

THE STATE OF ALABAMA)
COUNTY OF BALDWIN.)

C. A. GERHART, ADMINISTRATOR)
OF THE ESTATE OF FRANK L.)
BALLENGER, Deceased, with the)
Will annexed, and as Adminis-)
trator of the Estate of Alice)
P. Ballenger, Deceased, Herbert)
Dona Pratt, Clarence K. Pratt and)
Georgiana Pratt Janetz,)
Complainants,)
Vs.)
ARTHUR T. BONNER,)
Respondent.)

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

Comes the Respondent and demurs to the Bill of Complaint herein exhibited against him and separately and severally to each and every paragraph thereof, and each alternative thereof, and separately and severally to each and every aspect, phase, theory, matter, thing, alternative and averment therein contained, and separately and severally to the prayer, and separately and severally to each paragraph and alternative of the prayer, and separately and severally to each form, character, species, alternative and item of the relief prayed for therein, sets down and assigns the following separate and several grounds of demurrer, separately to each, to-wit:

1. The same contains no equity.
2. The same is vague, indefinite and uncertain in its averments.
3. The same shows on its face that Complainants have no right to maintain this suit.
4. The same shows that said lands therein described were sold for taxes and that this Respondent has a tax deed therefor.
5. The same shows that said lands therein described were sold for taxes and that this Respondent has a tax deed therefor, and the same does not aver or show that Complainants, or anyone of them, have complied with the law necessary to redeem said property.
6. The same shows that said lands therein described were sold for taxes and that this Respondent has a tax deed therefor, and the same does not aver or show that Complainants, or either one of them, tendered to this Respondent the amount required by law to effect redemption of said property within the time allowed and provided by law.
7. The same does not aver or show that said lands therein described were not subject to be sold for the payment of the taxes for which the same was sold.
8. The same does not aver or show that Complainants have the legal title to the property therein described.
9. The same shows that this Respondent has the legal title to the property therein described and that Complainants have no right to maintain the same.

10. The same does not aver or show the ages of Complainants.

11. The same does not allege or show whether Complainants are over or under the age of twenty-one years.

12. The same does not set out or show any facts therein on which averment that Complainants owned the property therein described may be based.

13. The same does not set out or show any facts therein on which the averment that Complainants owned the property therein described may be based, and the same does show that Complainants have lost what title they had by virtue of the tax sale therein referred to.

14. The same shows that this Respondent is entitled to the possession of the property therein described and that the Complainants are not entitled to possession thereof.

15. The same does not aver or show that said property therein described was not subject to taxation.

16. The same does not aver or show that Complainants paid the taxes on the property therein described prior to the time of said sale therein referred to for said taxes.

17. The same does not aver or show what, if anything, Complainants have done to effect redemption of said property.

18. The same does not aver or show whether Complainants are in the actual or constructive possession of said lands.

19. The same does not aver or show what interest each of the Complainants have in and to said lands therein described.

20. The same does not allege or show whether the Complainant, C. A. Gerhart owned said lands in his own right or as a personal representative.

21. The same is inconsistent in that the same avers that Complainants owned the property therein described and then Complainants set out therein facts showing that the legal title in and to said property is in this Respondent.

22. The same shows no right on the part of the Complainants to maintain the Bill of Complaint herein.

23. The same does not aver or show that said tax sale therein referred to was irregular or was not legally and properly conducted.

24. The same does not allege or show that Complainants tendered to Respondent any sum of money prior to the institution of this suit, in connection with the matters/things therein referred to.

and
25. The same does not aver or show that Respondent does not have a legal title to the property therein referred to.

26. The same seeks to implead this Respondent in this cause and shows on its face that Complainants have no right under the averments therein contained to institute this suit.

27. The same does not aver or show that Complainants, nor any of them, made application to the State Land Commissioner or to the Probate Judge of Baldwin County, Alabama, or to Respondent, or to any one else or did anything else to effectuate the redemption of the property described in the Bill of Complaint before the filing of this suit.

court of equity.

