

Bessie Searcy, Complainant, )  
-vs- )  
Paul Bryars, Respondent. )

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

Comes the respondent, Paul Bryars; by and through his attorney, H. E. Smith, appearing specially herein for this purpose, and moves the Court to dismiss the original bill of complaint filed herein, or to dismiss said cause, and for ground for this motion sets forth and assigns the following:

1. That there is a non-joinder of parties in the above entitled cause in this, that, as disclosed by the records of the Probate Court of said County and State, the said complainant, Bessie Searcy, joined by her husband, has heretofore on, to-wit: November 12, 1931, conveyed her interest in the property described in said bill of complaint by mortgage to one J. E. Heubach, to secure the payment of the sum of Three Hundred (\$300.00) Dollars, said mortgage having been recorded in said Probate Court on the date of January 12, 1932. That the said mortgage is now in full force and effect and is unpaid. That the respondent therefore states that the said J. E. Heubach is a proper and necessary party to said bill of complaint, and is not joined therein as a party complainant or party respondent.

H. E. Smith  
Attorney for Respondent.

STATE OF ALABAMA. )  
BALDWIN COUNTY. ) Personally appeared before me, T. W. Richerson, Register in Chancery, H. E. Smith, who, being first by me duly sworn, deposes and says that he has read the facts stated in the foregoing motion, and that the same are true and correct, to the best of his knowledge, information and belief.

Sworn to and subscribed before me this 13th day of August, 1932. H. E. Smith  
T. W. Richerson  
Clerk Circuit Court.

## SUMMONS--Original.

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 Paul Bryars,

of ~~5828822~~ Mobile 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

Bessie Searcy

against said

Paul Bryars,

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, T. W. Richerson, Register of said Circuit Court, this 11th day of

July

193 2

T. W. Richerson Register.

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

*Original*

RECORDED

Serve on \_\_\_\_\_

Circuit Court of Baldwin County  
In Equity.

No. \_\_\_\_\_

SUMMONS

Bessie Searcy

vs.

Paul Bryars,

Mobile, Mobile County  
Alabama.

D. R. Coley, Jr.,  
Solicitor for Complainant.

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

RECORDED

The State of Alabama,  
BALDWIN COUNTY.

Received in office this \_\_\_\_\_

day of \_\_\_\_\_ 193

Sheriff.

Executed this

*July 13<sup>th</sup>*

day of

193 *7*

by leaving a copy of the within Summons with

*Paul Bryars*

Defendant.

*W. R. Stewart*

Sheriff.

By

*A. W. Coghan*

Deputy Sheriff.

*Overlaid Page 141*

BESSIE SEARCY,  
Complainant,  
vs.  
PAUL BRYARS,  
Respondent.

NO. 1060 - IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

Comes D. R. COLEY, JR., and withdraws his  
appearance as Solicitor for the Complainant in the above en-  
titled cause.

NO. 1060 - IN EQUITY  
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

BESSIE SEARCY

Complainant

vs.

PAUL BRYARS

Respondent

APPEARANCE OF D. R. COLEY, JR.

AS SOLICITOR FOR

W. R. C. Coley, Jr.  
SOLICITOR FOR COMPLAINANT

Not for  
D. R. Coley, Jr.  
Solicitor

NO. 1060 - IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

BESSIE SEARCY,

Complainant,

vs.

PAUL BRYARS,

Respondent.

WITHDRAWAL OF APPEARANCE  
AS SOLICITOR.

*Filed August 18 1936*  
*D. H. Coley, Jr.*  
Solicitor for Complainant.

SOLICITOR FOR COMPLAINANT

Attired course.

appearance as solicitor for the Complainant in the above en-

Case D. H. COLEY, JR., and withdrew his

Residence.

PAUL BRYARS,

vs.

Complainant.

BESSIE SEARCY,

BALDWIN COUNTY, ALABAMA.  
IN THE CIRCUIT COURT OF  
NO. 1060 - IN EQUITY

BESSIE SEARCY,

Complainant,

vs.

PAUL BRYARS,

Respondent.

) NO. 1060 - IN EQUITY  
)  
) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA.  
)

Comes D. R. COLEY, JR., and withdraws his  
appearance as Solicitor for the Complainant in the above en-  
titled cause.

W.R. Coley, Jr.

SOLICITOR FOR COMPLAINANT

RECORDED

*Duck*  
6-488

NO. 1060 - IN EQUITY  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

BESSIE SEARCY,

Complainant,

vs.

PAUL BRYARS,

Respondent.

WITHDRAWAL OF APPEARANCE  
AS SOLICITOR.

