

1291

ROSS CENTANNE
COMPLAINANT
VS
GASPARD L. WEEKLEY et al
RESPONDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY
NO. 1291

Now comes the Complainant, and demurs to the Respondent's cross-bill, as a whole, and to paragraphs a. b. and c. thereof particularly, and for grounds thereof, says:

1.

That said paragraphs a. b. and c. set out no facts entitling the Respondent to the relief prayed for.

2.

That said cross-bill affirmatively shows that the improvements set out were ^{made} within and during the time allowed by law in which the Complainant could redeem the property.

3.

That for aught appearing the Respondent made the alleged improvements before securing a deed to the property involved.

4.

That the fact alleged in said cross-bill show that the tax sale and deed under which the Respondent claims are avoid.

5.

For aught appearing the alleged improvements were made after the Bill was filed by the Complainant, affecting the lands involved.

Thomas
Solicitor for Complainant

RECORDED

Ross Centaine
vs

Gaspard R. Muelley et al

Summers

filed 7-24-48
Alice J. Muck
Registrar

ROSS CENTANNE
COMPLAINANT
VS
GASPARD L. WEEKLEY ET AL
RESPONDENTS

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

Now comes the Complainant and respectfully represents and shows unto
Your Honor as follows:

1.

That your Complainant on February 24, 1945, filed his bill of complaint
in the Circuit Court of Baldwin County, Alabama, in Equity, against Gaspard
L. Weekley et al, Respondents.

2.

That the Respondent Gaspard L. Weekley filed the following in said cause:
"Pensacola, Fla., Mr. R. S. Duck, Clerk Circuit Court, Bay Minette, Alabama.

Dear Mr. Clerk:

Your notice of the suit of Ross Centanne, Complainant vs Gaspard
L. Weekley and Dyas Lumber Company with reference to West half of Northeast
quarter and Southwest quarter and Northeast quarter of Northeast quarter of
Southwest quarter Section, 2, Township 1 South, Range 4 East, has come to me
here at the Pensacola Naval Air Station.

Wish to state that I am in the Navy of the United States and am not able
to appear and make answer to the summons, but I do wish to go on record as being
in the Navy and I ask you to accept this as my present answer to the summons
received and to place this letter in the file so that any one concerned might
be able to know my reason for non-appearance. As soon as I get out of the
service I will be glad to handle this matter in the usual way.

Very Truly Yours, Gaspard L. Weekley
Yard Craft, A.V.R. C-9455
N.A.T.B., Pensacola, Fla."

3.

That the Respondent, Gaspard L. Weekley was more than six months ago
discharged from the Navy.

WHEREFORE the Complainant moves the court that unless the said Gaspard L. Weekley comes and files his answer that the said cause be taken and confessed as against him and that a decree pro confesso be entered.

J. L. Luce

Solicitor for the Complainant

RECORDED

INDEXED

Handwritten notes:
1-3-1911
1-3-1911
1-3-1911
1-3-1911

12 91

RECORDED

ROSS GENTANNE

COMPLAINANT

VS

GASPARD L. WEEKLEY ET AL

RESPONDENTS

Returned to court
12-30-46

Gaspard L. Weekley
in Germany -
C.E. Banett, Sheriff

Executed 6-21 1946
by serving copy of writ Summons and
Complaint on

Gaspard L. Weekley

Taylor Wilkins Sheriff
H. J. Hall Deputy Sheriff

Original also add return text
Return also add return text

Filed
12. 23- 46
Alice J. Neuch
Reg

1
Pensacola, Fla.

3-21-45.

Mr. R. S. Duck, Clerk Circuit Court,
Bay Minette, Ala.

Dear Mr. Clerk;-

Your notice of the suit of Ross Centanne,
Complainant vs Gaspard L. weekley and Dyas Lumber Company
with reference to W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$
Sec 2, T 1 S., R 4 E, has come to me here at the Pensacola
Naval Air Station.

Wish to state that I am in the Navy of the United
States and am not able to appear and make answer to the
summons, but I do wish to go on record as being in the
navy and I ask you to accept this as my present answer to
the summons received and to place this letter in the files
so that any one concerned might be able to know my reason
for non-appearance. As soon as I get out of the service
I will be glad to handle this matter in the usual way.

