

Norma C Flowers
Plaintiff

In the Circuit
Court of Federal
Circuit, Alabama

vs
Mrs Mary E. Hentert
Defendant

As Last

No - 1691

Not Cases the Defendant
and for answer to Plaintiff
Complaint; says

1. Not guilty

A. P. M. H. H.

Att. for Def.

Norman C. Flores
Mr. Henry E. Hunter

RECORDED

RE

Answer

Filed: 24 October 1951.

Jeffrey J. Maddeberg, Jr.
Judge.

PLAINTIFF

VS

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW CIVIL DIVISION NO.
3691

Now comes the Plaintiff by his Attorney, Reuben F. McKinley and moves this Honorable court to grant the Plaintiff a judgment by default, on the ground that more than sixty days have elapsed since the service upon the Defendant of interrogatories, propounded by the Plaintiff to the Defendant in accordance with title, 7, article 8 of the 1940 Code of the State of Alabama and the Defendant has failed or refused to answer said interrogatories, said interrogatories having been served on the Defendant August 9, 1951.

II

In the alternative, that this Honorable Court will penalize the Defendant for her failure to answer said interrogatories by the other means and in the manner provided for in Title 7, Section 483 of the 1940 Code of the State of Alabama.

Richard F. McKinley
Attorney for the Plaintiff

1691

RECORDED

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HENNINGER

DEFENDENT

MOTION

From the law office of
Reuben F. McKinley
Bay Minette, Alabama

FILED

OCT 10 1951

ALICE J. DUCK, Clerk

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HINTERLITER

DEFENDENT

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
NO. 16912

TO THE HONORABLE TELFAIR J. MASHEURN JR. JUDGE OF THE
CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA:

NOW COMES THE PLAINTIFF IN THE ABOVE styled cause, by his attorney, REUBEN F. MCKINLEY and moves your Honor and this Honorable Court to strike the demurrers filed in this cause by the Honorable H. M. HALL, attorney for the defendant and for grounds for the motion assigns the following;

1.

Ground one of said demurrers could not be sustained because ^{the complaint in this cause} it is patterned after and copied, with the exception of the designation of the Plaintiff and Defendant and the description of said land, directly from a complaint filed in Civil Case No. 951 in the Circuit Court of Baldwin County, Alabama by the Honorable H. M. Hall who was attorney for the Plaintiff in that case in which said complaint was upheld by this Honorable Court and the case won by the Plaintiff.

2.

Grounds two and three of the demurrer are merely conclusions of the pleader, as the Complaint fully and accurately states the exact description and location of said land, the Plaintiff is suing for.

Wherefore, the Plaintiff by his attorney, respectfully moves, your Honor and this Honorable Court to strike said demurrers as being superfluous pleadings in this cause.


Attorney for the Plaintiff

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HINTERLITER

DEFENDENT

RECORDED

MOTION TO STRIKE

From the law office of
Reuben T. McKinley
Bay Minette, Alabama

FILED

AUG 20 1951

WILLIAM C. CLARK, Clerk

NORMAN C. FLOWERS
PLAINTIFF

VS

MRS. MARY E. HINTERLITER
DEFENDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Interrogatories propounded by the Plaintiff to the
Defendant in accordance with Article 3 Title 7 of the 1940
Code of the State of Alabama:

1.

Please state your name, age and address.

2.

Please state whether or not you are in possession
of the following described land situated in Baldwin County,
Alabama, to-wit:

A triangular strip of land (15) fifteen feet wide
at the North end, which said strip comes to a point at the
South end, all the way across the east side of the herein-
after described tract of land, to-wit; beginning at the South-
east corner of the Southwest quarter of the Southeast quarter
of Section 2, township 2 South, range 3 east; thence run West
120 feet, thence North 400 feet thence West 120 feet, thence
North 72 feet more or less to the South side of Highway No.
31 as it is now established, thence Northeasterly along the
South side of said highway No. 31, 318 feet more or less to
the east line of above described forty acres, thence due south
along the east line of said forty-acre tract 680 feet more or
less to the point of beginning.

3.

If you state that you are in possession of said land
please state when you went into possession thereof.

4.

Please state whether or not there are any other
parties in possession of said land.

5.

Please state by what authority you entered into poss-
ession of the said land.

6.

Please state whether or not you have any authority in
writing to enter into possession of said land, if so, please
attach a copy of such authority to your answer.

7.

Please state whether or not you claim title to said
land and if so, by what instrument; attach a copy of such in-
strument to your answer.

8.

Please state whether or not you have paid any taxes upon said land and if so for what years. Please attach the original or a copy of said tax receipt to your answer.

9.

If you state that you are in possession of said land, then please state what acts of possession you have exerted over said land and for what period of time.

10.

Does any of your land join land owned by the Plaintiff, Norman C. Flowers?

11.

If the answer to #10 is yes, from whom did you purchase said land?

12.

