

555

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Anna Dean and Noah Dean to appear within thirty (30) days of 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 C. C. Gantt.

WITNESS MY HAND THIS 16th day of January, 1940.

R S Duck

Clerk. Smith Deputy

C. C. GANTT,
Plaintiff,
vs.
ANNA DEAN and NOAH DEAN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COMPLAINT

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

The West 224 feet of the East half (E $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township Four (4) North, Range Three (3) East in Baldwin County, Alabama.

of which he was in possession, and upon which, pending such possession, and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with TWO HUNDRED & 00/100 (\$200.00) DOLLARS for the detention thereof.

Louis Tompkins
Attorney for Plaintiff.

PLAINTIFF DEMANDS TRIAL BY JURY

Rec'd in Sheriff Office this
16th day of January 1940.

Sheriff.

*Executed this the
19th day of Jan
1940 by Henry
Coyne of the within
Summons Complaint
on Anna Dean and
Noah Dean*

*H. H. Smith
Sheriff*

*H. H. Smith
25*

Anna Dean

RECORDED

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

C. C. GANTT,
Plaintiff,
vs.
ANNA DEAN AND NOAH DEAN,
Defendants.

COMPLAINT

LLOYD A. MAGNEY
Attorney-at-Law
Foley, Alabama.

*Filed Jan 16 - 1940
R. S. Dwyer
Clerk*

(12)

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.....
Case No. 555

CIRCUIT COURT
Spring, 1940
Term, 193.....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon.....
Walter Boone, Arthur Boone, Sam Shipp
(Little River)

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

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 9th day of April, 1940.....193.....

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.....C. C. GANTT.....Plaintiff
and ANNA DEAN and NOAH DEAN.....Defendant.

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

Given under my hand and seal, this 28 day of March, 1940.....193.....

R. S. DUCK, Clerk.

defendant

ORIGINAL

No. 555

Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

C. C. Gantt,

Plaintiff

VS.

Anna Dean & Noah Dean

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

Clerk.

Received in office this.....day of

the
28

March 19*40*

W.R. Stuart

Sheriff.

(M B 74)

I have executed this writ *This April*

5th 1940 by leaving
copy of within with
Sam Stupp
Walter Boone
Walter Boone

W.R. Stuart
Sheriff

Sheriff.

C. C. GANTT,
Plaintiff,

VS.

ANNA DEAN and NOAH
DEAN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

And now comes the Defendants, and for answer to the Plaintiff's complaint and to each allegation therein, separately and severally, say:

1. That they are not guilty.

2. That they and their predecessors in title had been in ^{adverse}possession of the land described in said complaint for more than three years next before the filing of suit in this cause.

3. That they and their predecessors in title had been in ^{adverse}possession of the land described in said complaint for more than ten years next before the filing of suit in this cause.

4. That they and their predecessors in title had been in ^{adverse}possession of the land described in said complaint for more than twenty years next before the filing of suit in this cause.

BEEBE & HALL,

By: *Shirley*
Attorneys for Defendants.

RECORDED

ANSWER,

C. C. GANTT,

Plaintiff,

VS.

ARRA DEAN AND NOAH
DEAN,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

Filed this 5 day February 1940
R. S. Ducker
Clerk-Registrar

WRIT OF POSSESSION AND FI. FA.

CLERK'S FEES		SHERIFF'S FEES <i>Stuart</i>	
Issuing Summons and Complaint	\$1 25	Serving Summons or Writ	\$1 30
..... Cop. of the same	2 @ 30c	Leaving Cop.	65c
Entering Sheriff's Return	20c	Serving Subpoenas	5 85
Docketing Cause	25c	Levyng Attachment	1 50
Entering Appearance	20c	Entering and Returning Attachment	25c
Filings	10c	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.	<i>Stuart</i>
..... Notice of Filing Interrogatories		Impaneling Jury	75c
Filing Deposition	20c	Entering and Returning Execution	25c
..... Orders in Court	30c	Collecting Cost Execution	1 50
Issuing Subpoenas	30c	Executing Writ of Possession	2 50
Issuing Cop. of the same			
Docketing Subpoenas	25c		
Entering Sheriff's Return	20c		
..... Continuance	10c		
Trial and Incidents	75c		
Entering up Judgment	30c		
Fees on former Fi. Fa.			
Issuing Execution	50c		
Entering Sheriff's Return	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	4 20		
.....			
.....			
Witness Certificates	5 1 25		
Total	\$ 12 50		\$ 49 10

THE STATE OF ALABAMA)
BALDWIN COUNTY)

CIRCUIT COURT

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

You are hereby commanded.....to deliver to
C. C. Gantt.....possession of the lands and
tenements which the said C. C. Gantt
recovered of Anna Dean and Noah Dean
by the judgment of our Circuit Court, held for the County of Baldwin on
the 10th day of April 19 40, viz.: The West 224 feet of
the East Half (E½) of the Southwest Quarter (SW¼), of Section Thirty-Six
(36), Township Four (4) North, Range Three (3) East, in Baldwin County,
Alabama;

You are further directed, of the goods and chattels, lands and tenements of the said
Anna Dean and Noah Dean.....you cause to be made the sum of
.....Dollars, damages adjudged to the
said.....and also for the further sum of
Forty-Nine and 10/100 (\$49.10).....Dollars, cost of suit, and make
return of this writ and the execution thereof according to law.

