BAILEY DALE,	)	
Complainant and Cross Respondent,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
H. L. RICHARDSON,	)	IN EQUITY NO. 3757
Respondent and Cross Complainant.	)	

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree upon the complainant and cross respondent's original Bill of Complaint, respondent and cross complainant's answer and cross bill, complainant and cross respondent's demurrer and answer to cross bill, and complainant and cross respondent's amended demurrer and amended answer to cross bill, and the testimony of the witnesses for the complainant and cross respondent taken in open court on this date in the manner provided by Equity Rule Number 56, as amended; upon consideration of all of which, it appears to the court that the complainant and cross respondent was at the time of the filing of the Bill of Complaint in this cause in the actual, quiet and peaceable possession of the real property situated in Baldwin County, Alabama, which is hereinafter described, which possession consisted of complainant and cross respondent's use of the property as a farm, all of which said property was under fence at the time of the filing of this suit, and that such possession on the part of complainant and cross respondent has continued from long prior to 1950; that no suit is pending to enforce or test the validity of respondent and cross complainant's title to, interest in, lien or encumbrance on the said land, and that the respondent and cross complainant claims title through a tax deed dated on, to-wit, June 17, 1950, and that he is not now and has not at any time since obtaining the said tax deed been in possession of the property or any part thereof, and that he has not filed a suit to recover possession of the said property; upon consideration of which, it appears to the court that the complainant and cross respondent is entitled to the relief prayed for by him in his said Bill of Complaint, WHEREUPON, it is, therefore, ORDERED, ADJUDGED AND DECREED by the court as follows:

1. The complainant and cross respondent, Bailey Dale, is, as against H. L. Richardson, the true and lawful owner in his own right of the following described real property situated in Baldwin County, Alabama, to-wit:

> Start at the Northeast corner of the South Half of the Southeast Quarter of the Northwest Quarter, Section 29, Township 6 South, Range 2 East, and run thence South 165 feet to a point of beginning; thence South 495 feet to Bailey Dale land line; thence West with the said line 1320 feet to a point; thence North 495 feet to a point; thence East 1320 feet to the point of beginning, containing 15 acres, more or less.

Title to the said land is vested in the said complainant and cross respondent, Bailey Dale, and his title thereto is forever quieted against the respondent and cross complainant, H. L. Richardson, and the said respondent and cross complainant is without right, title or interest in and to the said lands or any part thereof and has and holds no encumbrance on the said property or any part thereof, or any interest therein.

2. The Register of this court shall within thirty days from the rendition of this decree file a certified copy hereof for record in the office of the Judge of Probate of Baldwin County, Alabama, and tax the expense of such recording as a part of the costs of this proceeding.

3. The costs of this proceeding are hereby taxed against the respondent and cross complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 5th day of June, 1956.

Hubert M. Hood
Judge

BAILEY DALE, Complainant, vs. H. L. RICHARDSON, Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 3757.

DECREE PRO CONFESSO

In this cause it appears to the Register that a copy of the Amended Bill of Complaint which was heretofore filed in this cause was served on the Respondent on the 2nd day of January, 1957, and that to the date hereof he has failed to appear and plead, answer or demur to the said Amended Bill of Complaint.

It is, therefore, on motion of the Complainant ordered and decreed by the Court that the said Amended Bill of Complaint be, and it hereby is in all things taken as confessed against the said Respondent, H. L. Richardson.

ORDERED AND DECREED on this the 4th day of March, 1957.

Alice L. Dreyfus
Register.

DECREE PRO CONFESSO

BAILEY DALE,

Complainant,

vs.

H. L. RICHARDSON,

Respondent,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3757.

BAILEY DALE,		
Complainant,		IN THE CIRCUIT COURT OF
vs.		BALDWIN COUNTY, ALABAMA
H. L. RICHARDSON,		IN EQUITY.
Respondent,		

MOTION FOR DECREE PRO CONFESSO

Motion is hereby made for a decree pro confesso against H. L. Richardson on the ground that a copy of the Amended Bill of Complaint which was heretofore filed in this cause was served on the Respondent on the 2nd day of January, 1957, and that to the date hereof he has failed to appear and plead, answer or demur to the said Amended Bill of Complaint.

WHEREFORE, the Complainant moves the Register to make and enter a decree pro confesso against the Respondent in this cause.

