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Given the reason of the Judge I charge  
you the ac- to constitute adverse  
possession of the land & subject for  
Euse-of to know Creek by the  
plaintiffs such possession  
never have been visible as to  
if clearing & cultivation & an interpretation  
for use there are 10 years provision  
to the bringing of this suit.

Refused  
J.W. Hare  
Judge.

FLORA HEINIG, JENNIE HEINIG,  
CHRISTINE HEINIG, MRS. R. M.  
BUTOW and MRS. J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAE BREED WALKER and  
RALPH WALKER,

Defendants.

IN THE CIRCUIT COURT-AT LAW  
STATE OF ALABAMA  
BALDWIN COUNTY.

Come the Defendants in the above styled cause and demur  
to the Complaint in said cause filed, and as grounds therefor  
say:-

1. That said Complaint does not state a cause of action.

*Hyatt, Heard & Prew*  
Attorneys for Defendants

7080

~~RECORDED~~

DEMURRER.

FLORA IDEINIG, JENNIE IDEINIG,  
CHRISTINE IDEINIG, MRS. R. M.  
BUTOW and MRS. J. H. BAUMER,

Plaintiffs,

-vs-

MRS. RAE BREED WALKER and  
RALPH WALKER,

Defendants.

IN THE CIRCUIT COURT-AT LAW

STATE OF ALABAMA

BALDWIN COUNTY.

Filed October 21, 1934

W. H. [Signature]  
Clerk.

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW, and  
MRS. J. H. BAUER,

Plaintiffs,

vs.

MRS. RAY BREED WALKER and  
RALPH WALKER,

Defendants,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.


NO. 80.

AMENDED BILL.

Plaintiffs sue to recover possession of the following  
tract of land, viz:

" That certain land in Baldwin County, Alabama, described as: Lot being and lying on the north side of the east prong of Fish River in Baldwin County, Alabama, being Lot Naught (0), according to a survey made by Dan Williams of land formerly owned by Roselle Bauden, deceased, said land being in township 7 South, Range 3 East, and said map being on record in the office of the Judge of Probate of Baldwin County, Alabama, and recorded in Deed Book "S", pages 408-9; said land being more particularly described as follows: From the north~~west~~ corner of section 31, township 7 South, of Range 3 East, Baldwin County, Alabama, run east 2668 feet, thence south 206 feet to a concrete stake for a point of beginning; said point being the northeast corner of Lot "0" of the Roselle Bauden Estate, thence west 1186 feet to a concrete stake at the northwest corner of said lot; thence South 2100 feet, more or less, to the north margin of the east prong of Fish River, thence eastwardly along said margin 1200 feet, more or less, to a stake near the east intersection of Eslava Creek, at the southeast corner of said Lot "0", thence north along east line of said Lot "0", 1650 feet, more or less, to point of beginning;"

of which they were in possession and upon which, pending such possession and before the commencement of this suit, defendants entered into and unlawfully withholds, together with FIVE HUNDRED DOLLARS (\$500.00), damages for the detention thereof.

  
ATTORNEY FOR PLAINTIFFS.

Plaintiffs demand a jury trial.

ATTORNEY FOR PLAINTIFFS.

RECORDED

*Duch*

*8-192*

HEINIG,

VS.

WALKER.

CIVIL NO. 80.

AMENDED BILL.

*Filed Aug 19 1937*  
*J. S. Walker*  
*Chm*

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW, and  
MRS. J. H. BAUER,

Plaintiffs,

vs.

MRS. RAY BREED WALKER and  
RALPH WALKER, and DENNISTON-  
BOYKIN COMPANY, a Corporation,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW. NO. 80.