Witness my hand, this 14th day of May 19 40

R. S. Dicks, Clerk.

MAY 14 1940

No. 555

The State of Alabama,
Baldwin County.

CIRCUIT COURT

C. C. GANTT, Plaintiff,

vs.

ANNA DEAN & NOAH DEAN Defendants.

Judgment.....	\$.....
Interest from.....	.191..\$.....
Cost.....	\$ 49.10
Total.....	\$.....

WRIT OF POSSESSION AND F.I.F.A.

Received in office this 14th day of

May 1940
J. W. R. Stewart, Sheriff.

Sheriff's Docket....., page.....

Filed in the office of the Clerk of the Circuit Court this
14th day of May..... 19 40

Fee Book... CONT'd., page... 555... Execution Docket
Cons'd..... page... 555

R. S. D... Clerk

Lloyd A. Magney, Plaintiff's Attorney.

Times Print, Bay Minette.

MAY 14 1940

THE STATE OF ALABAMA.
BALDWIN COUNTY.

BY VIRTUE OF THE WITHIN EXECUTION, I HAVE

(Empty lined area for execution details)

Returned 5/14/1940
by order of Clerk
J. W. R. Stewart
By M. B. Hammett

STATE OF ALABAMA }
BALDWIN COUNTY }

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Anna Dean and Noah Dean to appear within thirty (30) days of the service of the 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 C. C. Gantt.

WITNESS MY HAND THIS _____ day of January, 1940.

Clerk.

C. C. GANTT,
Plaintiff,
vs.
ANNA DEAN and NOAH DEAN,
Defendants.

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

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

The West 224 feet of the East half (E $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of Section Thirty-six (36), Township Four (4) North, Range Three (3) East in Baldwin County, Alabama.

of which he was in possession, and upon which, pending such possession, and before the commencement of this suit, the Defendants entered and unlawfully withhold, together with TWO HUNDRED & 00/100 (\$200.00) DOLLARS for the detention thereof.

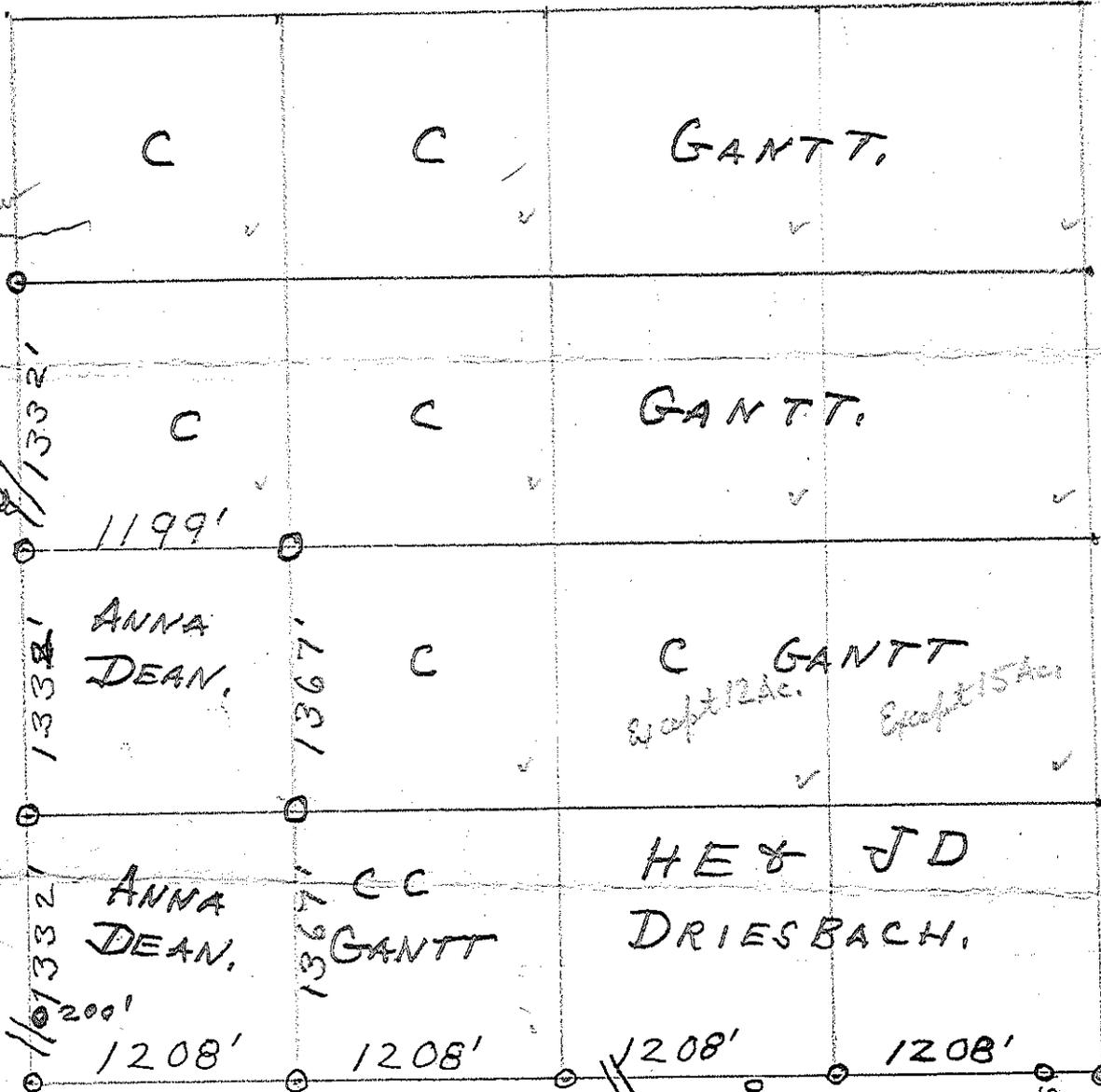
Attorney for Plaintiff.