Please attach an exact description of said land to your answer.

13.

In what year did you erect the fence which is now standing on Mr. Flower's land?

14.

Did you have your land surveyed just prior to the erection of said fence?

15.

Who helped you erect said fence?

16.

Did not one of the persons who helped you erect said fence tell you at that time that the fence was over the line?

17.

What was your answer to the statement made to you and your husband that the fence was over the line?

18.

Did you not tell said person that you knew it but wouldn't move the fence for it?

19.

Who was that person?

20.

Did you not make a statement a few days ago that Mr. Flowers wouldn't carry this cause into court, that he didn't have the money?

21.

To whom did you make said statement?

22.

Have you received any correspondence from the Plaintiff's attorney, Reuben F. McKinley, asking you to come to his office in order to try to arrive at a settlement without bringing this matter into court?

23.

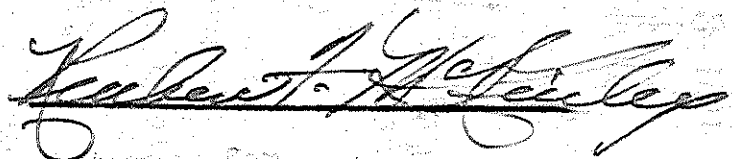
If the answer to # 22 is "yes", please attach said letters to your answer.

24.

Did you go up to Mr. McKinley's office as requested?

25.

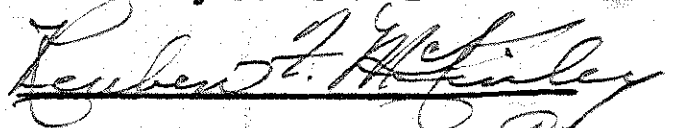
If the answer to # 24 is "no", why did you not go to his office?




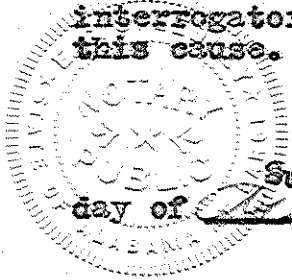
Attorney for Plaintiff

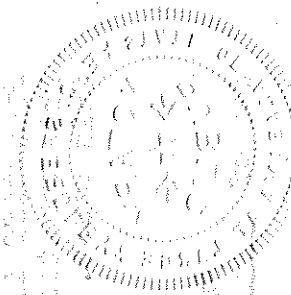
State of Alabama
County of Baldwin

Before me, the undersigned authority, in and for said County, in said State, personally appeared Reuben F. McKinley who is known to me and who being by me first duly sworn deposes and says; that he is one of the Attorneys of record for the Plaintiff in the above cause. That true answers to the above interrogatories will be material testimony for the Plaintiff in this cause.



Subscribed and sworn to before me on this the 9 day of Aug, 1951


Notary Public, Baldwin County
Alabama



Executed by serving
copy on Mrs Mary
E. Hinterliter - P-9-97

Taylor Wilbur Thiff
George Hottly D.G.

Norman C. Flowers
Plaintiff

Vs

Mrs. Mary E. Hinterliter
Defendent

Interrogatories to the
Defendent

From the law office of
Reuben F. McKinley
Bay Minette, Alabama

FILED

AUG 10 1951

ALICE J. DUCK, Clerk

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HINTERLITER

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 1691

Now comes the Defendant and for answer to interrogatories heretofore filed in this cause says:

1. My name is Mary E. Hinterliter. I am 47 years of age and live at Bay Minette, in Baldwin County, Alabama.

2. The description of the land is so vague and uncertain that I am unable to state whether or not I am in possession thereof. I own and am in possession of the land immediately to the East of the West line of the Southeast quarter of Southeast quarter of Section 2, Township 2 South, Range 3 East, lying between the South line of said subdivision and U. S. Highway No. 31.

3. I and those through whom I claim have been in the possession of the said land since title passed out of the government in 1909.

4. Mr. Harold Stuart of Bay Minette is at present in possession of the land as my tenant.

5. I entered possession of the land under a Last Will and Testament of L. E. Hinterliter my husband, now deceased, which has been duly probated in the Probate Court of Baldwin County, Alabama.

6. I am claiming the said land under will from my husband.

7. See Answer to 6.

8. I and those through whom I claim have paid taxes on the land for more than 10 years.

9. I and my husband, through whom I hold, and his father, through whom he held have been in the actual possession of the said land since 1931.

10. Yes.

11. I hold under a will from my deceased husband, L. E. Hinterliter.

12. Beginning at the Southwest corner of the Southeast quarter of the Southeast quarter of Section 2, Township 2 South of Range 3 East, run thence North 275 feet with the west line of said quarter to a point for the beginning point of the description of the land hereby to be conveyed, thence continue North with the west line

of said quarter 397 feet to a point on the right of way line of road No. 31, thence with said right of way line of road No. 31 and North 47 degrees and 45 seconds east 591.2 feet to a point thence South 71 degrees and 30 seconds East 360 feet to a point in the center line of the Old Bay Minette and Carney road, thence with center line of said old road and South 18 degrees West 718 feet to a point; thence West 564 feet to the point of beginning, containing 10 acres, more or less, and all lying within the Southeast quarter of the Southeast quarter of Section 2, Township 2 South, Range 3 East, in Baldwin County, Alabama.