SECOND AMENDED COMPLAINT

Plaintiffs sue to recover possession of the following tract of land, viz:

"That certain land in Baldwin County, Alabama, described as: Lot being and lying on the north side of the east prong of Fish River in Baldwin County, Alabama, being Lot Naught (0), according to a survey made by Dan Williams of land formerly owned by Roselle Bauden, deceased, said land being in Township 7 South, Range 3 East, and said map being on record in the office of the Judge of Probate of Baldwin County, Alabama, and recorded in Deed Book "S", pages 408-9; said land being more particularly described as follows: From the Northwest corner of section 31, township 7 south, of range 3 east, Baldwin County, Alabama, run East 2668 feet, thence south 206 feet to a concrete stake for a point of beginning; said point being the northeast corner of Lot "0" of the Roselle Bauden Estate, thence West 1186 feet to a concrete stake at the Northwest corner of said lot; thence South 2100 feet, more or less, to the north margin of the east prong of Fish River, thence eastwardly along said margin 1200 feet, more or less, to a stake near the east intersection of Eslava Creek, at the Southeast corner of said Lot "0", thence north along said line of said Lot "0", 1650 feet, more or less, to point of beginning:"

of which they were in possession and upon which, pending such possession and before the commencement of this suit, defendants entered into and unlawfully withholds, together with FIVE HUNDRED DOLLARS (\$500.00), damages for the detention thereof.

*Laura Tomoney*  
Attorney for Plaintiffs.

Plaintiffs demand a jury trial.

Comes now Denniston-Boykin Company, Defendant herein, and enters its voluntary appearance and waives the issuance and service of summons herein.

DENNISTON-BOYKIN COMPANY,

By *[Signature]*

Its Attorney

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO.80

FLORA HEINIG, et al,  
Plaintiffs,

vs.

MRS. RAY BREED WALKER et al,  
Defendants.

- 20 -

## SECOND AMENDED COMPLAINT

Filed February 22, 1935.  
B. S. Duchs, Clerk

LLOYD A. MAGNEY  
Attorney  
Foley, Alabama.

[illegible]

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[illegible][illegible][illegible][illegible]

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAY BREED WALKER AND  
RALPH WALKER,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 80.

Come the Defendants in the above styled cause, and for  
answer to the Complaint filed in said cause, say:-

1. Not guilty.

Hyatt & Carson  
Attorneys for Defendants.



FLORA HEINIG, et al.,  
Plaintiffs,

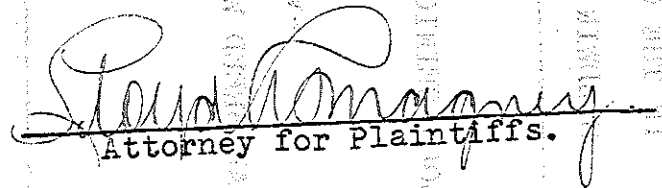
-vs-

Rae Breed Walker and  
Denniston-Boykin Co., Inc.,  
a corporation,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

ISSUE ON PLEA OF DISCLAIMER.

Come now the plaintiffs and for answer to the plea of  
disclaimer of the defendant Denniston-Boykin Co., Inc., say:  
The plaintiffs take issue on said plea.

  
Attorney for Plaintiffs.

*Duch*  
8-306  
RECORDED  
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

FLORA HEINIG, et al.,  
Plaintiffs,  
-vs-  
RAE BREED WALKER, et al.,  
Defendants.

ISSUE ON DISCLAIMER.

*Filed April 11 1938*  
*R. S. Duch*  
*clerk*

Lloyd A. Magney,  
Attorney for Plaintiffs.

FLORA HEINIG, JENNIE HEINIG,  
FRANCES HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
MRS. J. H. BAUER,

Plaintiffs,

-VS-

MRS. RAY BREED WALKER and RALPH  
WALKER,

Defendants.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Now comes the Defendant in the aforesaid cause and demurs to the Complaint filed in this cause, and assigns as grounds therefor:-

1st. That said Complaint states no cause of action.

2nd. That the description of the land sued for is indefinite and uncertain.

3rd. That the description of the land sued for is not set out by Governmental subdivisions, and the extent of its area is uncertain and indefinite and it would be an impossibility for the Sheriff under a Writ of Possession to locate the lands sued for.

4th. That the plat or map referred to as recorded in the Probate Office of Baldwin County, Alabama, does not show the extent of said Lot Naught (0); that it does not contain any information as to what section it is located in, its size, length or dimension.

5th. That there is no legend or information on said map referred to in said Complaint as to where said lot begins or where it ends, how wide it is or how long it is or what Governmental subdivision it is in.

Idylbert & Chason  
Attorneys for Defendants.

RECORDED *Duch*  
7-207

DEMURRERS.

FLORA HEINIG, ET AL,  
Plaintiffs,

-vs-

MRS. RAY BREED WALKER and  
RALPH WALKER,  
Defendants.

