

Defendants Requested Charge Number One

The Court Charges the jury that where adjoining landowners accept the location of a line fence and one of them holds actual and exclusive possession of the land bounded by it, such possession is adverse, and if continued ten years, ripens into title.

Given
Debra J. Mathison
Judge.

Defendents Requested Charge Number Two

The Court charges the jury that where adjoining land owners agree upon the location of a line fence and one of them holds actual and exclusive possession the land bounded by it, his possession is adverse and if continued ten years ripens into title.

Given
J. J. Madison
Judge.

1.

The Court charges the jury that in this case the burden is on the Defendant to show that he bought the land involved from a party in possession or a party having the legal title thereto.

Given
Jeffrey J. Mandelbaum
Judge

2.

The Court charges the jury that the Defendant can not defeat the title of the Plaintiff to the land sued for unless you are reasonably satisfied from the evidence in this case that the Defendant has been in the actual, exclusive, open, notorious and continuous adverse possession of the land under a deed or other color of title that has been duly recorded in the Office of the Judge of Probate of Baldwin County for 10 years before the commencement of this action; or unless the Defendant shall have been in the actual, exclusive, open, notorious and continuous adverse possession of the land sued for and listed the land for taxation in Baldwin County for 10 years prior to the commencement of this action.

Given
Jeffrey J. Mandelbaum
Judge

3.

The Court charges the jury that if the Plaintiff has reasonably satisfied you by the evidence in this case that he owned the legal title to the premises sued for at the commencement of this suit and he owns the legal title this day, the Plaintiff is entitled to a verdict in his favor.

Refused
Jeffrey J. Mandelbaum
Judge

Defendants Requested Charge Number Three

The Court charges the jury that where the grantor remained in possession of a part of land conveyed, keeping that portion under fence, and the fence was accepted by successive holders of the land as the boundary of the lands, such possession, if exclusive, is adverse, and if continued through the statutory period of 20 years, ripens into title.

*Reviewed
Dwain J. Madubara
Judge.*

1.

The Court charges the jury that in this case the burden is on the Defendant to show that he bought the land involved from a party in possession or a party having the legal title thereto.

Given
Jefair J. Mandelkern
Judge

2.

The Court charges the jury that the Defendant can not defeat the title of the Plaintiff to the land sued for unless you are reasonably satisfied from the evidence in this case that the Defendant has been in the actual, exclusive, open, notorious and continuous adverse possession of the land under a deed or other color of title that has been duly recorded in the Office of the Judge of Probate of Baldwin County for 10 years before the commencement of this action; or unless the Defendant shall have been in the actual, exclusive, open, notorious and continuous adverse possession of the land sued for and listed the land for taxation in Baldwin County for 10 years prior to the commencement of this action.

Given
Jefair J. Mandelkern
Judge

3.

The Court charges the jury that if the Plaintiff has reasonably satisfied you by the evidence in this case that he owned the legal title to the premises sued for at the commencement of this suit and he owns the legal title this day, the Plaintiff is entitled to a verdict in his favor.

Refused
Jefair J. Mandelkern
Judge

4.

The Court charges the jury that if the Plaintiff has reasonably satisfied you by the evidence in this case that he derives his title from a grantor who was in possession of the land sued for, the Plaintiff is entitled to a verdict.

Given
Jeffrey J. MacLennan
Judge

5.

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that E. E. McMillan conveyed the title to the lands sued for by a deed to the Plaintiff's predecessors in title before E. E. McMillan conveyed any property to the Defendant, you should return a verdict for the Plaintiff.

Refused
Jeffrey J. MacLennan
Judge

6.

The Court charges the jury that the burden is on the Defendant to show that he bought the land from a party in possession of it or that the Defendant acquired the legal title to the land by adverse possession.

Given
Jeffrey J. MacLennan
Judge