

1312

THOMAS J. EARLE,

Plaintiff,

VS.

DAVID HARRIS and LULA HARRIS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 1312.

PLEA

Now come the Defendants, each separately and severally,
and for answer to the complaint filed in this cause, say:

1. Not guilty.

J. B. Blackman
Attorney for Defendants.

PLEA

RECORDED

THOMAS J. EARLE,

Plaintiff,

VS.

DAVID HARRIS and LULA HARRIS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 1312.

FILED

MAR 28 1949

ALICE L. DUCK, Clerk

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS and
LULA HARRIS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

INTERROGATORIES PROPOUNDED TO EACH
OF THE DEFENDANTS BY THE PLAINTIFF

1. Are you in possession of the lands described in the Complaint filed in the above styled cause and were you in possession of such lands at the time of filing said Complaint? (a) If you state that you are not in possession of all of the lands described in said Complaint, are you in possession of any part of the lands described in said Complaint? (b) Are you in possession of any land located in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, if so, will you please attach to your answers to these Interrogatories a correct description of the lands now in your possession located in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of said Section? (c) Do you claim to be the owner of the lands now under your possession located in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, if so, please attach to your answers to these Interrogatories a copy of any deed to you, if you claim to hold title by deed? (d) Do you claim to be the owner of the lands described in the Complaint filed in the above styled cause and if so, will you please attach to your answers to these Interrogatories a certified copy of your deed to such land, if you claim title under any deed? (e) If you claim to be the owner of any of the lands described in the Complaint filed in this cause by inheritance, will you please state the name or names of the persons under whom you claim to have inherited said lands and when you inherited the same? (f) If you do not claim to be the full owner of said lands, what interest do you claim to own in such lands?

2. If you are in possession of the lands described in the Complaint filed in the above styled cause or any part thereof, when did you come into possession of such land? (a) Were you in possession of such lands on March 16, 1946?

3. If you do not claim to own any interest in the lands described in the Complaint or any part thereof, who put you in possession of said lands and who are you claiming gave you the right to occupy the same? (a) If you are in possession of the lands described in the Complaint or any part thereof under a written agreement with anyone, please attach to your answers to these Interrogatories a copy of such written agreement? (b) If you state that you are in possession of the lands described in the Complaint or any part thereof under an oral agreement with anyone, please give the name of the party who made the agreement with you and the contents of such agreement?

4. Is there a house located on the lands described in the Complaint and are you living in such house? (a) If your answer is that there is a house on said land, was that house located on said land on March 16, 1946? (b) Is that house located in the South half of the Southeast Quarter of Section 17, Township 3 North, Range 3 East?

5. If you state that you own any interest in any part of the lands described in the Complaint or that you own any interest in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, please attach to your answers to these Interrogatories a copy of all conveyance to you or your predecessors in title from the United States Patent conveying said lands down to you, said copies to be duly certified if such deeds are recorded? (a) If you state that you claim any interest in the lands described in the last question by inheritance, please state in detail who you inherited said interest from and when?

6. Have you ever paid State and County taxes on the South half of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, or the lands described in the Complaint filed in the above styled cause or any part thereof, if so, please attach to your answers to these Interrogatories a copy of the receipt you hold showing payment of such taxes and attach to your answers to these Interrogatories a statement showing the years when you assessed such lands or any part thereof, or paid such taxes.

INTERROGATORIES PROPOUNDED

TO DEFENDANTS

DAVID HARRIS, and
JOHN J. EVARTS,
as
Defendants.

STATE OF ALABAMA
BALDWIN COUNTY,

Defendants

THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

WVW SIDE

Hybart, Chason & Stone

Attorney for Plaintiff.

before me, Alice L. Miller, a Notary Public,

in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That he is one of the Attorneys of Record for the Plaintiff in the above styled cause; that if the answers to the Interrogatories propounded to the Defendants are well and truly made, they will be material evidence for the Plaintiff on the trial of this cause.