PLAINTIFF DEMANDS TRIAL BY JURY

May 2, 1934, SE corner Sec 36 square from Stake in Field Lee Staples Home
North about 300 ft; Thence East on random line 396' passed pine Stake
SW cor of Lee Staples lot; 1181' Passed corner set by R J Greenwood & Frank E
Stated over; at 488' Passed Blaze on E side of Stp 6' North; 965' X road NW Dir,
1181' Set Corner; Stated over 1089' passed Stake; ~~1181'~~ 20' South of line;
1181' Set Corner; 1061' Passed Iron Stake 26' South; 1181' + 110' to SW corner
Sec. 36 Departed 26' N of Corner; Lightwood Stake 2' high; New BJ N 65° E 17' Pa
8" B 4 H; S 30° 45' E 11' Black gum 7" D B 4 H X 111 old mark; N 12° 45' W 10' Pine 6" D
B 4 H; May 3, 1934 Remeasured line to run N from 1/2 mile Post 1/4 mile; From
SE Cor of W 1/2 of SW 1/4 thence North 1088' X Spencer Lumber Co RR Red NNE; 1367'
Set Temp Cor; Started New 1367' Set Temp Cor; thence S 85° 30' W 1199' to
line of Sec. dep 32' S of Corner; From 1/2 mile Post on West line Sec, South
1333' Passed Stake; Started New 1332' to Sec Cor; Passed Stp 2 on Blazes 7' E
of Sec Corner to 200' N of it; May 8, From 1/2 Post on W line Sec thence North
200' X Road NW Dir; 400' on W side of Stp; 500' Blaze on ground; 1332' S
Corner old line runs West;

SEC. 36, T. 4, N. R. 3, E.

Gov. AREA 573.68 AC.



Prop Ex 2

Road 2146'

STAKE 396'

Iron Stake

The State of Alabama,
Baldwin County

S. D. Page No. _____

Case No. 555

CIRCUIT COURT

Spring, 1941 Term, 193_____

To Any Sheriff of the State of Alabama, GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON Walter Boone, Arthur Boone, Sam Shipp,
Joe Smith, (Little River)

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 15th day of April, 1941 193____, 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 C. C. Gantt, Plaintiff

and Anna Dean and Noah Dean Defendant.

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

Given under my hand and seal, this 27th day of March, 1941 193_____

R. S. Dush

CLERK.

Received in office this 27 day of

March

1941

W.R. Stuart

SHERIFF

By M. B. H.

I have executed this writ April 5-1941 by

returning

Walter Boone

Arthur Boone

Sam Shipps

Joe Smith

W.R. Stuart

SHERIFF

By W.D. Hamilton, Jr.

ORIGINAL

No. 555

Page _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

C. C. Gantt,

Plaintiff

VS.

Anna Dean and Noah Dean

Defendant

CIVIL SUBPOENA

Issued this _____ day of

193

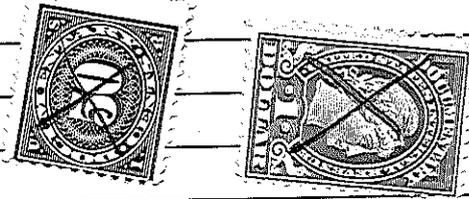
Clerk.

Little Person

WARRANTY DEED.

Know All Men by These Presents, That for and in consideration of the sum of Five Hundred Dollars and other considerations DOLLARS, (\$ 500.00) to us in hand paid by Chas. T. Phillips and Mabyn Phillips, the receipt whereof is hereby acknowledged ~~xxxxxxxxxxxxxxxx~~ Bay City Lumber Co., a corporation, does by these presents grant, bargain, sell and convey unto the said Chas. T. Phillips and Mabyn Phillips

all that real property situate in Baldwin County, Alabama, described as follows, to-wit: The West Half of the Southwest Quarter of Section 36, and the Southwest Quarter of the Southwest Quarter of Section 25, in Township 4 North, Range 3 East, St. Stephens Meridian, Baldwin County, Alabama.



Together with, all and singular, the tenements, hereditaments and improvements thereupon situate, and the rights, members privileges and appurtenances thereunto appertaining or belonging:

TO HAVE AND TO HOLD to the said Chas. T. Phillips and Mabyn Phillips their heirs and assigns forever.

And The Bay City Lumber Co.

do covenant with the said Chas. T. Phillips and Mabyn Phillips that they are seized in fee of the above described premises, and they in the quiet and peaceable possession of the same; that they have a perfect right to sell and convey the same, that the said premises are free from all encumbrances; and that they will and their heirs, executors and administrators shall forever WARRANT AND DEFEND the title to said premises unto the said Chas. T. Phillips and Mabyn Phillips and their heirs and assigns, against the lawful claims of all persons whomsoever.

