

3501

STATE OF ALABAMA,)	IN THE CIRCUIT COURT
	:	
Complainant,)	OF
	:	
-vs-)	BALDWIN COUNTY, ALABAMA
	:	
A. B. CASE and THOMAS)	IN
E. GIVENS,	:	
)	
Respondents	:	EQUITY NUMBER _____

Now comes A. B. Case and files the following separate and several demurrers to the bill of complaint and to each paragraph, aspect and part thereof separately and severally.

1. There is no equity in the bill of complaint.
2. The complainant fails to state that the complainant is in the peaceable possession of the lands, either actual or constructive.
3. The complainant fails to state that the complainant is claiming to own the same, in its own right or as personal representative or guardian.
4. The complaint fails to state the possession of the complainant.
5. The complaint fails to state the ownership of the complainant.

[Handwritten Signature]
 AUSTILL & AUSTILL
 1005 Van Antwerp Building
 Mobile, Alabama



W. H. Drinkard (Bill)
DIRECTOR

STATE OF ALABAMA
DEPARTMENT OF CONSERVATION
MONTGOMERY, ALABAMA

DIVISIONS:
ADMINISTRATIVE
FORESTRY
GAME AND FISH
SEAFOODS
STATE LANDS
STATE PARKS

April 1, 1955

Register in Equity
Baldwin County
County Courthouse
Bay Minette, Alabama

Dear Sir:

I am enclosing herewith the original and two copies of a bill to quiet title. The two respondents reside at the following addresses:

A. B. Case, 1153 Gorgas Street, Mobile, Alabama
Thomas E. Givens, Robertsdale, Alabama

It will be appreciated if you will forward the papers for necessary service to the Sheriff of Mobile County for a return against Mr. Case.

After service has been perfected, please advise me the date of the next call of your Equity Docket.

Yours very truly,

DEPARTMENT OF CONSERVATION

A. J. Harris
Attorney

AJH:pob

Enclosures

STATE OF ALABAMA,
Complainant.

Vs.

A. B. CASE and THOMAS
E. GIVENS,

Respondents.

)
(
)
(
)
(
)
(
)
(
)

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

BILL TO QUIET TITLE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the above named Complainant, the State of Alabama, and shows unto your Honor the facts following:

1. The lands described as follows:--

The NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 15; the SE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 20; the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 26; the SE $\frac{1}{4}$ of NE $\frac{1}{4}$, Section 26; the E $\frac{1}{2}$ of SW $\frac{1}{4}$, Section 27; the N $\frac{1}{2}$ of NW $\frac{1}{4}$, Section 36, all in Township 8 South, Range 4 East, Baldwin County, Alabama.

are located and situate within the jurisdiction of this honorable court.

2. That the above named Complainant, the State of Alabama, is the owner of the above described real estate.

3. That the above named Respondents, A. B. Case and Thomas E. Givens, claim, or are reputed to claim, some right, title or interest in, or encumbrance upon, said lands.

4. And the above named Complainant, the State of Alabama, calls upon said Respondents, A. B. Case and Thomas E. Givens, to specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

5. Your Complainant would further show that there is no suit now pending to enforce or test the validity of such title, claim or encumbrance.


PREMISES CONSIDERED, your Complainant prays that your Honor will assume jurisdiction of this its cause of action and that by proper process of this Court the above named Respondents be made a party to this proceedings and that they be required to plead, answer or demur to this bill of complaint within the time allowed by law for a pleading, or in default of such pleading, suffer a decree pro confesso to be entered against them. That upon final submission of this cause, your Honor will make and enter a decree settling

the title to the above described lands and clear up all doubts or disputes concerning the same. Your Complainant further prays that if it is in any wise mistaken in the relief herein sought, then your Complainant prays for such other, different or further relief to which it may be entitled in the premises and which to your Honor may seem meet and proper. And your Complainant will ever pray.

BOOK
022
PART 145



JOHN PATTERSON
Attorney General




A. J. HARRIS
Assistant Attorney General

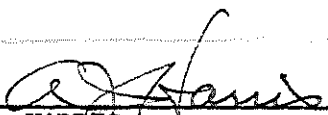
SOLICITORS FOR COMPLAINT

NOTE:

The above named Respondents are required to answer each allegation contained in Paragraphs Nos. 1 to 5 inclusive, hereof but not under oath, for answer under oath is hereby expressly waived.



JOHN PATTERSON
Attorney General



A. J. HARRIS
Assistant Attorney General

SOLICITORS FOR COMPLAINANT

The State of Alabama, Baldwin County

IN CIRCUIT COURT, IN EQUITY

To any Sheriff of the State of Alabama—Greeting:

You are hereby commanded to summon A. B. Case and Thomas E. Givens

to appear and answer, plead, or demur, within thirty days from the service hereof, to a Bill of Complaint filed in said Circuit Court, in equity, for said County of said State by State of Alabama

against A. B. Case and Thomas E. Givens

Herein fail not. Due return make of this writ as the law directs.

Witness this 6th day of April 19 55

W. J. [Signature], Register.

(Defendant is entitled to a copy of the bill on application to the Register.)

BOOK 022 PAGE 149

465
1219

No. 3501 Page

The State of Alabama

Baldwin COUNTY.

IN CIRCUIT COURT, IN EQUITY

STATE OF ALABAMA

vs.

16X
PAK. B. CASE and THOMAS E. GIVENS

SUMMONS

Returned by the Sheriff and filed in office, this
the day of 19
Register.

FILED

APR 6 1955

ALICE J. DUCK, Register

A. B. Case
1153 Morgan St.
Mobile, Ala.

Thomas E. Givens
Robertsdale, Ala

Received in office, this the day of

April, 1955

Taylor Wickersham, Sheriff.

I have executed the within by leaving a copy

thereof with A. B. Case

Thomas E. Givens

H-21-55

Taylor Wickersham

Sheriff, Bald. Co.

By

Edleigh Steadham

defendant named herein, on this the

day of 4/16, 1955

Raeford Brubaker, Sheriff.

By W. L. Koon, Deputy.