Sworn to and subscribed before
me, this 14th day of April, 1949.

Alice L. Miller

Notary Public, Baldwin County,
Alabama.

Witness.
HONORABLE JUDICIAL BALDWIN COUNTY,

David L. Harris

ME, THIS 14th day of April, 1949.

Known to and subscribed before

of this cause.

made, they will be received evidence for the Plaintiff on the trial

Interrogatories propounded to the Defendants are well and truly

Plaintiff in the above styled cause; that it be answered to the

that he is one of the Attorneys of Record for the

above, both before and any other court as follows:

who is known to me and who either paid by me first duly and legally

in and for said State and County, personally received from Plaintiff

BALDWIN COUNTY,

STATE OF ALABAMA

Plaintiff,

Defendants.

INTERROGATORIES PROPOUNDED
TO DEFENDANTS.

THOMAS J. EARLE,

vs.

DAVID HARRIS and
LULA HARRIS,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

Filed April 24th 1949.

Clerk.

HARRIS, HARRIS & STONE

or any other person; or being in the possession of any such papers or documents.

copies of such papers and attach to your answers to these interrog-

atories. These interrogatories are a copy of the receipt you hold showing pay-

ment of any debt thereof. If so, please attach to your answers to

or the lands described in the complaint filed in the above styled

the Southern Quarter of Section 14, Township 3 North, Range 3 West,

South half of the Southern Quarter and the Northeast Quarter of

6. Have you ever paid State and County taxes on the

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS AND
LULA HARRIS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to deliver to Thomas J. Earle, Plaintiff in the above styled cause, possession of the lands and tenements which the said Thomas J. Earle recovered of David Harris and Lula Harris by the Judgment of the Circuit Court of Baldwin County, Alabama, rendered on the 6th day of September, 1949, to-wit:

From the Southeast corner of Section 17, Township 3 North, Range 3 East, Baldwin County, Alabama, run West 220 feet to the point of beginning; thence run West 298 feet to a point; thence North 87 degrees 30 minutes West, 402.2 feet to a point; thence North 20 degrees West 923.2 feet to a point; thence East 1054.2 feet to a point; thence South 2 degrees, 30 minutes West 884 feet to the point of beginning, containing 17.5 acres, more or less.

You are further commanded of the goods and chattels, lands and tenements of the said David Harris and Lula Harris, you cause to be made the sum of \$43.60 cost of suit and make return of this Writ and the execution thereof according to law.

Witness my hand this 18th day of January, 1950.

Archie J. Elmer
Clerk.

Received in Sheriff's Office
this 18 day of Jan. 1950
TAYLOR WILKINS, Sheriff

Writ of Possession 2-20-50

executed by serving copy of
the within on David
Harris 1-20-50 and by
giving Thomas Earle
possession of the within
described property 2-20-50

Taylor Wilkins Sheriff
Paye + Hall P.S.

Ms. 1312

RECORDED

WRIT OF POSSESSION

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS AND LULA
HARRIS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

Filed January 18th, 1950.

Derick W. W. W.
Clerk.

THOMAS J. EARLE,

Plaintiff,

VS.

DAVID HARRIS AND LULA HARRIS,
Defendants,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
LAW SIDE.

ANSWERS TO INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO THE
DEFENDANTS

Come the Defendants in the above styled cause and in answer to the interrogatories heretofore propounded by the Plaintiff to the Defendants, say:

1. We are in possession of the lands described in the Complaint and we were in possession of said lands at the time of filing said Complaint.

a. Requires no answer.

b. We are in possession of the lands described in the Complaint.

c. We claim to be owners of an undivided interest in the lands described in the Complaint. We do not claim title by deed.

d. We claim to be owners of an undivided interest in the lands described in the Complaint. We do not claim title by deed.

e. We claim to be owners of an undivided interest in the lands described in the Complaint by inheritance. We claim under Aretemia Harris, who died in 1936, and Susie English, who died in 1939.

f. We claim to own an undivided four-ninety-sixth interest in said land.