IN THE CIRCUIT COURT--LAW SIDE  
STATE OF ALABAMA  
BALDWIN COUNTY.

Filed April 13, 1937

*R. S. [Signature]*  
Clerk.

FLORA HEINIG, JENNIE HEINIG,  
FRANCES HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
MRS. J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAY BREED WALKER and  
RALPH WALKER,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Now come the Defendants and for plea to the Complaint  
say:-

Not guilty.

---

Attorneys for Defendants.

80 *Dick*  
RECORDED *8-307*

P L E A.

FLORA HEINIG, ET AL,  
Plaintiffs,

-vs-

MRS. RAY BREED WALKER ET AL,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW.

Filed February *28*, 1935

*John H. Dick*  
Clerk.

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
MRS. J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAY BREED WALKER and  
RALPH WALKER, and DENNISTON-  
BOYKIN COMPANY, a Corporation,

Defendants.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

NO. 80.

Comes the Defendant, Denniston-Boykin Company, a Corporation, and disclaims possession of the lands described in the Third Amended complaint filed in said cause.

Hyatt & Pearson  
Attorneys for Denniston-Boykin  
Company, a Corporation.

DISCLAIMER.

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
MRS. J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAY BREED WALKER and  
RALPH WALKER, and DENNISTON-  
BOYKIN COMPANY, a Corporation,

Defendants.

IN THE CIRCUIT COURT--LAW SIDE

STATE OF ALABAMA

BALDWIN COUNTY.

Filed September 15, 1938

R. S. DUCK

clerk, - register

By Handliss Thompson  
Deputy



The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_  
Case No. 80

CIRCUIT COURT

Fall Term, 1938

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

A. J. Weeks, Harry Parker,  
Harold Graham, Tom J. Hadley, Leon Babcock,  
Eliza Ann

if to be found in your County, at the instance of the Defendant  
to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,  
by 8:30 o'clock of the forenoon, on the 14 day of Sept 1938, and from day to  
day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain  
cause pending, wherein Flora Heinig et al Plaintiff  
and Mrs. Ray B. Walker et al Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 3 day of Sept

R. S. DUCK

clerk & register

By Sanford Thompson  
Deputy

CLERK.

Received in office this \_\_\_\_\_ day of

193

SHERIFF

I have executed this writ

*Lyman Balcock*  
*Thomas Hadley*  
*Harold Graham*  
*Harry Parker*  
*Served in full*  
*9-10-38*

SHERIFF

*Defendant*

ORIGINAL

No. *80*

Page *(32)*

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

*Gloria King et al*

Plaintiff.

VS.

*Mrs Ray B. Walker*  
*et al*

Defendant

CIVIL SUBPOENA

Issued this *3* day of

193*8*

*Sept*  
R. S. DUCK

clerk, - register

By *Sheddie Thompson*

Clerk.

Deputy

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
MRS. J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAY BREED WALKER and  
RALPH WALKER, and DENNISTON-  
BOYKIN COMPANY, a Corporation,

Defendants.

IN THE CIRCUIT COURT--AT LAW

STATE OF ALABAMA

BALDWIN COUNTY.

No. 80.

Come the defendants, Mrs. Ray Breed Walker and Ralph Walker, and separately and severally disclaim possession of that part of the lands described in the Complaint, as last amended, which lie west of Eslava Creek in Baldwin County, Alabama, said Creek being in Section 32, Township 7 South of Range 3 East, and as to the lands which lie in Section 32, Township 7 South of Range 3 East, East of said Eslava Creek, the Defendants, Mrs. Ray Breed Walker and Ralph Walker, plead and say that they are not guilty.

*Hubert A. Pearson*  
Attorneys for Mrs. Ray Breed  
Walker and Ralph Walker.

DISCLAIMER AND PLEA.

FLORA HEINIG, ET AL.,

Plaintiffs,

-VS-

MRS. RAY BREED WALKER ET AL.,

Defendants.

IN THE CIRCUIT COURT--AT LAW

STATE OF ALABAMA

BALDWIN COUNTY.

NO. 80.

Filed September 25, 1938

R. S. DUCK

clerk, - register  
clerk.

By

Paul H. Thompson  
Deputy.