43. If Complainants have any rights, the same shows that Complainants have a plain and adequate remedy at law.

44. If Complainants have any rights, the same shows that Complainants have a plain and adequate remedy at law, and Complainants do not aver therein that they have resorted to the remedies provided by law, and the same is, therefore, improperly in this court.

45. The same shows that Complainants have resort to legal remedies for any rights they may have, and the same is, therefore, improperly filed in equity.

46. The laws of Alabama have prescribed the manner and method by which the rights therein asserted by Complainants may be obtained, and the law prescribed that these things must be done in a different forum, and, therefore, the same are improperly asserted in a court of equity.

47. The same shows that this Respondent is entitled to demand a deed for the lands therein described in connection with the said tax sale therein referred to, and that this suit was not begun before the Respondent was entitled to demand a deed, and any rights Complainants have are barred by the statute of limitations.

48. The same shows that this Respondent is entitled to demand a deed for the lands therein described in connection with the said tax sale therein referred to, and that this suit was not begun before the Respondent was entitled to demand a deed, and any demands or rights Complainants have or may have had are stale demands, and Complainants are now precluded from asserting the same.

49. The same does not aver or show that Complainants paid the taxes for which said lands therein described were sold.

50. The same does not call upon this Respondent to set forth and specify his title, claim, interest or encumbrance upon the lands described therein and how and by what instrument the same is derived and created.

51. The same does not allege or show that there is no suit pending to enforce or test the validity of the Respondent's title, claim or encumbrance upon, in and to the lands described therein.

REUBEN H. WRIGHT

WARD W. McFARLAND

Solicitors for Respondent.

NOTE:

The address of Respondent's Solicitors is 201-10 Alston Building, Tuscaloosa, Alabama.

REUBEN H. WRIGHT

WARD W. McFARLAND

Solicitors for Respondent.

court of equity.

43. If Complainants have any rights, the same shall be determined by law, and Complainants have a plain and adequate remedy at law.

44. If Complainants have any rights, the same shall be determined by law, and Complainants have a plain and adequate remedy at law, and Complainants do not ever intend that they have resorted to the remedies provided by law, and the same is, therefore, properly in this court.

45. The same shows that Complainants have resorted to legal remedies for any rights they may have, and the same is, therefore, properly filed in equity.

46. The laws of Alabama have prescribed the manner and method by which the rights therein asserted by Complainants may be obtained, and the law prescribed that these things must be done in a different form, and, therefore, the same are imperatively asserted in a court of equity.

47. The same shows that this Respondent is entitled to demand a deed for the lands therein described in connection with the said sale therein referred to, and that this suit was not begun before the Respondent was entitled to demand a deed, and any rights Complainants have are barred by the statute of limitations.

48. The same shows that this Respondent is entitled to demand a deed for the lands therein described in connection with the said sale therein referred to, and that this suit was not begun before the Respondent was entitled to demand a deed, and any demands or rights Complainants have or may have had are barred, and Complainants are now precluded from asserting the same.

49. The same does not aver or show that Complainants held the same for which said lands therein described were sold.

50. The same does not call upon this Respondent to set forth and specify his title, claim, interest or ownership upon the lands therein described and how and by what instrument the same is derived.

51. The same does not aver or show that there is no suit pending in any court or best the way of the Respondent's title, or that the Respondent, in and to the lands described therein, is a party to a contract.

WILLIAM E. WILSON

AND A. HORN

Solicitors for Respondent.

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AND A. HORN

Solicitors for Respondent.

O. A. GERHART, Adm.
J. M. ALLEN, Jr.
Complainants.
ARTHUR F. BONNER,
Respondent.

copy

Arthur, Allen & Bonner

NOTE:

The address of Respondent's Solicitors is 201-10 Alston Building, Tuscaloosa, Alabama.

EX PARTE

THOMAS MELVIN COURTNEY,
a Minor.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to serve a copy of the amended petition in the foregoing cause upon the said minor, Thomas Melvin Courtney, and to command the said minor to be and appear before the Honorable Circuit Court within three weeks from the time of service of copy of said petition on him, then and there to answer the said petition.

WITNESS my hand this the 6 day of April, 1938.



Clerk.