WITNESS our hands and seals this 12th day of August 194 Bay City Lumber Co., Inc,

WITNESSES:
DB. G. B. Baly
As its Secretary

by [Signature] (L.S.)
as its Vice-President (L.S.)
(L.S.)

I, _____
 a _____ in and for said State and County, do hereby certify that
 _____ whose name _____ signed to the fore-
 going conveyance and who _____ known to me, acknowledged before me, on this day, that, being
 informed of the contents of the conveyance, _____ executed the same voluntarily on the day
 the same bears date.

Given under my hand this _____ day of _____ 19____

The State of Alabama,

County

I, _____
 a _____ in and for said State and County, do hereby certify that on
 the _____ day of _____ 19____, came before me the within named
 _____ known to me to be the wife of
 the within named _____ who being
 examined separate and apart from the husband touching her signature to the within conveyance,
 acknowledged that she signed the same of her own free will and accord, and without fear, constraints or
 threats on the part of the husband.

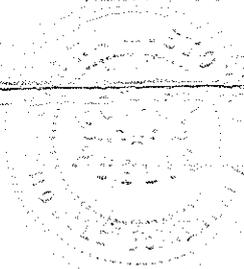
In Witness whereof, I hereto set my hand, this _____ day of _____ 19____

STATE OF ALABAMA.)
 MOBILE, COUNTY)

I, Clara M. Stokes, a Notary
 Public in and for said County in said State hereby certify that
 B. H. Pake, whose name as vice-president of the Bay City Lumber
 Company, a corporation, and H. B. Pake, whose name as Secretary
 of The Bay City Lumber Co, a corporation, are signed to
 the foregoing conveyance and who are known to me as such Vice-
 President and Secretary acknowledged before me on this day, that
 being informed of the contents of said conveyance, they as such
 officers and with full authority executed the same voluntarily for
 and as the act of said corporation.

Given under my hand and official seal this the 12th day of
 August 1924.

Clara M. Stokes
 Notary Public, Mobile County, Alabama.



STATE OF ALABAMA, }
 BALDWIN COUNTY, }
 I, G. L. LAMBERT, Judge of Probate, for said
 county, hereby certify that the follow-
 ing privilege tax has been paid on the
 within instrument as required by Acts
 1902 and 1903, viz.: \$ _____

G. L. Lambert
 Judge of Probate.

THE STATE OF ALABAMA, }
 BALDWIN COUNTY, }
 Office of the Judge of
 Probate Court

I, G. L. LAMBERT, Judge of said Court in and for
 said County, do hereby certify that the within in-
 strument was filed in this office for record on this _____ day of _____ 1924.

at _____
 _____ and I further certify that this
 instrument is duly recorded in Record Book No. _____
 page _____ and duly exempted from _____

_____ day of _____ 1924

Handwritten notes:
 1550
 75
 2/12/24
 1/10 Com

C. C. GANTT,
Plaintiff,
vs.
ANNA DEAN and NOAH DEAN,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

MEMORANDA OF AUTHORITIES

In connection with the requested instructions, plaintiff submits the following authorities:

As to Instruction No. 1:

"Hostility to the title of the true owner is an essential element of adverse possession. Williams v. Higgins, 69 Ala. 517. 'The burden of proving the possession adverse--that it was taken and held under a claim of title hostile to the title of the true owner--rests upon the party asserting it.'.....Mere possession for the statutory period to perfect a bar will not suffice. The possession must be adverse to the true owner." Murphy v. Leatherwood, 127 So. 843.

As to Instruction No. 2:

"The following charges were given for the Plaintiff:.....

'3. The Court charges the jury that if two adjacent landowners claim up to a certain line, believing it to be the true line, and intending to claim only to the true line, wherever the true line may be, and it afterwards developsthat the line to which they claim is not the true line, then the holding is not adverse'.....
"Charge 3 asserts a correct proposition of law; there being no evidence that defendants had any color of title to any part of Section 46." Cooper et al v. Slaughter, 175 Ala., 211, 57 So. 479.

As to Instruction No. 3:

See Cooper et al v. Slaughter, supra.

"If one occupies land up to a certain fence because he believes that to be the line of his land, but not having any intention to claim up to the fence, if it should be beyond the line, the intent to claim title does not exist co-incident with the possession, and the possession up to the fence is not, therefore, adverse." McLester Bldg. Company v. Upchurch, 180 Ala. 23, 60 So. 174.

As to Instruction No. 4.

"When a coterminous owner goes over his line intending only to claim to the true line, he is not an adverse claimant." *Mobile M.G.R. Company v. Rutherford*, 184 Ala. 204, 63 So., 1004.

As to Instruction No. 5.

"The following charges were given for the plaintiff:

'1. ~~If the jury believe from the evidence that the defendant~~
.....made an agreement with the plaintiff to have the line dividing the northern portion of Section 45 and the Southern portion of Section 46, Township 7, Range 1 West, ascertained by a survey, the jury may look to such an agreement, in connection with all the other evidence, in determining whether the possession of the defendants has been adverse or not.'

"Charge 1 asserts a correct proposition of law, and giving it was not erroneous on any theory of the case. *Walker v. Wyman*, 157 Ala. 478, 47 So. 1001, and cases cited." *Cooper et al v. Slaughter*, supra.

