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SUNNY SOUTH DEVELOPING COMPANY,
INC., et al.,
Complainant.

vs.

EMMETT O. WENZEL, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY.

DECREE.

This cause coming on to be heard on the note of testimony prepared by the Register, the bill of complainant, the answer and cross-bill of respondents W. C. Holmes, O. S. Holmes, H. V. McCallister and Frank Wenzel and the amended answers and cross-bills of Respondents Emmett O. Wenzel, P. M. Melton and E. S. Simmons and the stipulation of these parties for a consent decree and was submitted to the Court and the Court finds from the proof on file that the Court has jurisdiction of the subject matter of this action and of the persons of said complainants and respondents and, in accordance with said stipulation,

It is ORDERED, ADJUDGED, and DECREED that the complainants Sunny South Developing Company, Inc., A. W. Keller as trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley on the date of August 1st, 1921 and recorded in the office of the Judge of Probate of Baldwin County, Alabama on September 15th, 1921 in Mortgage Book 25, pages 596 and 597 thereof, and the said A. W. Keller as trustee under that certain deed of trust executed by Sunny South Developing Company, Inc., to the State Bank of Foley, dated June 1st, 1922 and recorded in the office of the Judge of Probate in Baldwin County, Alabama on July 17th, 1922 in Mortgage Book 27, pages 144 to 160 thereof, have no right, title interest, lien, claim or demand upon the following described lands in Baldwin County, Alabama, or any part thereof:

Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37
38, and 39 in Oak River View and Lots 31 and
34 in Oak River View, first addition, all in
Section thirty-nine (39), Township eight (8)
South, Range four (4) East.....

The South half (S $\frac{1}{2}$) of the Southeast quarter
(SE $\frac{1}{4}$) of Section sixteen (16), Township eight
(8) South, Range four (4) East.....

The West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East.....

The Southeast quarter ($SE\frac{1}{4}$) of Section Twenty (20), Township eight (8) South, Range four (4) East.....

The East half ($E\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) and the Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East...

North half ($N\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section sixteen (16), Township eight (8) South, Range four (4) East.....

That the title of the respondent and cross-complainant Emmett O. Wenzel in and to

Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38 and 39 in Oak River View and Lots 31 and 34 in Oak River View, first addition, all in Section thirty-nine (39), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondent and cross-complainant P.M. Melton in and to

The South half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section sixteen (16), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondent and cross-complainant E. S. Simmons in and to

The West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section Twenty (20), Township eight (8) South, Range Four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondents and cross-complainants W.C. Holmes and O. S. Holmes in and to

The Southeast quarter ($SE\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in them.

That the title of the respondent and cross-complainant H. V. McCallister in and to

The East half (E¹/₂) of the Southwest quarter (SW¹/₄) of the Northeast quarter (NE¹/₄) and the Northeast quarter (NE¹/₄) of the Southwest quarter (SW¹/₄) of Section twenty (20), Township eight (8) South, Range four (4) East, in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondent and cross-complainant Frank Wenzel in and to

The North half (N¹/₂) of the Northwest quarter (NW¹/₄) of the Northwest quarter (NW¹/₄) of Section Sixteen (16), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the Register be and he hereby is ordered and directed to file a copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama, where the same shall be recorded and indexed in the deed records of Baldwin County and that the complainants pay the costs of court which are properly chargeable against these respondents and cross-complainants.

Dated this 29th day of June, 1939.

F. W. HARE,
Judge.

: :

REGISTER(S) CERTIFICATE.

THE STATE OF ALABAMA, }
BALDWIN COUNTY. }

I, R. S. DUCK, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that the above and foregoing, is a true, correct and full copy of the decree rendered in the cause of SUNNY SOUTH DEVELOPING COMPANY, INC., Complainant, versus EMMETT O. WENZEL, ET ALS., Respondents, lately pending in the Circuit Court, in Equity of said State and County; by the Honorable F. W. Hare, Judge of said Court, on the 29th day of June, 1939; the original of which decree remains on file and of record in this Office.

WITNESS my hand and seal of said Circuit Court, this the 1st day of November, 1939.

R. S. DUCK, Register,
By: *Russell Thompson*
Deputy Register.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER

Now comes the Respondent, Ernest P. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company Inc., is a corporation organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Northeast Quarter of Southwest Quarter and Northwest Quarter of Southwest Quarter of Section 17; Northeast Quarter of Southeast Quarter and Southeast Quarter of Northeast Quarter of Section 18, all in Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent claims the said property namely: The Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 17; the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of Section 18, all in Township 8 South Range 4

East in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and more than three years possession of the said property by him after acquiring the said deed and for more than three years prior to the commencement of this suit.

Fourth: This Respondent denies that one of the said Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Northeast Quarter of Southwest Quarter and Northwest Quarter of Southwest Quarter of Section 17; Northeast Quarter of Southeast Quarter and Southeast Quarter of Northeast Quarter of Section 18, all in Township 8 South Range 4 East,

in Baldwin County, Alabama; denies that it is subject to the aforesaid Deed of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

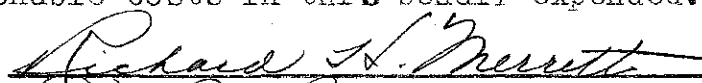
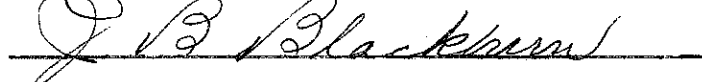
This Respondent admits that the said property claimed by him was sold to the State of Alabama on to-wit, May 28, 1928, for delinquent taxes for the year 1927 assessed to the Sunny South Developing Company, Inc., but denies that all of the property described in the said Bill of Complaint is subject to the same defenses.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.



Solicitors for Respondent, Ernest P. Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

VS.

WILLIAM WATERS ET ALS,

Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

DECREE

This cause coming on to be heard on this date is submitted on the motion of Lucy Estelle Waters to intervene in this cause and the acceptance of service, waiver of notice and consent that the motion be granted of Sunny South Developing Company, a Corporation, and Edna C. Thiem, as Trustee as described in the said motion, from which it appears that the movant, Lucy Estelle Waters, now owns the property heretofore claimed by William Waters and is in possession of the said property; that Edna C. Thiem has been appointed by the Circuit Court of Baldwin County, Alabama as successor Trustee to A. W. Keller, one of the Complainants in this suit, who is now deceased; that the said movant has consented that this cause be revived against her and that Edna C. Thiem, as said Trustee, be substituted as a party Complainant for the said A. W. Keller, as Trustee, all of which has been consented to by the respective parties; whereupon, it is, therefore, Ordered, Adjudged and Decreed by the Court as follows:

1. The said Lucy Estelle Waters shall be and she is hereby fully and completely authorized to intervene in this cause and file such pleadings as she considers proper.

2. This cause is revived against the said Lucy Estelle Waters and against the lands owned by her, which is the following described real property situated in Baldwin County, Alabama, to-wit:

West Half of the Northwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 17;

Northeast Quarter of the Northeast Quarter of Section 18;

West Half of the Southeast Quarter of the Northeast Quarter of Section 19,

All being in Township 8 South, Range 4 East, containing 180.59 acres, according to the official plat of the Government Survey thereof,

3. Edna C. Thiem shall be and she is hereby substituted, as Trustee as aforesaid, as a party Complainant for A. W. Keller, as Trustee, as described in the said Bill of Complaint.

4. This decree has been consented to by Lucy Estelle Waters, the Sunny South Developing Company, a Corporation, and Edna C. Thiem, as Trustee.

ORDERED, ADJUDGED AND DECREED on this the 22nd day of February, 1949.

J. Fair J. Marshall, Jr.
Judge

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

Complainants,

VS.

WILLIAM WATERS ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 543.

FINAL DECREE

This cause coming on to be heard on this date is submitted for a final decree on behalf of the Respondent and Cross Complainant, Lucy Estelle Waters, upon the following; Original Bill of Complaint, Motion for Leave to Intervene, Decree permitting Intervention, Reviving Cause and substituting Edna C. Thiem as a party Complainant, Answer and Cross Bill of Respondent and Cross Complainant, Lucy Estelle Waters, Answer of Sunny South Developing Company, a Corporation, and Edna C. Thiem, as successor Trustee, to Cross Bill, consenting that a decree be rendered quieting Respondent and Cross Complainant's title to the property owned by her and the testimony noted by the register; upon consideration of all of which, it is, therefore, Ordered, Adjudged and Decreed by the Court as follows:

1. The Respondent and Cross Complainant, Lucy Estelle Waters, is, as against the Complainants and Cross Respondents, Sunny South Developing Company, a Corporation, and Edna C. Thiem, as Trustee under that certain deed of trust from Sunny South Developing Company, a Corporation, to State Bank of Foley, dated August 1, 1921 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Book 25 of Mortgages at pages 596-7, and also under the deed of trust from Sunny South Developing Company, a Corporation, to the State Bank of Foley, dated June 1, 1922 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Book 27 of Mortgages at pages 144-6, Baldwin County, Alabama Records, the true and lawful owner in her own right of the following described lands situated in Baldwin County, Alabama, to-wit:

West Half of the Northwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 17;

Northeast Quarter of the Northeast Quarter of Section 18;

West Half of the Southeast Quarter of the Northeast Quarter of Section 19,

All being in Township 8 South, Range 4 East, containing 180.59 acres, according to the official plat of the Government Survey thereof.

2. Title to the said lands is in Lucy Estelle Waters and title thereto is forever quieted against Sunny South Developing Company, a Corporation, and Edna C. Thiem, as Trustee under that certain deed of trust from Sunny South Developing Company, a Corporation, to State Bank of Foley, dated August 1, 1921 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Book 25 of Mortgages at pages 596-7, and also under the deed of trust from Sunny South Developing Company, a Corporation, to the State Bank of Foley, dated June 1, 1922 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Book 27 of Mortgages at pages 144-6, Baldwin County, Alabama Records, and the said Complainants and Cross Respondents and each of them are without right, title or interest in and to the said lands, or any part thereof, and do not have and hold no encumbrance on the said property, or any part thereof or any interest therein, and they and each of them are hereby perpetually enjoined from asserting or attempting to assert any claim to the said property, or any part thereof or any interest therein, or from claiming any lien on the said property, or any part thereof or any interest therein.

3. The said deed of trust from Sunny South Developing Company, a Corporation, to the State Bank of Foley, dated August 1, 1921 and recorded in the office of the Judge of Probate, Baldwin County, Alabama in Book 25 of Mortgages at pages 596-7, and the said deed of trust from Sunny South Developing Company, a Corporation, to the State Bank of Foley, dated June 1, 1922 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Book 27 of Mortgages at pages 144-6, Baldwin County, Alabama Records, are hereby decreed to be invalid and of no effect, insofar as they apply to the above described property.

4. The Register of this Court shall file a certified copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama for record therein within thirty (30) days from the rendition hereof and tax the cost of such recording as a part of the

costs of this proceeding.

5. The costs of this proceeding are hereby taxed against the Respondent and Cross Complainant, Lucy Estelle Waters.

ORDERED, ADJUDGED AND DECREED on this the 22nd day of February, 1949.

Jelfair G. Maslbury
Judge.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

DEMURRER.

I. Now comes the Respondent, William Waters, and demurs to the Bill of Complaint filed in the said cause, and as grounds therefor sets down and assigns separately and severally the following:

1. There is no equity in the bill.
2. There is a misjoinder of parties complainant.
3. There is a misjoinder of parties respondent.
4. The respondent, William Waters, is improperly joined in the said cause with the other respondents named therein.
5. The said bill of complaint is multifarious.
6. That it appears by the said bill that the same improperly unites distinct matters and causes so that the bill is altogether multifarious.

7. That it appearing from the said bill that the same is exhibited against this respondent by complainants' having distinct matters and causes to such extent that the bill is altogether multifarious.

8. That it appears by the said bill that the same is exhibited against this respondent and several other respondents for distinct matters and causes, in several whereof this Respondent is not in any manner concerned, and that the bill is altogether multifarious.

II. Now comes the Respondent, William Waters, and demurs to so much of the said bill of complaint as sets forth the allegations whereby Complainants are attempting to quiet title to the said property, namely: paragraphs Second and Third thereof and to the relief sought thereon and as grounds therefor sets down and assigns separately and severally the following:

THE STATE OF ALABAMA,
Baldwin County.

Circuit Court of Baldwin County, Alabama
(In Equity)

Sunny South Developing Company, Inc., Complainant s
Et Al,

VS.

William Waters, Et Als, Respondent s

I, Betty R. Buck

~~xxx Registrar xxx~~ Commissioner

have called and caused to come before me Lucy Estelle Waters

witness named in the Requirement for Oral Examination, on the _____ day of February
194 9, at the office of J. B. Blackburn
in Bay Minette, Alabama, and having first sworn said Witness to speak the
truth, the whole truth, and nothing but the truth, the said Lucy Estelle Waters
doth depose and say as follows:

TESTIMONY OF LUCY ESTELLE WATERS.

My name is Lucy Estelle Waters. I am over twenty-one years of age and am one of the Respondents and the Cross-Complainant in this suit. I own and am in the actual peaceable possession of all of the land described in the Cross-Bill filed in this cause by me, which is the following described real property situated in Baldwin County, Alabama, to-wit:

West Half of the Northwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 17;

Northeast Quarter of the Northeast Quarter of Section 18;

West Half of the Southeast Quarter of the Northeast Quarter of Section 19;

All being in Township 8 South, Range 4 East, containing 180.59 acres, according to the official plat of the Government Survey thereof.

I and those through whom I claim title have been in the actual possession of the said property for more than ten years prior to this date, during all of which time, I and those through whom I claim title have regularly assessed and paid taxes on the said property. No other person, firm or corporation has been in possession of the said property or any part thereof nor has any other person, firm or corporation other than myself and those through whom I claim title have paid taxes on the said property or any part thereof for more than ten years prior to this date.

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

VS.

WILLIAM WATERS,

Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

ANSWER AND CROSS BILL

Now comes Lucy Estelle Waters, who has been permitted to intervene in this cause by a decree heretofore rendered herein, and for answer to the Bill of Complaint filed in this cause, says:

1. She admits that the Sunny South Developing Company, is a Corporation, organized and existing under the laws of the State of Alabama, and that Edna C. Thiem is Trustee under the mortgages or deeds of trust described in the Bill of Complaint.

2. She denies that the Sunny South Developing Company, a Corporation, is the owner of and in peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit:

West Half of the Northwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 17;

Northeast Quarter of the Northeast Quarter of Section 18;

West Half of the Southeast Quarter of the Northeast Quarter of Section 19,

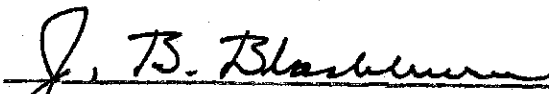
All being in Township 8 South, Range 4 East, containing 180.59 acres, according to the official plat of the Government Survey thereof,

and for further answer to the said Bill of Complaint alleges that she owns all of the said property and is in the actual, peaceable possession thereof.

3. Respondent admits that no suit, other than this suit, is pending to enforce and test the validity of her right, title and interest in and to the said property.

4. Respondent admits that Edna C. Thiem has been heretofore appointed, qualified and is now acting as Trustee under the deed of trust executed by the Sunny South Developing Company, a Corporation, to the State Bank of Foley, dated August 1, 1921 and re-

final hearing of this cause the Court will make and enter a decree quieting this Respondent and Cross Complainant's title to the above described property, adjudging and decreeing that she is the owner thereof in her own right, that title thereto is in her, forever quieting her title against the said Sunny South Developing Company, a Corporation, and against Edna C. Thiem, as successor Trustee as aforesaid, adjudging and decreeing that the said parties and each of them are without right, title or interest in the said lands and have and hold no encumbrance thereon and also that the above described deeds of trust from the Sunny South Developing Company, a Corporation, to the State Bank of Foley are not liens or encumbrances on the said property, and that the said Complainants and Cross Respondents be forever enjoined from enforcing or attempting to enforce any claim on the said property, or any part thereof, or any interest therein. This Respondent and Cross Complainant prays for such other, further and general relief as she may be equitably entitled to, the premises considered.


Solicitor for Respondent and Cross
Complainant, Lucy Estelle Waters.

SUNNY SOUTH DEVELOPING COMPANY,
INC., et al

Complainant,

vs.

EMMETT O. WENZEL, et al,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DECREE

This cause coming on to be heard on the note of testimony prepared by the Register, the bill of complainant, the answer and cross-bill of respondents W. C. Holmes, O. S. Holmes, H. V. Mc Callister and Frank Wenzel and the amended answers and cross-bills of Respondents Emmett O. Wenzel, P. M. Melton and E. S. Simmons and the stipulation of these parties for a consent decree and was submitted to the Court and the Court finds from the proof on file that the Court has jurisdiction of the subject matter of this action and of the persons of said complainants and respondents and, in accordance with said stipulation,

It is ORDERED, ADJUDGED, and DECREED that the complainants Sunny South Developing Company, Inc., A. W. Keller as trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley on the date of August 1st, 1921 and recorded in the office of the Judge of Probate of Baldwin County, Alabama on September 15th, 1921 in Mortgage Book 25, pages 596 and 597 thereof, and the said A. W. Keller as trustee under that certain deed of trust executed by Sunny South Developing Company, Inc. to the State Bank of Foley, dated June 1st, 1922 and recorded in the office of the Judge of Probate in Baldwin County, Alabama on July 17th, 1922 in Mortgage Book 27, pages 144 to 160 thereof, have no right, title interest, lien, claim or demand upon the following described lands in Baldwin County, Alabama, or any part thereof:

Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38, and 39 in Oak River View and Lots 31 and 34 in Oak River View, first addition, all in Section thirty-nine (39), Township eight (8) South, Range four (4) East.....