J. B. Blackburn
Solicitor for Complainant.

MOTION FOR DECREE PRO CONFESSO

BAILEY DALE,

Complainant,

vs.

H. L. RICHARDSON,

Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY. NO. 3757.

Filed
3-4-57
Chas. J. Lenck
Register

BAILEY DALE, Complainant,	IN THE CIRCUIT COURT OF
VS.	BALDWIN COUNTY, ALABAMA
H. L. RICHARDSON, Respondent.	IN EQUITY NO. 3757

DEMURRER AND ANSWER TO CROSS BILL

Now comes the complainant and cross respondent by his attorney and demurs to Paragraph Numbered 1 of the cross bill filed in this cause by the respondent and cross complainant on April 26, 1956, and grounds for such demurrers assigns, separately and severally the following:

1. There is no equity in the cross bill.

2. It affirmatively appears that the relief sought by the respondent and cross complainant is barred by the Statutes of Limitations of three years.

3. No facts are alleged to show that the respondent and cross complainant is entitled to the relief prayed for by him.

Now comes the complainant and cross respondent by his attorney and without waiving the above demurrers, but insisting thereon files this his answer to the said cross bill.

A. The complainant and cross respondent admits that the respondent and cross complainant acquired a tax deed to the lands described in the bill of complaint that has been filed in this cause and further admits that the said tax deed was dated June 17, 1950, and is recorded in Deed Book 154 at page 347, Baldwin County, Alabama Records, but the complainant and cross respondent denies that the respondent and cross complainant acquired title to the property described in the bill of complaint that has been filed in this cause by the said tax deed.

B. The complainant and cross respondent admits that the lands described in the bill of complaint that has been filed in this cause was sold by the State of Alabama for delinquent 1946 taxes,

denies each and all of the allegations of Paragraph Numbered 2 of the cross bill.

C. For further answer to the said cross bill the complainant and cross respondent alleges that he is now and has been for more than three years prior to the filing of the bill of complaint in this cause in the actual possession of the property described in the said bill of complaint and that the said respondent and cross complainant has not at any time since June 17, 1950, been in possession of the said property or any part thereof and that any rights which the respondent and cross complainant may have had in and to the said property were barred by the three year Statutes of Limitations long before the filing of this suit.

J. B. Blackburn
Solicitor for Complainant and Cross Respondent.

DEMURRER AND ANSWER
TO CROSS BILL

BAILEY DALE,

Complainant,

VS.

H. L. RICHARDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3757

Filed 5-11-56
Alice J. Renick
Register.

Bailey Dale	(	In the Circuit Court of
Complainant		Baldwin County, Alabama
Vs;	)	In Equity
H.L. Richardson		
Respondent	)	No. 3757

Answer and Gross Complaint

Comes now H.L. Richardson, respondent, and to answer to the Bill of Complaint against him, shows unto your Honor as follows:

1. That I acquired title to the premises described in the complaint by virtue of a tax deed to said premises dated June 17,1950, and recorded in Deed Book 154, page 347, of the records in the office of the Judge of the Probate Court of Baldwin County, Alabama.

2. That said lands were sold for taxes by the State of Alabama for delinquent 1946 taxes, and that your Respondent has paid all taxes due on said premises since that time.

Wherefore, premises considered, your Respondent respectfully prays that this answer be taken as a cross complaint, and that upon a hearing hereof, your Honors will decree either that your Respondent is the owner of said premises, or will order Complainant to repay him all sums expended by him in payment of said taxes, together with the interest thereon. And; a reasonable amount of personal expenses for time spent going to and from Mobile, Alabama, to Baymimette, Alabama to assess and pay taxes.

H L Richardson

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. L. RICHARDSON to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Bill of Complaint filed against him by Bailey Dale.

WITNESS my hand this 27 day of March, 1956.

Alice J. Duck
Register

The defendant resides at 1932 Telegraph Road, Plateau, Mobile County, Alabama.

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

Your Orator, Bailey Dale, presents this Bill of Complaint against H. L. Richardson and, thereupon, your Orator complains and shows unto the court and your Honor as follows:

1. Your Orator is over twenty-one years of age and is a resident of Baldwin County, Alabama. The respondent, H. L. Richardson, is over the age of twenty-one years and resides in Mobile County, Alabama.

