

JASPER JAMES LOWERY,

Plaintiff,

-vs-

MRS. BERTHA MAY HUGHEN and
L. O. HUGHEN,

Defendants.

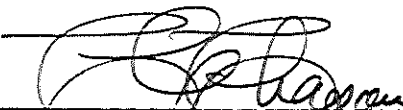
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Case No. 2065

Comes the Defendants in the above styled cause and respectfully shows unto the Court that a question of title and right of possession is involved in the foregoing cause filed as a suit of unlawful detainer and appealed by the Plaintiff from a decision of a Justice of the Peace Court of J. J. Ganus of Robertsedale, Alabama, and further show unto the Court that a suit in Equity has been instituted by the Defendants herein against the Plaintiff herein, to set aside a conveyance on the grounds of fraud and lack of consideration. Therefore, Defendants respectfully pray that this cause be dismissed, suspended or consolidated with the action in Equity.

Done this the 21st day of January, 1954.


Attorney for Defendants

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

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NOTICE OF APPEAL

JASPER JAMES LOWERY,
PLAINTIFF

VS

BERTHA MAY HUGHEN and
L. O. HUGHENS,

DEFENDANTS.

IN THE JUSTICE COURT OF

J. J. CANUS

BEAT 9

ROBERTSDALE, ALABAMA

Comes the Plaintiff in the above styled caude and gives notice of an appeal to the Circuit Court of Baldwin County from the decision rendered in the Justice Court of J. J. Canus, Beat 9, Baldwin County dismissing said cause of action.

FILED

ALICE J. GOSK, Clerk

C. L. Spivey
Attorney for the Plaintiff

STATE OF ALABAMA

BEFORE J. J. GANUS, JUSTICE OF PEACE,

BALDWIN COUNTY

BALDWIN COUNTY

That we, Jasper James Lowery and Dr. Amos Garrett. & H. L. Taylorand undersigned sureties are held and
firmly bound unto Bertha May Huguen and L. O. Huguen in the sum of \$150.00dollars, for the payment of which well and truly to be made,
we bind ourselves and each of us, our and each of our heirs, executors and
administrators, jointly and severally, But upon condition, that if the above
bound Jasper James Lowery shall prosecute to effect an appeal by Jasper James
Lowery taken this day to the next term of the Circuit Court of Baldwin
County, from a judgment rendered against Jasper James Lowery in favor of
Bertha May Huguen and L. O. Huguen by J. J. Ganus, a justice of the peace
for Baldwin County, by dismissing said cause, plus all damages as may be
sustained by the prosecution of the appeal, then, remain in full force and
effect.Given under our hands and seals, this the 24th day of July, 1953.

Jasper J. Lowery (SEAL)
Amos Garrett (SEAL)
H. L. Taylor (SEAL)

Approved:

This 24th day of July, 1953.

J. J. Ganus
 Justice of the Peace.

TO: Bertha May Huguen and L. O. Huguen

I hereby demand and notify you that you are required to forthwith leave the following premises, to-wit:

Northwest Quarter (NE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$), Section Thirty-two (32) Township Five (5) South of Range Four (4) East, containing twenty acres more or less.

for the possession of which premises an action is about to be brought by me against you.

Witness my hand at Bay Minette, Alabama, this 13 day of June, 1953.

JASPER JAMES LOWERY

BY:

B. J. Lowery
Attorney for Jasper James Lowery

100-5060-1

No. 2065'

June, 1922.

Witness my hand at New Hampshire, this 13 day of
May, 1922.

Attest:
Notary Public
for New Hampshire
J. H. [Signature]

For the presentation of which promises no notice is given to be made

to the following promises, to-wit:
Section 11 (1) of the County of [Name] New Hampshire.
Section 11 (2) of the County of [Name] New Hampshire.
Section 11 (3) of the County of [Name] New Hampshire.
Section 11 (4) of the County of [Name] New Hampshire.
Section 11 (5) of the County of [Name] New Hampshire.
Section 11 (6) of the County of [Name] New Hampshire.
Section 11 (7) of the County of [Name] New Hampshire.
Section 11 (8) of the County of [Name] New Hampshire.
Section 11 (9) of the County of [Name] New Hampshire.
Section 11 (10) of the County of [Name] New Hampshire.