Dependant
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. *555*

Spring Term, 19*40*

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon *John Smith*

if to be found in your County, at the instance of the *Dependant*

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 *9* day of *April - 1940* 193.....

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 *E. C. Gault* Plaintiff

and *Anna Dean & Nash Dean* Defendant.

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

Given under my hand and seal, this *6* day of *April - 194* 193.....

R. S. DUCK

R. S. Duck register Clerk.

Deputy

Dependants

ORIGINAL

No. *555*

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

C. C. Gantt

Plaintiff

VS.

*Anna Dean & Seat
Dean*

Defendant

CIVIL SUBPOENA

Issued this..... day of

193.....

No. 1234

clerk

Clerk.

By

Imp...

Received in office this..... day of

April 19*40*

W.R. Stuart
Sheriff.

I have executed this writ *this*
the 6th day of April 1940
by serving copy of writ
on Joe Smith

Sheriff.

W.R. Stuart
By M.B. Hamilton

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.

Case No. 555

CIRCUIT COURT

Spring, 1940 Term, 193.....

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon Harry Parker (Fairhope)

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 9th day of April, 1940 193.....

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 C. C. GANTT, Plaintiff

and Anna Dean and Noah Dean Defendant.

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

Given under my hand and seal, this 5th day of April, 1940 193.....

R. S. DUCK

clerk, R. S. Duck Clerk.

Deputy

Plaintiff

ORIGINAL

No. 555

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

C. C. GANTT,

Plaintiff

VS.

ANNA DEAN & NOAH DEAN

Defendant

CIVIL SUBPOENA

Issued this.....day of

R. S. DUGAN

193

clerk, - register

By

Deputy

Clerk.

Received in office this 5 day of

April

1940

W R Stuart

Sheriff.

I have executed this writ

4/5/4

Henry Parker

Sheriff.

W R Stuart
A P Smith

THE STATE OF ALABAMA,
Baldwin County.

No.

CIRCUIT COURT

April 6, Term, 194 6.

To Any Sheriff of the State of Alabama, Greetings:

You are hereby commanded, That of the goods and chattels, lands and tenements of
..... Plaintiff in the suit,
you cause to be made the sum of Fifty Six and 20/100. Dollars,
costs of suit, created by said Plaintiff, for that, whereas, on the 6th day of
April 194, the said Plaintiff ~~Recovered by the Judgment of the said Circuit Court~~ Dismissed said Suit
of said County, against Anna Dean et al. Defendant.....

to the suit, the sum of LL Dollars,
besides 56.20 costs only Dollars, cost of suit;

~~upon which Judgment an Execution has been issued and returned by the Sheriff. No Property Found.~~

AND HAVE YOU THAT MONEY ready to render to R. S. Duck,

Clerk of said Court, and make return of this Writ and the Execution thereof, according to law.

Witness my hand this 14th day of May 194 6.

..... Clerk.

CLERK'S FEES	Dollars Cts.		SHERIFF'S FEES	Dollars Cts.	
For every Summons and Complain.....	\$1	25	For Levying an Attachment	\$3	00
Each copy thereof	30	60	Entering and Returning Attachment.....	25	
Entering a Sheriff's Return.....	20	20	Summoning Garnishee	1	50
Docketing	25	25	Serving Summons on Writ <u>Stu,</u>	1	50
Entering Appearance	20	40	Serving Notice Sci. Fa. Notice, etc.....	65	
Filing	10	70	Serving <u>12</u> Subpoenas.....	65	10.05
Every Order made in Court	30	60	Empaneling Jury	75	75
Copy thereof	25		Entering and Returning Execution.....	25	1 50
Every Trial with or without Jury.....	75	75	Collecting Costs Execution	1	50
Entering up Judgment or copy thereof	30	60	Executing a Writ of Possession	2	50
Issuing Execution	50	50	Taking and Approving Bonds	1	00
Docketing Execution	25		Commissions		
Entering Return on Execution	20	20	Sheriff's Commission for Property Sold		
Issuing Subpoenas <u>17</u>	30	5 10	Under Attachment		
Administering Oath	25		Seizing Personal Property on Writ of		
Issuing Each Attachment Taking Bond	1 00		Detinue	3	00
Filing Attachment	10				15 30
Each Summons for Garnishee.....	50		RECAPITULATION		
Each copy	50		Clerk's Fees		17 90
Notice to Deft. in Garnishee on Sum-			Sheriff's Fees		15 30
mons and Copy, per 100 words.....	20		Justice's Fees		
Commissions to take Depositions or copy	75		Witness Fees in Justice of Peace Court		
Order to Execute Writ of Inquiry.....	30		Constable's Fees		
Copy of Interrogators, 15c per hundred			Commissioner's Fees		
words or	50		Printer's Fees		
Filing each Deposition and endorsing	20		Witness Fees in Circuit Court.....		14 00
same	20		Former Clerk's Fee		
Final Record, per hundred words.....	15	4 30	Stenographer's Fees	5	00
Every Certificate	50		Trial Tax	3	00
Taking Bond not otherwise provided for	75				
Witness Certificates <u>5</u>	25	1 25			
Continuance <u>7</u>	10	70			
Certificate of Judgment	50	50			
Order of Publication	1 00				
		17 90			56 20

THE STATE OF ALABAMA,
Baldwin County.