The South half (S $\frac{1}{2}$) of the Southeast quarter (SE $\frac{1}{4}$) of Section sixteen (16), Township eight (8) South, Range four (4) East.....

The West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East.....

The Southeast quarter ($SE\frac{1}{4}$) of Section Twenty (20), Township eight (8) South, Range four (4) East.....

The East half ($E\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) and the Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East...

North half ($N\frac{1}{2}$) of Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section sixteen (16), Township eight (8) South, Range four (4) East.....

That the title of the respondent and cross-complainant Emmett O. Wenzel in and to

Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38 and 39 in Oak River View and Lots 31 and 34 in Oak River View, first addition, all in Section thirty-nine (39), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondent and cross-complainant P. M. Melton in and to

The South half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section sixteen (16), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondent and cross-complainant E. S. Simmons in and to

The West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section Twenty (20), Township eight (8) South, Range Four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondents and cross-complainants W. C. Holmes and O. S. Holmes in and to

The Southeast quarter ($SE\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in them.

That the title of the respondent and cross-complainant H. V. McCallister in and to

The East half ($E\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) and the Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East, in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the title of the respondent and cross-complainant Frank Wenzel in and to

The North half ($N\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section sixteen (16), Township eight (8) South, Range four (4) East in Baldwin County, Alabama.....

be and the same hereby is quieted and confirmed in him.

That the Register be and he hereby is ordered and directed to file a copy of this decree in the office of the Judge of Probate of Baldwin County, Alabama where the same shall be recorded and indexed in the deed records of Baldwin County and that the complainants pay the costs of court which are properly chargeable against these respondents and cross-complainants.

Dated this 29th day of June, 1939.



Judge

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, H. T. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Southeast Quarter of the Northwest Quarter of Section 17, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent owns and claims the said property, namely: Southeast Quarter of the Northwest Quarter of Section 17, Township 8 South Range 4 East, in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and more than three years possession of the said property by him after acquiring the said deed and for more than three years prior to the commencement of this suit.

in the said Bill of Complaint is subject to the same defenses.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.

Richard H. Merritt

J. B. Blackburn

Solicitors for Respondent, H. T.
Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, W. L. Willis, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation, organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama: Northwest Quarter of Southeast Quarter of Section 17, Township 8 South Range 4 East; Southeast Quarter of the Southwest Quarter of Section 17, Township 8 South Range 4 East; and Northwest Quarter of the Northeast Quarter; Northeast Quarter of Northwest Quarter of Section 20, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent owns and claims the said property namely: Northwest Quarter of Southeast Quarter of Section 17, Township 8 South Range 4 East; Southeast Quarter of Southwest Quarter of Section 17, Township 8 South Range 4 East, in Baldwin County, Alabama.

under and by virtue of tax deeds from the State of Alabama, conveying the said property to him and more than three years possession of the said property by him after acquiring the said deeds and for more than three years prior to the commencement of this suit.

This Respondent also owns and claims the said property, namely: Northwest Quarter of Northeast Quarter and Northeast Quarter of Northwest Quarter of Section 20, Township 8 South Range 4 East in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama conveying the said property to him, and he, the Respondent, is in possession thereof.

Fourth: This Respondent denies that one of the said Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921, and recorded in Book Number 25 of Mortgages at pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee, is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South

Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Northwest Quarter of Southeast Quarter of Section 17, Township 8 South Range 4 East; Southeast Quarter of the Southwest Quarter of Section 17, Township 8 South, Range 4 East and Northwest Quarter of the Northeast Quarter; Northeast Quarter of Northwest Quarter of Section 20, Township 8 South Range 4 East in Baldwin County, Alabama; denies that it is subject to the aforesaid Deeds of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

This Respondent admits that the said property claimed by him was sold to the State of Alabama on to-wit, May 28, 1928, for delinquent taxes for the year 1927 assessed to the Sunny South Developing Company, Inc., but denies that all of the property described in the said Bill of Complaint is subject to the same defenses.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company was in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint

that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.


Solicitor for Respondent, W. L. Willis.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, Eli T. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation, organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Northeast Quarter of Northwest Quarter; Northwest Quarter of Northeast Quarter and Northeast Quarter of Southwest Quarter of Section 16, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent claims the said property, namely: Northeast Quarter of Northwest Quarter; Northwest Quarter of Northeast Quarter and Northeast Quarter of Southwest Quarter of Section 16, Township 8 South Range 4 East, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and that he, this Respondent, is in possession thereof.

said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.

Richard S. Merritt

J. B. Blackburn

Solicitors for Respondent, Eli T. Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, W. G. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation, organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Northeast Quarter of Southeast Quarter of Section 16, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent claims the said property, namely: Northeast Quarter of Southeast Quarter of Section 16, Township 8 South Range 4 East in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and that he, this Respondent, is in possession thereof.

Fourth: This Respondent denies that one of the said Complainants, namely, A. W. Keller, is Trustee or successor in trust

Fourth: This Respondent denies that one of the said Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain Deed of Trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Northeast Quarter of Northwest Quarter, Northwest Quarter of Northeast Quarter, Northeast Quarter of Southwest Quarter of Section 16, Township 8 South Range 4 East, in Baldwin County, Alabama; denies that it is subject to the aforesaid Deeds of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of

SUNNY SOUTH DEVELOPING COMPANY,
INC.,

Complainants.

Vs.

EMMETT O. WENZEL, ET ALS.,
Respondents.

CERTIFIED COPY OF DECREE.

State of Alabama,
Baldwin County.

FILED
DEC 19 1939

Filed in office this day of

1939 at 9 am and duly recorded
in Book No. 7175 of page 7-8

and I certify that

the same are

correctly and truly

represents the same as required by law

[Signature]
Judge of Probate

[Signature]
175

No. 543 - Equity

Inventory South Rio Grande
et al

vs

Emmet O Wenzel et al

Answer of
Emmet P Flowers

Filed July 8, 1939

R. S. Duvick, Register

By - Walter Thompson, Deputy

ORAL EXAMINATION.

I, Betty R. Buck, as ~~Register and~~ Commissioner hereby certify that the foregoing deposition—on Oral Examination was taken down by me in writing in the words of the witness—and read over to her—and—she—signed the same in the presence of myself and W. C. Beebe and J. B. Blackburn

at the time and place herein mentioned; that I have personal knowledge of personal identity of said witness—or had proom made before me of the identity of said witness—; that I am not of counsel or of kin to any of the parties to said cause, or any manner interested in the result thereof

I enclose the said Oral Examination in an envelope to the Register of said Court.

Given under my hand and seal, this 22nd day of February, 1949.

Betty R. Buck (L. S.)

NO. _____	PAGE _____
THE STATE OF ALABAMA	
BALDWIN COUNTY	
IN CIRCUIT COURT, IN EQUITY.	
SUNNY SOUTH DEVELOPING COMPANY,	
INC., ET AL	
vs.	Complainants
WILLIAM WATERS, ET ALS,	
Respondents	
Oral Deposition	
Filed <u>2-22</u> , 194 <u>9</u>	, Register.
Recorded in _____	Record
Vol. _____	Page _____
, Register.	

543 - Equity

Henry South Dev. Co Inc
et als vs

Ernest O Bengel
et als -

Answer of J F Flowers

Filed July 8, 1935
R. S. Buck, Register
By - Merrill Thompson, Deputy

REC'D
No. 543 - Equity

Bummy South New Co Inc
et al

vs

Samuel O Mergal

Answer &

W. L. Mills

Filed July 8 1938
R. S. Dural, Register
By Franklin Thompson, Deputy

No. 543 - Smith

RECORDED

Sammy Beut Dow Co Inc
at also

12 -

Ernest O Wenger
et al.

Answer of

Bl. J. Flowers

Filed July 5, 1939

R.S. Beut, Register

By - William Shuman, Deputy

to the State Bank of Foley under that certain Deed of Trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Northeast Quarter of Southeast Quarter of Section 16, Township 8 South Range 4 East, in Baldwin County, Alabama; denies that it is subject to the aforesaid Deed of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly de-

niees that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.

Richard H. Merritt

J. B. Blackburn

Solicitors for Respondent, W. G.
Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

DEMURRER.

I. Now comes the Respondent, Eli T. Flowers, and demurs to the Bill of Complaint filed in the said cause, and as grounds therefor sets down and assigns separately and severally the following:

1. There is no equity in the bill.
2. There is a misjoinder of parties complainant.
3. There is a misjoinder of parties respondent.
4. The respondent, Eli T. Flowers, is improperly joined in the said cause with the other respondents named therein.
5. The said bill of complaint is multifarious.
6. That it appears by the said bill that the same improperly unites distinct matters and causes so that the bill is altogether multifarious.
7. That it appearing from the said bill that the same is exhibited against this respondent by complainants' having distinct matters and causes to such extent that the bill is altogether multifarious.
8. That it appears by the said bill that the same is exhibited against this respondent and several other respondents for distinct matters and causes, in several whereof this respondent is not in any manner concerned, and that the bill is altogether multifarious.

II. Now comes the respondent, Eli T. Flowers, and demurs to so much of the said bill of complaint as sets forth the allegations whereby Complainants are attempting to quiet title to the said property, namely: paragraphs Second and Third thereof and to the relief sought thereon and as grounds therefor sets down and assigns separately and severally the following:

tifarious.

8. That it appears by the said bill that the same is exhibited against this respondent and several other respondents for distinct matters and causes, in several whereof this respondent is not in any manner concerned, and that the bill is altogether multifarious.

J. T. Blackburn

Solicitor for Respondent, Eli T. Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET O. WENZEL, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

PLEAS.

Now comes A. T. Flowers, one of the Respondents in
the above entitled cause and for pleas to the bill of complaint filed
in this cause separately and severally says:

1. This respondent denies that the complainant, Sunny
South Developing Company, Inc., is a corporation,
2. This respondent denies that the complainant, Sunny
South Developing Company, Inc., was a corporation, at the time this
suit was commenced and further denies that it is a corporation on
this date.

A. T. Flowers

Respondent, A. T. Flowers.

STATE OF ALABAMA
BALDWIN COUNTY

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

A. T. Flowers

Sworn to and subscribed before me
on this the 23 day of May, 1939.

[Signature]
Notary Public, Baldwin County, Alabama.

My Commission Expires Oct. 11, 1939

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET O. WENZEL, et als,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 543.

PLEAS.

Now comes Homer L. Flowers, one of the Respondents in the above entitled cause and for pleas to the bill of complaint filed in this cause separately and severally says:

1. This respondent denies that the complainant, Sunny South Developing Company, Inc., is a corporation.

2. This respondent denies that the complainant, Sunny South Developing Company, Inc., was a corporation, at the time this suit was commenced and further denies that it is a corporation on this date.

Homer L. Flowers

Respondent, Homer L. Flowers.

STATE OF ALABAMA
BALDWIN COUNTY

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

Homer L. Flowers

Sworn to and subscribed before me
on this the 31st day of May, 1939.

[Signature]
Notary Public, Baldwin County, Alabama.

My Commission Expires Oct. 11, 1939

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, Homer L. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Northeast Quarter of Section 17, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent owns and claims the said property namely: The Southwest Quarter of the Northeast Quarter of Section 17, Township 8 South Range 4 East, in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and more than three years possession of the said property by him after acquiring the said deed and for more than three years prior to the commencement of this suit.

Fourth: This Respondent denies that one of the said

Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A.W. Keller, as Trustee, is successor in trust to the State Bank of Foley Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Southwest Quarter of Northeast Quarter of Section 17, Township 8 South Range 4 East, in Baldwin County, Alabama; denies that it is subject to the aforesaid Deeds of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

This Respondent admits that the said property claimed by him was sold to the State of Alabama on to-wit, May 28, 1928, for delinquent taxes for the year 1927 assessed to the Sunny South Developing Company, Inc., but denies that all of the property described in the said Bill of Complaint is subject to the same defenses.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.

Richard N. Merritt
J. B. Blackburn

Solicitors for Respondent, Homer L. Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

EMMETT O. WENZEL, et al,
Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

NOTE OF TESTIMONY

At the hearing of this cause the following note of evidence
was taken, to-wit:

For Complainant:

1. Original Bill of Complaint;
2. Complainant's answer to Cross Bill of respondents,
W. C. Holmes and O. S. Holmes, P. M. Melton, E. S.
Simmons, H. V. McCallister, Emmett O. Wenzel and
Frank Wenzel.
3. Stipulation dated June 28, 1939.

For Respondents: W. C. Holmes, O. S. Holmes, P. M. Melton, E. S.
Simmons, H. V. McCallister, E. O. Wenzel and Frank Wenzel:

1. Bill of Complaint.
2. Separate answer and cross-bill of respondents W. C.
Holmes and O. S. Holmes.
3. Separate answer and cross-bill of H. V. McCallister.
4. Separate answer and cross-bill of Frank Wenzel.
5. Amended separate answer and cross-bill of P. M. Melton.
6. Amended separate answer and cross-bill of E. O. Wenzel.
7. Amended separate answer and cross-bill of E. S. Sim-
mons.
8. Stipulation dated June 23rd, 1939.

ATTEST:

R. S. Duesch
Register

By - A. A. Zhanger, Deputy

SUNNY SOUTH DEVELOPING COMPANY,
INC., et al,

Complainant,

vs.

EMMETT O. WENZEL, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

STIPULATION

Come now Complainants Sunny South Developing Company, Inc., A. W. Keller, as trustee, by their solicitor, W. C. Beebe and respondents Emmett O. Wenzel, W. C. Holmes, O. S. Holmes, P. M. Melton, E. S. Simmons, H. V. McAllister and Frank Wenzel by their solicitor, Lloyd A. Magney and stipulate and agree as follows:

That a final decree be entered by the Court, by consent of the parties, against the complainants and in favor of the respondents quieting and confirming the title of the said respondents in and to the lands claimed by said respondents in their answers and cross-bills heretofore filed herein and further adjudging and decreeing that the complainants, and each and all of them, have no right, title, interest, lien or encumbrance upon said lands of said respondents or any part thereof, such decree to become effective upon the said respondents and cross-complainants paying to the Register of this Court for the said complainants the following sums of money:

Respondent Emmett O. Wenzel	\$350.00
Respondents W. C. Holmes & O. S. Holmes	400.00
✓ Respondent P. M. Melton	200.00
✓ Respondent E. S. Simmons	50.00
✓ Respondent H. V. McAllister	150.00
✓ Respondent Frank Wenzel	50.00

Dated this 28 day of June, 1939.

Beebe Hall Beebe
Solicitor for Complainants

Lloyd A. Magney
Solicitor for Respondents

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

PLEAS.

Now comes Ernest P. Flowers, one of the Respondents in the above entitled cause and for pleas to the bill of complaint filed in this cause separately and severally says:

1. This Respondent denies that the complainant, Sunny South Developing Company, Inc., is a corporation.
2. This Respondent denies that the Complainant, Sunny South Developing Company, Inc., was a corporation at the time this suit was commenced and further denies that it is a corporation on this date.

Ernest P. Flowers

Respondent, Ernest P. Flowers.

STATE OF ALABAMA
BALDWIN COUNTY

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

Ernest P. Flowers

Sworn to and subscribed before
me on this 21 day of May, 1939.

[Signature]
Notary Public, Baldwin County, Alabama.

My Commission Expires Oct. 11, 1939

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon EMMET O. WENZEL, ERNEST P. FLOWERS, W. L. #34
WILLIS, P.M. MELTON, W.G. FLOWERS, WILLIAM WATERS, H. V. McALLISTER,
E. S. SIMMONS, ELI T. FLOWERS, JOHN E. FLOWERS, H. T. FLOWERS,
WILLIE HERMAN TEEM, HOMER L. FLOWERS, A. T. FLOWERS, O. S. HOLMES,
W. C. HOLMES, A. B. McCORVEY, & FRANK WENZEL:

of _____ 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

SUNNY SOUTH DEVELOPMENT COMPANY, INC., &
A. W. KELLER, AS TRUSTEE;

against said EMMET O. WENZEL, ET ALS.,

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, R. S. Duck, Register of said Circuit Court, this 20th day of April, 1939.

R. S. DUCK
clerk, - register

By [Signature], Register

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

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al

Complainant,

vs.

EMMETT O. WENZEL, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SEPARATE ANSWER AND CROSS-BILL
OF FRANK WENZEL

Comes now Frank Wenzel and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill.

SECOND

That as to the North half ($N\frac{1}{2}$) of the Northwest quarter ($NW\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section Sixteen (16), Township Eight (8) South, Range Four (4) East in Baldwin County, Alabama he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate, claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. A tax deed from the State of Alabama dated June 4th, 1935 and recorded September 18th, 1935 in the office of the Judge of Probate in Baldwin County, Alabama in Deed Book 57 N.S., page 533 thereof, said deed being to W. A. Cato.