For the following promises, to-wit:

I hereby grant and certify that you are entitled to the following

to the [Name] and [Name] and [Name]

THE STATE OF ALABAMA, }
BALDWIN COUNTY

In The Justice Court Of
~~THE CIRCUIT COURT~~
J. J. GANUS

To Any Lawful Officer of Said County, GREETINGS:

Summon Bertha May Hughen and L. O. Hughen

to appear before me on the 18th day of July, 1953, next, at my office in
10-0, clock-A.M.
Robertsdale.

Baldwin County, Alabama, to answer the complaint of

Jasper James Lowery

and then and there make a return of this summons.

Issued the 9th day of July, 1953

J. J. Ganus

, Justice of the Peace.

COMPLAINT

Jasper James Lowery

VS.

Bertha May Hughen and L. O. Hughen

Plaintiff

Defendant

~~The Plaintiff claims of the Defendant the sum of \$50.00 for the detention thereof~~

The Plaintiff sues to recover possession of the following tract of
land, situate in Baldwin County, State of Alabama, to-wit:

*Tract 103
East 10 acres*

Northeast quarter (NE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of
Southwest Quarter (SW $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of
Northeast Quarter (NE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$),
Section Thirty-two (32) Township Five (5) South of Range
Four (4) East, containing twenty acres more or less.

as recorded in the office of the Judge of Probate of Baldwin County, Alabama
in Deed Book 103, page 9, of which plaintiff was in possession and upon which
pending such possession and before the commencement of this suit the Defendant
~~entered and unlawfully withholds together with \$50.00 for the detention thereof.~~

G. LENOIR THOMPSON
ATTORNEY AT LAW
BAY MINETTE, ALA.

Jasper J. Lowery

Plaintiff's Attorney

Executed by personal service and notice
of Garnishment

this _____ day of _____ 19__

_____, Constable

By _____ D. C.

No. _____ Page _____

The State of Alabama,
BALDWIN COUNTY

In the Justice Court of

T. C. HAND

J. G. Hand
July 18th 10-0-0- Clerk A.M.
Term, 19*13*

Summons and Complaint

VS. Plaintiff

Defendant

The Defendant is hereby notified that
Writ of Garnishment has been served on

_____, J. P.

Location: _____

THE STATE OF ALABAMA, }

BALDWIN COUNTY

In The Justice Court Of
~~XXXXXX~~
 J. J. GANUS

To Any Lawful Officer of Said County, GREETINGS:

Summon Bertha May Hughen and L. O. Hughen

to appear before me on the 18th day of July, 1953, next, at my office in
Robertsdale, Baldwin County, Alabama, to answer the complaint of

Jasper James Lowery

and then and there make a return of this summons.

Issued the 9th day of July, 1953

J. J. Ganus

Justice of the Peace.

COMPLAINT

Jasper James Lowery

VS.

Bertha May Hughen and L. O. Hughen

Plaintiff

Defendant

~~The Plaintiff claims that the Defendant owes the sum of _____ Dollars~~

The Plaintiff sues to recover possession of the following tract of

land, situate in Baldwin County, State of Alabama, to-wit:

Northeast quarter (NE $\frac{1}{4}$) of Northwest Quarter (NW $\frac{1}{4}$) of
Southwest Quarter (SW $\frac{1}{4}$) and Northwest Quarter (NW $\frac{1}{4}$) of
Northeast Quarter (NE $\frac{1}{4}$) of Southwest Quarter (SW $\frac{1}{4}$),
Section Thirty-two (32) Township Five (5) South of Range
Four (4) East, containing twenty acres more or less.

as recorded in the office of the Judge of Probate of Baldwin County, Alabama,
 in Deed Book 103, page 9, of which plaintiff was in possession and upon which
 pending such possession and before the commencement of this suit the Defendant
 entered and unlawfully withholds together with \$50.00 for the detention thereof.

FILED
 E. LENOIR THOMPSON
 ATTORNEY AT LAW
 BAY MINETTE, ALA.

Jasper J. Lowery

Plaintiff's Attorney

Executed by personal service and notice
of Garnishment

Hughes
Bertha May

this 10 day of July 1953

Taylor Wilkins Constable

By *Allegre Steubner*

Received in Sheriff's Office
this 9 day of July 1953
TAYLOR WILKINS, Sheriff

The State of Alabama,
BALDWIN COUNTY

In the Justice Court of

T. C. HAND

J. P. Gamm
July 18th 10-0 O'clock A.M.
Term, 1953

Summons and Complaint

J. P. Gamm

Plaintiff

VS.

