

321

The State of Alabama, }
Baldwin County. }

Circuit Court, In Equity.

TO ANY SHERIFF OF THE STATE OF ALABAMA—GREETING:

We command you that without delay you execute this Writ, and due return thereof how you have executed the same make to us immediately.

To Miss Clara J. Hall and Leslie Hall

WHEREAS, Hubert M. Hall

has this day filed a Bill of Complaint in said Court against Miss Clara J. Hall and Leslie Hall

praying, among other things, that Miss Clara J. Hall and Leslie Hall, or either of them, be restrained and enjoined from either directly or indirectly foreclosing or attempting to foreclose that certain mortgage from Hubert M. Hall to Miss Clara J. Hall, dated July 2nd, 1935, and of record in Mortgage Book 67, at page 481, in the office of the Probate Judge of Baldwin County, Alabama, or in any manner changing the status quo of the property described in said mortgage, to-wit:

Lots 2 and 3 in Nihart & Stapleton Subdivision of a part of Block 105, Hand Land Company's Addition to the Town of Bay Minette, as per plat of record in the Office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 118.

And whereas, on said Bill of Complaint being exhibited to the Hon. F. W. Hare Judge of the Circuit Court of Baldwin County, of the State of Alabama, on the 13th day of April 1937, he did order that, upon complainant entering into bond, with sureties, in the sum of Two Hundred Dollars, payable to the Defendant and approved by the Clerk of this Court, and conditioned according to law a Writ of Injunction issue out of said Court, according to the prayer of said Bill; and whereas, bond has been given, as required by said order.

These, therefore, are to command and strictly enjoin you from either directly or indirectly foreclosing or attempting to foreclose that certain mortgage from Hubert M. Hall to Miss Clara J. Hall, dated July 2nd, 1935, and of record in Mortgage Book 67, at page 481, in the office of the Probate Judge of Baldwin County, Alabama, or in any manner changing the status quo of the property described in said mortgage, to-wit: Lots 2 and 3 in Nihart & Stapleton Subdivision of a part of Block 105, Hand Land Company's Addition to the Town of Bay Minette, as per plat of record in the office of the Probate Judge of Baldwin County, Alabama, in Map Book 1, page 118.

until further order of this Court. And this you will in nowise omit, under penalty.

WITNESS R. S. DUCK

Register as Clerk of said Court, at office, in

Bay Minette Alabama, this 16 day of April 1937

R. S. Duck Clerk

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 MISS CLARA J. HALL and LESLIE HALL

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

HUBERT M. HALL

against said MISS CLARA J. HALL and LESLIE HALL

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 16th day of April 1937

Robert S. Duck Register

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

HUBERT M. HALL,
Complainant,

vs.

MISS CLARA J. HALL and
LESLIE HALL,
Respondents.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN EQUITY

Now come the respondents, each separately and severally, and for answer to the bill of complaint as filed in said cause say:

That each and every material allegation in said bill of complaint is true, except as contained in paragraph Five thereof, and which each respondent denies, and alleges that the indebtedness secured by said mortgage has never been paid, is not paid as yet, but that it is due and is a subsisting valid lien upon the property described in the said bill of complaint; and that the respondents, each separately and severally, demand a strict proof as to the allegations of said paragraph Five.

Wherefore, the respondents, each separately and severally, having answered the bill of complaint as filed in said cause, pray that your Honor will enter an order dismissing said bill of complaint and tax the complainant with the cost thereof.

Respectfully submitted,

Miss Clara J. Hall
Leslie Hall
RESPONDENTS

Gordon E. Smith
Leslie Hall
SOLICITORS FOR RESPONDENTS

STATE OF ALABAMA,)
BALDWIN COUNTY.)

KNOW ALL MEN BY THESE PRESENTS, That We, HUBERT M. HALL, as Principal, and the undersigned as Sureties, are held and firmly bound unto Miss Clara J. Hall and Leslie Hall, in the sum of TWO HUNDRED (\$200.00) DOLLARS, for the payment of which to the said Miss Clara J. Hall and Leslie Hall, we bind ourselves, our heirs and administrators, jointly and severally.

Sealed with our seals and dated the 15th day of April, 1937.