B. Quit claim deed dated September 8th, 1936 and recorded in the office of the Judge of Probate in Baldwin County, Alabama on September 24th, 1936 in Deed Book 60 N.S., page 194 thereof, said deed being to this respondent.


pany, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

This answering respondent further prays that upon hearing of the cause made by this cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of this respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable. And this respondent offers to do and perform whatever this court shall require of him to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondent, Frank Wenzel.

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondent, Frank Wenzel.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

DEMURRER.

I. Now comes the Respondent, Willie Herman Teem, and demurs to the Bill of Complaint filed in the said cause, and as grounds therefor sets down and assigns separately and severally the following:

1. There is no equity in the bill.
2. There is a misjoinder of parties complainant.
3. There is a misjoinder of parties respondent.
4. The Respondent, Willie Herman Teem, is improperly joined in the said cause with the other respondents named therein.
5. The said bill of complaint is multifarious.
6. That it appears by the said bill that the same improperly unites distinct matters and causes so that the bill is altogether multifarious.
7. That it appearing from the said bill that the same is exhibited against this respondent by complainants' having distinct matters and causes to such extent that the bill is altogether multifarious.

8. That it appears by the said bill that the same is exhibited against this respondent and several other respondents for distinct matters and causes, in several whereof this respondent is not in any manner concerned, and that the bill is altogether multifarious.

II. Now comes the respondent, Willie Herman Teem, and demurs to so much of the said bill of complaint as sets forth the allegations whereby Complainants are attempting to quiet title to the said property, namely: paragraphs Second and Third thereof and to the relief sought thereon and as grounds therefor sets down and assigns separately and severally the following:

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, A. T. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of an further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Southwest Quarter of Northeast Quarter of Section 8, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent claims and owns the said property, namely: The Southwest Quarter of the Northeast Quarter of Section 8, Township 8 South Range 4 East in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and more than three years possession of the said property by him after acquiring the said deed and for more than three years prior to the commencement of this suit.

543 - Equity

~~RECORDED~~

Sumner Bank Bldg Co Inc
et al,

vs

Sumner O Weyer et al,

Answer of

W & F Lowers

Filed July 8, 1939

R. S. Dault, Register

By - Wallace Thompson, Deputy

THE STATE OF TEXAS
COUNTY OF DALLAS

NOTARIAL PUBLIC
My Comm. Expires 10/10/10

Filed June 5-1979
R. S. [unclear]
R. S. [unclear]

RECORDED

[Signature]

[Signature]

NOTARIAL PUBLIC
My Comm. Expires 10/10/10

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

EMMETT O. WENZEL, et al,

Respondent,

NOTE OF TESTIMONY

*Filed June 28, 1939
P. S. Rank, Registrar*

Lloyd A. Magney
Attorney at Law
Foley, Alabama

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

NOTE OF TESTIMONY

EMMETT O. WENZEL, et al,
Respondent,

Complainant,

vs.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,
Complainant,

At the hearing of this cause the following note of evidence

No. 543-3 sub 4

RECORDED

Benny South Dec. 8 Dec
et al

vs

Ernest O Meyer et al

Answer of

Thomas S. Flowers

Filed July 8, 1939
R.S. Reed, Register
By - Wallace Thompson, Deputy

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

MEMORANDUM FOR THE DIRECTOR
FROM: SAC, [illegible]
SUBJECT: [illegible]

DATE: [illegible]

RE: [illegible]

CLASSIFICATION: [illegible]

RECORDED

File 5-1-3

Handwritten:
This was 5-1-39
R. J. [illegible]
to separate

[Faded typed text, mostly illegible]

[Faded signature]

[Faded typed text]

[Faded typed text]

[Faded signature]

[Faded typed text]

[Faded typed text]

[Faded typed text]

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC.,
a corporation,
Complainant,

vs.
EMMETT O. WENZEL,
et al,
Respondent.

STIPULATION

Lloyd A. Magney
Attorney at Law
Foley, Alabama

*Priscilla Lee Spaulde
for Complainant*

*Filed June 28, 1939
P. S. Black, Register*

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

STIPULATION

SUNNY SOUTH DEVELOPING COMPANY,
INC., et al,

Complainant,

vs.

EMMETT O. WENZEL, et al,

Respondent.

Complainant and Respondent, by their attorneys, have agreed and stipulated that the following facts are true and correct:

1. That the complainant, Sunny South Developing Company, Inc., is a corporation organized under the laws of the State of Alabama, and has its principal office and place of business in the City of Foley, Alabama.

2. That the respondent, Emmett O. Wenzel, et al, is an individual residing in the City of Foley, Alabama, and is the owner of the following land:

- Respondent Emmett O. Wenzel \$350.00
- Respondent W. O. Holmes et al, et al \$500.00
- Respondent P. E. Weston \$25.00
- Respondent H. E. Williams \$50.00
- Respondent H. V. Williams \$150.00
- Respondent Frank Jones \$50.00

Witness my hand and seal of office, this 28th day of June, 1939.

Collector for Complainant

Collector for Respondent

RECORDED

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 543

Summons

SUNNY SOUTH DEVELOPMENT
COMPANY, INC., ET AL.,
Complainants,

VS.

EDMUND O. MENZEL, ET AL'S.,
Respondents;

BERBER, HAITT & BERBER,
Solicitor for Complainant

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this 22

day of April, 1939

W. F. Flowers
Sheriff.

Executed this _____ day of _____, 1939

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

*Executed & served process - 1939
by leaving a copy of the
with the summons with
Mr. F. Miller
Thomas F. Flowers
W. F. Flowers
John E. Flowers
Ernest P. Flowers*

*May 8th 1939
W. F. Flowers Sheriff
By John P. Davis*

*Executed 5/27/39 by
leaving a copy of the
within summons with
A. T. Flowers, O. M. Melton
W. F. Flowers and
Frank W. Engel & Eugene S. Damm
W. F. Flowers Sheriff
By John P. Davis*

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

**STUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,**
Complainant,

vs.

EMMETT O. WENZEL, et al,
Respondent.

**SEPARATE ANSWER AND CROSS-BILL
OF FRANK WENZEL**

Filed June 24, 1929
R. S. DOCK
Clerk, Registrar

By [Signature]
Deputy

Lloyd A. Magney
Attorney at Law
Foley, Alabama

FOOTNOTES

Complainant, Sunny South Developing Company, Inc. and A. V. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in paragraphs numbered one and two thereof but not under oath, each being hereby expressly waived.

Filed for respondent, Frank Wenzel.

Fourth: This Respondent denies that one of the said Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee, is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder, and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Southwest Quarter of the Northeast Quarter of Section 8, Township 8 South Range 4 East, in Baldwin County, Alabama; denies that it is subject to the aforesaid Deeds of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

This Respondent admits that the said property claimed by him was sold to the State of Alabama on to-wit, May 28, 1928, for delinquent taxes for the year 1927 assessed to the Sunny South Developing Company, Inc., but denies that all of the property described

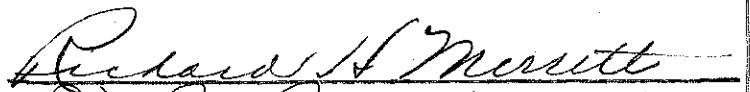
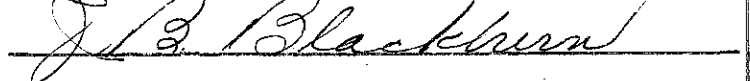
in the said Bill of Complaint is subject to the same defenses.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.



Solicitors for Respondent, A. T.
Flowers.

SUNNY SOUTH DEVELOPING
COMPANY, INC., a corpora-
tion, A. W. KELLER et al.,

Complainants,

vs.

FRANK WENZEL,

Respondent.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.

Come the Complainants and Cross Respondents in the above styled cause, and answering the Cross Bill of Frank Wenzel, say:

FIRST:

Answering the First Paragraph of said Cross Bill, Complainants and Cross Respondents say that Frank Wenzel is not in the actual, peaceable possession of the lands described in the Second Paragraph of his Answer. They admit that the Sunny South Developing Company, Inc., and the said A. W. Keller, as Trustee, claim some right, title, interest in or encumbrance upon the said lands, and that the said Frank Wenzel's title to the said lands is disputed by these Complainants and Cross Respondents. They admit that there is no suit, other than this, pending to enforce or test the validity of such title, claim or encumbrance of these Complainants and Cross Respondents.

SECOND:

Answering the Second Paragraph of said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, holds the legal title to the property described in the Second Paragraph of Cross Complainant's Answer by deed from James K. Clarke, who acquired the same by mesne conveyance from the United States Government; that A. W. Keller, as Trustee, holds two certain deeds of trust, one a first and the other a second mortgage, on the said property fully described and set out in the original bill of complaint.

Further answering the said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc.,

a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondent's Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Beche Hall Beche
Solicitors for Complainants and
Cross Respondents.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

PLEAS.

Now comes H. T. Flowers, one of the respondents in the above entitled cause and for pleas to the bill of complaint filed in this cause separately and severally says:

1. This respondent denies that the complainant, Sunny South Developing Company, Inc., is a corporation.

2. This respondent denies that the complainant, Sunny South Developing Company, Inc., was a corporation at the time this suit was commenced and further denies that it is a corporation on this date.

H. T. Flowers

Respondent, H. T. Flowers.

STATE OF ALABAMA
BALDWIN COUNTY

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

H. T. Flowers

Sworn to and subscribed before me
on this the 31st day of May, 1939.

[Signature]
Notary Public, Baldwin County, Alabama.

My Commission Expires Oct. 11, 1939

SUNNY SOUTH DEVELOPING
COMPANY, INC., a corpora-
tion, A. W. KELLER et al.,

Complainants,

vs.

E. S. SIMMONS,
Respondent.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA.
)
)
)
)

Come the Complainants and Cross Respondents in the above styled cause, and answering the Cross Bill of E. S. Simmons, say:

FIRST:

answering the First Paragraph of said Cross Bill, Complainants and Cross Respondents say that E. S. Simmons is not in the actual, peaceable possession of the lands described in the Second Paragraph of his Answer. They admit that the Sunny South Developing Company, Inc., and the said A. W. Keller, as Trustee, claim some right, title, interest in or encumbrance upon the said lands, and that the said E. S. Simmons' title to the said lands is disputed by these Complainants and Cross Respondents. They admit that there is no suit, other than this, pending to enforce or test the validity of such title, claim, or encumbrance of these Complainants and Cross Respondents.

SECOND:

Answering the Second Paragraph of said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, holds the legal title to the property described in the Second Paragraph of Cross Complainant's Answer by deed from James K. Clarke, who acquired the same by mesne conveyance from the United States Government; that A. W. Keller, as Trustee, holds two certain deeds of trust, one a first and the other a second mortgage, on the said property fully described and set out in the original bill of complaint.

Further answering the said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc.,

a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondent's Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Beche Hall Beche
Solicitors for Complainants and
Cross Respondents.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

Emmett O. Wenzel, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SEPARATE ANSWER OF
EMMETT O. WENZEL

Comes now Emmett O. Wenzel and enters his voluntary and general appearance in the above entitled cause and for answer to the bill of complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said bill.

SECOND

That as to Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38 and 39 in Oak River View and Lots 31 and 34 in Oak River View 1st Addition, all in Section 39, Township 8 South of Range 4 East in Baldwin County, Alabama, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said bill this answering respondent says that he has no knowledge of the title or possession of said lands.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. As to Lots 19, 22, 27, 29, 30, 35, 36, 37, 38 and 39 in Oak River View in Section 39, Township 8 South, Range 4 East respondent claims to own the same by virtue of tax deed from the State of Alabama to him, conveying said lands, dated March 28, 1935 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in Deed Book 57 N. S. at page 83 thereof.

B. As to Lots 20 and 21 in Oak River View in Section 39, Township 8 South, Range 4 East respondent claims to own the same

by virtue of tax deed from the State of Alabama to him dated November 27, 1935 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in deed book 58 N.S. page 348.

C. As to lots 31 and 34 in Oak River View 1st Addition, Township 8 South, Section 39, Range 4 East respondent claims to own the same by virtue of tax deed from the State of Alabama to him dated December 8, 1936 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in deed book 61 N.S., page 88 thereof.

D. That ever since the delivery of said tax deeds to him this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxation and has paid all taxes which have been levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

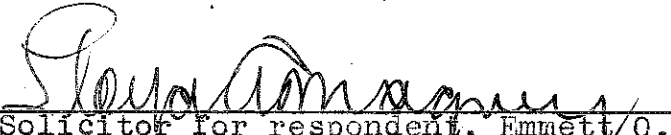
Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

PRAYER FOR RELIEF

Wherefore, having fully answered, this respondent prays that as to him said Bill of Complaint may be dismissed and that the Court will make and enter its decree that the respondent's Sunny South Developing Company and A. W. Keller as trustee have no right title, interest, lien, claim or encumbrances upon the lands herein described or any part hereof, and that the title of the respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable.


Solicitor for respondent, Emmett O.
Wenzel.

110001 No. 43 - Equity

Burns South Star Co

et al.

vs -

Sumner D. Wenger

et al.

Answer of

A. F. F. Lewis

Filed July 8, 1939

R.S. Dault, Reporter

By - Pauline Thompson, Deputy

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

COMMUNICATIONS SECTION
MAY 15 1939

*Full page 1939
Revised
Report*

RECORDED

TO DIRECTOR
FROM SAC, [illegible]
SUBJECT: [illegible]

[Signature]
[Title]

[Text]

[Faded typed text]

[Faded typed text]

By Soles Co

NR

Frank Menzel

Answered to Cross bill

Filed June 7th 1889

R. S. Duch

Register

Sydney A. W. Co
Va.

E. S. Summers

Forwarded to Crosswell

Filed June 28, 1937

R. S. Duch

Rejoice

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Apr 24

RECORDED
IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,
Complainant,

vs.

EMMETT O. WENZEL, et al,
Respondent.

SEPARATE ANSWER OF

EMMETT O. WENZEL

Filed May 19 1939
R. B. MOORE
clerk - register

By Wallace Thompson
Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama.

W. R. STUART

Probate Judge

Bay Minette, Ala.,

No. 5358 Received of Mrs. Jack July 28, 1949

No.	Description	Deed Tax		Mortgage Tax		Recording Fees		Total	
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
	<i>Perth Road</i>								
	<i>Copy of Revenue & Bond to the State</i>						<i>1.50</i>		<i>1.50</i>
	<i>15- William Shuter et al</i>								

FOR RECORD

TOTAL \$

W. R. Stuart

SUNNY SOUTH DEVELOPING
COMPANY, INC., a corpora-
tion, A. W. KELLER et al.,

Complainants,

vs.

P. M. MELTON,

Respondent.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA.

Come the Complainants and Cross Respondents in the above styled cause, and answering the Cross Bill of P. M. Melton, say:

FIRST:

Answering the First Paragraph of said Cross Bill, Complainants and Cross Respondents say that P. M. Melton is not in the actual, peaceable possession of the lands described in the Second Paragraph of his Answer. They admit that the Sunny South Developing Company, Inc., and the said A. W. Keller, as Trustee, claim some right, title, interest in or encumbrance upon the said lands, and that the said P. M. Melton's title to the said lands is disputed by these Complainants and Cross Respondents. They admit that there is no suit, other than this, pending to enforce or test the validity of such title, claim or encumbrance of these Complainants and Cross Respondents.

SECOND:

Answering the Second Paragraph of said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, holds the legal title to the property described in the Second Paragraph of Cross Complainant's Answer by deed from James K. Clarke, who acquired the same by mesne conveyance from the United States Government; that A. W. Keller, as Trustee, holds two certain deeds of trust, one a first and the other a second mortgage, on the said property fully described and set out in the original bill of complaint.

Further answering the said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc.,

a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondent's Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Beebe Hall Beebe

Solicitors for Complainants and
Cross Respondents.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon EMMET O. WENZEL, ERNEST B. FLOWERS,
W. L. WILLIS, P. H. MELBON, W. G. FLOWERS, WM. WATERS, H. V. McALLISTER,
E. S. SIMMONS,, ELI T. FLOWERS, JOHN E. FLOWERS, H. T. FLOWERS, WILLIE
HERMAN TEBB, HOMER L. FLOWERS, A. T. FLOWERS, O. S. HOLMES, W. C. HOLMES,
A. B. McCORVEY & FRANK WENZEL,

of _____ 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
SMNNY SOUTH DEVELOPMENT COMPANY, INC, and A. W. KELLER,
as Trustee;

against said EMMET O. WENZEL, ET ALS.,

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, R. S. Duck, Register of said Circuit Court, this 20th day of
April, 1939.

R. S. DUCK

clerk. - register

Register

By [Signature]
Deputy

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

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon EMMET O. WENZEL, ERNEST P. FLOWERS,
W. L. WILLIS, P. M. MELTON, W. G. FLOWERS, WILLIAM WATERS, H. V.
McALLISTER, E. S. SIMMONS, ELI T. FLOWERS, JOHN E. FLOWERS, H. T.
FLOWERS, NWILLIE HERMANN THEM, HOMER L. EL OWERS, A. T. FLOWERS, O. S.
HOLMES, W. C. HOLMES, A. B. McCORVEY and FRANK WENZEL;

of _____ 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

SUNNY SOUTH DEVELOPMENT COMPANY, INC., &
A. W. KELLER, as Trustee;

against said EMMET O. WENZEL, ET ALS.,

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, R. S. Duck, Register of said Circuit Court, this 20th day of
April, 1939.