*Filed August 18 1936*  
*R. R. Coley, Jr.*  
*Per*

D. R. Coley, Jr.,  
Solicitor for Complainant.

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

Comes BESSIE SEARCY and by this her bill of complaint against PAUL BRYARS, respectfully shows unto the Court;

FIRST: That complainant is over the age of twenty-one years and a resident of Mobile County, Alabama; that defendant is over the age of twenty-one years and complainant is informed and believes, and so states, that he is a resident of Mobile County, Alabama.

SECOND: That complainant and defendant each own an undivided one-half interest in and to the following described real property, to-wit:

Fractional Northeast Quarter, and Fractional Northeast Quarter of the Southeast Quarter of Section Eleven, Township One North, Range Two East in Baldwin County, Alabama.

THIRD: Complainant says and shows that a part of the said land is cleared and a part is not cleared, and that there is situated upon said property a dwelling house. That an equitable division or partition of the said real property cannot be made and she therefore prays that the Court will order said real property sold and the proceeds of said sale ratably divided between herself and defendant in proportion of their respective interests.

FOURTH: Complainant further says and shows that the services of her solicitor herein are for the common benefit of the parties to this suit and she therefore prays that a reasonable solicitor's fee be taxed as a common charge on each of the interests herein to be paid out of the proceeds of the sale of the property.

FIFTH: That the interests of the respective parties to this suit came to them as heirs at law of Mollie Bryars, deceased.



SIXTH: That Complainant has incurred expenses in connection with said property in that said property was sold for taxes for the year 1930 and was bought in by one Maizie Richerson Bryars, and complainant, for the common benefit of the parties, redeemed it from said tax sale on, to-wit, the 20th day of April, 1932, and that the interests of the defendant is chargeable with one-half of the amount so expended by complainant, together with the lawful penalties and interest.

SEVENTH: That Paul Bryars has received as rents from the said property considerable amounts, the exact sum of which is to complainant unknown at this time, and that he has occupied this property to the exclusion of complainant from, to-wit, the 20th day of April, 1932. That the reasonable rental value of said property is, to-wit, \$10.00 per month.

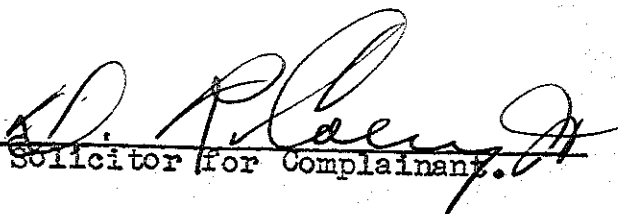
WHEREFORE, THE PREMISES CONSIDERED, complainant prays that the Court will order said real property sold and that the net proceeds of said sale, after the payment of such costs and charges as the Court shall order paid therefrom, be divided among the parties to this suit in proportion to their respective interests, charging against the defendant the amount which he has received from said property, together with the reasonable rental value during the period which he has occupied said premises to the exclusion of the complainant. Further, that a reasonable solicitor's fee be taxed as a common charge on all the interests herein to be paid out of the proceeds of the sale hereinabove prayed for.

Complainant further prays that before entering a final decree herein a reference be ordered and held to ascertain what would be a reasonable allowance for such solicitor's fee and the amount to be charged against the

interests of defendant for rents collected and for use and occupancy of the said property by himself. and what credit should be allowed to complainant for taxes and other expenses incurred for the common good of both parties and in connection with said property.

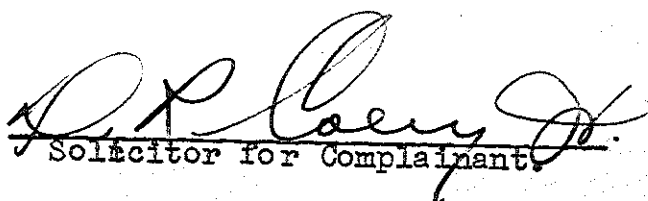
And if complainant has not asked for the proper relief she further prays that she may have such other and further relief in the premises as the nature of the case shall require and as to your Honor shall seem meet.

Complainant further prays that the writ of summons of the State of Alabama be directed to the defendant herein, commanding him to appear before your Honor in this Honorable Court within thirty days from the service thereof, and then and there to answer all and singular the premises and to stand to and abide by such orders and decrees herein as to this Honorable Court shall seem meet.

  
Solicitor for Complainant.

FOOT NOTE:

Defendant is required to answer each and every paragraph of the foregoing bill from paragraph "First" to "Seventh", inclusive, but not under oath, oath to said answer being hereby expressly waived.

  
Solicitor for Complainant.

RECORDED

Original Bill

Bessie Searcy  
VS

Paul Bryant

Filed July 11<sup>th</sup> 1932  
P. V. Peterson  
Register

Copies of Bill given  
Defendant July 13/1932