

M. L. JOHNSON AND ALMA
JOHNSON,

Plaintiffs,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

VS

HOWARD BYRD AND STELLA
BYRD,

Defendants

AT LAW

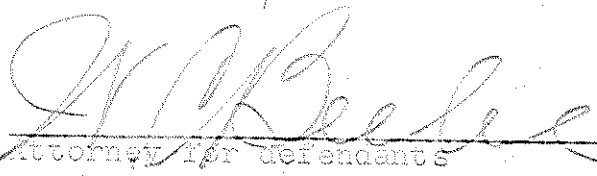
CASE NO. 1874

Come the defendants in the above styled cause and answering plaintiffs complaint say:

FIRST: The defendants disclaim possession of the premises sued for in whole.

SECOND: And further answering plaintiffs complaint defendants say that this suit arises over a disputed boundary line, the plaintiffs own the lands described in the complaint and the defendants own the lands described as follows: Beginning at the Southeast corner of the Southwest quarter of Southwest quarter of Section 22, Township 4 South, Range 2 East, run thence North 57 feet, thence West 66 feet to a point the place of beginning, thence North 1274 feet to a point, thence West 102 feet to a point, thence South 1274 feet to a point, thence East 102 feet to a point the place of beginning, being lot 7 of a plat of the West half of Southwest quarter of Section 22, Township 4 South, Range 2 East, as prepared by H. W. Graham, surveyor, all being in Section 22, Township 4 South, Range 2 East; and this suit arises over a dispute as to the boundary line dividing the said properties owned by the plaintiffs and defendants respectively, and the defendants say that the true boundary line between the property of the plaintiffs and of the defendants as aforesaid is the line dividing the said property as laid out, designated and marked by H. W. Graham, surveyor, March 17, 1949 and also on October 4, 1952, which said line is described and is located as follows: Commencing at a stake at the Southeast corner of the Southwest quarter of Southwest

quarter of Section 22, Township 4 South, Range 2 East in Baldwin County, Alabama, in the right-of-way of United States Highway No. 31 set by the said H. W. Graham on the aforesaid dates, to-wit: the 17th day of March, 1949 and also on October 4, 1952, run thence North 57 feet to a point, thence West 66 feet to a stake set by the said H. W. Graham March 17, 1949 and on October 4, 1952, which said stake is on the North line of the said United States Highway No. 31 and is the point of beginning of the dividing line of the said property of the plaintiffs and said property of the defendants and which said line from said point runs North 660 feet to the Northwest corner of the said land of the plaintiffs and continues North to an iron stake set by the said H. W. Graham March 17, 1949 and October 4, 1952, a distance of 1274 feet from the stake herein designated as the beginning of said dividing line, and which said last named stake is 66 feet West from the East line of the Southwest quarter of the Southwest quarter of Section 22, Township 4 South, Range 2 East, and which said line was surveyed, designated and marked by the said H. W. Graham March 17, 1949 and October 4, 1952.


Attorney for defendants

M. L. Johnson and Alma Johnson

Plaintiffs

vs

Howard Byrd and Stella Byrd

Defendants

ANSWER

Filed November 7, 1952
Alice French
Clerk

We the jury find for the defendants and find the true dividing line between the properties of the plaintiffs and defendants to be the line as surveyed and staked by H. W. Graham, March 17th, 1949, and October 4, 1952, which said line is described as follows:

Commencing at a stake at the Southeast corner of the Southwest quarter of Southwest quarter of Section 22, Township 4 South, Range 2 East in Baldwin County, Alabama, in the right-of-way of United States Highway No. 31 set by the said H. W. Graham on the aforesaid dates, to-wit: the 17th day of March, 1949 and also on October 4, 1952, run thence North 57 feet to a point, thence West 66 feet to a stake set by the said H. W. Graham March 17, 1949 and on October 4, 1952, which said stake is on the North line of the United States Highway No. 31 and is the point of beginning of the dividing line of the said property of the plaintiffs and said property of the defendants and which said line from said point runs North 660 feet to the Northwest corner of the said land of the plaintiffs and continues North to an iron stake set by the said H. W. Graham March 17, 1949 and October 4, 1952, a distance of 1274 feet from the stake herein designated as the beginning of said dividing line, and which said last named stake is 66 feet West from the East line of the Southwest quarter of the Southwest quarter of Section 22, Township 4 South, Range 2 East, and which said line was surveyed, designated and marked by the said H. W. Graham March 17, 1949, and October 4, 1952.

Clarence Harrison
Foreman

James & Neidert

REPLICATION

M. L. JOHNSON AND ALMA JOHNSON,

Plaintiffs,

VS.

HOWARD BYRD AND STELLA BYRD,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1874.