By virtue of the within execution, I have at.....

o'clock, M., this..... day of..... 194..... levied

COLLECTION COSTS FROM

The State of Alabama,
BALDWIN COUNTY }

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

This..... day of..... 194.....

..... Clerk.

Received in office.....

..... 194.....

..... Sheriff

Sheriff's Execution Docket, Page.....

Sheriff's Fee Book..... Page.....

..... Sheriff

No..... Page.....

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

Plaintiff....

vs.

Defendant....

Civil Execution for Costs
Against Plaintiff

Costs - - - - \$.....

Civil Fee Book..... Page.....

Execution Docket..... Page.....

Filed....., 194.....

..... Clerk.

Plaintiff's Attorney

Defendant's Attorney

C. C. South
and Frank Dean
Jury List, First Week, April 8, 1940

- ~~1. Dennis L. Thompson, Farmer, Stockton.~~
- ~~2. Ludie N. Scarborough, Farmer, Bay Minette.~~
- ~~3. Julius Hilary Brown, Cobbler, Bay Minette.~~
- ~~4. Ira V. Guess, Carpenter, Bay Minette.~~
- ~~5. Robert L. Godwin, Water Company, Bay Minette.~~
- ~~6. Virgil V. Rhodes, Farmer, Bay Minette.~~
- ~~7. Ort H. Ertzinger, Insurance, Bay Minette.~~
- ~~8. Charles A. Bodden, Mgr. Ala. Power Co., Bay Minette.~~
- ~~9. John E. Quinley, Laborer, Bay Minette.~~
- ~~10. William S. McMillan, Clerk, Bay Minette.~~
- ~~11. Wilton J. Stapleton, Farmer, Bay Minette.~~
- ~~12. John B. Stuart, Contractor, Bay Minette.~~
- ~~13. J. Floyd Bryars, Pressing Club, Bay Minette.~~
- ~~14. Wilbur W. Quinley, Farmer, Bay Minette.~~
- ~~15. James D. Morris, Jr., Farmer, Gateswood.~~
- ~~16. Thomas L. Baggett, Farmer, Gateswood.~~
- ~~17. John W. Pittman, Farmer, Gateswood.~~
- ~~18. Jack R. Downer, Farmer, Gateswood.~~
- ~~19. John H. Shumate, Mechanic, Robertsdale.~~
- ~~20. C. Red Anderson, Farmer, Silverhill.~~
- ~~21. Nathan O. Smith, Farmer, Foley.~~
- ~~22. Alex V. Lazari, Farmer, Daphne.~~
- ~~23. Charles X. Guarisco, Tailor, Daphne.~~
- ~~24. Augustine X. Guarisco, Farmer, Daphne.~~
- ~~25. Connie A. Gaston, Editor, Fairhope.~~
- ~~26. Charles M. Guthrie, Farmer, Fairhope.~~
- ~~27. J. Ernest Duck, Mechanic, Bay Minette.~~
- ~~28. Claude S. Woodson, Furniture, Bay Minette.~~
- ~~29. Paul E. Teter, Abstracts, Bay Minette.~~
- ~~30. Thomas J. Davidson, Butcher, Bay Minette.~~
- ~~31. Virgil O. McMillan, Turpentine Operator, Bay Minette.~~
- ~~32. Hunter H. Mixon, Hardware, Bay Minette.~~
- ~~33. Clyde N. Little, Mechanic, Bay Minette.~~
- ~~34. J. Frank Knowles, Newport, Bay Minette.~~
- ~~35. Clinton L. White, Cashier, Bay Minette.~~
- ~~36. P. Grey Cane, Oil Agent, Bay Minette.~~
- ~~37. Edward I. Lemerise, Tar Plant Operator, Bay Minette.~~
- ~~38. George F. Stevenson, Oil Agent, Bay Minette.~~
- ~~39. Walter D. White, Merchant, Bay Minette.~~
- ~~40. S. S. Baggett, Naval Stores, Bay Minette.~~
- ~~41. Sidney K. Smith, Merchant, Bay Minette.~~

November 9, 1948

I, NOAH DEAN have this day received from Alice J. Duck, one deed
of Anna Dean from George W. Philips et al which was dated 15th
day of January, 1934.

Signed

Noah Dean

C. C. GANTT,
Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,
Defendants.

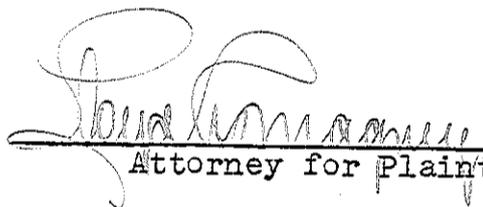
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

DEMURRER

Comes now the plaintiff and demurs to plea two of the defendants and as grounds of such demurrer says: 1. That said plea does not state any defense to the complaint; 2. That said plea does not present any issue in this cause.

Plaintiff further demurs to plea three of the defendants and as grounds of said demurrer says: 1. That said plea does not state any defense to the complaint; 2. That said plea does not present any issue in this cause.

Plaintiff further demurs to plea four of the defendants as grounds for such demurrer says: 1. That said plea does not state any defense to the complaint; 2. That said plea does not present any issue in this cause.


Attorney for Plaintiff.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

C. C. GANTT,

Plaintiff,

vs.

ANNA DEAN and NOAH DEAN,

Defendants.

