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Evelyn C. Maxwell and Laura :

T. Stimpson, :

Complainants, :

:

-vs- :

:

L. G. Crosby, :

Respondent. :

-----:

IN THE CIRCUIT COURT OF BALDWIN
 COUNTY, ALABAMA.

 IN EQUITY.

Comes the respondent and for answer to the bill of complaint filed against him in this cause says:

1. The respondent admits the allegations of Paragraph 1.
2. The respondent denies every material allegation of Paragraph 2 of said bill of complaint and demands strict proof of the same. And this respondent further alleges that he is the owner of the property described in said Paragraph 2 and is in the peaceable possession thereof, which said possession has continued without interruption for more than three years next prior to the filing of the bill of complaint in this cause.
3. This respondent, L. G. Crosby, admits that he claims and is reputed to claim some right, title or interest in or encumbrance upon the lands described in said bill of complaint.
4. This respondent admits that no suit is pending to enforce or test the validity of his said claim, and in response to said Paragraph 4 of said bill of complaint that he set forth his alleged right, title, claim, interest or encumbrance therein or thereon and how and by what instrument or instruments the same is derived and created says:

That the property described in said bill of complaint was duly and legally assessed for the year 1931 to E. C. Maxwell, one of the complainants in this cause; that said tax was not paid when due and that pursuant to law the Tax Collector of Baldwin County, Alabama, reported to the Probate Court of said county that he was unable to collect the taxes assessed against said property without a sale of said lands and that the Probate Judge of Baldwin County, Alabama, gave due notice of such delinquency and of the filing of said report, notice of which was published in the

Baldwin Times, a newspaper published at Bay Minette, in Baldwin County, Alabama, for three consecutive weeks as required by law, and that thereafter, said delinquency continuing, Honorable G. W. Humphries, Judge of the Probate Court of Baldwin County, Alabama, entered a decree that said property be sold for the payment of said delinquent taxes, fees, charges and costs and the expense of such sale. And respondent alleges that thereafter the Tax Collector of Baldwin County, Alabama, after due notice, and on to-wit the 8th day of July, 1931, sold said lands at public outcry and that L. G. Crosby, the respondent herein, became the purchaser thereof and received from said collector a certificate of purchase, and thereafter on the 15th day of July, 1933, there was issued to the said L. G. Crosby, the respondent herein, a deed executed by G. W. Humphries, Judge of Probate of Baldwin County, Alabama, conveying to the said L. G. Crosby the said lands, a copy of said tax deed being hereto attached, marked Exhibit "A", and prayed to be taken and considered as a part of this answer. And this respondent further alleges that immediately after he purchased said lands he went into possession thereof, claiming the same under the certificate hereinabove referred to, and held and possessed the same under said certificate until the 8th day of July, 1933, when he became entitled to a deed to said property, which deed was actually dated and delivered the 15th day of July, 1933, and that since the execution and delivery of said deed he has continued in the open, notorious, exclusive, peaceable and adverse possession of said lands, claiming to own the same.

WHEREFORE, the premises considered, this respondent says that he is the true and lawful owner of said lands and is now and was, at the time the bill of complaint in this cause was filed, in the peaceable possession of said lands and that no other person was in possession thereof.

WHEREFORE, this respondent having fully answered the bill of complaint in this cause prays that the same may be dismissed and

that he may go hence with his reasonable cost in this proceeding expended.

Alvino M. Kay M. Ford Good Rivers.
Solicitors for Respondent.

The complainants hereby acknowledge receipt of a copy of the foregoing answer ^{on this August 5th 1936} and waive all further notice of the filing of said answer and the contents thereof.

W. B. Blackburn
W. B. Blackburn
Solicitors for Complainants.

THE STATE OF ALABAMA,)
BALDWIN COUNTY)

KNOW ALL MEN BY THESE PRESENTS, THAT

WHEREAS, on the 8th day of June A D 1931, a decree was rendered by the Probate Court of said county for the sale of the lands hereinafter described and conveyed for the State and County taxes then due from E. C. Maxwell, the owner of said land for the costs and expenses thereof and thereunder.

AND WHEREAS, thereafter, to-wit, on the 8th day of July A D 1931, said lands were duly and regularly sold by the Tax Collector of said county for said taxes, costs and expenses, and at said sale L. G. Crosby became the purchaser of said lands at and for the sum of said taxes, costs and expenses, and forthwith paid said sum to said Tax Collector, and received from said collector a certificate of said purchase.

AND WHEREAS, the time for the redemption of said lands by said owner or other person having an interest therein has elapsed and said certificate of purchase has been returned to the Probate Judge of said county.

