

1793

ETHEL LUCIOUS AND EUGENE
LUCIOUS,

Plaintiffs,

vs.

DAVID PENN AND MABEL LUCILLE
PENN,

Defendants.

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

FINAL JUDGMENT

This day came the Plaintiffs by their attorneys, and the Defendants having heretofore filed a plea of the general issue and the case being heretofore set for trial on this the 1st day of October, 1952, and the said Defendants having been called, came not and said nothing further in bar or preclusion to the complaint of the Plaintiffs and the court having proceeded to hear the evidence of the Plaintiffs in this cause and it having been proven to the satisfaction of the court that the Defendants were in possession of the property described in the complaint at the commencement of the suit and that the Plaintiffs are entitled to the possession of said property and all of the evidence having been considered by the court and the court being of the opinion that the Plaintiffs are entitled to the possession of the property described in the complaint, it is considered and ordered by this court and it is the judgment of this court that judgment be, and the same hereby is, rendered in favor of the Plaintiffs and against the Defendants for the possession of the property described in the complaint, to-wit:-

From the half section corner on the West line of Section 17, Township 5 South, Range 2 East, run East on the half section line 3079.6 feet to the Southeast corner of a lot of land formerly belonging to Annie Wormack for the point of beginning, thence run North 636.2 feet to a corner, thence run West 67.3 feet to a corner, thence run South 636.2 feet to a corner, thence run East 67.3 feet to the point of beginning, lying in Section 17, Township 5 South, Range 2 East.

It is therefore, considered and ordered by the court that the Plaintiffs have and recover of the Defendants the property sued for and described in the complaint as described above, together with the costs in this behalf expended.

It is further considered and ordered by this court that the Plaintiffs have and recover of the Defendants the sum of Four Hundred Dollars (\$400.00) as damages for the detention of the above described property, mesne profits and damages for waste and other injuries to the above described lands.

Done this 1st day of October, 1952.

Jellner A. Madelberg
Judge.

RECORDED

FINAL JUDGMENT

ETHEL LUCIOUS AND EUGENE
LUCIOUS,

Plaintiffs,

vs.

DAVID PENN AND MABEL LUCILLE
PENN,

Defendants.

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

*4th
Minute Book*

FILED

OCT 17 1952

ALICE I. DUCK, Clerk

ETHEL LUCIOUS AND EUGENE
LUCIOUS,

Plaintiffs

vs

DAVID PENN AND MABEL LUCILE
PENN,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

Come the defendants in the above styled cause and
for answer to plaintiffs bill of complaint say that they are
not guilty of the matters therein alleged.

W C Rube
Attorney for Defendants.

RECORDED 1793

Etzel Lucious & Eugene
Lucious

Plaintiffs

vs

David Penn and
Mabel Lucile Penn

Defendants

Answer

FILED

MAY 19 1952

MISS J. DICK, *clerk*

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 Penn and Mabel Lucile Penn 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 Ethel Lucious and Eugene Lucious.

Witness my hand this 21st day of April, 1952.

Alfred J. Stone
Clerk.

COMPLAINT:

ETHEL LUCIOUS and EUGENE
LUCIOUS,

Plaintiffs,

vs.

DAVID PENN and MABEL LUCILE
PENN.

Defendants.

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

The Plaintiffs sue to recover possession of the following described real property situated in Baldwin County, Alabama:

From the half section corner on the West line of Section 17, Township 5 South, Range 2 East run East on the half section line 3079.6 feet to the Southeast corner of a lot of land formerly belonging to Annie Wormack for the point of beginning, thence run North 636.2 feet to a corner, thence run West 67.3 feet to a corner, thence run South 636.2 feet to a corner, thence run East 67.3 feet to the point of beginning, lying in Section 17, Township 5 South, Range 2 East.

of which they were in possession and upon which, pending such possession, and before the commencement of this suit the Defendants entered and unlawfully withhold, together with the sum of Five Hundred Dollars (\$500.00) for the detention thereof, mesne profits and damages for waste and other injuries to the land.

CHASON & STONE

By: Mabel J. Stone

Defendants reside in Daphne, Alabama.

dated April 24 1952
by serving copy of within Summons and
Complaint on

David Penn &
Mabel Lucille Penn

Taylor Wilkins Sheriff
By V F Hall Deputy Sheriff

ETHEL LUCIOUS ET AL.,

Plaintiffs,

vs.

DAVID PENN and MABEL LUCILLE PENN,

Defendants

SUMMONS AND COMPLAINT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED

APR 21 1952

ALICE J. DUCK, Clerk

LAW OFFICES

~~W. F. HALL~~ CHASON & STONE

BAY MINETTE, ALABAMA

ETHEL LUCIOUS and
EUGENE LUCIOUS,

Plaintiffs,
VS.

DAVID PENN and MABEL
LUCILLE PENN,

Defendants.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1793


MOTION FOR NEW TRIAL

Now come the defendants, by their attorney, and move the Court to set aside the judgment nil dicit rendered against them in this cause on, to-wit, October 1, 1952, and grant a new trial, and as grounds for said motion, set down and assign, separately and severally, the following:

1. The judgment is contrary to the law.
2. The judgment is contrary to the evidence.
3. The judgment is contrary to the law and the evidence.

4. The judgment against the defendants in the sum of Four Hundred Dollars (\$400.00), for detention of the property described in the suit, is unreasonable and excessive and a great injustice will be done to the defendants or each of them if they are required to pay the said judgment, or any part thereof.

5. The judgment against the defendants in the sum of Four Hundred Dollars (\$400.00), for detention of the property described in the suit, is unreasonable and excessive and a great injustice will be done to the defendants or each of them if they are required to pay the said judgment, or any part thereof, because they had no possession of the said property prior to October 6, 1951, and during the time that they have had possession of the said property they have improved the building or buildings situated thereon at a cost to themselves which far exceeds a reasonable rental value of the said property.


Attorney for defendants.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared DAVID PENN, who, after being by me first duly and legally sworn, deposes and says: That he has read over the foregoing motion and that the facts contained therein are true.

David Penn

Sworn to and subscribed before me
on this the 27th day of October, 1952.

Mary Lee Blackburn

Notary Public, Baldwin County, Alabama.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

The above and foregoing motion having been presented to me on this date, the same shall be and it is hereby continued until ten o'clock A. M. on the 7th day of November, 1952.

Dated this 28th day of October, 1952.

Jeffrey J. Madlener
Judge.

201793

MOTION FOR NEW TRIAL

ETHEL LUCIOUS and EUGENE LUCIOUS,

Plaintiffs,

VS.

DAVID PENN and MABEL LUCILLE PENN,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 1793

FILED

OCT 23 1952

ALICE L. DUCK, Clerk