DEMURRER

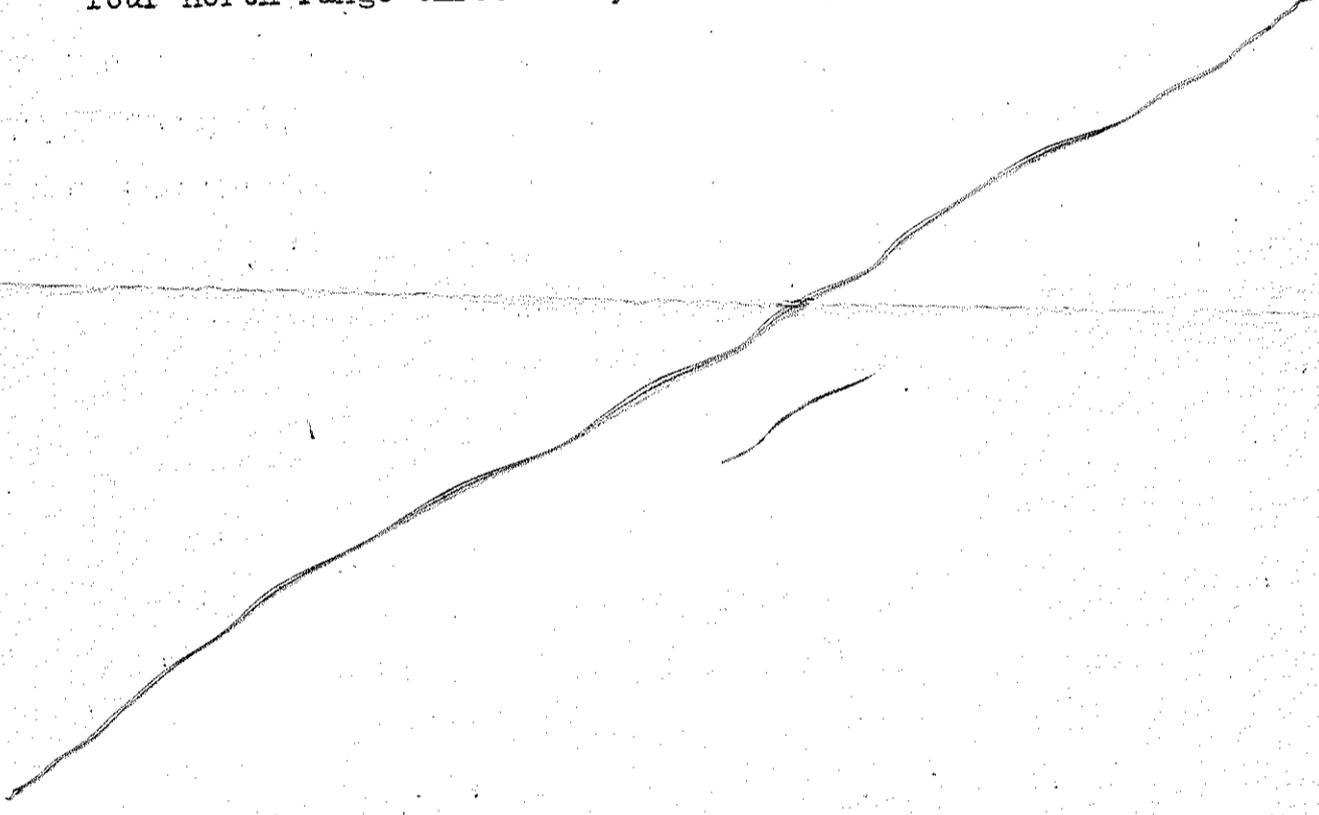
*Filed Feb 29-1940
R S Ducek
Clerk*

LLOYD A. MAGNEY
ATTORNEY AT LAW
FOLEY, ALABAMA

KNOW ALL MEN BY THESE PRESENTS, that

Bay City Lumber Company, a corporation, the grantor, in consideration of Two hundred and fifty dollars-----
do hereby acknowledged to have been paid to said grantor, and twenty four hundred and twenty seven and 50/100 dollars to be paid by C.C.Gantt, the grantee, does hereby grant, bargain, sell and convey unto the grantee all that real property in the County of Baldwin State of Alabama, described as follows:

The north half of the southwest quarter, and the southeast quarter of the southwest quarter of section twenty five, of township four north of range three east, and the northwest quarter and the east half of the southwest quarter of section thirty six, of township four north range three east, containing 315 acres, more or less,



Together with all and singular the rights, members, privileges and appurtenances thereunto belonging, or in anywise appertaining; to have and to hold the same unto the said grantee C.C.Gantt, his heirs and assigns forever.

And said Bay City Lumber Company

hereby covenant with the grantee that it is seized in fee simple of said property, that said property is free from all encumbrances and that it will warrant and will forever defend the title to said property unto the grantee its successors and assigns, against the lawful claims of all persons.