2. David Harris has been living on said lands all of his life. Lula Harris has been living on said lands since she married David Harris.

a. Yes.

3. Requires no answer.

a. Requires no answer.

b. Requires no answer.

4. There is a house located on said lands and we are living in the house.

a. Yes.

b. Yes.

5. We do not have any conveyances in our possession, and consequently cannot furnish copies of conveyances.

a. We inherited an undivided three-ninety-sixth interest in said lands from Aretemia Harris in 1936. We inherited an undivided one-ninety-sixth interest in said lands from Susie English in 1939.

6. We have never paid taxes on said lands in our own names.

David Harris

Lula Harris

Sworn to and subscribed before me
on this the 6th day of July, 1949.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama.

RECORDED

Answers to Interrogatories

FILED

JUL 11 1949

ALICE J. DUCK, Clerk

RECEIVED: JUNE 10, 1949

EN ROUTE TO THE COURT

RECEIVED

THE COURT HAS BEEN ADVISED

RECEIVED

RECEIVED: JUNE 10, 1949

RECEIVED: JUNE 10, 1949

RECEIVED

RECEIVED

RECEIVED

RECEIVED: JUNE 10, 1949

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS and
LULA HARRIS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

INTERROGATORIES PROPOUNDED TO EACH
OF THE DEFENDANTS BY THE PLAINTIFF

1. Are you in possession of the lands described in the Complaint filed in the above styled cause and were you in possession of such lands at the time of filing said Complaint? (a) If you state that you are not in possession of all of the lands described in said Complaint, are you in possession of any part of the lands described in said Complaint? (b) Are you in possession of any land located in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, if so, will you please attach to your answers to these Interrogatories a correct description of the lands now in your possession located in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of said Section? (c) Do you claim to be the owner of the lands now under your possession located in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, if so, please attach to your answers to these Interrogatories a copy of any deed to you, if you claim to hold title by deed? (d) Do you claim to be the owner of the lands described in the Complaint filed in the above styled cause and if so, will you please attach to your answers to these Interrogatories a certified copy of your deed to such land, if you claim title under any deed? (e) If you claim to be the owner of any of the lands described in the Complaint filed in this cause by inheritance, will you please state the name or names of the persons under whom you claim to have inherited said lands and when you inherited the same? (f) If you do not claim to be the full owner of said lands, what interest do you claim to own in such lands?

2. If you are in possession of the lands described in the Complaint filed in the above styled cause or any part thereof, when did you come into possession of such land? (a) Were you in possession of such lands on March 16, 1946?

3. If you do not claim to own any interest in the lands described in the Complaint or any part thereof, who put you in possession of said lands and who are you claiming gave you the right to occupy the same? (a) If you are in possession of the lands described in the Complaint or any part thereof under a written agreement with anyone, please attach to your answers to these Interrogatories a copy of such written agreement? (b) If you state that you are in possession of the lands described in the Complaint or any part thereof under an oral agreement with anyone, please give the name of the party who made the agreement with you and the contents of such agreement?

4. Is there a house located on the lands described in the Complaint and are you living in such house? (a) If your answer is that there is a house on said land, was that house located on said land on March 16, 1946? (b) Is that house located in the South half of the Southeast Quarter of Section 17, Township 3 North, Range 3 East?

5. If you state that you own any interest in any part of the lands described in the Complaint or that you own any interest in the East half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, please attach to your answers to these Interrogatories a copy of all conveyance to you or your predecessors in title from the United States Patent conveying said lands down to you, said copies to be duly certified if such deeds are recorded? (a) If you state that you claim any interest in the lands described in the last question by inheritance, please state in detail who you inherited said interest from and when?

6. Have you ever paid State and County taxes on the South half of the Southeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 17, Township 3 North, Range 3 East, or the lands described in the Complaint filed in the above styled cause or any part thereof, if so, please attach to your answers to these Interrogatories a copy of the receipt you hold showing payment of such taxes and attach to your answers to these Interrogatories a statement showing the years when you assessed such lands or any part thereof, or paid such taxes.

