

728

FIRST JOINT STOCK LAND BANK OF  
MONTGOMERY, a Corporation,

Plaintiff,

VS.

JOHN L. STYRON, et al,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 728.

TO JOHN L. STYRON AND LELA STYRON, DEFENDANTS, AND H. E. SMITH,  
THEIR ATTORNEY OF RECORD:

Notice is hereby given you to produce at the trial of  
this cause on November 2, 1942, the Plaintiff's original demand for  
possession of the property sued for in the following words and  
figures, to-wit:

Mr. John L. Styron  
Bay Minette, Alabama

"October 6, 1941

Dear Sir:

Re: Loan No. 1292 - J. L. Styron.

The mortgage executed by you and your wife, Lela  
Styron, to the First Joint Stock Land Bank of Montgomery,  
dated July 1, 1927, and recorded in the office of the Judge  
of Probate of Baldwin County, Alabama, in Book No. 40 of  
Mortgages, pages 476-8, was foreclosed on September 26th, 1941.  
The land described therein was purchased at the sale by the  
First Joint Stock Land Bank of Montgomery, who was the highest,  
best and last bidder for the property.

The First Joint Stock Land Bank of Montgomery hereby  
demands from you immediate possession of the land described as  
follows:

The North half of the Northwest quarter, the Southeast  
quarter of the Northwest quarter and the East half of the South-  
west quarter of the Northwest quarter of Section Four (4), Town-  
ship Four (4) South, Range Four (4) East of St. Stephens Merid-  
ian, containing in the aggregate One Hundred and Forty (140)  
acres, more or less.

This demand is made in compliance with Sec. 10143 of  
the Code of Alabama, 1923, under which a failure to deliver  
possession within ten days forfeits your right of redemption.

Very truly yours,

The First Joint Stock Land Bank  
of Montgomery,

By (Signed) J.M. Williams, Jr.  
J.M. Williams, Jr.,  
Attorney

Registered - return receipt requested."

Upon your failure to produce the said original  
instrument, secondary evidence of its content will be introduced.

J. B. Blackburn  
Attorney for Plaintiff.

Service accepted this 24th day of Oct, 1942

H. E. Smith  
att. for Def.

NOTICE TO PRODUCE DOCUMENT

THE FIRST JOINT STOCK LAND BANK  
OF MONTGOMERY, a Corporation,

Plaintiff,

VS.

JOHN L. STYRON AND LELA STYRON,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.          NUMBER 728.

*Filed Dec 2 1942*  
*J. S. [unclear]*  
*[unclear]*

The First Joint Stock Land Bank	:	
of Montgomery, a Corporation,	:	
Plaintiff,	:	
	:	IN THE CIRCUIT COURT OF
vs	:	BALDWIN COUNTY, ALABAMA
	:	AT LAW
John L. Styron and Lela Styron,	:	
Defendants.	:	

DEFENDANT'S MOTION.

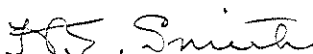
Come the defendants in the above entitled cause and allege unto the Court and your Honor as follows:

An equitable question, the decision of which should dispose of the cause and which cannot be disposed of in the law side of the Court, depends upon the assertion of an equitable right, which right the parties defendant hereto hereby assert, by this their written motion filed in this the above entitled cause; and,

Such parties defendant, namely: the said John L. Styron and Leila Styron, do state the substance of such equitable right or rights to be as follows:

The right to recover possession of the property described in the complaint filed by plaintiff in said cause is based and predicated upon a foreclosure deed secured by plaintiff upon a purported foreclosure of a mortgage given by defendants, conveying the property described in said complaint to plaintiff, which said property was conveyed to the plaintiff at the foreclosure sale held by the auctioneer conducting the sale, which said sale was shown by the said foreclosure deed to have been held on the 26th day of September, 1941. The said deed discloses that said real estate was sold to plaintiff for a lump sum of \$700.00, and does not disclose whether was sold en masse, or offered for sale in parcels and en masse. The price bid by plaintiff, namely: \$700.00, was grossly inadequate to or less than the reasonable market value of said property at the time of said sale. The defendants were not served with nor given written demand, after said foreclosure, for the possession of said real property, and plaintiff fails or refuses to furnish or supply defendants, after demand by defendants in writing for the same, with a written itemized statement of the debt and all lawful charges, and, further, denies that defendants have a legal right to redeem said property although two years have not elapsed from the date of said foreclosure and although plaintiff made no written demand of defendants for possession of the said real estate. At the time of foreclosure sale as aforesaid, the defendants were not in default in the payment of the debt secured by the said mortgage, and an accounting is therefore necessary to determine what amount or amounts are due and owing to the plaintiff by virtue of said mortgage debt, such accounting to be held on the equity side of this court and defendants pray to be permitted to redeem the said property from said mortgage debt and all lawful charges.

