

4494

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon IDA DEAN to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in the Circuit Court of Baldwin County, Alabama at Bay Minette, against Ida Dean, Respondent and Lee J. Palmer, as Complainant.

Witness my hand this 29 day of January, 1959.

Alice J. Clark  
Register

Ex 2-4-59

LEE J. PALMER	I	
	I	IN THE CIRCUIT COURT OF
COMPLAINANT	I	BALDWIN COUNTY, ALABAMA
VS	I	
	I	IN EQUITY
IDA DEAN	I	
	I	
RESPONDENT	I	

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

Comes now Lee J. Palmer and humbly complaining against Ida Dean, respectfully shows unto Your Honor as follows:

1.

That your Complainant is over the age of twenty-one years and he is a resident of Baldwin County, Alabama; that the Respondent is over the age of twenty-one years and her residence is Baldwin County, Alabama.

2.

That your Complainant is the owner of and in the peaceable possession of the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Beginning at the Southwest corner of Block 35 of the Third Addition of Robertsedale, Alabama according to the official map thereof recorded in Map Book 1, page 31, Probate records of Baldwin County, Alabama; thence run North along the West line of said Block to the North-east corner of same being 508 feet more or less; thence run East along the North line of said Block 55 feet to a point; thence run South 508 feet to a point on the South line of said Block; thence run West 59 feet to the point of beginning.

3.

That the Complainant and those through whom he claims acquired title to the land above described by being in the actual, peaceable, adverse, open and exclusive possession of said lands claiming ownership thereof for a period of more than twenty consecutive years, last preceding the filing of this Bill of Complaint.

4.

That the said Ida Dean claims or is reputed to claim some right, title, claim or interest in, lien or encumbrance upon the above described lands, or some part or parcel thereof, and the complainant calls upon her to set forth and specify her right, title, claim or interest in, lien or encumbrance upon the said lands or any part or parcel thereof, and to show how and by what instrument or instruments the same is derived or created.

5.

That there is no suit pending to enforce or test the validity of the Complainant's title to the said lands, or to enforce or test the validity of the Respondent's right, title, claim or interest in, lien or encumbrance upon the said lands, or any part or parcel thereof.

WHEREFORE, your Complainant prays that this Honorable Court take jurisdiction of the cause made by this Bill of Complaint and make the said Ida Dean party Respondent hereto, and by appropriate process require her to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the said Respondent, Ida Dean, has no right, title, claim or interest in, lien or encumbrance upon the said lands, or any part or parcel thereof, and that the title to the said lands be quieted and established in this Complainant as against the said Respondent; and that the said Respondent be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim any right, title, claim or interest in, lien or encumbrance upon the said lands or any part or parcel thereof.

WILTERS AND BRANTLEY

BY  Solicitors for the Complainant

4494

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT  
IN EQUITY

LEE J. PALMER

COMPLAINANT

VS

IDA DEAN

RESPONDENT

BILL OF COMPLAINT

filed Jan. 29, 1959  
Alice J. Duck,  
Reg-

Received 30 day of Jan 1959  
d on 4 day of Feb 1958  
served a copy of the within Bill of Complaint  
Ida Dean

service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Edleigh Steadham, S.

Shiff claims 50 miles at  
an cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff

Y 62  
DEPUTY SHERIFF

LEE J. PALMER,

Complainant,

vs.

IDA DEAN,

Respondent

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

This matter coming on to be heard on the Demurrer to the Bill of Complaint filed in said cause and the Court having considered the same is of the opinion that the Demurrer should be sustained, it is, therefore

ORDERED, ADJUDGED and DECREED by the Court that the Demurrer to the Bill of Complaint filed in said cause be, and the same hereby is, sustained.

Done this the 21st day of April, 1959.

Robert M. Hae  
Judge

44 24

m

LEE J. PALMER,

Complainant

vs.

IDA DEAN,

Respondent

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
IN EQUITY

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ORDER SUSTAINING DEMURRER

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LEE J. PALMER,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
IDA DEAN,	X	
Respondent.	X	IN EQUITY
	X	

Comes the Respondent in the above styled cause and for answer to the Bill of Complaint as amended, filed in said cause, says:

1. That she admits the allegations of the first paragraph of the Bill of Complaint.

2. That she denies the allegations of paragraph "2 (a)" of the amended Bill of Complaint and demands strict proof thereof.

3. That she denies the allegations of paragraph "3 (b)" of the amended Bill of Complaint and demands strict proof thereof.