R. S. DUCK
clerk, - register, Register

By [Signature] Deputy

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

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon EMMET O. WENZEL, ERNEST P. FLOWERS,
W. L. WILLIS, P. M. MELTON, W. G. FLOWERS, WILLIAM WATERS, H. V. Mc-
ALLISTER, E. S. SIMMONS, ELI T. FLOWERS, JOHN E. FLOWERS, H, T.
FLOWERS, WILLIE HERMANN TEEM, HOMER L. FLOWERS, A. T. FLOWERS, O.S.
HOLMES, W. C. HOLMES, A. B. McCORVEY AND FRANK WENZEL;

of _____ 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

SUNNY SOUTH DEVELOPMENT COMPANY, INC., &
A. W. KELLER, as Trustee;

against said EMMET O. WENZEL, ET ALS.,

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, R. S. Duck, Register of said Circuit Court, this 20th _____ day of
April, 1939.

R. S. DUCK
clerk, - register

By _____, Register
Deputy

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

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon— EMMET O. WENZEL, ERNEST P. FLOWERS,
W. L. WILLIS, P.M. MELTON, W. G. FLOWERS, WM. WATERS, H. V. McALLISTER,
E. S. SIMMONS, ELI T. FLOWERS, JOHN E. FLOWERS, H. T. FLOWERS,
WILLIE HERMAN TEEM, HOMER L. FLOWERS, A. T. FLOWERS, O. S. HOLMES,
W. C. HOLMES, A. B. McCORVEY AND FRANK WENZEL;

of _____ 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

SUNNY SOUTH DEVELOPMENT COMPANY, INC., AND
A. W. KELLER, AS TRUSTEE,

against said EMMET O. WENZEL, ET AL.,

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, R. S. Duck, Register of said Circuit Court, this 20th day of April, 193 9

R. S. DUCK
clerk

By _____, Register
Deputy

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

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon EMMET O. WENZEL, ERNEST P. FLOWERS,
W. L. WILLIS, P. W. MELSON, W. G. FLOWERS, WM. WATERS, H. V. McALLISTER,
E. S. SIMMONS,, ELI T. FLOWERS, JOHN E. FLOWERS, H. T. FLOWERS, WILLIE
HERMAN TREM, HOMER L. FLOWERS, A. T. FLOWERS, O. S. HOLMES, W. C. HOLMS,
A. B. McCORVEY & FRANK WENZEL,

of _____ 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
SUNNY SOUTH DEVELOPMENT COMPANY, INC, and A. W. KELLER,
as Trustee;

against said EMMET O, WENZEL, ET ALS.,

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, R. S. Duck, Register of said Circuit Court, this 20th day of
April, 1939.

R. S. DUCK

clerk, - register

Register

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

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

EMMETT O. WENZEL, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SEPARATE ANSWER AND CROSS-BILL
OF H. V. McCALLISTER

Comes now H. V. McCallister and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill.

SECOND

That as to the East half ($E\frac{1}{2}$) of the Southwest quarter ($SW\frac{1}{4}$) of the Northeast quarter ($NE\frac{1}{4}$) and the Northeast quarter ($NE\frac{1}{4}$) of the Southwest quarter ($SW\frac{1}{4}$) of Section twenty (20), Township eight (8) South, Range four (4) East in Baldwin County, Alabama he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate, claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second Second hereof and sets forth his right title and interest therein as follows:

A. A tax deed from the State of Alabama to this respondent dated November 24th, 1936 and recorded December 26th, 1936 in the office of the Judge of Probate in Baldwin County, Alabama in deed book 61 N.S., page 76 thereof.

B. That ever since November 24th, 1936 the land has been in the actual and peaceable possession, under claim of ownership, of this respondent and ever since said year 1936 this respondent has

regularly assessed said property, paid the said taxes thereon and no other person has assessed said land for taxes or paid any taxes thereon.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

CROSS-BILL

For further answer and by way of cross-bill this answering respondent avers:


1. That he is in the actual and peaceable possession of the lands described in Paragraph Second of this answer, claiming to own the same and that the complainants, Sunny South Developing Company, Inc. and A. W. Keller, as trustee, claim some right, title, lien or encumbrance upon said lands and the title of this respondent is denied and disputed by such complainants and no suit is pending, (other than this) to enforce or test the validity of such title, claim or encumbrance of the complainants and this respondent files this cross-bill to settle the title to such lands and to clear up all doubt or disputes concerning the same.

2. This respondent calls upon said complainants to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

Wherefore this respondent prays that this answer may be taken as a cross-bill and the complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead answer or demur to the same within

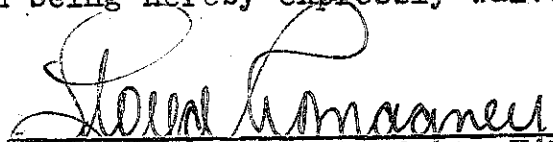
the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

This answering respondent further prays that upon hearing of the cause made by this cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of this respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable. And this respondent offers to do and perform whatever this court shall require of him to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondent, H.V. McCallister.

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondent, H.V. McCallister.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC.,
a corporation, et al,

Complainant,

vs.

HENRIFF O. WENZEL, et al,

Respondent.

SEPARATE ANSWER AND CROSS-BILL
OF H. V. McCALLISTER

Filed June 24 1938
R. S. DUCK

clerk - register

By *Lloyd A. Magney*
Deputy

Lloyd A. Magney
Attorney at Law
Foley, Alabama

the time and under the pains and penalties prescribed by law and
the practice of this Honorable Court.
This answering respondent further prays that upon hearing of
the same made by this honorable, this Honorable Court will have
and enter a decree adjudging and declaring that the said complainant
and neither of them has any right, title, interest, claim,
and of any kind or nature whatsoever in or to the premises
herein described.

Complainant, Sunny South Developing Company, Inc. and
Heller, trustee, are required to answer the allegations of the
foregoing cross-bill in paragraphs numbered one and two thereof
but not under oath, each being hereby expressly waived.

Witness my hand and seal of office this 24th day of June, 1938.
R. S. DUCK, Clerk

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

VS.

WILLIAM WATERS ET ALS,

Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

MOTION FOR LEAVE TO INTERVENE

TO THE HONORABLE TELFAIR J. MASHBURN, JR., JUDGE OF THE CIRCUIT COURT
OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Now comes Lucy Estelle Waters and respectfully represents unto the Court as follows:

1. She claims title by mesne conveyances from William Waters to a part of the property involved in this suit and is in possession of the said property, which is the following described property situated in Baldwin County, Alabama, to-wit:

West Half of the Northwest Quarter and the Southwest Quarter of the Southwest Quarter of Section 17;

Northeast Quarter of the Northeast Quarter of Section 18;

West Half of the Southeast Quarter of the Northeast Quarter of Section 19,

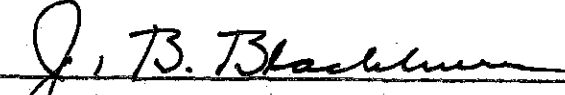
All being in Township 8 South, Range 4 East, containing 180.59 acres, according to the official plat of the Government Survey thereof.

In order that title to the said property above described can be perfected in this suit, she desires to intervene in this cause.

3. If the Court permits the said Lucy Estelle Waters to intervene in this cause, she consents and agrees that Edna C. Thiem, who has been appointed as Trustee by the Circuit Court of Baldwin County, Alabama, in Equity, as a successor in trust to A. W. Keller, the Trustee who was one of the Complainants in this suit, be substituted for A. W. Keller, as such Trustee, and she further consents that the said cause be revived against her and against the property above described.

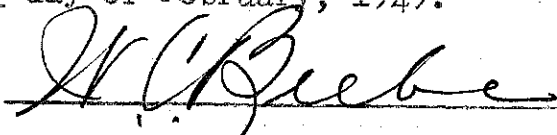
WHEREFORE, the said Lucy Estelle Waters prays that the Court will make and enter a proper order or decree permitting her to intervene in this cause, substituting the said Trustee as aforesaid

and reviving this cause as to her and the lands above described. She further prays that such other orders be made and decrees rendered, as may be requisite and proper in the premises.


Solicitor for Lucy Estelle Waters.

We, the undersigned Sunny South Developing Company, a Corporation, and Edna C. Thiem, as Trustee under those certain deeds of trust from the Sunny South Developing Company, a Corporation, to State Bank of Foley, dated August 1, 1921 and June 1, 1922 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in Mortgage Book 25 at pages 596-9 and in Mortgage Book 27 at pages 144-6, acting by and through our Solicitor, do hereby accept service of a copy of the foregoing motion, waive all other and further notice thereof, consent and agree that the said Lucy Estelle Waters be made a party respondent to this proceeding, that this cause be revived as to her and the lands described in her said motion and that the said Edna C. Thiem, as successor Trustee as aforesaid be substituted as a party complainant in place of the former Trustee, A. W. Keller.

Dated this 21 day of February, 1949.


Solicitor for Sunny South Developing Company, a Corporation, and Edna C. Thiem, as successor Trustee.

SUNNY SOUTH DEVELOPING
COMPANY, INC., a corpora-
tion, A. W. KELLER et al.,

Complainants,

vs.

EMMETT O. WENZEL,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Come the Complainants and Cross Respondents in the above styled cause, and answering the Cross Bill of Emmett O. Wenzel, say:

FIRST:

Answering the First Paragraph of said Cross Bill, Complainants and Cross Respondents say that Emmett O. Wenzel is not in the actual, peaceable possession of the lands described in the Second Paragraph of his Answer. They admit that the Sunny South Developing Company, Inc., and the said A. W. Keller, as Trustee, claim some right, title, interest in or encumbrance upon the said lands, and that the said Emmett O. Wenzel's title to the said lands is disputed by these Complainants and Cross Respondents. They admit that there is no suit, other than this, pending to enforce or test the validity of such title, claim, or encumbrance of these Complainants and Cross Respondents.

SECOND:

Answering the Second Paragraph of said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, holds the legal title to the property described in the Second Paragraph of Cross Complainant's Answer by deed from James K. Clarke, who acquired the same by mesne conveyance from the United States Government; that A. W. Keller, as Trustee, holds two certain deeds of trust, one a first and the other a second mortgage, on the said property fully described and set out in the original bill of complaint.

Further answering the said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc.,

a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondent's Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Beche, Hall & Beche

Solicitors for Complainants and
Cross Respondents.

SUNNY SOUTH DEVELOPING
COMPANY, INC., a corpora-
tion, A. W. KELLER et al.,

Complainants,

vs.

O. S. HOLMES and W. C.
HOLMES,

Respondents.

) IN THE CIRCUIT COURT OF
)
) BALDWIN COUNTY, ALABAMA.
)
)
)
)
)
)

Come the Complainants and Cross Respondents in the above styled cause, and answering the Cross Bill of O. S. Holmes and W. C. Holmes, say:

FIRST:

Answering the First Paragraph of said Cross Bill, Complainants and Cross Respondents say that O. S. Holmes and W. C. Holmes are not in the actual, peaceable possession of the lands described in the Second Paragraph of their Answer. They admit that the Sunny South Developing Company, Inc., and the said A. W. Keller, as Trustee, claim some right, title, interest in or encumbrance upon the said lands, and that the said O. S. Holmes and W. C. Holmes' title to the said lands is disputed by these Complainants and Cross Respondents. They admit that there is no suit, other than this, pending to enforce or test the validity of such title, claim or encumbrance of these Complainants and Cross Respondents.

SECOND:

Answering the Second Paragraph of said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, holds the legal title to the property described in the Second Paragraph of Cross Complainant's Answer by deed from James K. Clarke, who acquired the same by mesne conveyance from the United States Government; that A. W. Keller, as Trustee, holds two certain deeds of trust, one a first and the other a second mortgage, on the said property fully described and set out in the original bill of complaint.

Further answering the said Cross Bill, Complainants and

Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondents' Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Bebe Hall Bebe
Solicitors for Complainants and
Cross Respondents.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

PLEAS.

Now comes W. G. Flowers, one of the respondents in the above entitled cause and for pleas to the bill of complaint filed in this cause separately and severally says:

1. This respondent denies that the complainant, Sunny South Developing Company, Inc., is a corporation.
2. This Respondent denies that the complainant, Sunny South Developing Company, Inc., was a corporation at the time this suit was commenced and further denies that it is a corporation on this date.

W. G. Flowers

Respondent, W. G. Flowers.

STATE OF ALABAMA
BALDWIN COUNTY

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

W. G. Flowers

Sworn to and subscribed before me
on this the 21st day of May, 1939.

Charles J. [Signature]
Notary Public, Baldwin County, Alabama.

My Commission Expires Oct. 11, 1939

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, Wm. Waters, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company, Inc., is a corporation, organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: Northeast Quarter of Northeast Quarter of Section 18, Township 8 South Range 4 East; West Half of Southeast Quarter of Northeast Quarter of Section 19, Township 8 South Range 4 East, West Half of Northwest Quarter and Southwest Quarter of Southwest Quarter of Section 17, Township 8 South Range 4 East, and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent claims the said property, namely: Northeast Quarter of Northeast Quarter of Section 18, Township 8 South Range 4 East; West Half of Southeast Quarter of Northeast Quarter of Section 19, Township 8 South Range 4 East; West Half of

Northwest Quarter and Southwest Quarter of Southwest Quarter of Section 17, Township 8 South Range 4 East in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and that he, this Respondent, is in possession thereof.

Fourth: This Respondent denies that one of the said Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain Deed of Trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Northeast Quarter of Northeast Quarter of Section 18, Township 8 South Range 4 East; West Half of Southeast Quarter of Northeast Quarter of Section 19, Township 8 South Range 4 East, West Half of Northwest Quarter and

Southwest Quarter of Southwest Quarter of Section 17, Township 8 South Range 4 East in Baldwin County, Alabama; denies that it is subject to the aforesaid Deeds of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.


Solicitor for Respondent, Wm. Waters.

Sept 1870

N^o 9

Committee on the
Mammals

Mammals of the
Mammals

Filed June 28, 1884

H. S. Drake

Register

RECORDED

Logan & Co.
M
W. C. Holmes

Warrant to arrest

Filed June 28, 1939

R. S. Dink

Register

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

TO THE DIRECTOR, FBI
FROM THE SAC, ALABAMA
DATE: 10/15/68

Re: [Illegible]

10/15/68

Enclosed

*File per 5/19/68
R. G. [Illegible]*

REC-100

[Illegible typed text, likely a memorandum or report body]

Very truly yours,
W. G. [Illegible]

[Illegible typed text]

[Illegible typed text]

[Illegible typed text]

[Illegible typed text]

No 143 - Equity

RECORDED

Henry South & Co Inc

et als

vs -

Ernest O Mengel et als

Answer of

Alfred Watters


Filed July 8, 1939

R. S. Dink, Register

By - Wallace Thompson, Deputy

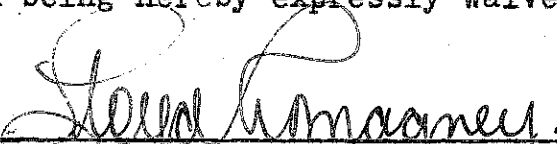
the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

This answering respondent further prays that upon hearing of the cause made by this cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of this respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable, And this respondent offers to do and perform whatever this court shall require of him to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondent, H/V. McCallister.

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondent, H/V. McCallister.

regularly assessed said property, said the said taxes thereon and no other person has assessed said land for taxes or said any taxes thereon.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the fact of taxes mentioned therein is a factual issue upon the issue herein described and respondent does not expressly admit that taxes were or ever will be paid on said land.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers to the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

CROSS-BILL

For further answers to and by way of cross-bill this answering party states:

1. That as is in the actual and possible possession of the lands described in Paragraph Second of this answer, claiming to own the same and that the complainants, Shady South Developing Company, Inc. and A. W. Keller, as trustee, claim same right, title, lien or encumbrance upon said lands and the title of this respondent is denied and disputed by such complainants and as such is denied (other than this) to enforce or test the validity of such title claim or encumbrance of the complainants and this respondent files this cross-bill to settle the title to such lands and to clear up all doubt or disputes concerning the same.

2. This respondent calls upon said complainants to set forth and specify their title claim, interest or encumbrance and how and by what instrument the same is derived and created.

Wherefore this respondent prays that this answer may be taken as a cross-bill and the complainants, Shady South Developing Company, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead answer or deny to the same within

IN THE DISTRICT COURT OF
SOUTHERN DISTRICT OF ALABAMA

IN CHANCERY

SEPARATE ANSWER AND CROSS-PETITION
OF J. V. McCRACKEN

COMPLAINT OF
WILLIAM O. WHELAN, et al.
RESPONDENTS.

Comes now J. V. McCracken and states his voluntary and
general appearance in the above entitled cause and for answer to
the Bill of Complaint therein, says:

THIRD

That he admits the allegations of Paragraph First of said

Bill.

SECOND

That as to the West Half (SW) of the Northwest Quarter (SW) of
the Northeast Quarter (NE) and the Northeast Quarter (NE) of
the Southwest Quarter (SW) of Section Twenty (20), Township Eight
(8) South, Range Four (4) East in Baldwin County, Alabama he denies
that complainants or either of them own or possess any part
of said land and that he is not aware of any such interest
three years last past in the actual and possible possession of
said land, claiming to own the same.

