

2930

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mrs. W. C. Strain to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, in Equity, by Mrs. Walter S. Palmer and William Curran, as Complainants, against Mrs. W. C. Strain, as Respondent.

Witness my hand this 1st day of ^{December} November, 1952.

Henry S. ...
Register.

MRS. WALTER S. PALMER
and WILLIAM CURRAN,

Complainants,

vs.

MRS. W. C. STRAIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY.

TO THE HONORABLE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN
EQUITY, AND TO THE HONORABLE TELFAIR J. MASHBURN, JR. JUDGE
THEREOF:

Come now your Complainants, by their Solicitors and
respectfully represent and show unto your Honor and unto this Court
as follows:

FIRST:

That they are over the age of twenty-one years and of
sound mind and are residents of the State of Alabama, their more
particular address being Mobile, Alabama.

SECOND:

That your Complainants are the owners of the following
described real property situated in Baldwin County, Alabama, to-wit:

Commencing at the Northeast corner of Section 25,
Township 6 South, Range 1 East, run thence South
2874 feet to a point, thence West 2710 feet to an
iron stake on a fence line on the East side of Bay
Front Road at a point 22 feet Southerly from the
Southwest corner of the S. K. Reynold's lot for
the point and place of beginning; run thence North
29 degrees 17 minutes East 22 feet along the said
fence line to the Southwest corner of the said
Reynold's lot; run thence South 62 degrees 21
minutes East along an old fence 570 feet more or less,
to the North side of Battles Lane; run thence North
86 degrees 15 minutes West 257 feet to a point
marked by an iron stake; run thence North 29 degrees
East 81 feet to a point; run thence North 62 degrees
21 minutes West parallel to the old fence referred
to above and 22 feet therefrom a distance of 338.4
feet to the point and place of beginning.

THIRD:

That your Complainants acquired their interest in the
above described property by descent and distribution from their
mother, Mrs. Sarah W. Curran and that she acquired her interest in
the said property under the terms of the Last Will and Testament of
her husband and the father of your Complainants, William B. Curran,
as shown by the certified copies of the proceeding relative to the
Last Will and Testament of William B. Curran as the same appears of

BOOK 016 PAGE 79

record in Deed Book 76 at page 565 in the Office of the Judge of Probate of Baldwin County, Alabama. That William B. Curran acquired title to the above described property by Warranty Deed from Catherine Hannan, dated February 6, 1900, recorded in Deed Book 2 at page 312 in the Office of the Judge of Probate of Baldwin County, Alabama.

FOURTH:

That the above described property was sold on June 15, 1938, by the Tax Collector of Baldwin County, Alabama, for non-payment of State and County ad valorem taxes assessed for the tax year 1937 in the name of S. W. Curran #2. That said lands were purchased at said sale by the State of Alabama and on August 27, 1947, the State of Alabama, acting by and through Phillip Hamm, as its Commissioner of Revenue, conveyed such land to the Respondent, Mrs. W. C. Strain, for a consideration of One Hundred Seventy-one Dollars (\$171.00)

FIFTH:

Your Complainants further allege that the Tax Sale referred to in paragraph "Fourth" above was void for the following reasons: ✓(1) That the decree of the Judge of Probate ordering the above described property sold is not signed by the Judge of Probate; ✓(2) That said decree orders April 11, 1938, to hear the report of the Tax Collector of Baldwin County certifying that he was unable to collect the taxes due for 1937, which date is the same date on which the Tax Collector of Baldwin County certified such inability to the Probate Court; ✓(3) That said decree is not dated; ✓(4) That said decree recites that April 11, 1938, is the first day of the term; (5) ^{OK} That the Tax Collector did not comply with the provisions of Title 51, Section 252 Subsection (D) of the Code of Alabama of 1940 in that he did not list the full address of Sarah W. Curran but merely certified that her address was Mobile, Alabama, whereas her assessment shows that her address was 204 Dexter Avenue, Mobile, Alabama; (6) ^{OK} That the report of the sale by the Tax Collector did not state who became the purchaser of the above described property or for what amount; (7) That the decree ordering the sale of the land described above by the Probate Judge of Baldwin County, Alabama, does not set a date for the sale of said lands. 30 days!

2 years - Respondent did not sign the contract of sale dated 15 June 1938.
30 days - Respondent did not sign the contract of sale dated 15 June 1938.

BOOK 016 PAGE 80

SIXTH:

That more than three years have elapsed since the date of the sale of the above described property by the Tax Collector but that the Respondent did not go into possession of said property until, to-wit September, 1951. That your Complainants are ready, willing and able to pay to the Respondent the sum of \$171.00, together with interest thereon from August 27, 1947, until the date of the filing of this Bill of Complaint and they are ready, willing and able to pay any and all amounts which this Honorable Court shall decree that the respondent, Mrs. W. C. Strain, is entitled to and they offer to do equity in the premises.

