

HAMPTON D. EWING,

Complainant,

VS.

ADDIE E. PHILLIPS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 210.

DEMURRER.

Now comes the Respondent in the above entitled cause and for demurrer to the Bill of Complaint and to each and every count thereof separately and severally says:

- 1. There is no equity in the bill.

J. T. Slackman
 Attorney for Respondent.

The State of Alabama, }
Baldwin County } Circuit Court of Baldwin County, In Equity

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon ADDIE E. PHILLIPS

of BALDWIN County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

HAMPTON D. EWING

against said ADDIE E. PHILLIPS

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, Robert S. Duck, Register of said Circuit Court, this 27th day of MARCH 1936

Robert S. Duck Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.

TO THE HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA:

Comes HAMPTON D. EWING, and humbly complaining against
ADDIE E. PHILLIPS, respectfully shows unto your Honor as follows:

FIRST:

That your complainant is over the age of twenty-one
years and a resident of Yonkers, New York; that the defendant
is over the age of twenty-one years and a resident of Baldwin
County, Alabama.

SECOND:

That your complainant is the owner of and is in peace-
able possession of the following described land situated in the
County of Baldwin, State of Alabama, to-wit:

The Southwest quarter (SW $\frac{1}{4}$) of Section three (3),
Township one (1) North of Range four (4) East.

THIRD:

That the said Addie E. Phillips claims or is reputed
to claim some right, title or interest in or incumbrance upon the
above described lands, or some part thereof, and your complainant
calls upon her to set forth and specify her right, title, claim,
interest in or incumbrance upon the said lands, or any part there-
of, and to show how and by what instrument or instruments the same
is derived or created.

FOURTH:

That there is no suit pending to enforce or test the
validity of the complainant's title to the said land, or to en-
force or test the validity of the defendant's right, title, claim
or interest in or incumbrance upon the said lands, or any part
thereof.

FIFTH:

Complainant further alleges that he is informed and be-
lieves and upon such information and belief states that the said
defendant, Addie E. Phillips, claims a right, title, claim or

interest in or incumbrance upon the aforesaid lands, or some portion thereof, by virtue of a deed from the State Land Commissioner of the State of Alabama, conveying to her under a tax sale all the right, title and interest of the State of Alabama in and to the said lands by virtue of a tax sale of the said lands under an assessment to this complainant, Hampton D. Ewing, and this complainant alleges that he was the owner of the said land at the time of the said sale and is now the owner of the said land, and that he was in possession of the said lands at the time of said sale and is now in possession of the said lands.

SIXTH:

Complainant further alleges that he is informed and believes and upon such information and belief states that the said tax title of the said Addie E. Phillips is void.

WHEREFORE, your complainant prays this Honorable Court take jurisdiction of the cause made by this bill of complaint and make the said Addie E. Phillips a party defendant hereto, and by appropriate process require her to plead, answer or demur to the same within the time and under the penalties prescribed by law and under the practice of this Honorable Court.

Complainant further prays that upon a final hearing of this cause this Honorable Court will make and enter an order and decree adjudging and decreeing that the said defendant, Addie E. Phillips, has no right, title, claim or interest in or incumbrance upon the said lands, or any part thereof, and that the title to the said lands be quieted and established in this complainant as against the said defendant; and that the said defendant be forever enjoined from asserting or attempting to assert, or from claiming or attempting to claim any right, title or interest in or incumbrance upon the said lands, or any part thereof.

Complainant further prays that if he shall be mistaken in the relief prayed for, that this Honorable Court will ascertain the amount of taxes and costs for which the said lands sold and

interest thereon, and the taxes and interest thereon subsequent to the said sale, and that this complainant be permitted to redeem the said lands from the aforesaid tax sale; and this complainant prays for such other, further or different relief as in equity he shall be entitled to receive in the premises.

Bebe Hall

Solicitors for Complainant.

Defendant is required to answer each and every allegation of this bill of complaint, Paragraphs FIRST to SIXTH inclusive, but not under oath; oath is hereby expressly waived.

Bebe Hall

Solicitors for Complainant.

RECORDED
INDEXED
6-477

Serve on Alie E. Phillips

Circuit Court of Baldwin County
IN EQUITY

No. 210

SUMMONS

Hampton R.

Earing

Alie E. Phillips VS

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this 28

day of March, 1937

Mattie Phillips

SHERIFF

Executed this 24th day of

April 1937

by leaving a copy of the within Summons with

Alie E. Phillips

Defendant

M. H. Williams

Sheriff

By E. N. Anderson

Deputy Sheriff

Becke v. Thae

Solicitor for Complainant

Recorded in Vol. _____ Page _____

DEMUORRRR.

6-478

HAMPTON D. EWING,

Complainant,

VS.

ADDIE E. PHILLIPS,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 210.

Filed on this the 23rd day of
May, 1936.

Filed this 23 day May 1936
Robert S. Kuehl
Clerk-Register