2. Your Orator claims to own and is in the actual, quiet, peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

> Start at the Northeast corner of the South Half of the Southeast Quarter of the Northwest Quarter, Section 29, Township 6 South, Range 2 East, and run thence South 165 feet to a point of beginning; thence South 495 feet to Bailey Dale land line; thence West with the said line 1320 feet to a point; thence North 495 feet to a point, thence East 1320 feet to the point of beginning, containing 15 acres, more or less.

3. The respondent claims or is reputed to claim some right, title or interest in, or encumbrance on the said lands. No suit is pending to enforce or test the validity of such title, interest in, lien or encumbrance upon the said lands, and your Orator brings this Bill of Complaint against the said respondent to settle the title to the said lands and clear up all doubt and disputes concerning the same. Your Orator here and now calls upon the said respondent to set forth and specify his right, title or interest in, lien or encumbrance on the said lands, or any part thereof, and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

Your Orator prays that the said H. L. Richardson be made a party respondent to this Bill of Complaint and that the usual process of this honorable court do forthwith issue to him.

PRAYER FOR RELIEF

Your Orator prays that upon a final hearing of this cause the court will make and enter a decree against the said respondent, quieting your Orator's title to the said lands, adjudging and decreeing that your Orator is the owner thereof in his own right; that title thereto is in him, forever quieting his title against the said respondent, adjudging that he is without right, title or interest in and to the said lands, and has and holds no encumbrance thereon; and further, that he be permanently and perpetually enjoined from trespassing on the said lands, or any part thereof.

Your Orator further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blackburn

Solicitor for complainant.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon H. L. RICHARDSON to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Bill of Complaint filed against him by Bailey Dale.

WITNESS my hand this 31st day of December, 1956.

Register.

The Defendant resides at
1932 Telegraph Road,
Plateau, Mobile County, Alabama.

BAILEY DALE,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
H. L. RICHARDSON,	)	IN EQUITY
Respondent.	)	

AMENDED BILL OF COMPLAINT

Now comes the complainant, by his solicitor, and amends the Bill of Complaint heretofore filed by him in this cause so that, as amended, it will read as follows:

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

Your Orator, Bailey Dale, presents this Bill of Complaint against H. L. Richardson and, thereupon, your Orator complains and shows unto the court and your Honor as follows:

1. Your Orator is over twenty-one years of age and is a resident of Baldwin County, Alabama. The respondent, H. L. Richardson, is over the age of twenty-one years and resides in Mobile County, Alabama.

2. Your Orator claims to own and is in the actual, quiet, peaceable possession of the following described real property situated in Baldwin County, Alabama, to-wit:

> Start at the Northeast corner of the South Half of the Southeast Quarter of the Northwest Quarter, Section 29, Township 5 South, Range 2 East, and run thence South 165 feet to a point of beginning; thence South 495 feet to Bailey Dale land line; thence West with the said line 1320 feet to a point; thence North 495 feet to a point; thence East 1320 feet to the point of beginning, containing 15 acres, more or less.

3. The respondent claims or is reputed to claim some right, title or interest in, or encumbrance on the said lands. No suit is pending to enforce or test the validity of such title, interest in, lien or encumbrance upon the said lands, and your Orator brings this Bill of Complaint against the said respondent to settle the title to the said lands and clear up all doubt and disputes concerning the same. Your Orator here and now calls upon the said respondent to set forth and specify his right, title or interest in, lien or encumbrance on the said lands, or any part thereof,

and how and by what instrument the same is derived and created.

PRAYER FOR PROCESS

Your Orator prays that the said H. L. Richardson be made a party respondent to this Bill of Complaint and that the usual process of this Honorable Court do forthwith issue to him.

PRAYER FOR RELIEF

Your Orator prays that upon a final hearing of this cause the court will make and enter a decree against the said respondent, quieting your Orator's title to the said lands, adjudging and decreeing that your Orator is the owner thereof in his own right; that title thereto is in him, forever quieting his title against the said respondent, adjudging that he is without right, title or interest in and to the said lands, and has and holds no encumbrance thereon; and further, that he be permanently and perpetually enjoined from trespassing on the said lands, or any part thereof.

Your Orator further prays for such other, further and general relief as he may be equitably entitled to, the premises considered.

J. B. Blackburn

Solicitor for complainant.

BAILEY DALE, Complainant, VS. H. L. RICHARDSON, Respondent.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA IN EQUITY

ORDER SETTING DATE

On motion of the Complainant to set the above styled cause for trial it is,

ORDERED, ADJUDGED AND DECREED that the said cause be and it hereby is set for trial on June ~~5~~ 7, 1956, at 9:00 o'clock A. M.