PRAYER FOR PROCESS

The premises considered, your Complainants respectfully pray that your Honor will cause the usual writ of process to be issued and that the Respondent, Mrs. W. C. Strain, whose address is Point Clear, Alabama, be made a party to this proceeding and that she be required to appear and plead, answer or demur to this Bill of Complaint within the time allowed by law and the rules of this Honorable Court.

PRAYER FOR RELIEF

The premises considered your Complainants respectfully pray that your Honor will enter an order or decree that the tax sale referred to above was void and that your Complainants have the right to redeem said property from the Respondent, and that your Honor will further ascertain and decree the amount necessary to redeem said property and that in and by the terms of said order or decree that it will be decreed that upon payment of any amounts so fixed by the Court, and the performance of any and all conditions which the court may fix, that a redemption of the property will be effectuated by your Complainants and that in and by the terms of said decree the Respondent be divested of all of her right, title, interest or lien in and to the said property and will vest the same in your Complainants. And your Complainants pray for such other, further and different relief as in the premises will be meet and proper.

FILED

12-1-52

ALICE I. BROWN
Register

Respectfully submitted,
CHASON & STONE

BY:

Malbone P. Stone
Solicitors for Complainants.

BOOK 016 PAGE 81

Commencing at the Northeast corner of Section 25, Township 6 South, Range 1 East, run thence South 2874 feet to a point, thence west 2710 feet to an iron stake on a fence line on the east side of Bay Front Road at a point 22 feet southerly from the southwest corner of the S. K. Reynold's lot for the point and place of beginning; run thence North 29 degrees 17 minutes East 22 feet along the said fence line to the southwest corner of the said Reynold's lot; run thence south 62 degrees 21 minutes east along an old fence 570 feet more or less to the north side of Battles Lane; run thence north 86 degrees 15 minutes West 257 feet to a point marked by an iron stake, run thence north 29 degrees East 81 feet to a point; run thence north 62 degrees 21 minutes west parallel to the old fence referred to above and 22 feet therefrom a distance of 338.4 feet to the point and place of beginning.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event that the Respondent fails or refused for a period of 30 days to execute and deliver the deed herein ordered to be conveyed upon the payment of the price of THREE HUNDRED THIRTY TWO AND 14/100 (\$332.14) DOLLARS, that the Register of this Court be and she is hereby ordered, authorized and empowered, and directed to make proper conveyance to the Complainants upon the payment of said purchase price of THREE HUNDRED THIRTY TWO AND 14/100 (\$332.14) DOLLARS, conveying to the Complainants all of the right, title and interest which the Respondent has in and to the lands herein described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the Complainants should, upon the tender of the conveyance herein by the Respondent or the Register of this Court as herein directed, fail to pay the amount as herein ordered to be paid, THREE HUNDRED THIRTY TWO AND 14/100 (\$332.14) DOLLARS, and fail for a period of thirty days to make such payment, then this suit shall stand dismissed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Complainants pay the costs herein taxed, for which execution may issue.

This 9th day of December, 1954.

2 Julius M. Z. [Signature]
Judge of the 28th. Judicial Circuit

Faint, illegible text covering the majority of the page, possibly bleed-through from the reverse side.

FILED
DEC 9 1954
ALICE J. BOCK, Register

ANSWER

MRS. WALTER S. PALMER
and WILLIAM CURRAN,

Complainants,

VS.

MRS. W. C. STRAIN,

Respondent.

¶
¶
¶
¶
¶
¶
¶

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY
CASE NO. 2930.

Comes now the Respondent in the above styled cause and for answer thereto says:

1.

She admits the allegations contained in the first aspect of the Complaint.

2.

She denies the allegations contained in the second aspect of the Complaint.

3.

She neither admits nor denies the allegations contained in the third aspect of the Complaint, but demands strict proof of the same.

4.

She admits the allegations contained in the fourth aspect of the Complaint.

5.

She denies the allegations contained in the fifth aspect of the Complaint.

6.

The Respondent admits that more than three years have elapsed since the day of the sale of the land, by the Tax Collector, described in the Bill of Complaint, but denies that the Respondent did not go into possession of said property until, to-wit: September, 1951.

7.

For further answer to the Bill of Complaint the Respondent says that she has been in the open, notorious, hostile and adverse possession of the lands described in the Complaint for three years and longer since the time she re-

ceived a deed to the same from the State of Alabama; which was to-wit: August 27, 1947.

8.

The Respondent denies any and all other allegations contained in this Complaint not heretofore answered and demands strict proof of the same.