Hybart, Chason & Stone

BY: *John Chason*
Attorney for Plaintiff.

STATE OF ALABAMA

BALDWIN COUNTY,

Before me, *Oliver L. Miller*, a Notary Public, in and for said State and County, personally appeared John Chason, who is known to me and who after being by me first duly and legally sworn, doth depose and say under oath as follows:

That he is one of the Attorneys of Record for the Plaintiff in the above styled cause; that if the answers to the Interrogatories propounded to the Defendants are well and truly made, they will be material evidence for the Plaintiff on the trial of this cause.

Sworn to and subscribed before
me, this 14th day of April, 1949.

Oliver L. Miller
Notary Public, Baldwin County,
Alabama.

Received in _____s Office
this 14 day of April, 1949
TAYLOR WILKINS, Sheriff

Executed 4-18 1949
by serving copy of within ~~_____~~ and
~~Complaint~~ on Interrogatories on
J. B. Blackburn Agent
for David Harris &
Lula Harris
Taylor Wilkins Sheriff
By 147 Hall Deputy Sheriff

NO 1312

RECORDED

INTERROGATORIES PROPOUNDED
TO DEFENDANTS.

THOMAS J. EARLE,
Plaintiff,

vs.

DAVID HARRIS and
LULA HARRIS,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

Filed April 14th, 1949.

W. J. Ruck
Clerk.

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS AND LULA
HARRIS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

Comes the Plaintiff in the above styled cause and amends his Complaint heretofore filed in said cause, so that the same shall read as follows:

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

From the Southeast corner of Section 17, Township 3 North, Range 3 East, Baldwin County, Alabama, run West 220 feet to the point of beginning; thence run West 298 feet to a point; thence North 87 degrees 30 Minutes West, 402.2 feet to a point; thence North 20 degrees West 923.2 feet to a point; thence East 1054.2 feet to a point; thence South 2 degrees, 30 Minutes West 884 feet to the point of beginning, containing 17.5 acres, more or less;

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 Fifty and no/100 Dollars (\$250.00) for the detention thereof.

Hyland, P. and Stone
Attorneys for Plaintiff.

RECORDED

1312

AMENDED COMPLAINT

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS AND LULA HARRIS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

Filed September 6th, 1949.

David J. Newton
Clark.

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon David Harris and Lula Harris 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 the same, then and there to answer the Complaint of Thomas J. Earle.

Witness my hand this 22nd day of February, 1949.

Alice J. Luck
Clerk.

THOMAS J. EARLE,

Plaintiff,

vs.

DAVID HARRIS AND LULA
HARRIS,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

The Plaintiff sues to recover possession of the following described land situated in Baldwin County, Alabama, viz:

From the Southeast Corner of Section 17, Township 3 North, Range 3 East, run West 220 feet, thence South 13 feet to the point of beginning; thence North 87 degrees 30 minutes West 700 feet, thence North 20 degrees West 923.2 feet, thence East 1054.2 feet, thence South 2 degrees, 30 minutes West 897 feet to the point of beginning, containing 17.5 acres, more or less;

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 Fifty and no/100 Dollars (\$250.00) for the detention thereof.

Hubert Reson Stone
Attorneys for Plaintiff.

Received by Sheriff's Office,
Feb 22, 1949
TAYLOR WILKINS, Sheriff

Executed _____ 19 ____
by serving copy of within Summons and
Complaint on

Lula Harris 2-25-49
David Harris 3-1-49

Taylor Wilkins Sheriff
By H. F. Hall Deputy Sheriff

131 RECORDED

SUMMONS AND COMPLAINT

THOMAS J. EARLE,
Plaintiff,

vs.

DAVID HARRIS AND LULA
HARRIS,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

Filed February 22nd, 1949.

Reice J. Luck
Clerk.

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA