

MYRTLE LEE JOHNSON
COMPLAINANT
VS
SARAH RUDOLPH
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

CASE NO. 3858

Comes the Respondent and for answer to said complaint shows unto this
Honorable Court as follows:

1.

She denies the allegations of said complaint and of each phase thereof
and of each count thereof separately and severally.

[Handwritten Signature]
Attorney for Respondent.

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.



Circuit Court, Baldwin County

No.

..... August TERM, 19 56

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Sarah Rudolph

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, State of Alabama, at Bay Minette, against

Sarah Rudolph, Defendant

by Myrtle Lee Johnson

_____, Plaintiff

Witness my hand this 21st day of August 19 56.

Alice J. Duck, Clerk

Defendant lives in Bay Minette, Alabama.

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MYRTLE LEE JOHNSON,
Complainant

vs.

SARAH RUDOLPH,
Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY No. 3858.

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AND
TO THE HONORABLE H. M. HALL, JUDGE THEREOF:

Now comes your complainant, by her Solicitors, and respectfully show unto this Honorable Court as follows:

1. That the complainant is over the age of 21 years and is a resident of Mobile County, Alabama; that the respondent is over the age of 21 and is a resident of Baldwin County, Alabama.

2. That the complainant and the respondent, Sarah Rudolph, are each the owner of an undivided one-half interest in the following described property situated in Bay Minette, Baldwin County, Alabama, to-wit:

From the Southwest corner of Section 16, T. 2 S., R. 3 E., run North 299.5 feet, for a point of beginning; thence run North 388.5 feet; thence run North 88 degrees 25 minutes East, 315 feet; thence run South 76.8 feet; thence run South 79 degrees 41 minutes West, 98.2 feet; thence run South 01 degree 02 minutes West, 322.7 feet; thence run North 85 degrees 34 minutes West, 213.2 feet to the point of beginning; Lot contains 2.2 acres, and lies in the SW $\frac{1}{4}$ of Section 16, T. 2 S., R. 3 E., Baldwin County, Alabama.

From the Southwest corner of Section 16, T. 2 S., R. 3 E., run East 237.4 feet and North 422.5 feet, for a point of beginning; Thence run North 01 degree 02 minutes East, 166.1 feet; thence run North 79 degrees 41 minutes East 203.5 feet to a corner; thence run South 01 degree 10 minutes East, 185.8 feet; thence run South 85 degrees 14 minutes West, 205.5 feet, to the point of beginning, EXCEPTING therefrom, all of the land lying outside of a curve of 20 foot radius connecting two points each 11.6 feet distant from the Northwest corner of the above described lot, each of which points lies on one of the lot lines adjacent to the said northwest corner. Lot contains 0.83 acres, and is the homesite of one Caleb Walker, now deceased, in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 16, T. 2 S., R. 3 E., Baldwin County, Alabama.

3. Complainant alleges that said lot of land cannot be fairly and equitably divided or partitioned among the joint owners thereof without a sale, inasmuch as said property is upon a city lot, has one dwelling thereon incapable of being

equitably divided or partitioned.

4. That the complainant avers that it has become necessary to employ solicitors to institute this suit for partition and division; that she has employed D. R. Coley, Jr., and J. Connor Owens, Jr. as such solicitors, and that the services of such solicitors are for the benefit of all the parties hereto, and that they are entitled to a fee to be paid from the common property as provided in Title 46, Section 63 of the Code of Alabama, 1940.

PRAYER FOR PROCESS

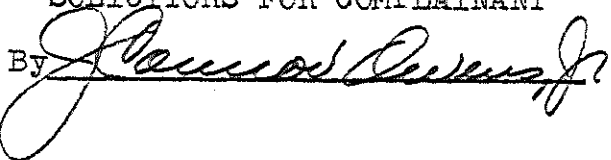
The premises considered, the complainant prays that your Honor will cause the usual writ of process to issue to the said respondent, Sarah Rudolph, making her party respondent to the Bill of Complaint, and requiring her to plead, answer or demur to the same within thirty days from the service hereof, and that in default thereof, the said Bill of Complaint be taken as forever confessed against them.

PRAYER FOR RELIEF

The premises considered, the Complainant prays that your Honor will decree a sale of the lands herein described by the Register of this Court for partition and division of the proceeds thereof. The Complainant further prays that the Court ascertain either by reference or otherwise as it may see fit what is a reasonable fee to be paid to the said solicitors and will order that said fee be taxed as costs and paid from the common fund which may be received from the proceeds of said sale. The Complainant prays for such other, further and different relief as in equity and good conscience she may be entitled to receive.

D. R. COLEY, JR.

J. CONNOR OWENS, JR.
SOLICITORS FOR COMPLAINANT

By 

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Myrtle Lee Johnson
Complainant

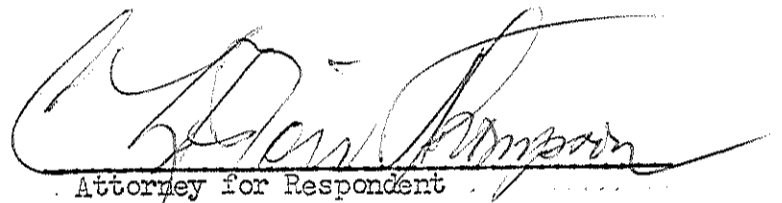
vs

Sarah Rudolph
Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY No. 3858

TO THE HON. H. M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, Comes your respondent Sarah Rudolph, and for demurrer to the petition filed in said cause, shows as follows: as to each and phase thereof, separately and separately:

1. The property described is not an accurate description of said lands.
2. The property described contains lands of another.
3. The property described is not all of the lands of said parties.
4. For aught alleged in said complaint, the complainant is not an owner of record.
5. For aught alleged in said complaint, said complainant has not alleged the source of her title.
6. For aught alleged in said complaint, to-wit: count 3 thereof, said parcel referred to is not all of the property of the said Caleb Walker, deceased.


Attorney for Respondent

FILED
SEP 19 1956
ALICE J. DUCK, Register