1. To the Defendants' pleas 1 and 2 the Plaintiffs take issue.

2. Further replying to the Defendants' plea 2 the Plaintiffs say

that the true boundary line between the properties owned by the Plaintiffs and Defendants is the line dividing the said properties as laid out, marked and designated by the Durant Engineering Company on, to-wit, May 1, 1949, which said line is laid out, located and described as follows:

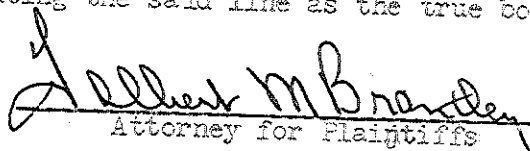
Beginning at a point 66 feet West of the Southeast Corner of the Southwest Quarter of the Southwest Quarter of Section 22, Township 4 South, Range 2 East and run North 57 feet to a point. This being the point of beginning of the dividing line of said properties of Plaintiffs and Defendants; and the point where an iron stake was set by the Durant Engineering Company on, to-wit, May 1, 1949; which stake has been, since the time of the filing of this suit, removed by the Defendants or their agents. From said point run North 660 feet to a point where an iron stake was set by the Durant Engineering Company on, to-wit, May 1, 1949, which said iron stake has been removed by the Defendants or their agents since the time of the filing of this suit.

This said line lies North of U. S. Highway #31 and lies between the respective houses of the Plaintiffs and Defendants.

3. And further answering the Defendants' second plea the Plaintiffs

number two

say, that the line described in replication/has been laid out many years, that the Plaintiffs and Defendants predecessors in title agreed to use, hold, abide by and accept the said line as the true boundary line between the properties. That this line has been accepted and abided by as the boundary line of the tracts of land now owned by the Plaintiffs and Defendants for a period of time longer than ten (10) years prior to the time the Defendants first encroached on the Plaintiffs' land and began disputing the said line as the true boundary line.


Attorney for Plaintiffs

M. L. JOHNSON AND ALMA JOHNSON,

Plaintiffs,

VS.

HOWARD BYRD AND STELLA BYRD,

Defendants.

IN THE CIRCUIT COURT OF

RAIDWIN COUNTY, ALABAMA. -

AT LAW

CASE NO. 1874.

FILED

3-18-53

ALICE L. BUCK, Clerk

M. L. JOHNSON AND ALMA JOHNSON, | IN THE CIRCUIT COURT OF
Plaintiffs, | BALDWIN COUNTY, ALABAMA.
VS. | AT LAW
| CASE NO. 1874.
HOWARD BYRD AND STELLA BYRD, |
Defendants. |

Comes the Defendants in the above style cause, and
moves to strike Plaintiffs' Replication number 3, and as grounds
therefore:

1. The said replication is inconsistent with replications
one and two.
2. The said replication does not set up facts constituting
a defense to the defendants answer.
3. The said replication alleges no facts presenting an
issue in this cause.
4. The said replication sets up matters that constitute
a departure from the matters alleged in the complainant.


Attorney for Defendants.

1874

Filed Sept 15, 1953
Deed-records
Clerk

1874

JURY LIST

Fall Term, September 14th, 1953

Johnson vs. Biff

NO.	NAME	OCCUPATION	ADDRESS
1	Fulton E. Duck	Brookley Field	Bay Minette
2	Capt. W. P. Wren	fleet worker	Bay Minette
3	R. C. Morgan	farmer	Robertsdale
4	Holt A. Stuart	farmer	Bay Minette
5	J. Leon Palmer	farmer	Robertsdale
6	Julio Corte	farmer	Belforest
7	Floyd A. Racine	truck driver	Robertsdale
8	Fred Cass	clerk	Foley
9	Charles Fell	Brookley Field	Fairhope
10	David Barnhill	farmer	Loxley
11	John Blocht	farmer	Foley
12	Andy McDaniel	farmer	Robertsdale
13	Clarence Harrison	fisherman	Bon Secour
14	Floyd Emmons	florist	Bay Minette
15	Homer Flowers	farmer	Bon Secour
16	Joseph Sopr	farmer	Silverhill
17	John A. Sute	farmer	Foley
18	Reece McGill	Brookley Field	Perdido
19	Louis Davis Moore	farmer	Summerdale
20	J. A. Wurst	bank cashier	Bay Minette
21	Walter Quinley	city employee	Bay Minette
22	C. H. Gilland	electrician	Bay Minette
23	Jesse M. Smith	real estate	Bay Minette
24	Billy Bozone	grocery business	Bay Minette
25	James Lindsey	real estate	Bay Minette
26	Lloyd C. Langham	butcher	Bay Minette
27	Jack Page	clerk	Bay Minette
28	C. H. Griffin	saw mill	Bay Minette
29	J. Comer Hammond	cleaner	Bay Minette
30	Chester Eubanks	jeweler	Bay Minette
31	Woodrow Booth	P. M. A. office	Bay Minette
32	Oliver Johnson	road dept.	Bay Minette
33	Albert M. Thompson	merchant	Bay Minette
34	Bernie Little	mechanic	Bay Minette
35	Frank Turner	county agent	Bay Minette
36	Robert Miller	drug clerk	Bay Minette
37	Joe Stuckey	saw mill	Bay Minette
38	Harry I. West	insurance	Bay Minette
39	George Noonan	sign painter	Bay Minette
40	Thomas B. Hall	Newport	Bay Minette
41	May Lawrence Sr		

39
12
27

P. ~~XXXX~~ ~~XXXX~~ ~~XX~~

W. ~~XXXX~~ ~~XXXX~~ ~~XX~~