CIVIL SUBPOENA—ORIGINAL—In case witness shall wish to charge for attendance, he shall produce to the Clerk in term this Subpoena, or within five days after adjournment of Court, else he will be barred.

Gill Ptg. & Sta. Co., Mobile—Re-Order No. 720

THE STATE OF ALABAMA  
BALDWIN COUNTY

S.D. Page No. ....

CIRCUIT COURT

Case No. 80

Spring Term, 1938

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon ~~Robert H. H. H. H.~~ Harry Parker,  
Harold Graham, Lillie Weeks, Franklin Patterson, Tom J.  
Hadden, Lyman Babcock, Eliza Ard,

if to be found in your County, at the instance of the Dept.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by ..... o'clock of the forenoon, on the 11 day of April 1938

and from day to day and term to term of said Court until discharged by law, then and there to testify, and the truth to

say, in a certain cause pending, wherein Flora Heinig, et al Plaintiff

and Mrs. Ray Bred Walker, et al Defendant.

Herein fail not and have you then and there this Writ.

Given under my hand and seal, this 5 day of April 1938

R.S. Duck Clerk.

*Sairhope*

ORIGINAL

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

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

*L. Loran Herring et al*

Plaintiff

VS.

*Mrs. Ray B. Walker  
et al,*

Defendant

CIVIL SUBPOENA

Issued this 3<sup>rd</sup> day of

*April* 1938

*R. S. Davis*  
Clerk.

Received in office this \_\_\_\_\_ day of

1938

Sheriff.

I have executed this writ

*Served in full*

*M. H. Watkins*  
*John R. Davis*  
Sheriff.

The State of Alabama,  
Baldwin County

S. D. Page No. \_\_\_\_\_

Case No. 80

CIRCUIT COURT

Fall Term, 1938

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON

Louis Collins, Augustas Eslava,  
George Barnard, Jr.

if to be found in your County, at the instance of the plaintiff.

to be and appear before the honorable, the Judge of the Circuit Court of Baldwin County, at the Court House thereof,

by 8:30 o'clock of the forenoon, on the 14 day of Sept 1938, and from day to

day and term to term of said Court until discharged by law, then and there to testify, and the truth to say, in a certain

cause pending, wherein Thos. Heinig, et al Plaintiff

and Mrs. Ray B. Walker, et al Defendant.

Herein fail not, and have you then and there this Writ.

Given under my hand and seal, this 3 day of Sept, 1938

R. S. DUCK

clerk. - register

CLERK.

By Charles Thompson  
Deputy

Received in office this \_\_\_\_\_ day of

193

SHERIFF

I have executed this writ

*M. L. Gull*

*9/8/38*

*Plaintiff*

ORIGINAL

No. *80*

Page *28*

THE STATE OF ALABAMA  
Baldwin County

CIRCUIT COURT

*Lora Hining, et al.*

Plaintiff

VS.

*Mrs. Ray B. Walker*  
*et al*

Defendant

CIVIL SUBPOENA

Issued this *3* day of

*R. S. DUCK*

clerk, - register

193 *8*

By

*Nathaniel Thompson*

Deputy

Clerk.