As to the other lands described in said Paragraph Second of
said Bill this answering respondent says that he has no knowledge
of the title or possession of said lands and disclaims any interest
therein.

FIRST

This answering respondent admits that he does claim the land
above described in Paragraph Second of said Bill and that
his right title and interest therein is as follows:

- A. A tax deed from the State of Alabama to this respondent
dated November 24th, 1888 and recorded December 28th, 1888 in the
office of the Judge of Probate in Baldwin County, Alabama in deed
book 61 p. 25, page 75 thereof.
- B. That ever since November 24th, 1888 the land has been in
the actual and possible possession, under claim of ownership, of
this respondent and ever since said year 1888 this respondent has

(copy)

A.B. McCorvey,
1911 Clearmont St.,
Mobile, Alabama.

McCorvey

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 643

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC., et als.,

Complainant,

vs.

EMERY O. WENZEL, WENDELL B.
FLOWERS, et als.,

Respondents.

Edward
S.D. Adams, Under Sec

BEARDS, HALL & BERRY,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 193 _____

Sheriff.

Executed this _____ day of _____

by leaving a copy of the Summons with _____, 193 _____

Defendant

Sheriff

By _____
Deputy Sheriff

Emil ... Smith

(original) Registered Mail.

Elli T. Flowers, Johnson, Kansas

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 543

Summons

SUNNY SOUTH DEVELOPMENT
CO., INC.,

Complainants,

vs.

EMMETT O. WENZEL, ET ALIS.,
Respondents.

BERBE, HALL & BERBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____, 193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

R. S. DUCK, Register.
BY: *Rubens Murray* Deputy Register.

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that I have on the date below stated, mailed a copy of the Summons, together with copy of the Bill of Complaint, filed in the within cause, to the Respondent, Elli T. Flowers, at Johnson, Kansas, the address given in the bill of complaint, postage prepaid, by registered mail, with return receipt requested, and marked for delivery only to the person to whom addressed. This the 22nd day of April, 1939.

(original) Monroe County,
Alabama,

RECORDED

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 543

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC. ET AL.,

Complainant,

vs.

HERBERT O. WENZEL, ET AL.S.,
Respondents.

BEERIE, HALL & BEERIE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this 22nd

day of April, 1989

W. D. Stewart
Sheriff.

Executed this 25th day of

April, 1989

by leaving a copy of the Summons with

W. D. Stewart

Defendant

J. H. Bowden
Sheriff

By W. L. Watson
Deputy Sheriff

(original)

RECORDED
Willie Herman Teem,
Serve On Cullman, Alabama.

Circuit Court of Baldwin County
IN EQUITY

No. 543

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC., ET ALS.,
Complainants.

VS.

EMMET O. WENZEL, ET ALS.,
Respondents.

BEER, HALL & BEER,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 1939

Sheriff.

Executed this 24 day of _____

by leaving a copy of the Summons with

Willie Herman Teem

Defendant

J. Mitchell

Sheriff

By *A. R. Wood*

Deputy Sheriff

Willie Herman Teem

33 (original)
RECORDED
INDEXED

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 543

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC., et als.,

Complainant,

VS.

ERNEST O. WENZEL, ERNEST P.
FLOWERS, ET ALS.,

Respondents.

BEEDY, HALL & BEEDY,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this 27

day of April, 1939

W. B. Stewart

Sheriff.

Executed this 27 day of

April, 1939

by leaving a copy of the Summons with

Ernest O. Wenzel

Defendant

Ernest O. Wenzel

Sheriff

By W. B. Stewart
Deputy Sheriff

RECORDED

Lyda Sew Co

vs

J. M. Millan

Answer to Cross bill

Filed June 28, 1939
R. S. Duck, Register

SUNNY SOUTH DEVELOPMENT
COMPANY,
COMPLAINANT,

VS.

ERNEST P. FLOWERS ET AL,
DEFENDANTS.

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA,

IN EQUITY.

This cause, a bill to quiet title originally involving a large tract of land against numerous Defendants, holding tax titles, is brought for the benefit of holders of bonds under a deed of trust, has been settled between the parties as to all of the said lands and parties excepting a few small tracts as to which settlements are pending. In actual effect^{it} is the liquidation of a trust and no order is proper at this time. As to the remaining lands, settlements have not been effected because for a large part of the time during which the cause has been pending the several Defendants have been in service, some have died, the original trustee has died, and a new one appointed.

It is therefore agreed between the parties by their attorneys of record that said cause be continued by agreement.

This the 14th day of July, 1947.


Solicitor for Complainant.


Solicitor for Defendants.

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

VS.

EMMET O. WENZEL ET ALS,

Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

MOTION

Now come the Respondents, Ernest P. Flowers, W. L. Willis, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers and A. T. Flowers, and respectfully represent unto the Court and your Honor as follows:

1. The Sunny South Developing Company, Inc., one of the Complainants in this suit, did, by written instrument dated February 23, 1921, which is recorded in Corporation Record 2 at page 172, Baldwin County, Alabama Records, amend its Certificate of Incorporation, which said amendment provided that the duration of the said corporation would be for a period of twenty years. This said period of time expired on the 23rd day of February, 1941.

2. The said corporation, Sunny South Developing Company, Inc., continued to exist for a period of five years after February 23, 1941 for the purposes provided by Title 10, Section 110 of the 1940 Code of Alabama, which five-year period expired on February 23, 1946. The rights given to the said corporation by Title 10, Section 110 of the 1940 Code of Alabama have not been extended, as provided in the said section, and the corporate existence of the said corporation has not been otherwise extended in any way or manner.

3. There is now no such corporation as Sunny South Developing Company, Inc. and this suit cannot, therefore, be further prosecuted.

4. A certified copy of the amended and substitute Certificate of Incorporation of the Sunny South Developing Company, Inc., dated February 23, 1921 and recorded in Corporation Record 2 at page 172, Baldwin County, Alabama Records, is attached hereto and by reference made a part hereof as though fully incorporated herein.

WHEREFORE, the said Respondents move the Court to dismiss this suit with prejudice for the want of prosecution.

J. B. Blackburn
Solicitor for the said Respondents.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says: That he is Solicitor of record for the above named Respondents in this suit; that he has read over the foregoing motion and that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me on this the 31st day of August, 1949.

Mary Lou Blackburn
Notary Public, Baldwin County, Alabama.

TO W. C. BEEBE, ESQUIRE, ATTORNEY FOR SUNNY SOUTH DEVELOPING COMPANY, INC. AND A. W. KELLER, AS TRUSTEE:

You are hereby notified that the above and foregoing motion will be presented to the Judge of the Circuit Court of Baldwin County, Alabama, in Equity, for a ruling thereon at the call of the said Equity Docket on September 6, 1949.

J. B. Blackburn
Solicitor for Respondents.

I hereby certify that I delivered a copy of the foregoing motion and notice to W. C. Beebe on this the 31st day of

August, 1949.

J. B. Blackburn
Solicitor for Respondents.

Amended and Substitute Certificate of Incorporation
of the
Sunny South Developing Company, Inc.
Incorporated March 21st, 1917
Baldwin County, Alabama

The undersigned subscribers to the capital stock of the following Corporation Certify that as an amended and substitute certificate of incorporation:

1st. The name of the corporation shall be the "Sunny South Developing Company, Inc."

2nd. The object is to develop the land of Baldwin County, Alabama, and to distribute the produce thereof, and for that purpose the company shall acquire, receive, hold, improve, lease, transfer, sell, convey, mortgage, trade and deal with such real and personal property as its business may require.

3rd. The location of its principal office shall be at Foley, Alabama, or at Oak Alabama, both of which places are located in Baldwin County, Alabama.

4th. The total authorized capital stock shall be two thousand shares of preferred capital stock of the par value of one hundred dollars, (\$100.00) per share, and one thousand shares of common capital stock of no par value. The preferred stock shall be entitled to a cumulative dividend of eight per cent per annum, and shall be permitted to participate to the extent of fifty per cent. In all profits over and above eight percent on the preferred stock and six dollars per share on the common stock. Said preferred stock shall be subject to retirement at any time by paying therefor, at the rate of one hundred twenty-five dollars (\$125.00) per share. The corporation will begin business with a paid in capital of Twenty-thousand dollars (\$20,000.00) in cash.

5th. The names and post-office addresses of the present stockholders and the number of shares held by each are as follows:

John Stelk	Chicago, Ill.	304 shares
Albert W. Keller	Oak Park, Ill.	25 "
Gustav Huebner	Chicago, Ill.	20 "
Herman Huebner	Chicago, Ill.	20 "
John Dressler	Chicago, Ill.	5 "
Fred J. E. Ehrmann	Chicago, Ill.	5 "
William E. Krueger	Chicago, Ill.	5 "

6th. The names and addresses of the present directors and officers are as follows:

Directors:	
John Stelk	William E. Krueger
Gustav Huebner	Albert W. Keller
Fred J. E. Ehrmann	John Dressler
	Herman Huebner

All of Chicago, Illinois, except Albert W. Keller, Oak Park, Ill.

Officers:		
John Stelk	Chicago, Ill.	President
Albert W. Keller	Oak Park, Ill.	Secretary & Treasurer
William E. Krueger,	Chicago, Ill.	Vice President

7th. The duration of the corporation shall be twenty (20) years.

John Dressler
William E. Krueger
Fred J. E. Ehrmann
Herman Huebner
Gustav Huebner
Albert W. Keller
John Stelk

We do hereby certify that we are respectively the president and Secretary of the Board of the "Sunny South Developing Company, Inc." and as such were present and officiated at the stockholders meeting held on February 10th, 1921, and that I, the undersigned, Albert W. Keller, am the keeper of the records of Sunny South Developing Company, Inc., that the signatures to the foregoing amended and substitute certificate of incorporation, are the genuine signatures of the stockholders of said Sunny South Developing Company, Inc., and that said persons constitute all the stockholders of said company; that said amended and substitute certificate of incorporation was duly adopted at the above mentioned meeting and entered of record in the minutes of said meeting.

.Given under our hands and attested by the seal of the Corporation
by the Secretary thereunto attached, this 23rd day of February, A.D. 1921.
(Corporate Seal)

John Stelk President
Albert W. Keller Secretary

STATE OF ALABAMA,
BALDWIN COUNTY

PROBATE OFFICE

I, W. R. Stuart, Judge of the Probate Court in and for said State
and County, hereby certify that the within and foregoing instrument
contains a full, true and complete copy of the Corporation record as
the same appears of record in my office in Corporation Book, No.2,
Page 172.

Given under my hand and seal of office, this 27th day of August, 1949.



Judge of Probate

SUNNY SOUTH DEVELOPING COMPANY, INC.,
ET AL,

VS.

EMMET O. WENZEL ET ALS,

Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

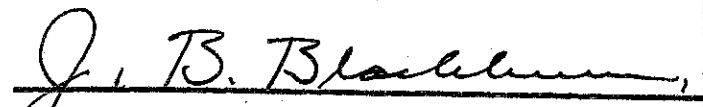
MOTION

Now come the Respondents, Ernest P. Flowers, W. L. Willis, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers and A. T. Flowers, and respectfully represent unto the Court and your Honor as follows:

1. One of the Complainants, A. W. Keller, as Trustee, as successor in trust to the State Bank of Foley, Trustee, under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921 and recorded in Book 25 of Mortgages at Pages 596-7, Baldwin County, Alabama Records, and as successor in trust to the State Bank of Foley, Trustee, under that certain deed of trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley, dated June 1, 1922 and recorded in Book 27 of Mortgages at Pages 144-60, Baldwin County, Alabama Records, died on April 19, 1946.

2. This cause was not revived in the name of a successor trustee to the said A. W. Keller within one year from the date of his death and has not been revived up to this time.

WHEREFORE, the said Respondents move the Court to abate this action with prejudice as to A. W. Keller, as Trustee as aforesaid, because this said suit was not revived within one year from the date of the death of the said Trustee.


Solicitor for the said Respondents.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, within and for said County in said State, personally appeared J. B. Blackburn, who, after being by me first duly and legally sworn, deposes and says:

That he is Solicitor of record for the above named Respondents in this suit; that he has read over the foregoing motion and that the facts stated therein are true.

J. B. Blackburn

Sworn to and subscribed before me on this the 31st day of August, 1949.

Mary Lou Blackburn

Notary Public, Baldwin County, Alabama.

TO W. C. BEEBE, ESQUIRE, ATTORNEY FOR SUNNY SOUTH DEVELOPING COMPANY, INC. AND A. W. KELLER, AS TRUSTEE:

You are hereby notified that the above and foregoing motion will be presented to the Judge of the Circuit Court of Baldwin County, Alabama, in Equity, for a ruling thereon at the call of the said Equity Docket on September 6, 1949.

J. B. Blackburn
Solicitor for Respondents.

I hereby certify that I delivered a copy of the foregoing motion and notice to W. C. Beebe on this the 31st day of August, 1949.

J. B. Blackburn
Solicitor for Respondents.

(copy)

W. J. ...
A. B. McCORVEY,
1911 Clearmont St.,
Mobile, Alabama.

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 643

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC., et als.,
Complainant,

VS.

THOMAS O. WENZEL, ERNEST B.
PROWERS, ET ALS.,
Respondents.

Subj at
S. B. Adams, Mobile, Ala.

ERNEST B. PROWERS, WATT & PROWERS,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this _____

day of _____, 193 _____

Sheriff.

Executed this _____ day of _____, 193 _____
by leaving a copy of the Summons with

Defendant

Sheriff

By _____
Deputy Sheriff

Emilia Smith

(original copy)
Registered Mail.

Ell T. Flowers, Johnson, Kansas

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 543

Summons

SUNNY SOUTH DEVELOPMENT
GO., INC.,

Complainants,

vs.

EMMETT O. WENZEL, ET AL'S.,
Respondents.

BERBE, HALL & BERBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 193_____

Sheriff.

Executed this _____ day of _____, 193_____

by leaving a copy of the Summons with _____

Defendant

Sheriff

By _____
Deputy Sheriff

I, R. S. Duck, Register of the Circuit Court of Baldwin County, Alabama, in Equity, do hereby certify that I have on the date below stated, mailed a copy of the Summons, together with copy of the Bill of Complaint, filed in the within cause, to the Respondent, Ell T. Flowers, at Johnson, Kansas, the address given in the bill of complaint, postage prepaid, by registered mail, with return receipt requested, and marked for delivery only to the person to whom addressed. This the 22nd day of April, 1939.

R. S. DUCK, Register.
BY: *Russell Duck* Deputy Register.

(original) Monroe County, Alabama,

RECORDED

Serve On _____

**Circuit Court of Baldwin County
IN EQUITY**

No. 543

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC. ET AL.,

Complainant,

vs.

HERBERT O. WENZEL, ET AL'S.,
Respondents.

**BEBBE, HALL & BEBBE,
Solicitor for Complainant**

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA,
Baldwin County**

Received in office this 22

day of April, 1939

W. D. Stewart
Sheriff.

Executed this 25 th day of

April, 1939

by leaving a copy of the Summons with

W. W. W. W. W.

J. F. Bowden Defendant
Sheriff

By W. L. Watson Deputy Sheriff

(original)

RECORDED 1111e Herman Teem,
Cullman, Alabama.
Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 543

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC., ET ALS.,
Complainants.

VS.

EMMETT O. WENZEL, ET ALS.,
Respondents.

BEERB, HALL & BEERB,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this _____

day of _____, 193

Sheriff.

Executed this 24 day of _____

by leaving a copy of the Summons with

Willie Fernman Teem

Defendant

J. Mitchell
Sheriff

By *A. R. Wood*
Deputy Sheriff

1111e

3/31/39 (Original)
RECORDED
INDEXED

Serve On _____

Circuit Court of Baldwin County
IN EQUITY

No. 543 _____

Summons

SUNNY SOUTH DEVELOPMENT COMPANY,
INC., et als.,
Complainant,

vs.

ERNEST O. WENZEL, ERNEST P.
FLOWERS, ET ALS.,
Respondents.

BERBE, HALL & BERBE,
Solicitor for Complainant

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA,
Baldwin County

Received in office this 27

day of April, 1939

W. B. Stewart
Sheriff.

Executed this 27 day of

April, 1939

by leaving a copy of the Summons with

Mr. A. B. McConvey,

Defendant

W. H. McConvey
Sheriff

By W. H. McConvey
Deputy Sheriff

RECORDED.

Lyda Sher Co
vs.
P. W. Mellan

Answer to Cross bill

Filed June 28, 1909
R. S. Dusk, Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

HENRI O. WENZEL, et al,

Respondent.

SEPARATE ANSWER AND CROSS-BILL
OF H. V. McCALLISTER

Filed June 24, 1939
R.S. DICK

clerk - register

By *Lloyd A. Magney*
Deputy

Lloyd A. Magney
Attorney at Law
Foley, Alabama

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,

Complainant,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

PLEAS.

Now comes John E. Flowers, one of the respondents in the above entitled cause and for pleas to the bill of complaint filed in this cause separately and severally says:

1. This respondent denies that the complainant, Sunny South Developing Company, Inc., is a corporation.
2. This respondent denies that the complainant, Sunny South Developing Company, Inc., was a corporation at the time this suit was commenced and further denies that it is a corporation on this date.

