

420

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 CANZETTA PLEASANT,

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

BEATRICE BRACY, LILLIAN ANDREWS and
JAMES McLAIN,

against said CANZETTA PLEASANT,

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 23rd day of May 1938

 Register

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

BEATRICE BRACY, LILLIAN
ANDREWS AND JAMES McLAIN,

Complainants,

VS.

CANZETTA PLEASANT,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 420.

ANSWER OF RESPONDENT.

Now comes your Respondent, Canzetta Pleasant, and for answer to Paragraph First of the Bill of Complaint filed herein, admits that she is a resident of Baldwin County, Alabama, but states that she is not informed and does not know the names and ages and exact residence of the Complainants. Respondent further alleges that none of the Complainants reside on the property described in the Bill of Complaint.

Answering Paragraph Second of said Bill of Complaint your Respondent denies emphatically that the Complainants are the owners of the land described in said Bill of Complaint and alleges that said property is owned by your Respondent, and that Respondent is in the actual, peaceable possession of said land and she therefore denies that Complainants are in actual, peaceable possession thereof, now at the time of filing this her Answer, nor were Complainants in actual peaceable possession thereof at the time of filing the Bill of Complaint herein.

Respondent claims title to the lands described in said Bill of Complaint under a tax title arising out of a tax sale held on July 8, 1931, by the Tax Collector of Baldwin County, Alabama, for unpaid State and County taxes for the tax year of 1930, at which sale the said lands were sold to the State of Alabama. And on the 16th day of March, 1938, the said lands were conveyed by the State Land Commissioner of Alabama to Complainant by deed dated March 16, 1938, and recorded in Deed Book 65 N. S. Page 139, a copy of which is hereto attached, marked Exhibit "A" and by reference made a part hereof as though fully incorporated herein.

Respondent admits that there is no suit pending to try or test the validity of any right, title in, claim or incumbrance upon the said property except this suit.

WHEREFORE, Respondent having fully answered the Bill of Complaint filed herein, prays to be dismissed with her reasonable costs in this behalf expended.



Solicitor for Respondent.

EXHIBIT "A"

No. 3542

THE STATE OF ALABAMA

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, on 8th day of June, A. D. 1931, the Probate Court of Baldwin County rendered a decree for the sale of lands hereinafter described and conveyed, for the payment of State and County taxes then due from Ella Gray, the owner of said lands, and for the payment of the fees, costs, and expenses of and under said decree, and the sale had in execution thereof.

AND WHEREAS, thereafter, to-wit, on the 8th day of July, 1931, under and in pursuance of said decree, said lands were regularly offered for sale by the Tax Collector of Baldwin County for said taxes, fees, costs, and expenses, and no person having bid a sufficient sum for said lands to pay the same, said lands were bid in for the State for the sum of said taxes, fees, costs, and expenses.

AND WHEREAS, the time allowed by law for the redemption of said lands has elapsed since said sale, and the same not having been redeemed, the title thereto under said sale is still in the State.

AND WHEREAS, said lands having been entered upon the books of the State Land Commissioner, and the State Land Commissioner of the State of Alabama, with the approval of the Governor, has fixed the price of said land, and ascertained that the sum of Thirty and No/100 (\$30.00) Dollars is sufficient to cover and satisfy all claims of the State and County against said lands for or on account of taxes, interest, fees, and costs, and officers' fees which were due upon or have accrued against said lands, as provided by law.

AND WHEREAS, application has been made to the State Land Commissioner of the State of Alabama by Canzetta Pleasant to purchase said lands, and said sum of Thirty and No/100 (\$30.00) Dollars thereof has been paid into the State Treasury.

NOW THEREFORE, The State Land Commissioner of the State of Alabama, by virtue of and in accordance with the authority in him vested by law, with the approval of the Governor of Alabama, and in consideration of the premises above set out, has this day granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell and convey unto the said Canzetta Pleasant, without warranty or covenant of any kind on the part of the State, express or implied, all right and title of the State of Alabama in and to said lands, described as follows:

Begn at NE cor of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ sec 27, t2s, r3e, run W. 420 ft, S. 520 ft, E. 420 ft. N. 520 ft to begn sec 27, t2s, r3e. Begn 525 ft S. from NE cor of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ sec. 27, t2s r3e. Run W. 210 ft, S. 210 ft, E 210 ft, N. 210 ft to begn sec 27 t2s r3e.

lying and being situate in said County and State, to have and to hold the same, the said right and title of the State in the lands aforesaid, unto Canzetta Pleasant and her heirs and assigns forever.

In testimony whereof I have hereunto set my hand and seal this the 16th day of March, 1938.

Approved
Bibb Graves
Governor

STATE LAND COMMISSIONER OF ALABAMA
By Henry S. Long
State Land Commissioner.

THE STATE OF ALABAMA, MONTGOMERY COUNTY.

I, Mrs. Clay Willingham, a Notary Public in and for said County,

in said State, hereby certify that Henry S. Long, whose name is signed to the foregoing conveyance as State Land Commissioner, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, he, in his capacity as such State Land Commissioner, executed the same voluntarily on the day the same bears date.