Handwritten signature or initials

The unpaid balance of said purchase money, to-wit, the sum of twenty four hundred and twenty seven and 50/100 (\$2427.50)

dollars, and to secure the payment of which a lien upon the property above described is hereby reserved, is represented by the following promissory notes:

One note for \$427.50, due on or before June 15, 1924

One note for \$400.00, due on or before December 15, 1924

One note for \$400.00, due on or before June 15, 1925

One note for \$400.00, due on or before December 15, 1925,

One note for \$400.00, due on or before June 15, 1926,

One note for \$400.00, due on or before December 15, 1926

Said notes shall bear interest from date, with interest payable June 1924, and on each six months thereafter, and said notes shall be payable at the banking house of First National Bank of Mobile, Alabama, *and are payable to grantor.*

By accepting this conveyance the grantee hereby agree, for himself and his heirs, personal representatives and assigns, so long as any part of said purchase money, or the interest thereon, remains unpaid, as follows:

1. To pay said notes and the interest thereon promptly upon maturity.
2. If there are any buildings now on said property, or if any buildings are hereafter erected thereon, to keep the same in good repair and insured against fire by policies made payable to and deposited with, and in such amount, not exceeding the indebtedness secured hereby and not exceeding the value of said buildings, as may be required by;
3. To pay promptly all taxes, assessments, liens or other charges which may hereafter become effective against said property, together with all penalties, costs, and other expenses incurred, or which may accrue, in connection therewith.
4. That if the grantor shall, upon the happening of any default hereunder, resort to litigation for the recovery of the sums hereby secured, or employ an attorney to collect said sums, the grantee will pay all reasonable costs, expenses and attorney's fees thus incurred; and said costs, expenses and attorney's fees, and any other sum or sums due the grantor by virtue of any of the special liens herein declared, may be included in any judgment or decree rendered in connection with said litigation.
5. That if the grantee should fail to perform any of the duties herein specified the grantor may perform the same, and for any sums expended by the grantor in this behalf the grantor shall have an additional lien, secured by these presents, on said property.

6. That upon the happening of a default in the payment of any of said principal notes, or of any installment of interest thereon, or upon any default in the performance of any of the obligations herein imposed on the grantee, and the continuance of said default uncorrected for a period of fifteen days, the grantor shall have the right to sell said property at public outcry in the city of Mobile, for cash, to the highest bidder, after giving ten days notice of the time and place of sale by an advertisement published in three different issues of a newspaper published in the city of Mobile; to make proper conveyance to the purchaser; and the proceeds of said sale to apply, first, to the payment of the costs of said sale, including a reasonable attorney's fee; second, to the payment of the amount of said principal note, whether due or not, with the unpaid interest thereon to the date of sale, and any amount that may be due the grantor by virtue of any of the special liens herein declared; and third, the balance, if any, to pay over to the said

7. That at any sale under the powers herein the grantor may bid for and purchase said property like a stranger hereto.

8. That the word grantor, wherever herein used, is intended to include also the successors and assigns of the grantor.

In witness whereof, the Bay City Lumber Company, a corporation, has caused this deed to be executed by A. L. Staples, as its president, and its corporate seal to be hereunto affixed and attested by H.B. Pake, ^{as C.C. Sents has set his hand & seal in duplicate} as its Secretary, on this the 2nd day of April, 1924.

C.C. Sents (Seal)

BAY CITY LUMBER COMPANY

By *A. L. Staples*
President

Attested by

H. B. Pake
Secretary



The State of Alabama,
Mobile County.

I, *J. P. Pugh*, a notary public in and for Mobile County, Alabama, hereby certify that A. L. Staples, whose name as President of the Bay City Lumber Company, a corporation, and H. B. Pake, whose name as Secretary of the said corporation, are signed to the foregoing conveyance, and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers, and with full authority, executed the same voluntarily for and as the act of said corporation. Given under my hand this 2nd day of April, 1924.

THE STATE OF ALABAMA,
MOBILE COUNTY.

I, *J. P. Pugh*, Notary Public in and for Mobile County, Alabama.
I, *J. P. Pugh*, a Notary Public in and for said County in said State, hereby

certify that *C. C. Sents*

whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day, that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date.

Given under my hand,

this 2nd day of April 1924.

J. P. Pugh
NOTARY PUBLIC, MOBILE COUNTY, ALA.





WARRANTY DEED
(WITH VENDOR'S LIEN)

TO

118
11/17

THE STATE OF ALABAMA } PROBATE COURT

1 BALDWIN COUNTY } Filed in office this *18* day of *July* 19*32* at *11:30 AM*

and duly recorded in *Deed* Book No. *48 N 23*

pages *347*; and I certify that § *50* etc.

license or privilege tax, paid as required by an Act of

the Legislature, approved September 14, 1923; and

§ *3* etc. license or privilege tax, paid as re-

quired by an Act of the Legislature, approved August

22, 1923.

G. W. Thompson
Judge of Probate

11/17
11/17
11/17
11/17
11/17
11/17

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. 555

Spring Term, 1940

To any Sheriff of the State of Alabama, GREETING:

You are hereby commanded to summon

J. D. Driesbach, J. T. Combie,
Sam S. Kipp, Charles E. Gault

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 10 day of April 1940

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 C. E. Gault Plaintiff

and Anna Dean et al Defendant.

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

Given under my hand and seal, this 10 day of April 1940

R. S. Deuch

Clerk.

Received in office this 10 day of

April

1940

WR Stuart

Sheriff.

I have executed this writ

4/10/1940

in full

WR Stuart

Sheriff.

By M. B. Hamlett D.S.

11 ORIGINAL

No. 505

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Plaintiff

VS.

Defendant

CIVIL SUBPOENA

Issued this.....day of

193.....

Clerk.