

170

EMMA POPLIN WRIGHT,
Plaintiff,

-vs-

JOHN BESTOR ROBERTSON,
Defendant.

No. 170
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW

MOTION OF DEFENDANT

Comes now the above named defendant, by his attorneys of record, and respectfully represents and shows to the Court as follows:-

1. That the title of the plaintiff to the lands described in the complaint, is based upon a tax sale of said real estate and a deed to the complainant from the State of Alabama, conveying the interest of said State in and to said lands by virtue of said tax sale.

2. That the defendant was the owner of the lands in question at the time of the said tax sale, and the person against whom the taxes were assessed.

3. That the defendant is in possession of and has been continuously in the possession of said lands since he became the owner thereof and that the plaintiff is not now and never has been in the possession of said lands.

4. Wherefore defendant, before the trial of this cause, moves that this Honorable Court ascertain the amount paid by the plaintiff, the purchaser from the State of Alabama which was the purchaser at the sale, and the amount of any taxes subsequently paid by the plaintiff, together with interest at the rate of 15% per annum thereon and a reasonable attorney's fee for the plaintiff's attorney for bringing suit and enter judgment for the amount so ascertained in favor of the plaintiff and against the defendant, such judgment to be a lien on the land sued for, and further that upon the payment into Court of the amount of the judgment and costs the Court will enter judgment for the defendant for the land.

John Bestor Robertson
Stuart A. Magney
Attorneys for Defendant.

No. 170
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

EMMA POPLIN WRIGHT,
Plaintiff

-vs-

JOHN BESTOR ROBERTSON,
Defendant.

MOTION OF DEFENDANT

Filed this 15 day August 1935.
Robert S. Magney
Clerk-Registrar

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

[Handwritten signature]

The State of Alabama }
Baldwin County

CIRCUIT COURT--LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon

JOHN BESTOR ROBERTSON

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

EMMA POPLIN WRIGHT

Witness my hand, this

1st day of

June

1936

Robert S. Duck Clerk.

COMPLAINT

The Plaintiff sues to recover possession of the following tract of land, Namely:

LOTS TEN, ELEVEN, TWELVE, THIRTEEN, FIFTEEN and SIXTEEN OF SEACLIFF SUBDIVISION IN SECTION EIGHT OF TOWNSHIP SIX SOUTH OF RANGE TWO EAST IN BALDWIN COUNTY, ALABAMA, AS PER PLAT OF SAME NOW ON RECORD, OF WHICH HE WAS IN POSSESSION AND UPON WHICH PENDING SUCH POSSESSION AND BEFORE THE COMMENCEMENT OF THIS SUIT THE DEFENDANT ENTERED AND UNLAWFULLY WITHHELD TOGETHER WITH ONE HUNDRED DOLLARS FOR THE DETENTION THEREOF.

Edw. L. R. R. R.

Attorney for Plaintiff.

RECORDED

No. 170

Received in office 2 day of

July

1935

R. L. Wilcombe

Sheriff of Mobile County, Ala.

Executed by serving a copy
of the within Summons and Complaint on

John Bestor
Robertson

Defendant

This the 15 day of July 1935

R. L. Wilcombe

Sheriff of Mobile County, Ala.

By S. C. Hodge
Deputy Sheriff.

EMMA POPLIN WRIGHT

VS.

JOHN BESTOR ROBERTSON

IN CIRCUIT COURT OF BALDWIN COUNTY

Term 1935

SUMMONS AND COMPLAINT

Filed in office this 1st day of

July

A. D. 1935

Robert S. Duck

Clerk.

Richardby

Plaintiff's Attorney.

Moore Printing Co. Bay Minette, Ala.

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded that of the lands and tenements of John Bestor Robertson known and described as Lots 10, 11, 12, 13, 15 of Seacliff subdivision, and Lot 16 of Seacliff, all in Section 8, T6S of R2E in Baldwin County as per plat of same of record in the Probate Court of said County you caused to be made the sum of FIVE HUNDRED NINETY-ONE DOLLARS which Emma P. Wright recovered of him on the twentieth day of August, 1935, by the judgment of the Circuit Court held for the County of Baldwin, beside TEN and 90/100 (\$10.90) DOLLARS, costs of suit; and have the same to render to the said Emma P. Wright and make return of this writ and the execution thereon according to law.