John E. Flowers
Respondent, John E. Flowers.

STATE OF ALABAMA

BALDWIN COUNTY

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

John E. Flowers

Sworn to and subscribed before me
on this the 31st day of May, 1939.

[Signature]
Notary Public, Baldwin County, Alabama.

My Commission Expires Oct. 11, 1939

SUNNY SOUTH DEVELOPING COMPANY,
INC., a Corporation, et al,

Complainants,

VS.

EMMET O. WENZEL, et al,

Respondents.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

IN EQUITY. NUMBER 543.

ANSWER.

Now comes the Respondent, ~~John~~ E. Flowers, and without waiving the benefit of the plea heretofore filed in this cause by him, files this his Answer to the Bill of Complaint:

First: He denies that the Sunny South Developing Company Inc., is a corporation organized and existing under the laws of Alabama, and denies that A. W. Keller is trustee, but admits that he is over twenty-one years of age and a resident of Baldwin County, Alabama.

Second: He denies that the Sunny South Developing Company, Inc., is the owner of and further denies that it is in the peaceable possession of the following described property situated in Baldwin County, Alabama, to-wit: ^{all that part of the} Southwest Quarter of Northeast Quarter of Section 18, Township 8 South Range 4 East, ^{that lies East of Bon Secour River} and further avers that the said property is now in the actual possession of this Respondent and that it was in the actual possession of this Respondent on April 20, 1939, the date when this suit was filed. This Respondent is not advised about the possession or ownership of the other property described in the Bill of Complaint and disclaims any interest in any of the other property mentioned or described in the said Bill of Complaint.

Third: This Respondent owns and claims the said property ^{all that part of the} namely: Southwest Quarter of Northeast Quarter of Section 18, ^{that lies east of Bon Secour River,} Township 8 South Range 4 East in Baldwin County, Alabama, under and by virtue of a tax deed from the State of Alabama, conveying the said property to him and more than three years possession of the said property by him after acquiring the said deed and for more than three years prior to the commencement of this suit.

Fourth: This Respondent denies that one of the said

Complainants, namely, A. W. Keller, is Trustee or successor in trust to the State Bank of Foley under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1, 1921, and recorded in Book Number 25 of Mortgages at Pages 596-7, Baldwin County Records; denies that the indebtedness secured by the said Deed of Trust is still unpaid; denies that the said A. W. Keller, as Trustee, holds the said Deed of Trust as security for the indebtedness therein recited and further denies that this indebtedness is owing, past due and unpaid, and that the said Deed of Trust is a first lien on the above described property. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Fifth: This Respondent denies that the Complainant, A. W. Keller, as Trustee, is successor in trust to the State Bank of Foley, Trustee under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley dated June 1, 1922, and recorded in Book Number 27 of Mortgages at Pages 144-60, Baldwin County Records; denies that the said Deed of Trust conveyed the above described lands and further denies that the said Deed of Trust is a second lien on the aforesaid lands to secure bonds issued thereunder and denies that said bonds are outstanding, unpaid and past due. This Respondent further alleges that the said obligation is barred by laches and the statute of limitation.

Sixth: This Respondent denies that the Sunny South Developing Company, Inc., is the owner of that part of the said property owned by this Respondent, namely: Southwest Quarter of Northeast Quarter of Section 18, Township 8 South Range 4 East, in Baldwin County, Alabama; denies that it is subject to the aforesaid Deeds of Trust and denies that the Sunny South Developing Company, Inc., is in peaceable possession of said land, claiming to own same.

This Respondent admits that the said property claimed by him was sold to the State of Alabama on to-wit, May 28, 1928, for delinquent taxes for the year 1927 assessed to the Sunny South Developing Company, Inc., but denies that all of the property described in the said Bill of Complaint is subject to the same defenses.

Seventh: This Respondent denies that the Deeds of Trust referred to in the said Bill of Complaint were recorded at the time of the aforesaid tax sale and denies that notice of the purchase of said property by the State of Alabama was not given to the said A. W. Keller, as Trustee, or his predecessors in trust and expressly denies that the said A. W. Keller, as Trustee, has the right to redeem the property owned by this Respondent from the tax sale and further alleges that if the said A. W. Keller or his predecessors in trust ever had the right to redeem the said property from the said tax sale, their rights in the premises are now barred by laches and have been so barred for a number of years.

Eighth: This Respondent denies that the Sunny South Developing Company is in the possession of the said property owned by this Respondent at the time this Bill of Complaint was filed; denies that it is in possession of the said property at this time and denies that it has any right whatever to redeem the said property from the said tax sale.

Ninth: This Respondent denies each and all of the allegations of paragraph numbered Ninth of the Bill of Complaint and denies each and all of the allegations of the said Bill of Complaint that are not specifically answered herein.

Having fully answered the Bill of Complaint in this cause this Respondent prays that the Bill of Complaint be dismissed and that he go hence with his reasonable costs in this behalf expended.

Richard S. Merritt

J. B. Blackburn

Solicitors for Respondent, John E. Flowers.

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL.

Complainants,

Vs.

EMMET O. WENZEL, ET AL.

Respondents.


IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 543.

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

Come the Directors of the Sunny South Developing
Company, Inc., by the ~~the~~ Solicitor of record, W. C. Beebe,
and respectfully files this application to extend the
corporate existence of the Sunny South Developing Company,
a corporation, organized under the laws of the State of Ala-
bama, with its principal place of business at Oak in Baldwin
County, Alabama, for the purpose of continuing the prosecution
of this cause of action.

This the 6th day of September, 1949.


Solicitor for Sunny South Develop-
ing Company, Inc. and the Board
of Directors of such corporation.

STIPULATION.

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

Complainants,

VS.

WILLIAM WATERS, ET ALS,

Respondents.

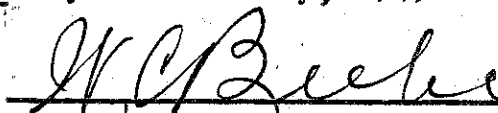
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

In this cause, it is stipulated and agreed by and between the Complainants and Cross-Respondents and the Respondent and Cross-Complainant acting by and through their respective Solicitors as follows:

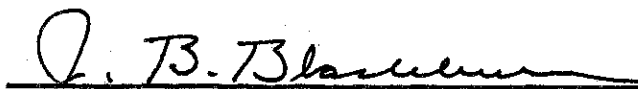
1. The testimony of the Respondent and Cross-Complainant, Lucy Estelle Waters, shall be taken before Betty R. Buck, as Commissioner and the issuance of a commission to her is waived. The signature of the witness to the said testimony is also waived.

2. The said testimony shall be transcribed, certified to by the said acting Commissioner and filed in this cause.

Dated this 21st day of February, 1949.



Solicitor for Complainants and Cross-Respondents.



Solicitor for Respondent and Cross-Complainant, Lucy Estelle Waters.

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,
Complainant,

VS.

EMMET O. WENZEL, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NUMBER 543.

PLEAS.

Now comes W. L. Willis, one of the respondents in the above entitled cause and for pleas to the bill of complaint filed in this cause separately and severally says:

1. This Respondent denies that the complainant, Sunny South Developing Company, Inc., is a corporation.

2. This Respondent denies that the complainant, Sunny South Developing Company, Inc., was a corporation at the time this suit was commenced and further denies that it is a corporation on this date.

W. L. Willis

Respondent, W. L. Willis.

STATE OF ALABAMA
BALDWIN COUNTY

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

W. L. Willis

Sworn to and subscribed before me
on this the 27th day of May, 1939.

Chas. J. Ebert

Notary Public, Baldwin County, Alabama.

4
SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

VS.

WILLIAM WATERS ET ALS,

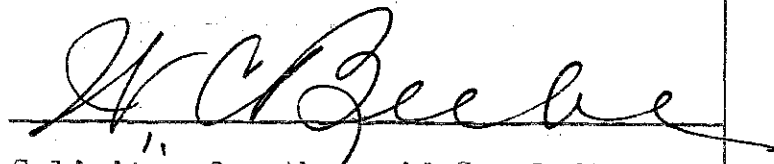
Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

ANSWER TO CROSS BILL

Now come the Complainants and Cross Respondents, Sunny South Developing Company, a Corporation, and Edna C. Thiem, as successor Trustee, and for answer to the Cross Bill filed in this cause by Lucy Estelle Waters, admit all of the allegations thereof and consent and agree that a decree be rendered by the Circuit Court of Baldwin County, Alabama, in Equity, quieting the Respondent and Cross Complainant's title to the lands described in her said Answer and Cross Bill.


Solicitor for the said Complainants
and Cross Respondents.

SUNNY SOUTH DEVELOPING COMPANY,)
INC., A Corporation, and A. W.)
KELLER, et al,)

Complainant,)

vs.)

EMMETT O. WENZEL, et al,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

AMENDED SEPARATE ANSWER AND
CROSS-BILL OF EMMETT O. WENZEL

Comes now Emmett O. Wenzel and enters his voluntary and general appearance in the above entitled cause and for answer to the bill of complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said bill

SECOND

That as to Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38 and 39 in Oak River View and Lots 31 and 34 in Oak River View 1st Addition, all in Section 39, Township 8 South of Range 4 East in Baldwin County, Alabama, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. As to Lots 19, 22, 27, 29, 30, 35, 36, 37, 38 and 39 in Oak River View in Section 39, Township 8 South, Range 4 East respondent claims to own the same by virtue of tax deed from the State of Alabama to him, conveying said lands, dated March 28, 1935 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in Deed Book 57 NS. at page 83 thereof.

B. As to Lots 20 and 21 in Oak River View in Section 39, Township 8 South, Range 4 East respondent claims to own the same

by virtue of tax deed from the State of Alabama to him dated November 27, 1935 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in deed book 58 NS. page 348.

C. As to Lots 31 and 34 in Oak River View 1st Addition, Township 8 South, Section 39, Range 4 East respondent claims to own the same by virtue of tax deed from the State of Alabama to him dated December 8, 1936 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in deed book 61 NS, page 88 thereof.

D. That ever since the delivery of said tax deeds to him this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxation and has paid all taxes which have been levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and ninth of the Bill of Complaint.

CROSS-BILL

For further answer and by way of cross-bill this answering respondent avers:


1. That he is in the actual and peaceable possession of the lands described in Paragraph Second of this answer, claiming to own the same and that the complainants, Sunny South Developing Company, Inc. and A. W. Keller, as trustee, claim some right, title, lien or encumbrance upon said lands and the title of this respondent is denied and disputed by such complainants and no suit is pending, (other than this) to enforce or test the validity of such title,

claim or encumbrance of the complainants and this respondent files this cross-bill to settle the title to such lands and to clear up all doubt or disputes concerning the same.

2. This respondent calls upon said complainants to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.


Wherefore this respondent prays that this answer may be taken as a cross-bill and the complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

This answering respondent further prays that upon hearing of the cause made by this cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of this respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable. And this respondent offers to do and perform whatever this court shall require of him to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondent, Emmett O. Wenzel.

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondent, Emmett O. Wenzel.

OFFICE OF THE ATTORNEY GENERAL
STATE OF CALIFORNIA
SACRAMENTO, CALIFORNIA

TO THE HONORABLE THE ATTORNEY GENERAL
SACRAMENTO, CALIFORNIA

RECORDED

*Filed June 5 1939
Richard B. ...*

The undersigned, ...
do hereby certify that the within and foregoing ...
is a true and correct copy of the original ...
as the same appears from the records of this office.

[Signature]
Attorney General

WITNESSED my hand and seal of office at Sacramento, California, this ... day of June, 1939.

Very truly yours,
[Signature]
Attorney General

[Signature]
Attorney General

IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Sacramento, California, this ... day of June, 1939.

[Signature]
Attorney General

ANSWER TO CROSS BILL

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

Complainants,

VS.

WILLIAM WATERS ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

FILED

FEB 22 1943

ALICE J. BUCK, CLERK

RECORDED
PLEAS

SUNNY SOUTH DEVELOPING COMPANY,
INC., and
A. W. KELLER, as Trustee,
Complainants,
vs.

EMMETT O. WENZEL, et als,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Filed June 5, 1959
Robert Wenzel
Respondent

STIPULATION

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

Complainants,

VS.

WILLIAM WATERS, ET ALS,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 543.

FILED

FEB 22 1943

AMIE L. DIXON, R. M.

Jimmy Smith & Company
NO

Emmett O. Weymouth

Application to
Patented Copyright
Evidence

Dated Sept 6, 1949

Wm. J. Smith
Register

543 - Equity -

RECORDED

Acme Development
Company, Inc et al
Complet

vs
Ernest D Meyer et al
Respondents

Assignment of John E. Flower

Filed July 8, 1939
R.S. Ditch, Register
By - Franklin Thompson, Deputy

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, and A. W.
KELLER, et al, Complainant.

vs.

EMMETT O. WENZEL, et al,
Respondent.

AMENDED SEPARATE ANSWER AND CROSS-

BILL OF EMMETT O. WENZEL

Filed June 1, 1939

R. S. DUCK

clerk - register

By [Signature]
Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, and A. W.
KELLER, et al,

Complainant,

vs.

EMMETT O. WENZEL and
P. M. MELTON, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

AMENDED SEPARATE ANSWER AND
CROSS BILL OF P. M. MELTON

Comes now P. M. Melton and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill

SECOND

That as to the South half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section 16, Township 8 South, Range 4 East in Baldwin County, Alabama, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. As to the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him conveying said lands, dated June 11, 1936 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 59 NS. at pages 372-373 thereof.

B. As to the Southeast quarter ($SE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him, conveying said lands, dated September 23, 1936 and recorded in the office of the Judge of Probate in Baldwin County,

SUNNY SOUTH DEVELOPING COMPANY,)
INC., a corporation, and A. W.)
KELLER, et al,)
Complainant,)
vs.)
EMMETT O. WENZEL and)
P. M. MELTON, et al,)
Respondent.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

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CROSS BILL OF P. M. MELTON

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As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. As to the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him conveying said lands, dated June 11, 1936 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 59 NS. at pages 372-373 thereof.

B. As to the Southeast quarter ($SE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him, conveying said lands, dated September 23, 1936 and recorded in the office of the Judge of Probate in Baldwin County,

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, and A. W.
KELLER, et al,

Complainant,

vs.

EMMETT O. WENZEL and
P. M. MELTON, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

AMENDED SEPARATE ANSWER AND
CROSS BILL OF P. M. MELTON

Comes now P. M. Melton and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill

SECOND

That as to the South half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section 16, Township 8 South, Range 4 East in Baldwin County, Alabama, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. As to the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him conveying said lands, dated June 11, 1936 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 59 NS. at pages 372-373 thereof.

B. As to the Southeast quarter ($SE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him, conveying said lands, dated September 23, 1936 and recorded in the office of the Judge of Probate in Baldwin County,

Alabama, in deed book 60 N.S. at page 244 thereof.

C. That ever since the delivery of said tax deeds to him, this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxation and has paid all taxes which have been levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

CROSS-BILL

For further answer and by way of cross-bill this answering respondent avers:

1. That he is in the actual and peaceable possession of the lands described in Paragraph Second of this answer, claiming to own the same and that the complainants, Sunny South Developing Company, Inc. and A. W. Keller, as trustee, claim some right, title, lien or encumbrance upon said lands and the title of this respondent is denied and disputed by such complainants and no suit is pending, (other than this) to enforce or test the validity of such title, claim or encumbrance of the complainants and this respondent files this cross-bill to settle the title to such lands and to clear up all doubt or disputes concerning the same.

2. This respondent calls upon said complainants to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

Wherefore this respondent prays that this answer may be taken

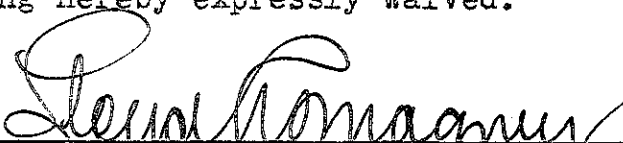
as a cross-bill and the complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

This answering respondent further prays that upon hearing of the cause made by this cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of this respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable. And this respondent offers to do and perform whatever this court shall require of him to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondent, P.M. Melton

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondent, P.M. Melton

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, and A. W.
KELLER, et al,
Complainant.

vs.

EMMETT O. WENZEL, et al,
Respondent.

AMENDED SEPARATE ANSWER AND
CROSS-BILL OF P. M. WELTON

Filed June 1, 1939
R. S. DICK
clerk, - register

By *Mullis Thompson*
Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama.

SUNNY SOUTH DEVELOPING COMPANY, INC., a corporation, and A. W. KELLER, et al, Complainant, vs. EMMETT O. WENZEL and E. S. SIMMONS, et al, Respondent.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

IN CHANCERY

AMENDED SEPARATE ANSWER AND CROSS-BILL OF E. S. SIMMONS

Comes now E. S. Simmons and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill.

SECOND

That as to the West half (W 1/2) of the Southeast quarter (SE 1/4) of the Northwest quarter (NW 1/4) of Section 20, Township 8 South, Range 4 East in Baldwin County, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than two years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands and disclaims any interest therein.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A tax deed from the State of Alabama conveying said lands to this respondent dated December 11, 1936 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in Deed Book 61 NS. at page 90 thereof. Ever since the delivery of said tax deed to him this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxes and had paid all taxes which have levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

CROSS-BILL

For further answer and by way of cross-bill this answering respondent avers:


1. That he is in the actual and peaceable possession of the lands described in Paragraph Second of this answer, claiming to own the same and that the complainants, Sunny South Developing Company, Inc. and A. W. Keller, as trustee, claim some right, title, lien or encumbrance upon said lands and the title of this respondent is denied and disputed by such complainants and no suit is pending, (other than this) to enforce or test the validity of such title, claim or encumbrance of the complainants and this respondent files this cross-bill to settle the title to such lands and to clear up all doubt or disputes concerning the same.

