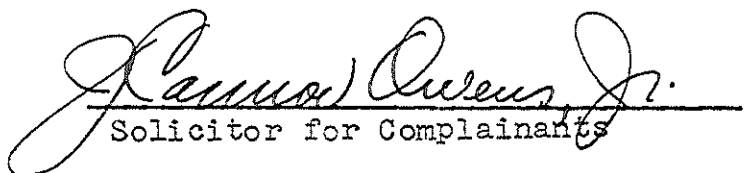
Complainants pray for the following separate and several relief:

1. That a temporary writ of injunction or restraining order be issued to the respondents and each of them enjoining or restraining them and each of them and their agents, servants and employees from trespassing on the above described property and from cutting and removing timber standing, growing or being thereon.

2. That upon a final decree, upon a final hearing of this cause, the temporary injunction or restraining order be made permanent.

3. That a decree be rendered in favor of the complainants and against the respondents for the trespass committed by the respondents, their agents, servants or employees, upon the above described property.

4. Complainants pray for such other, further and general relief as they may be equitably entitled to, the premises considered.


Solicitor for Complainants

STATE OF ALABAMA
BALDWIN COUNTY

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Before me, the undersigned authority in and for said State and County, personally appeared Abe Wallace and Lillian Wallace, who, after being by me first duly and legally sworn, deposes and says:

That they are the complainants in the above entitled cause; that they have read over the foregoing Bill of Complaint and that the facts stated therein are true.

filed May 21, 1958
Executed May 23, 1958

Abe Wallace

Lillian Wallace

Sworn to and subscribed before me on this the 21 day of May, 1958.

J. Russell Curves, Jr.
Notary Public-State at Large

STATE OF ALABAMA
BALDWIN COUNTY

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FIAT

This cause being submitted to the Court upon application of the complainants for a temporary writ of injunction, as prayed for in the original bill of complaint, the same filed in this cause, and upon consideration thereof the court is of the opinion that the same should be granted:

It is, therefore, ORDERED, ADJUDGED AND DECREED by the court that upon the complainants entering into a good and sufficient bond, conditioned as provided by law, in the sum of \$ 350⁰⁰, to be approved by the Register of Baldwin County that the Register of said court issue a temporary writ of injunction as prayed for in the said Bill of Complaint filed in this cause.

Ordered and Done on this the 21st day of May, 1958.

W. B. [Signature]
Judge

4287

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