Given under my hand this the 16th day of March, 1938.

Mrs. Clay Willingham, Notary Public.

BEATRICE BRACY, LILLIAN
ANDREWS and JAMES McLAIN,

Complainants,

VS.

CANZETTA PLEASANT,

Respondent.

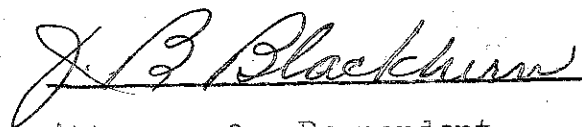
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 420.

DEMURRER.

Now comes the Respondent in the above entitled cause and for demurrer to the Bill of Complaint filed in said cause, and to each and every count thereof separately and severally assigns the following:

1. There is no equity in the bill.
2. It affirmatively appears from said Bill of Complaint that the Complainants, Beatrice Bracy, Lillian Andrews and James McLain are not in actual and peaceable possession of the land described in said Bill of Complaint, in this that the said Beatrice Bracy resides in Mobile, Alabama, and the said James McLain is a non-resident of the State of Alabama.



Attorney for Respondent.

TO THE HON. F. W. HARE, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, IN EQUITY SITTING:

Come BEATRICE BRACY, LILLIAN ANDREWS and JAMES McLAIN,
and humbly complaining against CANZETTA PLEASANT, respectfully
show unto your Honor as follows:

FIRST:

Your complainants are each over the age of twenty-one
years; your complainant, Beatrice Bracy, is a resident of Mobile,
Alabama, her post office address being 1457 Hogan Street; that
Lillian Andrews is a resident of Baldwin County, Alabama, and that
James McLain is a resident of New Orleans, Louisiana; that the de-
fendant, Canzetta Pleasant, is a resident of Baldwin County, Ala-
bama.

SECOND:

Your complainants further show unto your Honor that they
are the owners of and are in the actual, peaceable possession of the
following described lands situated in the County of Baldwin, State
of Alabama, to-wit:

Beginning at the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of
Section 27, Township 2 South, Range 3 East, run West
420 feet, South 520 feet, East 420 feet, North 520
feet to point of beginning, in Section 27, Township
2 South, Range 3 East;

Also beginning 525 ft. South from the NE corner of
the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 27, Township 2 South,
Range 3 East, run West 210 ft., South 210 feet, East
210 ft., North 210 ft. to beginning, in Section 27,
Township 2 South, Range 3 East.

THIRD:

Complainants further show unto your Honor that Canzetta
Pleasant claims or is reputed to claim some right, title, interest
in or incumbrance upon the aforesaid lands, or some part thereof,
and your complainants call upon the said Canzetta Pleasant to set
forth and specify what right, title, interest in, claim or incum-
brance upon the said lands, or any part thereof, she has or claims
and how and by what instrument or instruments the same is derived
or created.

decree that the said Canzetta Pleasant has no right, title, interest in, claim or incumbrance upon the said lands, or any part thereof. Your complainants pray for such other, further or different relief as they shall in equity and good conscience be entitled to receive.

Complainants further pray that this Honorable Court will ascertain the amount of taxes and lawful charges for which the said Canzetta Pleasant purchased the same, and that upon the payment of the same into this Honorable Court, this Honorable Court will make and enter a decree permitting your complainants to redeem the said property and quieting their title in and to the same as against the said Canzetta Pleasant.

Beebe Hall & Beebe
Solicitors for Complainants.

Defendant is required to answer each and every allegation of the foregoing bill of complaint, Paragraphs FIRST to FIFTH, both inclusive, but not under oath; oath is hereby expressly waived.

Beebe Hall & Beebe
Solicitors for Complainants.

CHANCERY EXECUTION

BILL OF COSTS

No. 420. Beatrice Bracy Lillian Andrews and James McLain. Canzetta Pleasant. Plaintiff
Defendant