Very truly yours,

Gaspard L. Weekley
Yard Craft, A.V.R., C-9457
N.A.T.B. Pensacola, Fla.

RECORDED

[Handwritten signature]

1907-10

1907-10

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

WE COMMAND YOU that you summon GASPARD L. WEEKLEY, and DYAS LUMBER COMPANY, a corporation, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by Ross Centanne, against the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit under the penalty of the law. And we further command that you return this writ with your execution thereon to our said Court, immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 24th day of February, 1945.


Register

ROSS CENTANNE
COMPLAINANT

VS.

GASPARD L. WEEKLEY, and
DYAS LUMBER COMPANY, a Corp.,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, IN EQUITY:

Comes your Complainant, Ross Centanne, and humbly complaining against Gaspard L. Weekley, and Dyas Lumber Company, a corporation, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is over twenty-one years of age, and a resident of Gary, Indiana, his address being 2538 Johnson Street;

2. That Gaspard L. Weekley, is over twenty-one years of age, and a resident of Baldwin County, Alabama, his address being Perdido; that the Dyas Lumber Company, is a corporation, and that Charles Weekley, of Perdido is the Secretary thereof;

3. That your Complainant is the owner in fee simple, and in the quiet and peaceable possession of the following described land in Baldwin County, Alabama, to-wit:

The West half of the Northeast Quarter of the Southwest Quarter, and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 2, Township 1 South, Range 4 East, subject to rights of way of the Louisville & Nashville Railroad;

4. Complainant further alleges that the Respondents claim, or, are reputed to claim some right, title, or interest in or, encumbrance upon said land;

5. Complainant further alleges that no suit is pending to question or test the validity of such claim, right, title, or interest in or encumbrance of the said Respondents, and the Complainant therefore calls upon the Respondents to set forth and specify their right, title, or interest in or encumbrance on said land, and to how and by what instrument the same is derived, or created.

PRAYER FOR PROCESS

WHEREFORE the premises considered, your Complainant prays that the your Honor will by proper process make the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, Respondents to this bill of complaint, requiring them to plead, answer, or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER

Complainant further prays that upon the final hearing of this cause, this Honorable Court will establish the title of the Complainant in and to the lands herein described and further find and decree that the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, have no claim, right, title, or interest in or encumbrance upon the said lands herein described, or any part thereof, and grant unto Complainant such other, further, different, or general relief as he may be in equity and good conscience entitled to receive and as in duty bound, he will ever pray.

BEEBE & HALL

By: *John Lee*
Solicitors for the Complainant

1291
RECORDED

ROSS CENTANNE
COMPLAINANT

VS.

GASPARD L. WEEKLEY, and
DYAS LUMBER COMPANY, a Corp.,
RESPONDENTS

E. J. [Signature]

SUMMONS AND COMPLAINT

Filed 24 Jan 24 1945
[Signature]
Sum. of Gaspard Weekley
Paducah, Ky.
vs. Charles Weekley as
Sec. Dyas Lumber Co. a Corp.
Paducah, Ky.

Rec. office 2-26-45
F.K.

Executed this 6 day of March 19 45
By arresting the within returning
named Defendant summons of
Complaint on
Charles Weekley
and placing him

C. E. Barrett
Sheriff

Gaspard Weekley
not found in
County
C. E. Barrett
Sheriff

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

WE COMMAND YOU that you summon GASPARD L. WEEKLEY, and DYAS LUMBER COMPANY, a corporation, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by Ross Centanne, against the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit under the penalty of the law. And we further command that you return this writ with your execution thereon to our said Court, immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 24 day of February, 1945.

R. S. Duck
Register

ROSS CENTANNE
COMPLAINANT

VS.