NOW, THEREFORE, I, G. W. Humphries, as Probate Judge of said County of BALDWIN, under and by virtue of the provisions of Section 266 of an Act of the Legislature of 1919, to provide for the general revenue of the State of Alabama, approved September 15, 1919, and in consideration of the premises above set out, and in further consideration of the sum of one dollar to me in hand paid, have this day granted, bargained and sold, and by these presents do grant, bargain, sell and convey unto L. G. Crosby who is the present owner and holder of said certificate of purchase all the right, title and interest of the said E. C. Maxwell owner as aforesaid of said land, and all the right, title, interest and claim of the State and County on account of said taxes, or under said decree in and to the following described lands hereinafter referred to, to-wit: $N\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 22, T. 6 S. R. 6 E. and $SE\frac{1}{4}$ of Section 15, T. 6 S. R. 6 E. lying and being situate in said County and State, to have and to hold the same, the said rights, titles and interests unto himself the said L. G. Crosby and his heirs and assigns forever, but no right, title or interest of any reversioner or remainderman in said land is conveyed hereby.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, this the 15th day of July, 1933

(Signed) G. W. Humphries
Judge of Probate

THE STATE OF ALABAMA)
BALDWIN COUNTY)

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

Given under my hand, this the 15th day of July A D 1933

(Signed) G. Mac Humphries
Notary Public, Baldwin Co., Ala.

TO THE HONORABLE FRANCIS W. HARE, JUDGE OF THE CIRCUIT COURT
FOR THE TWENTYFIRST JUDICIAL CIRCUIT OF ALABAMA, SITTING
IN EQUITY:

Humbly complaining showeth unto your Honor your
orator EVELYN C. MAXWELL and your oratrix LAURA T. SIMPSON
that:

1.

They are, and each of them is, over the age of
twenty-one years and are residents of the City of Pensacola,
County of Escambia and State of Florida.

2.

That they are now the owners of, and in peaceable
possession of, that certain real property in the County of
Baldwin and State of Alabama, more particularly described as
follows, that is to say:

The north half($\frac{1}{2}$) of the Northwest quarter ($\frac{1}{4}$)
of Section Twenty-two (22) in Township Six (6)
South of Range Six (6) East, containing about
Eighty (80) acres and the southeast quarter($\frac{1}{4}$)
of Section Fifteen (15) in said Township Six (6)
South of Range Six (6) East, containing about
one hundred and fifty (150) acres.

3.

One L.G. CROSBY claims, or is reputed to claim,
some right, title, or interest in, or encumbrance upon, the
said described lands.

4.

No suit is pending to enforce or test the validity of the said Crosby's said claim, and the said claimant, L.G. Crosby aforesaid, is hereby called upon to set forth his alleged right, title, claim, interest or encumbrance therein or thereupon, and how, and by what instrument, or instruments, the same is derived and created.

WHEREFORE, the premises considered, your orator and oratrix pray that your Honor will take jurisdiction of this, their bill of complaint, and that the said L.G. Crosby may be made a party defendant to this bill and may be brought into this Court by publication and/or other proper process in accordance with the laws of Alabama in such case made and provided, and with the practice of this Honorable Court; and that the said defendant may be required to plead, answer or demur to this bill within the time fixed by law and by the practice of this Honorable Court.

AND YOUR ORATOR AND ORATRIX FURTHER PRAY that it may please your Honor upon the hearing of this cause to order and decree that the said defendant has no right, title or interest, in, to, or out of, nor any encumbrance upon, the said lands hereinbefore described, or any part thereof, but that the whole title to the said lands is vested in your orator and oratrix; and that your Honor will further grant unto your orator and oratrix, all such other, further and different, or different, relief, as they may be entitled to in the premises and as to your Honor may seem meet; and, to that end, your

orator and your oratrix offer to do equity should it appear, upon such hearing, that any moneys, by way of taxes or other just and equitable claim, should be due from your orator and your oratrix to the said defendant.

And as in duty bound your orator and oratrix will ever pray, etc.

J. T. Blackburn
Palmer Pillsbury
Solicitors for Complainants

STATE OF ALABAMA,)

COUNTY OF MOBILE.) Before me, the undersigned officer authorized to administer oaths, this day personally appeared Palmer Pillsbury, who, being by me first on oath duly sworn, doth depose and say as follows:

I am one of the solicitors for the complainants. I am informed and believe, and on such information and belief state the fact to be, that the defendant, L.G. Crosby, is a resident of the City of Pensacola, County of Escambia, and State of Florida, and that his post office address is Pensacola, Florida.

Palmer Pillsbury

Subscribed and sworn to before me, this 2nd day of July, A.D., 1936.

Castell McGuire
Notary Public, Mobile County, Alabama

FOOT NOTE.

The defendant is required to answer, separately and severally, each of the paragraphs of the foregoing bill from and including paragraph 1 to and including paragraph 4 thereof; but answer under oath is hereby expressly waived.

J. T. Blackburn
Palmer Pillsbury
Solicitors for Complainants.

E. C. Maxwell by P.J.

To

L. G. Crosby

7 - 15 - 33

THE STATE OF ALABAMA) PROBATE
BALDWIN COUNTY) COURT

Filed in office this 29 day
of Sept. 1933, 3:05 P.M. and
duly recorded in Deed Book No.
55 N.S. pages 122-3, and I
certify that \$ -- cts. 50
license or privilege tax, paid
as required by an Act of the
Legislature, approved September
14, 1923

(Sgd.) G.W. Humphries
Judge of Probate
(Sgd.) J.L. Kessler, Clk.

L. G. Crosby,
Pensacola,
Ex. 1240

Mkg. 1.00
D .50
Rec .85
2.35