*M. D. Wilkins*  
*B. L. Duce*  
*D. S.*

SHERIFF



CLERK'S FEES				SHERIFF'S FEES				
Issuing . . . . .	Summons and Complaint..	\$	\$1 25	122-	Serving.....Summons or Writ	@	\$1 30	150
..... Cop... of the same .....	\$ @		30c	80	Leaving..... Cop....	- - - - -		
Entering Sheriff's Return .....	\$		20c	20	Serving..... Subpoenas	- - - - -	65c	27 95
Docketing Cause .....	\$		25c	25	Levyng..... Attachment	- - - - -	1 50	
Entering Appearance .....	\$		20c	20	Entering and Returning Attachment	- - - - -	25c	
Filings 2-5 9-D .....			10c	110	Taking Replevy Bond	- - - - -	75c	
..... Affidavit.....Certified .....			30c		Summoning.....Garnishee	- - - - -	1 30	
..... Commission for Deposition .....			75c		Serving.....Sci. Fa., Notice, etc	- - - - -	65c	
..... Cop... of Interrogatories .....					Leaving.....Cop.....	- - - - -		
..... Notice of Filing Interrogatories.....					Impaneling Jury	- - - - -	75c	
Filing..... Deposition .....			20c	30	Entering and Returning.....Execution	- - - - -	25c	130
..... Orders in Court..... D			30c	12 90	Collecting Cost Execution	- - - - -	1 50	500
Issuing 43 Subpoenas D			30c		Executing Writ of Possession	- - - - -	2 50	33 95
Issuing..... Copies of the same..								
Docketing..... Subpoenas..			25c					
Entering..... Sheriff's Return.....			20c					
7 Continuanee..... D			10c	70				
Trial and Incidents..... D			75c	75-				
Entering up..... Judgment..... D			30c	30				
Fees on former Fi. Fa. ....				50				
Issuing..... Execution..... D			50c	20				
Entering..... Sheriff's Return..... D			20c					
Issuing..... Certiorari, Sci. Fa., etc.			75c					
Cop... of the same.....			50c					
Taking..... Bond.....			75c					
Filing same.....			10c					
Issuing..... Attachment.....			1 00					
Filing..... Attachment.....			10c					
..... Summons of Garnishee			50c					
Swearing and Entering..... Answer of Garnishee.....								
Final Record S. - 1650 D - 8000				10 00				
.....								
.....								
.....								
Witness Certificates.....								
Total .....	\$		29 25					199 50

THE STATE OF ALABAMA }  
BALDWIN COUNTY }

CIRCUIT COURT

**To Any Sheriff of the State of Alabama---Greeting:**

You are hereby commanded Forthwith to deliver to  
Flossa King, et al., possession of the lands and  
tenements which the said Flossa King, et al.,  
recovered of Mrs. Ray Bruce Walker & Ralph Walker  
by the judgment of our Circuit Court, held for the County of Baldwin on  
the 17 day of September 1938, viz.:

"That certain land in Baldwin County, Alabama, described as: Lot being and lying on the north side of the east prong of Fish River in Baldwin County, Alabama, being Lot Naught (0), according to a survey made by Dan Williams of land formerly owned by Roselle Bauden, deceased, said land being in Township 7 South, Range 3 East, and said map being on record in the office of the Judge of Probate of Baldwin County, Alabama, and recorded in Deed Book "S", pages 408-9; said land being more particularly described as follows: From the Northwest corner of section 31, township 7 South of range 3 East, Baldwin County, Alabama, run east 2668 feet, thence south 206 feet to a concrete stake for a point of beginning; said point being the northeast corner of Lot "0" of the Rosell Bauden Estate, thence West 1186 feet to a concrete stake at the Northwest corner of said lot; thence South 2100 feet, more or less to the north margin of the east prong of Fish River, thence eastwardly along said margin 1200 feet, more or less, to a stake near the east intersection of Eslava Creek, at the Southeast corner of said Lot "0", thence north along said line of said Lot "0", 1650 feet, more or less, to point of beginning."

By: Franklin Thompson, Deputy

THE STATE OF ALABAMA.  
BALDWIN COUNTY.

BY VIRTUE OF THE WITHIN EXECUTION, I HAVE

This 9th day of Jan 1938 delivered possession  
of the within described property to  
Flora Keinig and collected \$199.56 as  
cost from Deft. M. H. Keinig Sheriff

The State of Alabama,  
Baldwin County.

CIRCUIT COURT

Flora Keinig et al.,  
vs.  
Mrs. Ray Anna Walker, et al.,

Judgment... Rend. and pms.  
Interest from... 191... \$...  
Cost... 199.56

Total... \$...  
WRIT OF POSSESSION AND FI. FA.

Received in office this 16th day of  
Oct 1938  
M. H. Keinig Sheriff  
Sheriff's Docket... page 163

Filed in the office of the Clerk of the Circuit Court this  
day of... 19...  
Fee Book... page... Execution Docket  
page...

Clerk...  
Plaintiff's Attorney...  
Times Print, Bay Minette.

Wrote Nov 11-15-38

No. 80

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obly  
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THE STATE OF ALABAMA  
BALDWIN COUNTY,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

NO. 80

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

MRS. RAY BREED WALKER  
and  
RALPH WALKER

to appear within thirty days from the service of this writ, in  
the Circuit Court to be held for said County, at the place of  
holding the same, then and there to answer the complaint of  
FLORA HEINIG, MENNIE HEINIG, FRANCES HEINIG, CHRISTINE HEINIG,  
MRS R. M. BUTOW and MRS. J. H. BAUER, .