ORDERED, ADJUDGED AND DECREED on this the 16 day of May, 1956.

Hubert M. Hall

Judge.

ORDER SETTING DATE

3757

RECORDED

BAILEY DALE,

Complainant,

VS.

H. L. RICHARDSON,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

FILED

MAY 16 1956

ALICE I. DUCK, Register

BAILEY DALE, Complainant and Cross Respondent VS. H. L. RICHARDSON, Respondent and Cross Complainant.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. IN EQUITY.

This cause coming on to be heard is submitted upon the application for a re-hearing by the Complainant and Cross Respondent, and the Court, after considering the matter, is of the opinion that the Complainant and Cross Respondent is entitled to the relief prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the final decree heretofore granted in this cause be, and the same is hereby set aside and the cause is ordered to be placed upon the trial docket.

Dated this 9th day of July, 1956.

Hubert M. Hall
Judge 28th Judicial Circuit of Alabama.

FILED
JUL 13 1956
ALICE K. DUCK, Register

BAILEY DALE,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY NO. 3757
H. L. RICHARDSON,	)	
Respondent.	)	

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on the original Bill of Complaint, Answer, Amended Bill of Complaint, Motion for decree pro confesso against the Respondent and Decree pro confesso against the Respondent, upon consideration of all of which it appears to the Court that the Complainant is entitled to the relief prayed for by him in his said Amended Bill of Complaint, whereupon, it is, therefore, ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. The Complainant, Bailey Dale, is the lawful owner in fee simple of the following described lands situated in Baldwin County, Alabama, to-wit:

> Start at the Northeast corner of the South half of the Southeast Quarter of the Northwest Quarter, Section 29, Township 5 South, Range 2 East, and run thence South 165 feet to a point of beginning; thence South 495 feet to Bailey Dale land line; thence West with the said line 1320 feet to a point; thence North 495 feet to a point; thence East 1320 feet to the point of beginning, containing 15 acres, more or less,

the absolute fee simple title to the said lands and to each and every part thereof and all interest therein is in the said Complainant, Bailey Dale, free and clear of and from the claim or claims of the respondent, H. L. Richardson.

2. The title of the Complainant, Bailey Dale, to the following described lands situated in Baldwin County, Alabama, to-wit:

> Start at the Northeast corner of the South half of the Southeast Quarter of the Northwest Quarter, Section 29, Township 5 South, Range 2 East, and run thence South 165 feet to a point of beginning; thence South 495 feet to Bailey Dale land line; thence West with the said line 1320 feet to a point; thence North 495 feet to a point; thence East 1320 feet to the point of beginning, containing 15 acres, more or less,

is hereby quieted against the Respondent, H. L. Richardson.

3. The Register of this Court, shall within thirty days after the rendition of this decree, file a certified copy hereof for record in the Office of the Judge of Probate of Baldwin County, Alabama, and tax the cost of such recording as a part of the costs in this proceeding.

4. The costs of this proceeding are hereby taxed against the Complainant, for which execution may issue.

ORDERED, ADJUDGED AND DECREED on this the 6th day of March, 1957

Hubert M Hare
Circuit Judge.

FILED
MAR 8 1957
ALICE I. DUCK, Register

FINAL DECREE

BAILEY DALE,

Complainant,

vs.

H. L. RICHARDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. NO. 3757.

BAILEY DALE,	)	IN THE CIRCUIT COURT OF
Complainant,	)	BALDWIN COUNTY, ALABAMA
vs.	)	IN EQUITY. NO. 3757
H. L. RICHARDSON,	)	
Respondent.	)	

NOTE OF TESTIMONY

This cause is submitted for a final decree on behalf of the Complainant upon the following:

1. Original Bill of Complaint.
2. Answer of Respondent.
3. Amended Bill of Complaint.
4. Motion for Decree Pro Confesso, against Respondent.
5. Decree Pro Confesso against the Respondent

Dated this 5th day of March, 1957.

J. B. Blackburn
Solicitor for Complainant.

Register.

NOTE OF TESTIMONY

BAILEY DALE,

Complainant,

vs.

H. L. RICHARDSON,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY. No. 3757.

Filed
5-8-57
[illegible]
[illegible]

BAILEY DALE,	)	
Complainant,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
H. L. RICHARDSON,	)	IN EQUITY NO. 3757
Respondent.	)	

AMENDED DEMURRER AND AMENDED ANSWER TO CROSS BILL

I.