WHEREFORE, the premises considered, defendants pray that your Honor will enter an order or decree transferring the above entitled cause from the law side to the equity side of this court.

  
 as Attorney for the Defendants,  
 John L. Styron and Leila Styron.

STATE OF ALABAMA, )  
BALDWIN COUNTY. )

IN THE CIRCUIT COURT. AT LAW.

Personally appeared before me, Herbert C. Weston  
a Notary Public in and for said State and County, John L.  
Styron, who, being first by me duly sworn, deposes and says  
that he is one of the defendants in foregoing cause and that  
he, the said John L. Styron, has knowledge of the facts stated  
in the foregoing motion or pleading, and that all of the facts  
stated therein are true. The said John L. Styron further  
deposes and says that he, the said John L. Styron, is over the  
age of twenty-one years.

John L. Styron

Sworn to and subscribed before me on this the 26th  
day of Oct ~~March~~, 1942.

Herbert C. Weston  
Notary Public, Baldwin County,  
Alabama.

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Executed this the  
30<sup>th</sup> day of October  
1942 by Serving a  
Copy of the within  
Writ on J.B. Blockham  
as atty for the Plaintiff

W.R. Scott  
Sheriff

by A.D. Smith  
DS

Filed Oct 30/42  
R. Duck

The First Joint Stock Land )  
Bank of Montgomery, a )  
Corporation, Plaintiff )

-Vs-

John L. Styron and Lela )  
Styron, Defendants )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

The defendants by this their notice in writing to  
the plaintiff demand of the plaintiff an abstract in  
writing of the title or titles on which plaintiff will  
rely for recovery of the real estate described in the  
complaint filed in the above entitled cause.

John L. Styron

By H.E. Smith  
as his attorney

Lela Styron

By H.E. Smith  
as her attorney

*Service accepted*  
*2.28.44*

*J. B. Blackburn*  
*atty for Pl.*

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

The First Joint Stock Land  
Bank of Montgomery, a  
Corporation, Plaintiff

vs.

John L. Styron and Lela  
Styron, Defendants

RECORDED

Filed 2/28/42  
P. H. H. H.  
Clerk



The First Joint Stock Land  
Bank of Montgomery, a  
Corporation, Plaintiff

-Vs-

John L. Styron and Lela  
Styron, Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

The defendants make this their written demand of plaintiff, the purchaser, for a statement in writing of the debt and all lawful charges claimed by such purchaser under and by virtue of mortgage dated July 1, 1927, executed by defendants to plaintiff and recorded in the office of the Probate Judge of said State and County in Mortgage Book or Record No. 40 at pages 476 to 478.

John L. Styron

By A. E. Smith  
as his attorney

Lela Styron

By A. E. Smith  
as her attorney

*Service accepted*

*2-28-42*

*J. B. Blachman*

*att. for Pl.*

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RECORDED

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

The First Joint Stock Land  
Bank of Montgomery, a  
Corporation, Plaintiff

-Vs-

John L. Styron and Lela  
Styron, Defendants

Filed 2-28-1942  
J. D. Jones  
Clerk

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John L. Styron and Lela Styron 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 same, then and there to answer the complaint of The First Joint Stock Land Bank of Montgomery, a Corporation.

Witness my hand this 26th day of January, 1942.

R. D. Deak

Circuit Clerk.

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THE FIRST JOINT STOCK LAND BANK  
OF MONTGOMERY, a Corporation,

Plaintiff,

VS.

JOHN L. STYRON AND LELA STYRON.

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

The Plaintiff sues to recover possession of the following described tract of land in Baldwin County, Alabama, to-wit:

North Half of Northwest Quarter; Southeast Quarter of Northwest Quarter; East Half of Southwest Quarter of Northwest Quarter of Section Four (4) Township Four (4) South Range Four (4) East.

of which it was in possession and upon which pending such possession and before the commencement of this suit the Defendants entered and unlawfully withhold, together with One Hundred Dollars for the detention thereof.

Q. T. Blockum

Attorney for Plaintiff.

Executed & January  
26<sup>th</sup> 1942 by  
Serving copy of  
the Within, Summons  
& Complaint on  
John L. Styron &  
Lela Styron, Defendants  
W. R. Stuart  
Sheriff

728  
(Original)

**RECORDED**

SUMMONS AND COMPLAINT

THE FIRST JOINT STOCK LAND BANK  
OF MONTGOMERY, a Corporation,

Plaintiff,

VS.

JOHN L. STYRON AND LELA STYRON,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW.

Filed 1-26-42

R. S. Duck  
Clerk

J. B. BLACKBURN  
ATTORNEY AT LAW  
BAY MINETTE, ALABAMA

The First Joint Stock Land Bank  
of Montgomery, a Corporation,  
Plaintiff,

-vs-

John L. Styron and Lela Styron,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Come the defendants, John L. Styron and Lela  
Styron, and, to the complaint filed in said cause, say and  
plead as follows:

1. NOT GUILTY.

H. E. Smith  
Attorney for defendants.

738  
Curt

RECORDED

Filed Jul 26 1945.  
Curt  
Curt

Plaintiff,

**VS.**

Defendants.