Witness my hand this 11 day of September, 1934.

M. A. Stone

FLORA HEINIG, JENNIE HEINIG,  
FRANCES HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW and  
MRS. J. H. BAUER,

Plaintiffs,

-vs-

MRS. RAY BREED WALKER and  
RALPH WALKER.

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW, No. \_\_\_\_\_

Plaintiffs sue to recover possession of the follow-  
ing tract of land, viz:

"That certain land in Baldwin County, Alabama,  
described as: Lot being and lying on the north side  
of the east prong of Fish River in Baldwin County,  
Alabama, being Lot Naught (0) according to a survey  
made by Dan Williams of land formerly owned by Roselle  
Bauden, deceased, said land being in Township 7 South,  
Range 3 East, and said map being on record in the  
office of the Judge of Probate of Baldwin County, Ala-  
bama, and recorded in Deed Book S. pages 408-9,"

of which they were in possession and upon which, pending such  
possession and before the commencement of this suit defendants  
entered and unlawfully withhold, together with Five Hundred  
Dollars (\$500.00) damages for the detention thereof.

B. F. Williams

ATTORNEY FOR PLAINTIFFS.

Plaintiffs demand a jury trial.

B. F. Williams

ATTORNEY FOR PLAINTIFFS.



FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW, and  
MRS. J. H. BAUER,

Plaintiffs,

vs.

MRS. RAY BREED WALKER and  
RALPH WALKER, and DENNISTON-  
BOYKIN COMPANY, a Corporation,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO.80

THIRD AMENDED COMPLAINT

COUNT ONE

Plaintiffs sue to recover the following tract of land,

viz:-

That certain lot of land being and lying on the North side of the East prong of Fish River in Baldwin County, Alabama, being lot Nought (0) containing thirty-nine (39) acres according to a survey made by Dan Williams and allotted by commissioners of the land formerly owned by Rosallee Baudan, deceased, said land being located in Township Seven South (7) of Range Three (3) East. Said Map being on record in the office of the Probate Judge of Baldwin County, more particularly described as follows: Beginning at a point on the Meridian line between sections twenty-nine (29) and Thirty (30) in Township Seven (7) South of Range Three (3) East of St. Stephens, Meridian, extended South, where the same intersects with the South line of said section Twenty-nine (29), extended west and run East 2668 feet and thence South 206 feet to a concrete stake for a point of beginning, said point being the northeast corner of lot Nought (0) of the Roselle Baudan estate; thence West 1186 feet to a concrete stake at the Northwest corner of said lot Nought (0); thence South 2100 feet, more or less, to the North margin of the East prong of Fish River; thence Eastwardly along the said margin of said River 1200 feet, more or less, to a stake near the East intersection of Eslava Creek with said River at the Southeast corner of said lot Nought (0); thence North along the east line of said Lot Nought (0) 1650 feet, more or less, to the point of beginning.....

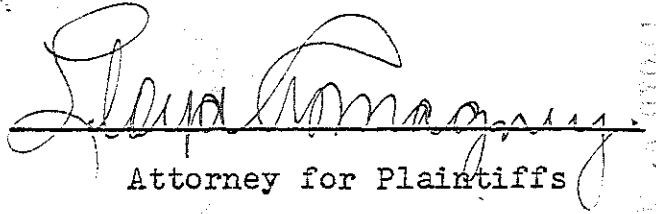
of which they were in possession and upon which, pending such possession and before the commencement of this suit, defendants entered and unlawfully withhold, together with FIVE HUNDRED & 00/100 (\$500.00) DOLLARS damages for the detention thereof.

COUNT TWO

For this Count Two Plaintiffs adopt all of Count One and in addition thereto, aver:

That from and after the aforesaid entry by the defendants in the month of May, 1933, and continuing to this date, the

Defendants have turpented the pine trees upon said lands and have wantonly so cut said trees as to kill and deaden fifty of said pine trees and the defendants have wantonly cut and removed from said lands three hundred pine trees and have wantonly cut and removed from said land thirty-nine Juniper trees to plaintiffs further damage in the additional sum of FIVE HUNDRED & 00/100 (\$500.00) DOLLARS for which plaintiffs sue.