	Dollars	Cents			
FEES OF REGISTER			Brought Forward..... \$ 3 90		
Filing each bill and other papers..... \$	10	40	For Receiving, keeping and paying out or distributing money, etc.; 1st \$1,000, 1%, all over \$1,000, and not over \$5,000, 3-4 of 1%; all over \$5,000 and not exceeding \$10,000, 1-2 of 1%, all over \$10,000 1-4 of 1%.		
Issuing each subpoena.....	50	50	Receiving, keeping and paying out money paid into court, etc., 1-2 of 1% of amount received.		
Issuing each copy thereof.....	40	40	Each notice sent by mail to creditor....	15	
Entering each return thereof.....	15		Filing, receipting for and docketing each claim, etc.....	25	
For each order of publication.....	1 00		For all entries on subpoena docket, etc.	50	
Issuing writ of injunction.....	1 50		For all entries on commission docket, etc.	50	
For each copy thereof.....	50		Making final record, per 100 words	15	3 00
Entering each return thereof.....	15		Certified copy of decree.....	1 00	
Issuing Writ of Attachment.....	1 00		Report of divorce to State Health Office	50	
For each copy thereof.....	50		(Acts 1915)		
Entering each return thereof.....	15		Total Fees of Register.....	6 90.	
Docketing each case.....	1 00	1 00	FEES OF SHERIFF		
Entering each appearance.....	25	50	Serving and returning subpoena on deft.	\$1 50	1 50
Issuing each decree pro confesso on per. ser.	1 00		Serving and returning subpoena for witness	65	
Issuing each decree pro confesso on publication	1 00		Levyng attachment.....	3 00	
Each order appointing guardian.....	1 00		Entering and returning same.....	25	
Any other order by Register.....	50		Selling property attached.....	75	
Issuing commission to take testimony....	50		Impaneling Jury.....	75	
Receiving and filing.....	10		Executing writ of possession.....	2 50	
Endorsing each package.....	10		Collecting execution for costs.....	1 50	1 50.
Entering order submitting cause.....	50	25	Serving and returning sci. fa., each	65	
Entering any other order of court.....	25		Serving and returning notice.....	65	
Noting all testimony.....	50		Serving and returning writ of injunction	1 50	
Abstract of cause, etc.....	1 00		Serving and returning writ of exeat- tion	1 50	
Entering each decree.....	75		Taking and approving bonds, each....	75	
For every 100 words over 500.....	15		Collecting money on execution.....		
Taking account, etc.....	3 00		Making deed	2 50	
Taking testimony, etc.....	15		Serving and returning application, etc.	1 00	
Each report, 500 words or less.....	2 50		Serving attachment, contempt of court	1 50	
For every 100 words over 500.....	15		Total Fees of Sheriff.....	3 00	
Amount claimed less than \$500, etc.....	2 00		RECAPITULATION		
Issuing each subpoena.....	25		Register's Fees	6 90	
Witness certificate, each.....	25		Sheriff's Fees	3 00	
Issuing execution, each.....	75	75	Commissioner's Fees		
Entering each return	15	15	Solicitor's Fees		
Taking and approving bond, each	1 00		Witness Fees		
Making copy of bill, etc.....	15		Guardian Ad Litem.....		
Each notice not otherwise provided for	50		Printer's Fees		
Each certificate or affidavit, with seal....	50		Trial Tax	3 00	3 00
Each certificate or affidavit, no seal.....	25		Recording Decree in Probate Court....		
Hearing and passing on application, etc.	3 00		Total.....	12 90.	
Each settlement with receiver, etc.....	3 00				
Exam'ing each voucher of Receiver, etc.	10				
Examining each answer, etc.....	3 00				
Recording resignation, etc.....	75				
Entering each cert. to Supreme Court....	50				
Taking questions and answers, etc.....	25				
For all other ser. relating to such proceedings	1 00				
For services in proceeding to relieve minors, etc., same fee as in similar cases.					
Commission on sales, etc.: 1st \$100, 2 per ct.; all over \$100 and not exceeding \$1,000, 1½ per ct.; all over \$1,000, and not exceeding \$20,000, 1 per ct.; all over \$20,000, ¼ of 1 per ct.					
Sub Total Carried Forward.....	3	95			

The State of Alabama, } No. 420.
Baldwin County. } Circuit Court, In Equity Sept Term, 1942.

To Any Sheriff of the State of Alabama—GREETINGS:
You are hereby commanded, That of the goods and chattels, lands and tenements of
Beatrice Bracy Lillian Andrews and James McLain. Complt
Defendant.....
you cause to be made the sum of 12 90. Dollars,
which Case Dismissed. Canzetta Pleasant. Plaintiff.....
recovered of Them on the 28th day of Sept. 194 2
by the judgment of our Circuit Court, held for the county of Baldwin, besides the sum of
1290 Dollars,

costs of suit, and have the same to render to the said R S Duck
and make return of this Writ and the execution thereof, according to law.
Interest from _____ 194 _____ to date of collection.
Witness my hand, this 23 day of Dec. 1942.
R S Duck, Register.

RECORDED

Book 8-44

ANSWER OF RESPONDENT.

BEATRICE BRACY, LILLIAN ANDREWS
AND JAMES McLAIN,

Complainants,

VS.

CANZETTA PLEASANT,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 420.

Filed December 13, 1938
R. S. DUCK

clerk - register

By *William H. Thompson*
Deputy

RECORDED *Book*
7-461

DIMURER

BEATRICE BRACY, LILLIAN ANDREWS
AND JAMES McLAIN,

Complainants

VS.

CANZETTA PLEASANT,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 420.

Filed on this the 12 day of June
1938.

R.S. Davis,
Register

(original) RECORDED *Book*
B 274 435

Serve on _____
Circuit Court of Baldwin County
IN EQUITY

No. 420

SUMMONS

BEATRICE BRACY, LILLIAN
Andrews, and James McLain
Complainants,

vs.

CANZETTA PLEASANT,
Respondent,

BEER, HALL & BEER,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
BALDWIN COUNTY

Received in office this 23rd

day of May, 1938

W. H. Wilber
SHERIFF

Executed this 23rd day of

May 1938

by leaving a copy of the within Summons with

Connelly Stewart

Defendant

W. H. Wilber
Sheriff

George W. Wilber
Deputy Sheriff