13. The fence on the line between my property and that of Mr. Flowers was constructed sometime about 1942, the exact date I do not know.

14. My husband had the land surveyed, I believe, by Mr. Albin.

15. I do not recall who assisted my husband in erecting the fence.

16. I am unable to answer as to any conversation that might have been had with my husband. I was not present.

17. I told the man who mentioned the fence line to me that I knew nothing about it as my husband took care of the matter.

18. I told who ever it was that came to see me that it was my impression that the fence was on the line and that it should stay there.

19. Norman Flowers.

20. I know nothing about whether or not Mr. Flowers has any money. I made no such statement.

21. I made no such statement.

22. I believe I received a letter from Mr. McKinley, however, I did not feel it incumbent for me to go to his office to talk over a settlement.

23. I am attaching the original letter.

24. I did not.

25. I turned all correspondence over to my attorney.

Mary E. Hinterliter

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, in and for said County, in said State, personally appeared Mary E. Hinterliter, who is known to me, and who having been by me first duly sworn, deposes and says that the foregoing answers to interrogatories propounded by the Plaintiff are true.

Mary E. Hinterliter

Sworn to and subscribed before me on this 12th day of October, 1951.

I. H. H. H.

Notary Public, Baldwin County, Alabama

Reuben F. McKinley
Attorney At Law
Bay Minette, Ala.
July 30, 1951

Mrs. Mary E. Henneliter
Bay Minette, Ala.

Dear Mrs. Henneliter:

Mr. Norman C. Flowers has employed me in the matter of a misunderstanding between you and him as to the location of the land line between your land and his.

Please come in to see me when you are in Bay Minette so we can discuss this matter. I believe and hope that we can adjust this disagreement satisfactorily to all parties, without having to have any court action to determine the location of said line.

Sincerely

Reuben F. McKinley

1691

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HINTERLITER

DEFENDANT

ANSWER TO INTERROGATORIES

FILED

OCT 23 1951

ALICE J. DUCK, Clerk

NORMAN O. FLOWERS
PLAINTIFF

VS

MRS. MARY E. WINTERLITER

~~DEFENDANT~~

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW
NO. 1691

Now comes the Defendant and demurs to the Plaintiff's complaint and
for grounds thereof says:

1.

That said count does not state a cause of action.

2.

That the description is too vague and indefinite.

3.

That the description of the property involved is so vague and in-
definite that the Defendant is not fully apprized as to the land involved.



Attorney for the Defendant

The defendant demands a trial by jury.



Attorney for the Defendant

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HINTERLITER

DEFENDANT

DEMURRERS

FILED

AUG 17 1951

ALICE J. DICK, Registered

State of Alabama
County of Baldwin

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HERBY COMMANDED to summon Mrs. Mary E. Hinterliter to appear within thirty days from the service of this writ in the Circuit Court to be held the same, then and there to answer the complaint of NORMAN C. FLOWERS.

Aug 1951 WITNESS my hand this the 8th day of

Cliff J. Wicks
Clerk

NORMAN C. FLOWERS

PLAINTIFF

VS

MRS. MARY E. HINTERLITER

DEFENDENT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

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

A triangular strip of land (15) fifteen feet wide at the North end, which said strip comes to a point at the south end, all the way across the east side of the herein-after described tract of land, to-wit; beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 2, township 2 South, range 3 east; thence run West 120 feet, thence North 400 feet thence West 120 feet, thence North 72 feet more or less to the South side of Highway No. 31 as it is now established, thence Northeasterly along the South side of said highway No. 31, 318 feet more or less to the east line of above described forty acres, thence due south along the east line of said forty acre tract 680 feet more or less to the point of beginning; of which he was in possession and upon which pending such possession and before the commencement of this suit the defendant entered and unlawfully withholds together with Two hundred (\$200.00) Dollars for the detention thereof.

Robert J. McKinley
Attorney for the Plaintiff

Received in Sheriff's Office
this 8 day of July 1951
TAYLOR WILKINS, Sheriff

7751691

RECORDED

Norman C. Flowers
Plaintiff

Vs

Mrs. Mary E. Hinterliter
Defendent

SUMMONS AND COMPLAINT

From the law office of
Reuben F. McKinley
Bay Minette, Alabama

FILED

AUG 8 1951

ALICE J. DUCK, Clerk

Little Deltone

*Executed by my copy
on Mrs. Mary E.*

Hinterliter - P-9-57

Taylor Wilkins Sheriff

George Hardy D3

1961