  
Attorney for Plaintiffs

We the Juror find  
for the plaintiff  
to recover such in  
such.

L. L. Smith  
Foreman

(2)

RECORDED *Duch*  
F-206

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO.80

FLORA HEINIG, JENNIE HEINIG,  
FRANCIS HEINIG, CHRISTINE  
HEINIG, MRS. R. M. BUTOW, and  
MRS. J. H. BAUER,

Plaintiffs,

vs.

MRS. RAY BREED WALKER and  
RALPH WALKER, and DENNISTON-  
BOYKIN COMPANY, a corporation,

Defendants.

THIRD AMENDED COMPLAINT

*Filed April 11, 1938*  
*Duch*  
*Clark*

LLOYD A. MAGNEY  
Attorney, Foley, Alabama.



Refused,  
J.W. Stare  
Judge

①

80

The Court charges the jury  
that - if you believe the  
evidence you hear -  
for the defendants - Dennis (or  
Boskin) to a Corporation

Refused,  
J.W. Stare  
Judge

12 -

And the men of the jury I charge  
you that the true owner of land  
is not required to take notice  
of any deed purporting to  
convey his title which another  
has recorded.

Heinig, et al., vs. Walker, et al.

The plaintiffs request the Court to give the following instruction to the Jury:

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

The Court instructs you, gentlemen of the jury, that the deed from Saphronia and Louis Collins to Frank Heinig, being plaintiff's Exhibit No. 7, is color of title to the land described in the complaint.

No 3.

Refused,  
J.W. Stare  
Judge

The Court - Charge the  
jury if you believe  
the evidence you  
must find for  
the defendants

(2)

Refused  
J.W. Hare  
Judge

King vs Walker

Plaintiff requests the following instruction:

The jury is instructed that twenty years is a  
period of repose beyond which the law will not go,  
and if a man and those under whom he claims  
have had <sup>adverse</sup> possession of a piece of land, without  
disturbance or hostile claim, for a period of twenty  
years, the law will not disturb his title and  
possession no matter what it is based on

Refused  
J.W. Hare, Judge

no b.

King vs Walker

The plaintiff requests the following instruction:

The jury is instructed that when a deed refers  
to a map or plat they are to be considered together  
and the map or plat is to be considered as part  
of the deed.

no. v

Refused  
J.W. Hare  
Judge

HEINIG VS. WALKER

Plaintiff requests the following charge:

The Court charges you, Gentlemen of the Jury, that when one takes possession of land under color of title, the law considers that his possession extends to the boundaries as set out in his deed so that, as a matter of law, he has possession of the whole tract, although he may only be using a part of it.

NO 5

Heinig et al vs Walker et al.

Plaintiffs requests the following instruction:

The jury is instructed that title acquired by possession of a disputed strip of land under a belief that the line claimed was the true line, is good, even though the belief as to the correct location of the line originated in a mistake and such title is not affected by what ~~to~~ the claimant or his predecessors might or ~~not~~ might not have claimed had they known they were mistaken.

Refused.

NO 4

*Refused.  
S.W. Walker  
Judge*

Heinig et al., vs. Walker, et al.

The plaintiffs request the Court to give the following instruction to the Jury:

No. 1

The Court instructs you, gentlemen of the jury, that if you find the evidence you should return a verdict for the plaintiffs for the possession of the land described in the complaint.

Heining, et al., vs. Walker, et al.

The plaintiffs request the Court to give the following instruction to the Jury:

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

The Court instructs you, gentlemen of the jury, that if your verdict is for the plaintiffs for damages, and if you believe from the evidence that the entry of the defendants on the land was a wanton entry, or that the cutting of the trees was a wanton aggression on the part of the defendants, then, in addition to the damages you award the plaintiffs as payment, you may also award to the plaintiffs additional or punitive damages as a punishment to the defendants. "Wanton" means a reckless disregard of the rights of another.

*no \$6.7.*

*e -*

*Casual acts of adverse possession are insufficient - to support - an adverse possession of land.*

*Refused  
S.W. Walker  
Judge*