GASPARD L. WEEKLEY, and
DYAS LUMBER COMPANY, a Corp.,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

TO HONORABLE F. W. HARE, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Comes your Complainant, Ross Centanne, and humbly complaining against Gaspard L. Weekley, and Dyas Lumber Company, a corporation, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant is over twenty-one years of age, and a resident of Gary, Indiana, his address being 2538 Johnson Street;
2. That Gaspard L. Weekley, is over twenty-one years of age, and a resident of Baldwin County, Alabama, his address being Perdido; that the Dyas Lumber Company, is a corporation, and that Charles Weekley, of Perdido is the Secretary thereof;
3. That your Complainant is the owner in fee simple, and in the quiet and peaceable possession of the following described land in Baldwin County, Alabama, to-wit:

The West half of the Northeast Quarter of the Southwest Quarter, and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 2, Township 1 South, Range 4 East, subject to rights of way of the Louisville & Nashville Railroad;

4. Complainant further alleges that the Respondents claim, or, are reputed to claim some right, title, or interest in or, encumbrance upon said land;

5. Complainant further alleges that no suit is pending to question or test the validity of such claim, right, title, or interest in or encumbrance of the said Respondents, and the Complainant therefore calls upon the Respondents to set forth and specify their right, title, or interest in or encumbrance on said land, and to how and by what instrument the same is derived, or created.

PRAYER FOR PROCESS

WHEREFORE the premises considered, your Complainant prays that the your Honor will by proper process make the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, Respondents to this bill of complaint, requiring them to plead, answer, or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER

Complainant further prays that upon the final hearing of this cause this Honorable Court will establish the title of the Complainant in and to the lands herein described and further find and decree that the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, have no claim, right, title, or interest in or encumbrance upon the said lands herein described, or any part thereof, and grant unto Complainant such other, further, different, or general relief as he may be in equity and good conscience entitled to receive and as in duty bound, he will ever pray.

BEER & HALL

By:
Solicitors for the Complainant

ROSS ORRILL KAMBER
DOMESTIC VILLAGE
DAYS LUMBER CO., S. DIST.
CIVIL DIVISION

ROSS CENTANNE,
Complainant,
VS.
GASPARD L. WEEKLEY, and
DYAS LUMBER COMPANY, A Corp.,
Respondents.

EQUITY NO. 1291
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

ANSWER AND CROSS BILL

Comes GASPARD L. WEEKLEY, one of the Respondents in the above styled cause, and, for answer to the bill of complaint heretofore filed in said cause, says as follows:

1. He has no knowledge of the Complainant's age and address, and, therefore, neither admits nor denies the allegations contained in paragraph 1.
2. He admits the allegations contained in paragraph 2.
3. He denies all of the allegations contained in paragraph 3, and demands strict proof of the same.
4. He admits that the allegations contained in paragraph 4, insofar as they pertain to himself, are true and correct.
5. He says that he is the owner, and in possession, of the lands described in the bill of complaint, to-wit:

The North half of the Northeast quarter of the Southwest quarter; and the Southwest quarter of the Northeast quarter of the Southwest quarter of Section 2, Township 1 South, Range 4 East, in Baldwin County, Alabama.

that he is the owner of said property by reason of a tax deed from the State of Alabama, dated September 13, 1944, and of record in the Office of the Probate Judge of Baldwin County, Alabama, in Deed Book 86, at page 212, a copy of which is hereto attached marked Exhibit "A", and, by reference, made a part hereof as though fully incorporated herein.

The aforesaid GASPARD L. WEEKLEY, for further answer to the Complainant's bill of complaint, and praying that this be taken as his cross bill, says:

(a) That he adopts all of the allegations contained in his answer to the Complainant's bill of complaint, and further says that he is the owner of the lands described in the bill of complaint, to-wit:

The North half of the Northeast quarter of the

Southwest quarter; and the Southwest quarter
of the Northeast quarter of the Southwest
quarter of Section 2, Township 1 South, Range
4 East, in Baldwin County, Alabama.

as
by reason of the Tax Deed/set out in paragraph "5" of his
answer, supra; that immediately upon his purchase of the
tax deed from the State of Alabama, he went into the actual
possession of said lands; and that he has retained actual
possession until this day.

(b) That he has expended considerable sums of his
money in putting improvements on said lands; that he has built
a good fence around said lands; and that he has spent money in
converting said lands into permanent pasture, the use for which
they are best suited.

(c) That by reason of the improvements he has made,
and the sums of money he has expended on said lands, the said
lands are much more valuable to-day than they otherwise would
be.

WHEREFORE, the premises considered, the Respondent
prays that this be taken as his answer and cross bill and that,
by proper process, the Complainant be made cross-respondent
hereto; that he be required to plead, answer or demur to this
cross bill within the time, and under the penalties, prescribed
by law and the practice of this Honorable Court.