Now comes the complainant and cross respondent, by his attorney, and demurs to Paragraph Numbered 1 of the cross bill filed in this cause by the respondent and cross complainant on April 26, 1956, and as grounds for such demurrer assigns, separately and severally, the following:

1. There is no equity in the cross bill.

2. It affirmatively appears that the relief sought by the respondent and cross complainant is barred by the statute of limitations of three years.

3. It affirmatively appears that the relief sought by the respondent and cross complainant is barred by the statute of limitations of five years.

4. No facts are alleged to show that the respondent and cross complainant is entitled to the relief prayed for by him.

II.

Now comes the complainant and cross respondent, by his attorney, and demurs to that aspect or phase of the cross bill filed in this cause by the respondent and cross complainant on April 26, 1956, by which respondent and cross complainant is seeking repayment of taxes paid by him on the property involved in this suit, and as ground for such demurrer assigns, separately and severally, the following:

Grounds Numbered 1 through 4, both inclusive, which are set out above, each separately and severally, just as though the same were specifically rewritten here.

Now comes the complainant and cross respondent, by his attorney, and without waiving the above demurrer, but insisting thereon, files this his amended answer to the said cross bill:

A. The complainant and cross respondent admits that the respondent and cross complainant acquired a tax deed to the lands described in the Bill of Complaint that has been filed in this cause, and further admits that the said tax deed was dated June 17, 1950, and is recorded in Deed Book 154 at page 347, Baldwin County, Alabama Records, but the complainant and cross respondent denies that the respondent and cross complainant acquired title to the property described in the Bill of Complaint that has been filed in this cause by the said tax deed.

B. Complainant and cross respondent denies each and all of the allegations of Paragraph Numbered 2 of the cross bill.

C. For further answer to the said cross bill the complainant and cross respondent alleges that he is now and has been for more than three years prior to the filing of the Bill of Complaint in this cause in the actual possession of the property described in the said Bill of Complaint and that the said respondent and cross complainant has not at any time since June 17, 1950, been in possession of said property or any part thereof, and that any rights which respondent and cross complainant may have in and to the said property are barred by the statute of limitations of three years.

D. For further answer to the said cross bill the complainant and cross respondent alleges that he is now and has been for more than five years prior to the filing of the Bill of Complaint in this cause in the actual possession of the property described in the said Bill of Complaint, and that the said respondent and cross complainant has not at any time since June 17, 1950, been in possession of said property or any part thereof, and that any rights which respondent and cross complainant may have in and to the said property are barred by the statute of limitations of five years.

J. B. Blackburn

Solicitor for complainant and cross respondent.

AMENDED DEMURRER AND AMENDED
ANSWER TO CROSS BILL.

BAILEY DALE,

Complainant,

VS.

H. L. RICHARDSON,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3757

Filed 6/5/56
[illegible]

BAILEY DALE,	)	
Complainant and Cross Respondent,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	
H. L. RICHARDSON,	)	IN EQUITY NO. 3757
Respondent and Cross Complainant.	)	

APPLICATION FOR REHEARING

Now comes the complainant and cross respondent by his Solicitor and moves the Court to set aside the decree heretofore rendered in this case and grant him a rehearing or new trial and as grounds thereof assigns separately and severally the following:

1. The property described in this suit is not that which is owned by the complainant and cross respondent and is not that to which the respondent and cross complainant has a tax title.

2. The property owned by and in the possession of the complainant and cross respondent and that to which the respondent and cross complainant has a tax title is not correctly described in this suit.

J. B. Blackburn
Solicitor for complainant and cross respondent.

ORDER

The above and foregoing motion having been presented on this date and being considered by the Court shall be and the same is hereby continued until 10:00 o'clock A. M. on the 9 day of July, 1956.

The Register of this Court shall give notice of the filing of this motion and of the date to which it has been continued to the respondent and cross complainant.

ORDERED, ADJUDGED AND DECREED on this the 5th day of July, 1956.

Hubert M. Hare
Judge.

APPLICATION FOR REHEARING

BAILEY DALE,

Complainant and Cross Respondent,

VS.

H. L. RICHARDSON,

Respondent and Cross Complainant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY NO. 3757

FILED

JUL 5 1956

ALICE H. DUCK, Register

3757