WITNESS my hand this 15th day of November, 1935.


Clerk Circuit Court.

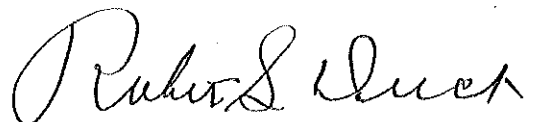
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded that of the lands and tenements of John Bestor Robertson known and described as Lots 10, 11, 12, 113, 115 of Seacliff subdivision, and Lot 16 of Seacliff, all in Section 8, T6S of R2E in Baldwin County as per plat of same of record in the Probate Court of said County you caused to be made the sum of FIVE HUNDRED NINETY-ONE DOLLARS which Emma P. Wright recovered of him on the twentieth day of August, 1935, by the judgment of the Circuit Court held for the County of Baldwin, beside TEN and 90/100 (\$10.90) DOLLARS, costs of suit; and have the same to render to the said Emma P. Wright and make return of this writ and the execution thereon according to law.

WITNESS my hand this 15th day of November, 1935.


Clerk Circuit Court.

Received in Office this 15 day of Nov 1935

And by virtue of the within execution I have this 18 day of Nov 1935 attached lots 10, 11, 12, 13, 15, and 16 of seacliff subdivision in section 8, T6S of R2E, which said property, after giving notice of time, place and terms of sale by publication in the Fairhope courier once a week for three subsequent weeks, ~~xxxxxx~~ and personal notice to the defendant John Bestor Robertson, as well as posting a copy of the notice of sale at the door of the court house for thirty days prior to the sale. Was sold on December the 23rd 1935 in front of the court house door at Bay Minette for the sum of \$635.21 being the amount of the judgement and the cost, to ~~Emma Poplin Wright...~~

I retained \$27.48 as my fee's and paid \$4.93 to the Fairhope Courier for advertising and \$11.80 was turned over to the clerk of the circuit court.

2-5-36

M. H. Wilkins

Sheriff.

170

EMMA P. WRIGHT

Plaintiff

VS

JOHN BESTOR ROBERTSON

Defendant

EXECUTION

See Book # 156

Ex 10 5-1-Page 4

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded that of the lands and tenements of John Bestor Robertson known and described as Lots 10, 11, 12, 13, 15 of Seacliff subdivision, and Lot 16 of Seacliff, all in Section 8, T6S of R2E in Baldwin County as per plat of same of record in the Probate Court of said County you caused to be made the sum of FIVE HUNDRED NINETY-ONE DOLLARS which Emma P. Wright recovered of him on the twentieth day of August, 1935, by the judgment of the Circuit Court held for the County of Baldwin, beside TEN and 90/100 (\$10.90) DOLLARS, costs of suit; and have the same to render to the said Emma P. Wright and make return of this writ and the execution thereon according to law.

WITNESS my hand this 15 day of November, 1935.

Robert L. Smith
Clerk Circuit Court.

CIRCUIT COURT

No. 176 Chgo Term, 1923

You are hereby commanded, That of the goods and chattels, lands and tenements of John Bestor Robertson Defendants,
you cause to be made the sum of \$591⁰⁰ Dollars,
which Emma Poplin Wright Plaintiffs
recovered of him on the 20 day of August 1925, by
the Judgment of our Circuit Court held for the County of Baldwin, besides the sum of
Ten and 90/100 Dollars
costs of suit, and have the same to render to the said Robert C. Wick
and make return of this Writ and the execution thereof, according to law.

Interest from 192..... to date of collection.

Witness my hand, this 21 day of August 1923

Clerk.