WHEREAS, the said Hubert M. Hall has filed his Bill of Complaint, in the said Circuit Court, in Equity, and has obtained thereon an order for the issuance of an injunction from the Honorable F. W. Hare, Judge, to restrain and enjoin Miss Clara J. Hall and Leslie Hall, or either of them, from either directly or indirectly foreclosing or attempting to foreclose that certain mortgage from the Complainant to the Respondent, Miss Clara J. Hall, dated July 2nd, 1935, and of record in Mortgage Book 67, at page 481, or in any manner changing the status quo of the property described in said mortgage, to-wit:

Lots two (2) and three (3) in Nihart & Stapleton Subdivision of a part of Block 105, Hand Land Company's Addition to the Town of Bay Minette, as per plat of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 118.

NOW, THEREFORE, the condition of the above obligation is such that if the said Hubert M. Hall, his heirs, executors, administrators, or any of them, shall pay or cause to be paid all damages which any person may sustain by the suing out of said injunction, if the same is dissolved by the Circuit Court, in Equity, on the bill filed by the said Hubert M. Hall as aforesaid, then the above obligation to be void, otherwise to remain in full force and effect.

WITNESS our hands and seals on the day and year first above written.

Hubert M. Hall (SEAL)

W. J. Hall (SEAL)

J. E. Peter (SEAL)

Taken and approved on this 16
day of April, 1937.

Register
Register.

HUBERT M. HALL,

Complainant,

VS.

MISS CLARA J. HALL and
LESLIE HALL,

Respondents.

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:

Comes the Complainant, HUBERT M. HALL, and humbly complaining against the Respondents, MISS CLARA J. HALL and LESLIE HALL, and each of them, respectfully represents and shows unto your Honor and this Honorable Court as follows:

1. That your Complainant and the Respondents are over twenty-one years of age, and residents of Baldwin County, Alabama.
2. That your Complainant is the owner and in possession of the following described real property situated in Bay Minette, Baldwin County, Alabama, described as follows, to-wit:

Lots Two (2) and Three (3) in Nihart & Stapleton
Subdivision of a part of Block 105, Hand Land
Company's Addition to the Town of Bay Minette,
as per plat of record in the Office of the Judge
of Probate of Baldwin County, Alabama, in Map
Book 1, page 118.

3. That on to-wit, July 2nd, 1935, the Complainant executed to the Respondent, Miss Clara J. Hall, a mortgage on the lands described in paragraph 2 hereof, to secure an indebtedness therein recited, which said mortgage is of record in the office of the Probate Judge of Baldwin County, Alabama, in Mortgage Book 67, at page 481.

4. That the Respondent, Miss Clara J. Hall, as Mortgagee, and the Respondent, Leslie Hall, as Attorney for the Mortgagee, have given notice of the foreclosure of the said mortgage described in paragraph 3; that a copy of said notice is hereto attached, marked Exhibit "A" and asked to be considered as a part hereof as though herein fully set out.


5. That the entire indebtedness secured by the said mortgage hereinabove described has been paid in full, and was paid in full, before the notice of foreclosure was given, and that cancellation of the said mortgage should be entered of record; that the said mortgage constitutes a cloud upon the Complainant's title; that the foreclosure of the said mortgage and the execution and

recording of a foreclosure deed would constitute a further cloud on the title to Complainant's said property.

6. That the Complainant submits himself to the jurisdiction of the Court and agrees to abide by any orders or decrees rendered.

WHEREFORE, the premises considered, Complainant prays that your Honor will, by proper process, make the said Miss Clara J. Hall and Leslie Hall party respondents to this Bill of Complaint, requiring them 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 immediately issue a temporary injunction restraining the said Miss Clara J. Hall and Leslie Hall, or either of them, from either directly or indirectly foreclosing or attempting to foreclose, or in any manner changing the status quo of the said property herein described.

Complainant further prays that upon a final hearing of this cause, your Honor will enter an order and decree that the indebtedness secured by said mortgage has been paid in full and requiring the Respondent, Miss Clara J. Hall, to enter satisfaction of, and cancel, the said mortgage on the margin of the record in the office of the Probate Judge of Baldwin County, Alabama, and that upon her failure or refusal to cancel the same within the time this Court shall require them, that the Register of this Court be authorized and empowered to enter proper satisfaction and cancellation of said mortgage. Complainant prays for such other, further, different or general relief as he may be in equity and good conscience entitled to receive, and as in duty bound he will ever pray.


Solicitors for the Complainant.

FOOT NOTE:

The Respondents, MISS CLARA J. HALL and LESLIE HALL, and each of them, are required to answer each and every allegation contained in the foregoing Bill of Complaint, in paragraphs 1 to 6, inclusive, but not under oath, oath being hereby expressly waived.