2. This respondent calls upon said complainants to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.

Wherefore this respondent prays that this answer may be taken as a cross-bill and the complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.


This answering respondent further prays that upon hearing of the cause made by this cross-bill, this Honorable Court will make

and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of this respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable. And this respondent offers to do and perform whatever this court shall require of him to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondent, E.S. Simmons

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondent, E.S. Simmons

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, and A. W.
KELLER, et al,

Complainant.

vs.

Emmett O. Wenzel and O. S.
Holmes and W. C. Holmes, et al,
Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SEPARATE ANSWER AND CROSS-BILL
OF O. S. HOLMES & W. C. HOLMES

Comes now O. S. Holmes and W. C. Holmes and enter their voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, say:

FIRST

That they admit the allegations of Paragraph First of said Bill.

SECOND

That as to the Southeast quarter (SE $\frac{1}{4}$) of Section 20, Township 8 South of Range 4 East in Baldwin County, Alabama they deny that complainants or either of them are in the possession of said real estate but aver that they are now and have been for more than three years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said bill these answering respondents say that they have no knowledge of the title or possession of said lands and disclaim any interest therein.

THIRD

These answering respondents admit that they do claim the land above described in Paragraph Second hereof and set forth their right, title and interest therein as follows:

A. A tax deed from the State of Alabama to H. B. Mosley based upon an assessment against Okala Food Association and a sale held May 28, 1928 to the State of Alabama, said tax deed being dated August 14, 1931 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in Deed Book 51 NS., pages 198 and 199.


B. Deed from Annie L. Mosley, widow, Ruby M. Gearhart and husband C. A. Gearhart, John C. Mosley and wife Mattie Lee Mosley, Kathleen Mosley, an unmarried woman and Kervan Mosley, a single

respondents file this cross-bill to settle the title to such lands and to clear up all doubt or disputes concerning the same.

2. These respondents call upon said complainants to set forth and specify their title, claim, interest or encumbrance and how and by what instrument the same is derived and created.


Wherefore these respondents pray that this answer may be taken as a cross-bill and the complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee be made parties respondent thereto and be required to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

These answering respondents further pray that upon hearing of the cause made by this cross-bill, this Honorable Court will make and enter a decree adjudging and decreeing that the said complainants and neither of them have any right, title, interest, claim, lien or encumbrance upon the said lands described in Paragraph Second of this answer and that the title of these respondents in and to said lands may be quieted and confirmed in them and that they may have such other and further relief in the premises as may be just and equitable. And these respondents offer to do and perform whatever this court shall require of them to make the relief hereby sought just and equitable to the complainants.


Solicitor for respondents, O. S. Holmes
and W. C. Holmes.

FOOTNOTE

Complainants, Sunny South Developing Company, Inc. and A. W. Keller, trustee, are required to answer the allegations of the foregoing cross-bill in Paragraphs numbered one and two thereof but not under oath, oath being hereby expressly waived.


Solicitor for respondents, O. S. Holmes
and W. C. Holmes.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, and A. W.
KELLER, et al,
Complainant.

vs.

EMMETT O. WENZEL, et al,
Defendant.

SEPARATE ANSWER AND CROSS-BILL

OF O. S. HOLMES & W. C. HOLMES

Filed June 1, 1935
R. S. DUOK
clerk, - register

By *Walter Thompson*
Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

E. S. SIMMONS, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SEPARATE ANSWER OF
E. S. SIMMONS

Come§ now E. S. Simmons and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill.

SECOND

That as to the West half ($W\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of the Northwest quarter ($NW\frac{1}{4}$) of Section 20, Township 8 South, Range 4 East in Baldwin County, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more then two years last past in the actual and peacable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A tax deed from the State of Alabama conveying said lands to this respondent dated December 11, 1936 and recorded in the office of the Judge of Probate in Baldwin County, Alabama in Deed Book 61 N.S. at page 90 thereof. Ever since the delivery of said tax deed to him this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxes and has paid all taxes which have levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH


Respondent admits the allegations of Paragraph Fifth on the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

PRAYER FOR RELIEF

Wherefore, having fully answered, this respondent prays that as to him said Bill of Complaint may be dismissed and that the Court will make and enter its decree that the respondent's Sunny South Developing Company and A. W. Keller as trustee have no right title, interest, lien, claim or encumbrances upon the lands herein described or any part hereof, and that the title of the respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable.


Solicitor for respondent, E.S. Simmons

SUNNY SOUTH DEVELOPING
COMPANY, INC., a corpora-
tion, A. W. KELLER et al.,

Complainants,

vs.

H. V. McCALLISTER,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Come the Complainants and Cross Respondents in the above styled cause, and answering the Cross Bill of H. V. McCallister, say:

FIRST:

Answering the First Paragraph of said Cross Bill, Complainants and Cross Respondents say that H. V. McCallister is not in the actual, peaceable possession of the lands described in the Second Paragraph of his Answer. They admit that the Sunny South Developing Company, Inc., and the said A. W. Keller, as Trustee, claim some right, title, interest in or encumbrance upon the said lands, and that the said H. V. McCallister's title to the said lands is disputed by these Complainants and Cross Respondents. They admit that there is no suit, other than this, pending to enforce or test the validity of such title, claim or encumbrance of these Complainants and Cross Respondents.

SECOND:

Answering the Second Paragraph of said Cross Bill, Complainants and Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, holds the legal title to the property described in the Second Paragraph of Cross Complainant's Answer by deed from James K. Clarke, who acquired the same by mesne conveyance from the United States Government; that A. W. Keller, as Trustee, holds two certain deeds of trust, one a first and the other a second mortgage, on the said property fully described and set out in the original bill of complaint.

Further answering the said Cross Bill, Complainants and

Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondent's Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Becke Hall & Becke
Solicitors for Complainants and
Cross Respondents.

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,

Complainant,

vs.

P. M. MELTON, et al,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

SEPARATE ANSWER OF
P. M. MELTON

Comes now P. M. Melton and enters his voluntary and general appearance in the above entitled cause and for answer to the Bill of Complaint therein, says:

FIRST

That he admits the allegations of Paragraph First of said Bill.

SECOND

That as to the South half ($S\frac{1}{2}$) of the Southeast quarter ($SE\frac{1}{4}$) of Section 16, Township 8 South, Range 4 East in Baldwin County, Alabama, he denies that complainants or either of them are in the possession of said real estate but avers that he is now and has been for more than three years last past in the actual and peaceable possession of said real estate claiming to own the same.

As to the other lands described in said Paragraph Second of said Bill this answering respondent says that he has no knowledge of the title or possession of said lands.

THIRD

This answering respondent admits that he does claim the land above described in Paragraph Second hereof and sets forth his right title and interest therein as follows:

A. As to the Southwest quarter ($SW\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him conveying said lands, dated June 11, 1936 and recorded in the office of the Judge of Probate of Baldwin County, Alabama in deed book 59 N.S. at pages 372-373 thereof.

B. As to the Southeast quarter ($SE\frac{1}{4}$) of the Southeast quarter ($SE\frac{1}{4}$) of said Section 16, Township 8 South, Range 4 East respondent claims to own the same by virtue of a tax deed from the State of Alabama to him, conveying said lands, dated September 23, 1936 and recorded in the office of the Judge of Probate in Baldwin County,

Alabama, in deed book 60 N.S. at page 244 thereof.

C. That ever since the delivery of said tax deeds to him this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxation and has paid all taxes which have been levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

PRAYER FOR RELIEF

Wherefore, having fully answered, this respondent prays that as to him said Bill of Complaint may be dismissed and that the Court will make and enter its decree that the respondent's Sunny South Developing Company and A. W. Keller as trustee have no right title, interest, lien, claim or encumbrances upon the lands herein described or any part hereof, and that the title of the respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable.


Solicitor for respondent, P.M. Melton

LLOYD A. MAGNEY

LAWYER

FOLEY, ALABAMA

July 14th, 1939

Hon. R. S. Duck,
Clerk of the Circuit Court,
Bay Minette, Alabama.

Dear Sir:-

RE: Sunny South Developing
Co., et al vs. Wenzel,
et al.

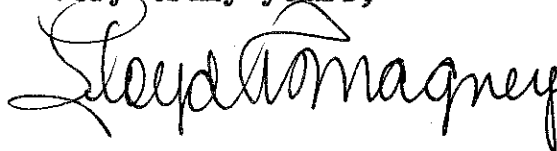
I enclose my check to your order for \$1200.00 in accordance with the stipulation between Mr. Beebe and myself, signed and filed with you some time ago.

This payment is \$400.00 for respondents W. C. and O. S. Holmes; \$350.00 for respondent Emmett Wenzel; \$50.00 for respondent Frank Wenzel; \$200.00 for respondent P. M. Melton; \$150.00 for respondent H. V. McCallister and \$50.00 for respondent E. S. Simmons.

You will note that the decree orders that you file a certified copy of it with the Judge of Probate. If you have not already done so, please file such a copy at once and tax the filing fee as part of your court costs.

You will also note that the decree provides that you will collect so much of the costs as are properly chargeable to these respondents, from the complainant.

Very truly yours,



LAM:C

Encl.

SUNNY SOUTH DEVELOPING CO., INC., ET AL.,

Complainants,

VS.

EMMET O. WENZEL, ET AL.,

Respondents.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALA.

In Equity.

Bill to quiet title by complainant against numerous respondents, all of whom are alleged to claim title through the same void tax sale. The bill prays in the alternative to be allowed to redeem. The several respondents own separate and distinct tracts of the original body of land sold to the State at the tax sale referred to, they each separately having acquired their claim to individual tracts or parcels through separate purchases from the State.

Two of the respondents demur to the bill, the chief insistence on demurrer being that the bill is multifarious, for the reason that the several respondents are not alleged to be tenants in common, or to have a common interest in the several distinct tracts. They cite Slessen vs. McNulty, 125 Ala. 124. This case, however, recognized the rule that if the several respondents have a connected interest in the subject matter or derivation of title or claim, they may be joined without rendering the bill multifarious. The bill alleges that the tax sale is the common source of title from which all the separate claims arise. 51 C. J. 229, note 29. Each separate respondent is alleged to base his claim to his parcel of land on the same right -- the tax sale at which the State purchased.

It follows that, in my opinion, the demurrers are not well taken, and the Register will enroll the following

DECREE

This cause coming on to be heard is submitted for decree on the separate demurrers of William Walters and Eli T.

Flowers to the bill of complaint, filed herein on May 25, 1939, and May 31, 1939, respectively, and upon consideration thereof, separately and severally, I am of the opinion that neither of said demurrers is well taken.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said demurrers, each separately and severally, be, and they hereby are, overruled.

The said respondents are each given thirty days from the date of this decree within which to file answer.

This 8th day of June, 1939.

J. W. Hare
Judge

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

JUNE 5, 1939.

Judge F. W. Hare,
Monroeville, Alabama.

Re: Sunny South Developing Company
v. Flowers, et al.:

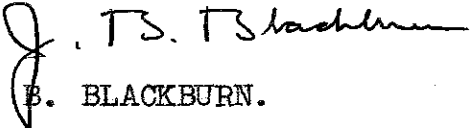
Dear Judge Hare:

The authorities which I am relying
on in support of my demurrer are as follows:

Slosson v. McNulty, 125 Ala. Page 124,

Irwin v. Shoemaker, 204 Ala. Page 89.

Very truly yours,


J. B. BLACKBURN.

JBB:OS
CC Mr. W. C. Beebe,
Bay Minette, Alabama.

BEEBE, HALL & BEEBE
LAWYERS
BAY MINETTE, ALABAMA

W. C. BEEBE
H. M. HALL
J. P. BEEBE

June 5, 1939.

Hon. F. W. Hare,
Monroeville, Alabama.

Dear Judge:-

IN RE SUNNY SOUTH DEVELOPING CO. VS.
EMMETT O. WENZEL ET AL.

We respectfully submit that the Respondents' demur-
rers to the Bill of Complaint are not well taken and call your
attention to

51 Corp. Juris., quieting title, page 211, Sec. 150;
Page 282, Sec. 276, subject "Parties".
48 So., page 685.

Yours very truly,

BEEBE, HALL & BEEBE,

By *A. C. Beebe.*

WCB/T

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

Comes the SUNNY SOUTH DEVELOPING COMPANY, INC., a corporation, and A. W. KELLER, as Trustee, and humbly complaining against /
EMMET O. WENZEL, ERNEST P. FLOWERS, W. L. WILLIS, P. M. MELTON,
W. G. FLOWERS, WILLIAM WATERS, H. V. McALLISTER, E. S. SIMMONS,
ELI T. FLOWERS, JOHN E. FLOWERS, E. T. FLOWERS, WILLIE HERMANN TEEM,
HOMER L. FLOWERS, A. T. FLOWERS, O. S. HOLMES, W. C. HOLMES, A. B.
McCORVEY and FRANK WENZEL, and respectfully show unto your Honor as
follows: /

FIRST:

That your complainant, Sunny South Developing Company, Inc.,
is a corporation organized and existing under the laws of the State
of Alabama, with its principal place of business at Foley, Alabama;
that A. W. Keller, as Trustee, is over the age of twenty-one years
and resides at Foley, Alabama, in Baldwin County; that the respondents,
Emmet O. Wenzel, Ernest P. Flowers, W. L. Willis, P. M. Melton,
W. G. Flowers, H. V. McCallister, E. S. Simmons, John E. Flowers,
E. T. Flowers, Willie Hermann Teem, Homer L. Flowers, A. T. Flowers,
O. S. Holmes, W. C. Holmes and Frank Wenzel are each over the age of
twenty-one years and reside at Foley, in Baldwin County, Alabama;
William Waters is over the age of twenty-one years and resides at
Uriah, in Monroe County, Alabama; Eli T. Flowers is over the age of
twenty-one years and a non-resident of the State of Alabama, residing
at and his post-office address being Johnson, Kansas; that A. B. Mc-
Corvey is over the age of twenty-one years and resides at 1911 Clear-
mont Street, Mobile, Mobile County, Alabama. /

SECOND:

That the complainant, Sunny South Developing Company, Inc.,
a corporation, is the owner of and is in peaceable possession of the
following described land situated in the County of Baldwin, State of
Alabama, to-wit: /

Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38 and 39, Oak River View; Lots 31 and 34, Oak River View 1st Addition, all in Sec. 39, Twp. 8 S., Range 4 East;

NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 8, Twp. 8 S., R. 4 E.

SW $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 16, Twp. 8 S., R. 4 E.

NE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of SW $\frac{1}{4}$, NW $\frac{1}{4}$ of SE $\frac{1}{4}$, W $\frac{1}{2}$ of NW $\frac{1}{4}$, SW $\frac{1}{4}$ of SW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 17, Twp. 8 S., R. 4 E.

NE $\frac{1}{4}$ of SE $\frac{1}{4}$, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 18, Twp. 8 S., R. 4 E., *all that part of that line East of Bonhomme Row*

W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 19, Twp. 8 S., R. 4 E.

NW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$, E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and SE $\frac{1}{4}$, Sec. 20, Twp. 8 S., R. 4 E.

THIRD:

That the respondents claim or are reputed to claim some right, title, interest in, claim or encumbrance upon the aforesaid lands, or some part thereof, and that there is no suit pending to enforce or test the validity of such right, title, interest in, claim or encumbrance upon the said property, or any part thereof, and complainants call upon the said respondents to set forth and specify what right, title, interest in, claim or encumbrance upon the said property, or any part thereof, each of them has or claims to have, and how and by what instrument or instruments the same are derived or created.

FOURTH:

Complainants further allege that the complainant, A. W. Keller, as trustee, is successor in trust to the State Bank of Foley under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated August 1st, 1921, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, on the 15th day of September, 1921, in Mortgage Book 25, at pages 596-7, and that the indebtedness secured by the said deed of trust is still unpaid and that the said complainant, A. W. Keller, as trustee, holds said deed of trust as security for the indebtedness

therein recited, and that the said indebtedness is owing, past due and unpaid, which said deed of trust is a first lien upon the above described lands.

FIFTH:

Complainants further show unto your Honor that A. W. Keller, as trustee, is successor in trust to the State Bank of Foley, trustee, under that certain deed of trust executed by the Sunny South Developing Company, Inc., to the State Bank of Foley, dated June 1st, 1922, recorded in the office of the Judge of Probate of Baldwin County, Alabama, on July 17, 1922, in Mortgage Book 27, pages 144-160, and which said trust deed conveyed said above described lands, and which said deed of trust is a second lien on the aforesaid lands to secure the bonds issued thereunder, which said bonds are outstanding, unpaid and past due.

