


That your Honor will set a day for hearing said application for temporary Restraining Order and temporary Injunction enjoining the Respondent from further maintaining said fences across said road.

That upon final hearing hereof the Complainants pray that the Respondent be Perpetually enjoined from maintaining said fences across said Public Road.

And if the Complainants be mistaken in the relief for which they prayed, then they pray for such other further different or general relief as to this Honorable Court may in Equity and good conscience seem meet and proper, the premises considered. And your Complainants offer to do such Equity in the premises as may be required of them.


Paul A. McQuinn
Solicitor for the Complainants

70.3731

George Hadley and
Lonnie Stacey

Complainants

Vs

Earl Dean

Respondent

Received 27 day of Feb 1956
and on 27 day of Feb 1956
I served a copy of the within A & C
on Earl Dean

By service on _____

TAYLOR WILKINS, Sheriff

By Sindel D.

0 miles

Summons and Complaint

FILED

FEB 27 1956

ALICE J. DUCK, Register

STATE OF ALABAMA
COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to Summon Earl Dean to appear and answer, plead or demurr at 2 P. M. March 5, 1956 to a Bill of Complaint filed in Circuit Court for said County of said State by George Hadley and Lonnie Stacey against Earl Dean. Herein fail not. Due return make of this Writ as the Law directs.

Archie A. Smith
Register

George Hadley and	§	In the Circuit Court of
Lonnie Stacey	§	Baldwin County, Alabama
XXXXXXXXXX	§	In Equity
Vs	§	NO. _____
Earl Dean	§	
Complainants	§	
Respondent	§	

BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COUNTY,
IN EQUITY

Come the Complainants in above styled cause and respectfully represents and shows unto Your Honor as follows:

1. That your Complainants are over the age of twenty-one years and are Bona Fide residents of Baldwin County, Alabama; that your Respondent is a Bona Fide resident of Baldwin County, Alabama and over the age of twenty-one years.
2. That on to-wit within a period of from to-wit June 1, 1955 to to-wit August 15, 1955 your Respondent willfully erected ~~no~~ fences across a public road at Rabon, Alabama leading from the paved road from Bay Minette, Alabama through Rabon to Perdido, Alabama, said fenced road leading to the residence of your Complainant, Lonnie Stacey.
3. That there is no way for your Complainant Lonnie Stacey to reach his home by automobile in wet weather since said road was fenced; that there is a pond on said temporary road through which automobiles cannot pass in wet weather. Your Complainant George Hadley alleges that he and his wife also own property which the fences across said road prevents them from reaching in wet weather.
4. That said road fenced by your Respondent Earl Dean is a public road, having been dedicated to the Public by user or prescription for a period of over (20) twenty years.
5. Wherefore the premises considered your Complainant prays that your Honor will by proper process make the said Earl Dean party Respondent to this Bill of Complaint requiring him to plead answer or demurr to this Bill of Complaint within the time required by Law, that failing therein that a Decree Pro Confesso be taken against him as to a ll things confessed.

Your Complainant further prays that your Honor will issue a temporary restraining order restraining the Respondent Earl Dean from further maintaining said fences across said road until the decision of this Court granting or refusing the Perpetual Injunction here in after applied for.

That your Honor issue a Temporary Restraining Order or Temporary Injunction enjoining the Respondent from maintaining said fences across said road.