WILTERS & BRANTLEY

By:

Albert M Brantley
Solicitors for Respondent.

FILED

4-18-53

WILE L. BUCK, ~~Clk~~
Reg.

ANSWER

MRS. WALTER S. PALMER and WILLIAM
CURRAN,

Complainants,

VS.

MRS. W. C. STRAIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2930.

FILED

4-18-54

ALICE J. BUCK, Register

MRS. WALTER S. PALMER AND
WILLIAM CURRAN,

Complainants,

VS.

MRS. W. C. STRAIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

DEMURRER

Comes the Respondent in the above styled cause and demurs to the Bill of Complaint, and for grounds therefore assigns the following:

1. There is no equity in the Bill of Complaint.

FILED

1-2-53

ALICE L. BUCK, Clk.
Reg.

J. B. Blackburn
Attorney for Respondent

2930

DEMURRER

MRS. WALTER S. PALMER AND
WILLIAM CURRAN,

Complainants,

VS.

MRS. W. C. STRAIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY.

FILED

1-2-53

ALICE J. DUCK, Register

MRS. WALTER S. PALMER AND
WILLIAM B. CURREN,

Complainants,

-VS-

MRS. W. C. STRAIN,

Respondent.

IN THE
CIRCUIT COURT OF BALDWIN COUNTY
ALABAMA. IN EQUITY.

STIPULATION BETWEEN PARTIES:

Come now the parties in the above stayed cause by and through their Solicitors and with leave of the Court first had and obtained, do hereby stipulate and agree as follows:

That the Respondent, Mrs. W. C. Strain, has paid the sum of TEN AND 50/100 (\$10.50) DOLLARS per year as State and County taxes for the years 1948 through 1953, inclusive.

That State and County taxes for the tax year 1954 have not been paid as of the date of this stipulation. It is agreed that the taxes for the year 1954 will be paid by the Respondent and that such taxes will be included in any redemption allowed by the Court.

Dated this 7th day of December, 1954.

CHASON & STONE

Solicitors for Complainants

BY:

M. Stone

WILTERS & BRANTLEY

Solicitors for respondent

BY:

W. W. Wilters

FILED

12-7-54

ALICE J. DUCK, ~~CLERK~~
Reg.

MRS. WALTER S. PALMER and
WILLIAM CURREN

COMPLAINANTS

VS.

MRS. W. C. STRAIN

Respondent

STIPULATION BETWEEN PARTIES

Filed December 7th, 1954

Alice J. M. etc.
Register

AMENDED ANSWER

MRS. WALTER S. PALMER and
WILLIAM CURRAN,

Complainants,

VS.

MRS. W. C. STRAIN,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY
CASE NO. 2930.

Comes now Respondent in the above styled cause and amends her answer heretofore filed thereto to read as follows:--

1.

She admits the allegations in that section of the Complaint marked and designated 1.

2.

She denies the allegations in that section of the Complaint marked and designated 2.

3.

She neither admits nor denies the allegations contained in that section of the Complaint marked and designated 3, but demands strict proof of the same.

4.

She admits the allegations in that section of the Complaint marked and designated 4.

5.

She denies the allegations set forth in that section of the Complaint marked and designated 5.

6.

She admits so much of the allegation contained in the section of the Complaint marked and designated 6 as reads as follows: "That more than three years have elapsed since the date of the sale of the above described property by the Tax Collector" - - -. She specifically denies so much of that section of the Complaint marked and designated 6 as reads: - - - "but that the Respondent

did not go into possession of said property until, to-wit, September, 1951." The Respondent says the true facts are that she went into possession of said property prior to that time and has been in the actual, exclusive, open, notorious, hostile and adverse possession of the lands described in the Bill of Complaint, for three years and longer, prior to the time this suit was filed and since the time she received a deed to the same from the State of Alabama; which was to-wit: August 27, 1947. The Respondent is without knowledge or information sufficient to enable her to admit, deny or confess or avoid so much of the section of the Complaint marked and designated 6 as reads: "That your Complainants are ready, willing and able to pay to the Respondent the sum of \$171.00, together with interest thereon from August 27, 1947, until the date of the filing of this Bill of Complaint and they are ready, willing and able to pay any and all amounts which this Honorable Court shall decree that the respondent, Mrs. W. C. Strain, is entitled to - - -".

WILTARS & BRANTLEY

By: Albert M Brantley
Solicitors for Respondent.

FILED

5-18-53

ALICE J. DUCK, ~~Clk~~
Reg.

AMENDED ANSWER

MRS. WALTER S. PALMER and
WILLIAM CURRAN,

Complainants,

VS.

MRS. W. C. STRAIN,

Respondent

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY

CASE NO. 2930.

FILED
MAY 18 1953
ALICE J. DUCK, Register

2930