SIXTH:

Complainants further show unto your Honor that the said Sunny South Developing Company, Inc., is the owner of all of the aforesaid property described in Paragraph SECOND hereof, subject to the aforesaid deeds of trust and is in peaceable possession of the same, claiming to own the same; that your complainants are informed and believe, and upon such information and belief, allege that the properties described in Paragraph SECOND hereof were on the 28th day of May, 1928, sold for taxes under an assessment to the Sunny South Developing Company, Inc., for the year 1927; that the right, title, interest in, claim or encumbrance of each of the aforesaid respondents is derived through the aforesaid sale of the said lands for taxes, each having purchased the right, title and interest of the State to certain lands under the aforesaid tax sale.

That the said Emmet O. Wenzel purchased the State's interest by virtue of the aforesaid sale in and to the following described lots:

Lots 19, 20, 21, 22, 27, 29, 30, 35, 36, 37, 38 and 39, Oak River View and Lots 31 and 34, Oak River View 1st Addition, all in Sec. 39, Twp. 8 S., Range 4 East.

That the said Ernest P. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

NE $\frac{1}{2}$ of SW $\frac{1}{2}$ and NW $\frac{1}{2}$ of SW $\frac{1}{2}$, Sec. 17; NE $\frac{1}{2}$ of SE $\frac{1}{2}$ and SE $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 18, Twp. 8 S., Range 4 East.

That the said W. L. Willis purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

SE $\frac{1}{2}$ of SW $\frac{1}{2}$ and NW $\frac{1}{2}$ of SE $\frac{1}{2}$, Sec. 17; NW $\frac{1}{2}$ of NE $\frac{1}{2}$ and NE $\frac{1}{2}$ of NW $\frac{1}{2}$, Sec. 20, Twp. 8 S., R. 4 E.

That the said P. M. Melton purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

SW $\frac{1}{2}$ of SE $\frac{1}{2}$ and SE $\frac{1}{2}$ of SE $\frac{1}{2}$, Sec. 16, Twp. 8 S., R. 4 E.

That the said W. G. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

NE $\frac{1}{2}$ of SE $\frac{1}{2}$, Sec. 16, Twp. 8 S., R. 4 E.

That the said William Waters purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

W $\frac{1}{2}$ of NW $\frac{1}{2}$ and SW $\frac{1}{2}$ of SW $\frac{1}{2}$, Sec. 17; NE $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 18; W $\frac{1}{2}$ of SE $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 19, Twp. 8 S., R. 4 E.

That the said H. V. McCallister purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

E $\frac{1}{2}$ of SW $\frac{1}{2}$ of NE $\frac{1}{2}$ and NE $\frac{1}{2}$ of SW $\frac{1}{2}$, Sec. 20, Twp. 8 S., R. 4 E.

That the said E. S. Simmons purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

W $\frac{1}{2}$ of SE $\frac{1}{2}$ of NW $\frac{1}{2}$, Sec. 20, Twp. 8 S., R. 4 E.

That the said Eli T. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

NE $\frac{1}{2}$ of NW $\frac{1}{2}$, NW $\frac{1}{2}$ of NE $\frac{1}{2}$ and NE $\frac{1}{2}$ of SW $\frac{1}{2}$, Sec. 16,
Twp. 8 S., R. 4 E.

That the said John E. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

all the part of SW $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 18, Twp. 8 S., R. 4 E. *That lies East of Brownsville*

That the said H. T. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

SE $\frac{1}{2}$ of NW $\frac{1}{2}$, Sec. 17, Twp. 8 S., R. 4 E.

That the said Willie Hermann Teem purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

NW $\frac{1}{2}$ of SE $\frac{1}{2}$, Sec. 8, Twp. 8 S., R. 4 E.

That the said Homer L. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

SW $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 17, Twp. 8 S., R. 4 E.

That the said A. T. Flowers purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

SW $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 8, Twp. 8 S., R. 4 E.

That the said O. S. Holmes and W. C. Holmes purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

SE $\frac{1}{2}$ of Sec. 20, Twp. 8 S., R. 4 E.

That the said A. B. McCorvey purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

E $\frac{1}{2}$ of NE $\frac{1}{2}$ of NE $\frac{1}{2}$, Sec. 19, Twp. 8 S., R. 4 E. /

That the said Frank Wenzel purchased the State's interest by virtue of the aforesaid sale in and to the following described lands:

lands sold, and in the record of the proceedings of the sale.

Complainants further allege that the purchase of the said lands by each of the said respondents is void.

WHEREFORE, your complainants pray that the aforesaid Emmet O. Wenzel, Ernest P. Flowers, W. L. Willis, P. M. Melton, W. G. Flowers, William Waters, H. V. McCallister, E. S. Simmons, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers, A. T. Flowers, O. S. Holmes, W. C. Holmes, A. B. McCorvey and Frank Wenzel be made parties respondent to this bill of complaint, and be required to plead, answer or demur to the same within the time and under the pains and penalties prescribed by law and the practice of this Honorable Court.

Complainants further pray that upon a hearing of the cause made by this bill of complaint, this Honorable Court will make and enter a decree adjudging and decreeing that the said respondents and neither of them have any right, title, interest in, claim or encumbrance upon the said lands, or any part thereof, but if your complainants are mistaken in this, then they pray that they be permitted to redeem said lands from the aforesaid tax sale, and move the Court to ascertain the amount necessary to redeem from and of the aforesaid claimants.

And complainants pray for such other, further or different relief as in equity and good conscience they shall be entitled to receive. And complainants place themselves wholly within the jurisdiction of this Court and offer to do and perform whatsoever this Court shall require of them.

Beebe, Hall Beebe
Solicitors for Complainants.

FOOT NOTE:

Respondents are required to answer every allegation in the foregoing bill of complaint, Paragraphs FIRST to NINTH inclusive, but not under oath, oath being expressly waived.

Beebe, Hall Beebe
Solicitors for Complainants.

SUNNY SOUTH DEVELOPING COMPANY,
INC., ET AL,

VS.

EMMET O. WENZEL ET ALS,

Complainants,

Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

IN EQUITY. NO. 543.

DECREE

This cause coming on to be heard on this date is submitted on the Motion filed in this cause by Ernest P. Flowers, W. L. Willis, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers and A. T. Flowers on September 1, 1949 to abate this suit with prejudice as to A. W. Keller, as Trustee, because it was not revived within twelve months from the date of the death of A. W. Keller, as Trustee, as successor in trust to the State Bank of Foley, Trustee, under that certain Deed of Trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley, dated August 1, 1921 and recorded in Book 25 of Mortgages at pages 596-7, Baldwin County, Alabama Records, and as successor in trust to the State Bank of Foley, Trustee, under that certain Deed of Trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley, dated June 1, 1922 and recorded in Book 27 of Mortgages at pages 144-60, Baldwin County, Alabama Records; the Motion to dismiss this suit with prejudice for want of prosecution as to the Complainant, Sunny South Developing Company, Inc., filed in this cause by Ernest P. Flowers, W. L. Willis, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers and A. T. Flowers on the 1st day of September, 1949, and the Motion filed in this cause by the Directors of the Sunny South Developing Company, Inc. on September 6, 1949, which matters were presented to the Court and argued by the Attorneys for the respective parties, and it appearing to the Court that A. W. Keller, the said Trustee, died on April 19, 1946 and that this suit has not, to the date hereof, been revived in the name of a successor trustee; it further appearing to the Court that the corporate existence of the Sunny South Developing Company, Inc. was extended until February 23, 1941; that it existed as a corporation

for a period of five years thereafter and until February 23, 1946 for the purposes provided by Title 10, Section 110 of the 1940 Code of Alabama, and that the corporate existence of the said corporation has not been otherwise extended, because of which the Court is of the opinion that the Motion to abate this suit with prejudice as to A. W. Keller, as successor Trustee as aforesaid, and the Motion to dismiss this suit with prejudice for the want of prosecution by the said Sunny South Developing Company, Inc. should be granted and that the Motion filed by the Directors of the said corporation to extend its corporate existence should be denied, WHEREUPON, it is, therefore, Ordered, Adjudged and Decreed by the Court as follows:

1. The Motion filed in this cause by Ernest P. Flowers, W. L. Willis, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers and A. T. Flowers on September 1, 1949 to abate this suit with prejudice as to A. W. Keller, as successor in trust to the State Bank of Foley, Trustee under that certain Deed of Trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley, dated August 1, 1921 and recorded in Book 25 of Mortgages at pages 596-7, Baldwin County, Alabama Records, and as successor in trust to the State Bank of Foley, Trustee under that certain Deed of Trust executed by the Sunny South Developing Company, Inc. to the State Bank of Foley, dated June 1, 1922 and recorded in Book 27 of Mortgages at pages 144-60, Baldwin County, Alabama Records, is hereby granted and this suit is hereby abated with prejudice as to the said A. W. Keller, as successor Trustee as aforesaid.

2. The Motion filed in this cause on September 1, 1949 to dismiss this suit for want of prosecution by the Complainant, Sunny South Developing Company, Inc., which motion was filed by Ernest P. Flowers, W. L. Willis, Eli T. Flowers, John E. Flowers, H. T. Flowers, Willie Hermann Teem, Homer L. Flowers and A. T. Flowers, is hereby granted and, as there is now no such corporation as Sunny South Developing Company, Inc., this action shall be and it is hereby dismissed with prejudice as to the said Complainant, Sunny South Developing Company, Inc., for want of prosecution by it.

3. The Motion heretofore filed in this cause by the Directors of Sunny South Developing Company, Inc. to extend or continue the corporate existence of the said corporation, is hereby denied and overruled.

ORDERED, ADJUDGED AND DECREED on this the 7th day of September, 1949.

Julian J. Madlibury Jr.
Judge.

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Filed June 10, 1939
R.S. Dantz, Register
By: Nathan Thompson
Deputy Register

Revised on
Revised on

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

RECORDED

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,
Complainant,

vs.

P. M. MELTON, et al,
Respondent.

SEPARATE ANSWER OF

P. M. MELTON

Filed May 15, 1938
R. S. DICK

clerk - register

By Wallace Hamman
Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama.

RECORDED

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A. T. McAllister

Muller to Crossbee

Filed June 28, 1888

R. S. Duch

Register

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN CHANCERY

~~RECORDED~~

SUNNY SOUTH DEVELOPING COMPANY,
INC., a corporation, et al,
Complainant,

vs.

E. S. SIMMONS, et al,
Respondant.

SEPARATE ANSWER OF

E. S. SIMMONS

Filed May 19, 1939
R. S. DICK

clerk - register

By *Lloyd A. Magney*
Deputy

LLOYD A. MAGNEY
Attorney at Law
Foley, Alabama.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH


Respondent admits the allegations of Paragraph Fifth on the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

PRAYER FOR RELIEF

Wherefore, having fully answered, this respondent prays that as to him said Bill of Complaint may be dismissed and that the Court will make and enter its decree that the respondent's Sunny South Developing Company and A. W. Keller as trustee have no right title, interest, lien, claim or encumbrances upon the lands herein described or any part hereof, and that the title of the respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable.


Solicitor for respondent, E. S. Simmons

Cross Respondents say that the Sunny South Developing Company, Inc., a corporation, is in possession of the said lands and that it was the owner of the said lands at the time of the sale of the said lands for taxes, as set out in the Third Paragraph of Respondent's Answer; that A. W. Keller is Trustee under two certain deeds of trust described in the bill of complaint, which said mortgages were recorded at the time of the said tax sale and at the time of the alleged attempted purchase by the Respondents and Cross Complainants of the tax title to the said property, and that no notice of the sale of the said lands or of the purchase of the said lands by the Respondents and Cross Complainants has ever been given to the said A. W. Keller.

WHEREFORE, your Complainants and Cross Respondents allege that they and each of them, separately and severally, have a right to redeem the said lands from the aforesaid tax sale, and move the Court to ascertain the amount of taxes and permit them to pay the same and to have a decree for the said lands, and they place themselves wholly within the jurisdiction of this Honorable Court, and they allege that they are ready, able and willing to pay such amount as this Honorable Court shall ascertain to be due because of the said tax sale and the purchase of the said Respondents and Cross Complainants, and all such taxes and lawful charges as this Honorable Court shall ascertain, and they place themselves wholly within the jurisdiction of this Honorable Court and offer to do whatsoever this Court shall require of them.

Becke Hall & Becke
Solicitors for Complainants and
Cross Respondents.

Alabama, in deed book 60 N.S. at page 244 thereof.

C. That ever since the delivery of said tax deeds to him this respondent has been in the actual and peaceable possession of said lands claiming to own the same, has regularly assessed the same for taxation and has paid all taxes which have been levied against said lands.

FOURTH

Respondent admits all of the allegations of Paragraph Fourth of the Bill of Complaint except that the deed of trust mentioned therein is a first lien upon the lands herein described and respondent expressly denies that such deed of trust is a lien upon said lands.

FIFTH

Respondent admits the allegations of Paragraph Fifth of the Bill of Complaint.

SIXTH

For further answers respondent denies the allegations of Paragraph Sixth, Seventh, Eighth and Ninth of the Bill of Complaint.

PRAYER FOR RELIEF

Wherefore, having fully answered, this respondent prays that as to him said Bill of Complaint may be dismissed and that the Court will make and enter its decree that the respondent's Sunny South Developing Company and A. W. Keller as trustee have no right title, interest, lien, claim or encumbrances upon the lands herein described or any part hereof, and that the title of the respondent in and to said lands may be quieted and confirmed in him and that he may have such other and further relief in the premises as may be just and equitable.


Solicitor for respondent, P.M. Melton

Flowers to the bill of complaint, filed herein on May 25, 1939, and May 31, 1939, respectively, and upon consideration thereof, separately and severally, I am of the opinion that neither of said demurrers is well taken.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said demurrers, each separately and severally, be, and they hereby are, overruled.

The said respondents are each given thirty days from the date of this decree within which to file answer.

This 8th day of June, 1939.



Judge

$N\frac{1}{2}$ of $NW\frac{1}{4}$ of $NW\frac{1}{2}$, Sec. 16, Twp. 8 S., R. 4 E.

Complainants further show that the right, title, interest in, claim or encumbrance upon the respective tracts claimed by them is under the said tax sale and was derived through the same source and subject to the same defenses."/

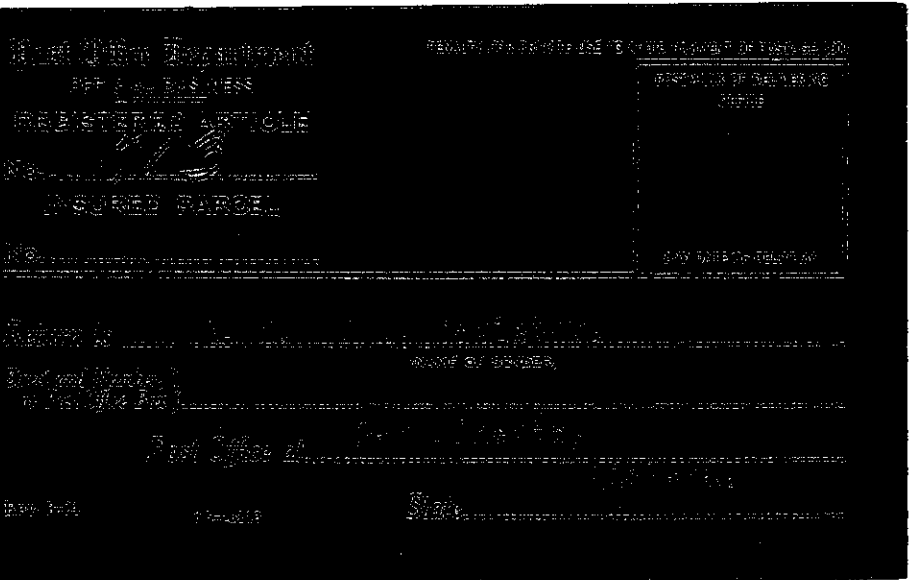
SEVENTH:

Complainants further show that the said deeds of trust constituting a lien on the aforesaid property were on record at the time of the aforesaid tax sale and that no notices of the purchase of the said lands by the said State of Alabama, or by the said respondents from the State of Alabama has ever been given to the said A. W. Keller, as trustee, or to his predecessors in trust, as required by the statutes made and provided, and that said complainant has the right to redeem the said lands from the said tax sale and that the said complainant is ready, able and willing to redeem the said lands and to pay such amount as this court shall ascertain to be required therefor, and moves the court to ascertain such amount.

EIGHTH:

Complainants further show that the said Sunny South Developing Company, Inc., was the owner of the said lands at the time of the said tax sale and is in possession of the said property and has the right to redeem said lands from the said tax sale under and by virtue of the statutes made and provided, and that the said complainant is ready, able and willing to redeem the said lands and to pay such amount as this court shall ascertain to be required therefor, and moves the court to ascertain such amount.

NINTH:



W. R. S. DUCK
Clerk Circuit Court, Baldwin County
BAY MINETTE, ALABAMA

BAY MINETTE, ALA. July 18, 193⁹ No. 532

BALDWIN COUNTY BANK

61-258

PAY TO THE ORDER OF BEEBE, HALL & BEEBE, Attorneys \$ 1176.10

ONE THOUSAND ONE HUNDRED SEVENTY-SIX & 10/100-~~x-x-x~~-~~x-x-x~~ DOLLARS

As per decree- 6-30-39
Sunny South Vs. Wenzel, et al.,
543

By: *R. S. Duck*
W. R. S. Duck Deputy Clerk

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Wm. H. Becke
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