AT LAW.

DEMURRER OF DEFENDANTS.

Comesthe defendants, John L. Styron and Lela Styron, and demurx to the complaint filed in this cause and set down and assign, separately and severally, the following causes therefor, namely:

1. The said complaint does not state a cause of action.
2. The said complaint does not show an unlawful entry by these defendants.

Attorney for defendants.

The defendants, John L. Styron and Lela Styron, demand a trial by jury of the above cause.

Attorney for defendants.

RECORDED

Filed Feb. 25th, 1942

R. S. Lusk  
Clerk



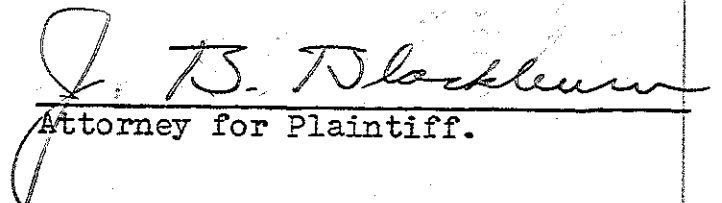
THE FIRST JOINT STOCK LAND BANK  
OF MONTGOMERY, a Corporation,  
Plaintiff,  
VS.  
JOHN L. STYRON and LELA STYRON,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 728.

DEMURRER.

Now comes the plaintiff and demurs to the motion filed by the defendants to transfer this cause to the Equity docket of this Court and as grounds therefor sets down and assigns, separately and severally, the following:

1. There is no equity in the motion.
2. The movants or defendants do not offer to do equity.
3. It affirmatively appears from the motion that the movants or defendants are guilty of laches.
4. It affirmatively appears that the defendants do not come into equity with clean hands.
5. It does not allege that the defendants have paid the plaintiff the full amount due on the said mortgage, together with all legal and proper charges or allege facts to excuse such failure.
6. It does not allege that the defendants have paid into court the full amount due on the said mortgage, together with all legal and proper charges or allege facts to excuse such failure.
7. It does not allege that the defendants have tendered to the plaintiff the full amount due on the said mortgage, together with all legal and proper charges or allege facts to excuse such failure.

  
Attorney for Plaintiff.

Executed this the 31st  
day of October 1942  
by Serving a copy  
off the within Demurrer  
on H.E. Smith as atty  
for the Defendants

W.R. Stuart  
Sheriff  
by  
A.P. Smith  
D.S.

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DEMURRER OF PLAINTIFF TO DEFEND-  
ANT'S PETITION TO TRANSFER CAUSE

THE FIRST JOINT STOCK LAND BANK OF  
MONTGOMERY, a Corporation,

Plaintiff,

VS.

JOHN L. STYRON AND LELA STYRON,  
Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW. NUMBER 729.

Filed on this the 31st day of  
October, 1942.

R.S. Luck  
Clerk

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The State of Alabama,  
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA.—GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON M D Cox.

Stockton. Ala.

at the instance of the Defendant., if he should be found in your County, personally  
to be and appear before the Circuit Court of Baldwin County at the present term thereof, to be holden at the Court  
House in Bay Minette Ala wit: on the 2nd. day of November., 1942.  
at 10 am., and to bring with him and produce at the time and place aforesaid, to be used as evidence

(here describe it),

Canceled Checks Payable to the First Joint Land, Bank.

In the Amount of \$200.00 the Account of J L Styron.

and then and there testify and the truth to speak concerning all and singular those things of which he may have knowl-  
edge, or the said instrument of writing doth import of, and concerning, and concerning a certain suit now pending and  
undetermined in said Court, wherein First Joint Stlek Land Bank. Plaintiff  
and J L Syron et al. Defendant.

And this he shall in nowise omit, under penalties of what the law directs, and shall have you, then and there this writ  
with your endorsement thereon in what manner you have executed same.

Witness my hand, this 29th day of Oct. 1942

*R. S. Duck*

Clerk.

Executed this the  
30<sup>th</sup> day of October  
1942 by serving  
a copy of the within  
subpoena on  
M.D. Cox

W.R. Stuart  
Sheriff  
by  
J.P. Smith  
D.S.

No. 728.

THE STATE OF ALABAMA  
Baldwin County

First Joint Stock. Land Bank,

Plaintiff

VS. SUBPOENA DECUS TECUM

J L Styron et al.

Defendant.

CIRCUIT COURT

WITNESSES:

M D Cox.

Stockton. Ala.

SET FOR TRIAL

2nd. day of Nov. 1924

GILL PTG. CO., MOBILE