Solicitors for the Complainant.

STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, O'Byrne Jones, a Notary Public, in and for said County, in said State, personally appeared HUBERT M. HALL, who is known to me and who having been by me first duly sworn, deposes and says, that he is the Complainant in the foregoing cause, styled HUBERT M. HALL, Complainant, vs. MISS CLARA J. HALL and LESLIE HALL, Respondents, in the Circuit Court of Baldwin County, Alabama, in Equity; that he has read over and understands the allegations contained in said Bill of Complaint; that the said allegations are true.

Hubert M. Hall

Sworn to and subscribed before me
this 8th day of April, 1937.

O'Byrne Jones
Notary Public, Baldwin County, Ala.

EXHIBIT "A"

NOTICE OF MORTGAGE FORECLOSURE

Default's having been made in the payment of the principal and interest and in compliance with the terms of that certain Mortgage executed to the undersigned, Miss Clara J. Hall, by Hubert M. Hall, unmarried, on the 2nd day of July, 1935, which said Mortgage is recorded in the office of Probate Judge of Baldwin County, Alabama, in Mortgage Book No. 67, at page 481, and the said default's continuing, I, the undersigned, Miss Clara J. Hall, will, under and by virtue of the Power of Sale contained in said Mortgage, sell at public outcry to the highest bidder, for cash, in front of the Courthouse door of said County, between the legal hours of sale, on Monday, April 19, 1937, the following described property situated in Baldwin County, Alabama, to-wit:

Lots two (2) and three (3) in Nihart & Stapleton Subdivision of a part of Block 105, Hand Land Company's Addition to the Town of Bay Minette, as per plat of record in the office of the Judge of Probate of Baldwin County, Alabama, in Map Book 1, page 118.

Said sale is to be made for the purpose of discharging the indebtedness secured by said Mortgage, and the interest thereon, together with the costs of foreclosure, including a reasonable attorney's fee, as stipulated in said Mortgage.

MISS CLARA J. HALL,
Mortgagee.

LESLIE HALL,
Attorney for the Mortgagee.

TO THE REGISTER OF THE CIRCUIT COURT, IN EQUITY, AT BAY MINETTE, BALDWIN
COUNTY, ALABAMA:

Upon the Complainant entering into bond with security in the sum
of \$2000⁰⁰ Dollars, payable to and approved by you,
and conditioned according to law, let an injunction issue according to the
prayer of the bill.

This April 13, 1937 -

J. W. Hall

Judge.

Eq. No. 321 RECORDED
7-117

HUBERT M. HALL,
Complainant

VS.

MISS CLARA J. HALL
and
LESLIE HALL,
Respondents.

ANSWER

CIRCUIT COURT

BALDWIN COUNTY

ALABAMA

IN EQUITY

Filed in Office this 29th
day of April, 1937.

R. S. Duck
Register.

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 16th day of April 1937

Robert S. Duck Register

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

RECORDED
Duck
7-113

Serve on ORIGINAL
Circuit Court of Baldwin County
IN EQUITY

No. 321
SUMMONS

HUBERT M. HALL,
Complainant,

vs.
MISS CLARA J. HALL and
LESLIE HALL,
Respondents.

PEEBE, HALL & BEEBE
Solicitors for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 16 day of April, 1937
M. H. Wilkinson SHERIFF

Executed this _____ day of _____ 1937

by leaving a copy of the within Summons with
Leslie Hall 4-16-37
Clara J. Hall 5-7-37 Defendant
M. H. Wilkinson Sheriff
By C. N. Ardum Deputy Sheriff

RECORDED

Book 2, 116

No.

CIRCUIT COURT, IN EQUITY.

VS.

Received in office on this the 16

day of April 1927

M. H. Williams
Sheriff.

Executed by serving a copy of the

within Writ of Injunction upon

Fredie Hall 4-16-27

Clara J. Hall 5-27-27

on this the _____ day of _____

1927

M. H. Williams
Sheriff.

MOORE PRING CO

RECORDED
Duck
7-117

BILL OF COMPLAINT AND ORDER FOR
INJUNCTION:

HUBERT M. HALL,

Complainant,

VS.

MISS CLARA J. HALL and
LESLIE HALL,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

IN EQUITY.

Filed April 13, 1937.
R. S. Duck Register.