Bertha May Hughes
J. P. O. Hughes

Defendant

The Defendant is hereby notified that
Writ of Garnishment has been served on

J. P. Gamm, J. P.

Location: _____

| ATTORNEYS | NAMES OF PARTIES | CAUSE OF ACTION | ITEMIZED BILL OF COST |
|---|--|---|--|
| For Pltff.
Hon. C. Leneir
Thompson. | Plaintiff, Jasper James
Lowery. | Suit on Unlawful Detainer
For recovery of the following
Property. | Justice's Fees |
| | Defendants, | North-east Quarter (NE $\frac{1}{4}$) of | Issuing Summons..... \$ 50 .50 |
| | Mrs. Bertha May Hugdon, | North-west Quarter (NW $\frac{1}{4}$) of | Issuing..... Alias Summons..... 50 |
| For Defendants | & L. O. Hugdon. | South-west Quarter (SW $\frac{1}{4}$) & | Issuing..... Subpoena.. for each witness.. 15 |
| Hon. Cecil
Chason. | | North-west Quarter (NW $\frac{1}{4}$) of | Issuing..... Execution and Taxing Cost... 50 |
| | | North-east Quarter (NE $\frac{1}{4}$) of | Issuing..... Summons to Garnishee and
taking answer..... 50 |
| | | South-west Quarter (SW $\frac{1}{4}$) | Issuing..... Attachment Writ..... 50 |
| | | Section Thirty-two (32) | Attachment Bond and Affidavit..... 1 50 |
| | | Township Five, (5), | Garnishment Bond and Affidavit..... 50 |
| | | South of Range Four, (4) | Appeal or Certiorari, including Bond 1 00 1.00 |
| | | East, and containing Twenty | Bond..... 50 |
| | | (20) acres more, or less. | Administering Oath and certifying same.... 50 3.00 |
| Witnesses for
Plaintiff. | DISPOSITION OF CASE | | Certificate not otherwise provided for 25 |
| Arthur Agerton. | Bond and Affidavit Filed | | Docketing Cause..... 10 .10 |
| Inez Agerton. | | | Judgment on Forthcoming Stay or Replevin
Bond..... 50 |
| Helen Lowery. | Summons and Complaint Issued Ret. July, 18th 1953. | | Judgment on Summary Proceeding..... 75 |
| Leah Calvert. | Ret. Executed By Edloigh Steadham, D.S. | | Issuing..... Venire Facias..... 50 |
| Witnesses for
Defendants. | In the judgment of this Court, this case was | | Transcript of Proceeding..... 50 .50 |
| W. C. Lowery, | k. dismissed for lack of jurisdiction, from which | | Attending Trial or Right of Property..... 1 00 |
| Mario Lowery, | the case was appealed to Circuit Court of Baldwin | | Sci. Fa. or notice in nature thereof... 50 |
| Clarence Henzik. | County. Bond signed by, H. L. Taylor, and | | Making Return of Certiorari..... 50 |
| | Dr. Amon Garrett. | | Notice to Defendant..... 15 |
| | Amtt. of bond. \$150.00 | | Release..... 25 4.10 |
| | | | CONSTABLE'S FEES |
| | | | Civil Cases |
| | | | Serving..... Summons Sheriff,.... 1 00 1.50 |
| | | | Serving..... Summons on each Witness... 25 3.00 |
| | | | Serving..... Garnishment..... 25 |
| | | | Levying Execution under \$50.00..... 1 00 |
| | | | Levying Attachment under \$50.00..... 1 00 |
| | | | Making Money, 3 per cent. not less than.. 75 |
| | | | Serving Notice, etc. on each party therein.. 25 |
| | | | Serving Sci. Fa. or other like Notices..... 50 |
| | | | Taking Bail or other Bond..... 50 4.50 |
| | | | Keeping Property Levied on..... |
| | | | WITNESS' FEES |
| | | | Witness..... Days..... 50 \$8.60 |
| | | | Garnishee's Fee..... |

2065

FILED
AUG 18 1953
AUG 1. DUCK, Clerk