

WALTER H. LEACH, JR.,
ET AL.,
Complainants,
vs.
R. H. MOORE,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.
NO. 1311.

This cause coming on to be heard, is submitted upon the demurrers to the original bill of complaint, and after due consideration the court is of the opinion that the demurrers are not well taken.

It is therefore ORDERED, ADJUDGED and DECREED that the demurrers of the respondent to the original bill of complaint be and the same are hereby overruled.

It is further ORDERED that the respondent be and he is hereby given thirty (30) days in which to file answer.

Done this the 18th day of August, 1937.

F. W. Hare

Judge.

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 R. H. MOORE

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

WALTER H. LEACH, Jr., and MAJOR FELKER LEACH

against said R. H. MOORE

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 31st day of March 1937

R. S. Duck

Register

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

WALTER H. LEACH, Jr., and MAJOR)
FELKER LEACH,

Complainants,

vs.


R. H. MOORE,

Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

ANSWER

Comes now, R. H. Moore, the above named Respondent and
for answer to the Bill of Complaint says; that the allegations
thereof are untrue.



Solicitor for Respondent

WALTER H. LEACH, Jr., and
MAJOR FELKER LEACH,

Complainants,

vs.

R. H. MOORE,

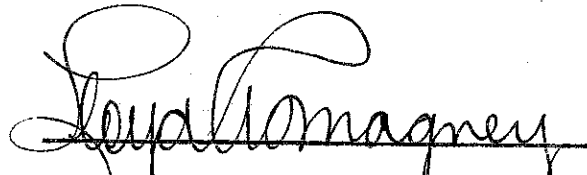
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

DEMURRER

Comes now the above named Respondent and demurs to the
Bill of Complaint in the above entitled cause and as ground for
such demurrer says:

There is no equity in the bill.


Solicitor for Respondent.

WALTER H. LEACH, JR. and
MAJOR FELKER LEACH,

Complainants,

VS.

R. H. MOORE,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY

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

And now come the Complainants and present this their Bill of Complaint against the Respondent, and respectfully represent and show unto your Honor and this Honorable Court as follows:

1. That the Complainants are over twenty-one years of age and residents of Santa Ana, California; that the Respondent is over twenty-one years of age and a resident of Foley, in Baldwin County, Alabama.

2. The Complainants allege that they are in the quiet and peaceable possession of certain lands in Baldwin County, Alabama, claiming to own the same in fee simple, said lands being described as follows:

The Northeast quarter of the Southeast quarter of Section 26, Township 4 South of Range 2 East.

3. Complainants further allege that no suit is pending to question or test the validity of such claim, right, title, or interest in or incumbrance of the said Respondent, and the Complainant therefore calls upon the Respondent to set forth and specify his right, title or interest in, or incumbrance upon said lands and to show how and by what instrument the same is derived and created.

4. Complainants further allege that the property herein described was assessed for the year 1926 in the name of W. H. Leach, the Complainants predecessor in title; that said property was assessed on the tax records of Baldwin County, Alabama, in both precinct Six and precinct Eight; that the assessment, being number 214 in Beat No. 8 was duly paid by the owner; that the property was sold under the assessment No. 72 in Beat No. 6, and purchased by the Respondent and a deed subsequently made to him; that the taxes on said property for the said year being paid, the sale to the Respondent was and is void; that a deed was executed by the State of Alabama to the Respondent under said void sale, and that said deed being of record in Baldwin County, Alabama, constitutes a cloud on the title.

5. The Complainants further show that the Respondent is now cutting and removing stump wood, wood and timber from said land, and otherwise damaging the said lands, all to the irreparable loss of the Complainants.

WHEREFORE, the premises considered, Complainants pray that your Honor will take jurisdiction of the cause made by this Bill of Complaint, and by appropriate process make the said R. H. Moore party Respondent to this Bill of Complaint, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court, that your Honor will grant and issue a temporary writ of injunction restraining the Respondent, R. H. Moore from cutting and removing any wood, stumps or timber from said land or in anywise changing or altering the status quo of said land.

Complainants further pray that your Honor will, upon a final hearing of this cause, establish the title of Complainants in and to the lands herein described and further find and decree that the Respondent, R. H. Moore has no claim, right, title, or interest in or incumbrance upon the said lands herein described or any part thereof, and further decree that the title to said land stands and is in the Complainants. Complainants further pray that your Honor will grant unto them such other, further, different or general relief as they may be in equity and good conscience entitled to receive, and as in duty bound they will ever pray.

Beales & Beale
Solicitors for the Complainants.

FOOT NOTE:

The Respondent is required to answer each and every allegation contained in the foregoing bill of complaint, in paragraphs 1 to 5, inclusive, but not under oath, oath being hereby expressly waived.

Beales & Beale
Solicitors for the Complainants.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, the undersigned authority, in and for said County, in said state, personally appeared Hubert M. Isaac, who is known to me and who having been by me first duly sworn, deposes and says, that he is Solicitor of record for the Complainants; that the allegations contained in the foregoing Bill of Complaint are true and correct to the best of his knowledge, information and belief.

Hubert M. Isaac

Sworn to and subscribed before
me this 22nd, of March, 1937.

O'Byrne James
Notary Public, Baldwin County,
Alabama.

RECORDED

Book
7-108

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

WALTER H. LEACH, Jr., and
MAJOR FELKER LEACH,

Complainants,

vs.

R. H. MOORE,

Respondents.

DEMORREER

Deeds Opened 1-27-1937
Deed
Deeds

LLOYD A. MAGNEY
Attorney,
Foley, Alabama.

RECORDED *Book*
7-298

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY No. 311

WALTER H. LEACH, JR., and MAJOR
FELKER LEACH,

Complainants,

vs.

R. H. MOORE,

Respondent

ANSWER

Filed this 28 day of *September* 1937

Robert S. Dink
Clerk-Register

LLOYD A. MAGNEY
Attorney
Foley, Alabama.

Week
RECORDED
7-85

ORDER FOR TEMPORARY INJUNCTION

WALTER H. LEACH, JR. and
MAJOR FELKER LEACH,

Complainants,

VS.

R. H. MOORE,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed ~~March~~ *March* 26 1939
W. H. Moore
Dist.
Deputy

Original
(Copy)

Serve on R. M. Moore

Circuit Court of Baldwin County
IN EQUITY

No. 211

SUMMONS

Walter M. Leach,

et al
Complainants

VS.

R. M. Moore

Becke, Haebe & Becke
Solicitors for Complainant

Recorded in Vol. _____ Page _____

RECORDED
Becke
7-84

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 3/14

day of March, 1937

Mark Williams
SHERIFF

Executed this 24 day of

April 1937

by leaving a copy of the within Summons with

R. H. Moore

Mark Williams
Defendant
Sheriff

By John R. Davis
Deputy Sheriff

RECORDED
INDEXED
7-84

BILL OF COMPLAINT

WALTER H. LEACH, JR. and
MAJOR FELKER LEACH,

Complainants,

VS.

R. H. MOORE,

Respondent.

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

Filed March 26/1939
Darius
Rippon