Your Respondent and Cross Complainant further prays
that, upon a final hearing hereof, your Honor will make and enter
a decree declaring that your Respondent and Cross Complainant is
the owner of the lands involved in this suit.

Your Respondent and Cross Complainant further prays
that, should your Honor rule against him and decree the Complainant
and Cross Respondent to be the owner of said lands, your Honor will
order the Register to hold a reference to determine the amount the
Complainant and Cross Respondent should pay to your Respondent and
Cross Complainant for taxes, interest, fees, costs and improvements
for said property.

Your Respondent and Cross Complainant prays for such other,
further, different or general relief as he may be in equity and good
conscience entitled to receive, and as in duty bound he will ever pray.

J. J. Mashburn, Jr.
SOLICITOR.

EXHIBIT "A".

No. 9523

THE STATE OF ALABAMA.

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 21 day of April, A. D. 1930, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Rose Centanne the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 26 day of May, 1930, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Seventy-two and No/100 (\$72.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for an on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by GASPARD L. WEEKLEY to purchase said lands, and said sum of Seventy-two and No/100 (\$72.00) Dollars therefor has been paid into the State Treasury.

NOW THEREFORE, the State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold and conveyed, and by these presents doew hereby grant bargain, sell and convey unto the said GASPARD L. WEEKLEY, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands described as follows:

N $\frac{1}{2}$ of NE $\frac{1}{2}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{2}$ of SW $\frac{1}{4}$,
Sec. 2, T 1 S, R 4 E,

lying and being situate in said County and State, to have to hold the same, the said right and title of the State in the lands aforesaid, unto GASPARD L. WEEKLEY and his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 13 day of September, 1944.

Approved

STATE LAND COMMISSIONER OF ALABAMA,

"CHAUNCEY SPARKS"
Governor

by "H. G. DOWLING"
State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Mary Slade, a Notary Public in and for said County, in said State, hereby certify that H. G. DOWLING, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me on this date that, being informed of the contents of the conveyance, he, in his capacity as such State Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 13 day of September, 1944.

"Mary Slade" Notary Public.

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA

WE COMMAND YOU that you summon GASPARD L. WEEKLEY, and DYAS LUMBER COMPANY, a corporation, to be and appear before the Judge of the Circuit Court of Baldwin County, Alabama, exercising Chancery Jurisdiction within thirty days after the service of summons, and there to plead, answer or demur without oath to a bill of complaint lately exhibited by Ross Centanne, against the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, and further to do and perform what the said Judge shall order and direct in that behalf, and this the Respondents shall in no wise omit under the penalty of the law. And we further command that you return this writ with your execution thereon to our said Court, immediately upon the execution thereof.

WITNESS, R. S. DUCK, Register of said Court, this the 24 day of February, 1945.


Register

ROSS CENTANNE
COMPLAINANT

VS.

GASPARD L. WEEKLEY, and
DYAS LUMBER COMPANY, a Corp.,
RESPONDENTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

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3. That your Complainant is the owner in fee simple, and in the quiet and peaceable possession of the following described land in Baldwin County, Alabama, to-wit:

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1221

4. Complainant further alleges that the Respondents claim, or, are reputed to claim some right, title, or interest in or, encumbrance upon said land;

5. Complainant further alleges that no suit is pending to question or test the validity of such claim, right, title, or interest in or encumbrance of the said Respondents, and the Complainant therefore calls upon the Respondents to set forth and specify their right, title, or interest in or encumbrance on said land, and to how and by what instrument the same is derived, or created.

PRAYER FOR PROCESS

WHEREFORE the premises considered, your Complainant prays that the your Honor will by proper process make the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, Respondents to this bill of complaint, requiring them to plead, answer, or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

PRAYER

Complainant further prays that upon the final hearing of this cause, this Honorable Court will establish the title of the Complainant in and to the lands herein described and further find and decree that the said Gaspard L. Weekley, and Dyas Lumber Company, a corporation, have no claim, right, title, or interest in or encumbrance upon the said lands herein described, or any part thereof, and grant unto Complainant such other, further, different, or general relief as he may be in equity and good conscience entitled to receive and as in duty bound, he will ever pray.

BENBE & HALL

By: *[Signature]*
Solicitors for the Complainant

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[Handwritten mark]