CLERK'S FEES	AMOUNT	SHERIFF'S FEES	AMOUNT
For every Summons & Complaint \$1.25	1 25	For Levying an Attachment \$3.00	
Each copy thereof 30	30	Entering and Returning Attachment 25	
Entering a Sheriff's Return 20	20	Summoning Garnishee 1.50	1 50
Docketing 25	25	Serving Summons on Writ 1.50	
Entering Appearance 20	20	Serving Notice Sci Fa Notice, etc. 65	
Filings 10	10	Serving Subpoenas 65	
Every order made in court 30	30	Empanelling Jury 75	2 50
Copy thereof 25	25	Entering and Returing Execution 25	
Every trial with or without Jury 75	75	Collecting Cost Execution 1.50	
Entering up Judgment or copy thereof 30	30	Executing a writ of Possession 2.50	
Issuing Execution <i>also</i> 50	100	Taking and Approving Bonds 1 00	
Docketing Execution 25	50	Commissions	
Entering Return on Execution 20	40	Sheriff's Commission for Property	
Issuing Subpoenas 30		Sold under Attachment	
Administering Oath 25		Seizing Personal Property on Writ	
Issuing each attachment, taki bond 1.00		of Detinue 3.00	1 75
Filing Attachment 10			
Each Summons for Garnishee 50		RECAPITULATION	
Each Copy 50		Judgment for <i>Plaintiff</i> for \$ 591 00	
Notice to Deft in Garnishee on Sum-		Interest from <i>I</i>	
mons and copy 20c per 100 words		Damages	
Commissions to take Depositions or		Clerk's Fees	
Copy 75		Sheriff's Fees	
Order to Execute Writ of Inquiry 30		Justice of Peace Fees	
Copy of Interrogatories, 15c per 100		Witness Fees in Justice of Peace Court	
words or 50		Constable's Fees	
Filing each Deposition and endorsing		Commissioner's Fees	
same 20		Printer's Fees	
Final Record, per 100 words 15	1 35	Witness Fee in Circuit Court	
Every Certificate 50		Former Clerk's Fee	
Taking Bond not otherwise provided		Stenographer's Fee \$5.00	
for 75		Trial Tax \$3.00	
Witness Certificates 25			
Continuance 10			
Certificate of Judgment 50	50		
	7 05		11 80
			601 90

89
No. 170

THE STATE OF ALABAMA,
Baldwin County

CIRCUIT COURT

Emmeline Poplin
Wright
Plaintiffs.

vs.

John Bestor
Robert
Defendants.

CIVIL EXECUTION

Judgment for *Plf.* for \$ *591.00*

Interest from 192

to 192 \$

Damages \$

Costs \$ *10.95*

Total \$ *601.95*

Civil Fee Book *71* Page

Execution Docket *5* Page

Filed *August 21* 192*35*

Robert H. Smith
Clerk.

Clifford G. Rickard
Plaintiff's Attorney

Leah B. Maynard
Defendant's Attorney

Collect Cost From

THE STATE OF ALABAMA,
Baldwin County

I hereby certify that the within Judgment
and Costs in this case are correct, and there
was a waiver of exemption as to personal
property under the Constitution and Laws
of Alabama.

This day of 192

Clerk.

Received in office

August 29th, 19*35*

W. H. Wilkins
Sheriff.

Sheriff's Execution Docket, Page *41*

Sheriff's Fee Book, Page

Clerk's Civil Fee Book Page

Clerk's Civil Execution Docket Page

RECEIVED *8-30-35*
No Property of Defendant found in my
County.

R. L. HOLCOMBE,

By *J. O. Campbell*

The State of Alabama,
Baldwin County.

By virtue of the within execution, I have, at o'clock, M., this

day of 192, levied

CERTIFICATE OF JUDGMENT

The State of Alabama, { # 170
Baldwin County } Circuit Court, August Term, 19 35

Emma Poplin Wright

PLAINTIFF.

Vs.

John Bestor Robertson,

DEFENDANT.

I, Robert S. Duck, Clerk of the Circuit Court of Baldwin County,

Alabama, do hereby certify that on the 20th day of August 19 35,

a Judgment was rendered by said Court in the above stated cause, wherein

Emma Poplin Wright,

was Plaintiff and John Bestor Robertson,

was Defendant, in

favor of the said Plaintiff and against the said Defendant for the sum of (\$591.00)

Five Hundred Ninety-one & 00/100 DOLLARS,

and for the sum of (\$10.90) Ten & 00/100 DOLLARS,

the costs in said suit and that Elliott G. Rickard,

are the Attorneys of record for the Plaintiff

in said cause.

Witness my hand this 21st day of August 19 35

Clerk, Circuit Court, Baldwin County, Alabama.