4. That she admits the allegations of paragraph "4" of the Bill of Complaint and alleges that she is the owner of the lands described in such suit having acquired title to the same by Warranty Deed from Walter W. Hoiles and Beatrice V. Hoiles, his wife, Leslie Taylor and Leah A. Taylor, his wife, and Emanuel Davidson and Louise T. Davidson, his wife, which deed is dated August 6, 1945, and filed for record in the Office of the Judge of Probate of Baldwin County, Alabama, on August 9, 1945, and is recorded in Deed Book 95, pages 209-10. That in and by such deed she acquired title to all of plot 35, Third Addition to the Townsite of Robertsedale, Alabama, as per plat thereof recorded in the Office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 31. That immediately after acquiring title to said land she went into the actual, open, notorious, exclusive and peaceable possession of all of said plot 35 and she has remained in possession thereof up to the present time. That the Complainant has been in possession of the lands described in the suit for approximately 8 years prior to the filing of such suit under and by virtue of an oral agreement which he entered into with the Respondent, by virtue of which he was permitted to do certain clearing on the lands involved in the suit and to farm the same. That his right to such possession has now terminated and he should be re-

quired to vacate such property.

CHASON & STONE

*Filed*  
*1-19-60*

By: *John Green*  
Solicitors for Respondent

LEE J. PALMER,	X	
Complainant,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
IDA DEAN,	X	IN EQUITY
Respondent.	X	

Comes the Respondent in the above styled cause and demurs to the Bill of Complaint filed in said cause as follows:

As to that aspect of the Bill of Complaint set out in paragraph "2" in which the Complainant attempts to describe the property, the Respondent demurs and assigns the following separate and several grounds, viz:

1. That the description of such property is vague and indefinite.
2. That said property is not correctly described.
3. That the point of beginning of the property described is the Southwest corner of Block 35 of the 3rd Addition to Roberts-dale from which point a line runs North along the West line of said Block to the Northeast corner of said Block and thence runs East along the North line thereof, which description is improper.

As to that aspect of the Bill of Complaint set out in paragraph "3" in which the Complainant seeks to set out how he acquired title to the lands described in the Bill of Complaint the Respondent demurs and assigns the following separate and several grounds, viz:

1. That the allegation that the Complainant and those through whom he claims acquired title to the lands by possession thereof for more than twenty consecutive years, fails to allege when the Complainant went into possession of such lands.
2. That the allegations in paragraph "3" do not allege who the Complainant claims under.
3. That there is no sufficient allegation in paragraph "3" to connect the possession of the Complainant with the possession of anyone else holding adverse to the Respondent.
4. That paragraph "3" affirmatively shows that the Complainant has no legal instrument under which he claims title and



does not set out sufficient claim of adverse possession for the required period of time.

CHASON & STONE

By: 

Solicitors for Respondent

The Respondent demands a trial by jury of the issues of this case.

By: 

Solicitors for Respondent.

*Filed 3-17-59*

LEE J. PALMER	)	
	)	IN THE CIRCUIT COURT OF
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA,
	)	
VS	)	IN EQUITY
	)	
IDA DEAN	)	
	)	
RESPONDENT	)	

AMENDMENT TO COMPLAINT

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

Comes Now Lee J. Palmer, and amends his complaint heretofore filed in this cause by striking therefrom Sections No. 2 and 3 and by adding the following sections thereto:

2 A

That your Complainant is the owner of and in the peaceable possession of the following described lands situated in the County of Baldwin, State of Alabama, to-wit:

Beginning at the Southwest corner of Block 35 of the Third Addition to Robertsedale, Alabama, according to the official map thereof recorded in Map Book 1, page 31, Probate records of Baldwin County, Alabama; thence run North along the West line of said Block to the Northwest corner of same being 508 feet more or less; thence run East along the North line of said Block 55 feet to a point; thence run South 508 feet to a point on the South line of said Block; thence run West 59 feet to the point of beginning.

3b.

That the complainant and Royal L. Brewton, the person through whom he claims acquired title to the land above described by being in the actual, peaceable, adverse, open and exclusive possession of said lands claiming ownership thereof for a period of more than twenty consecutive years, last preceding the filing of this Bill of Complaint.

Wilters & Brantley

BY

*[Signature]*  
Solicitors for the Complainant

*Filed*  
*7-7-59*

4494

LEEJ. PALMER

COMPLAINANT

VS

IDA DEAN

RESPONDENT

AMENDED COMPLAINT

FILED

JUL 7 59

ALICE J. DUCK, CLERK  
REGISTER