

2212

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon LEATHA BROWN to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, Alabama, to be held for said County at the place of holding the same, then and there to answer the complaint of THEO DEES, also known as THEOFSLUICE DEES.

Witness my hand, this 15th day of March, 1954

A. J. Ruck
Clerk

THEO DEES, also known as	§	IN THE CIRCUIT COURT OF
THEOFSLUICE DEES,	§	BALDWIN COUNTY, ALABAMA
Plaintiff,	§	
vs.	§	AT LAW
LEATHA BROWN,	§	
Defendant.	§	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, AT LAW:

The plaintiff sues to recover possession of the following tract of land, to-wit:

The Southwest quarter of the Southwest quarter of the Southeast quarter of Section 25, Township 1 North, Range 4 East, in Baldwin County, Alabama,

of which he was in possession, and upon which, pending such possession, and before the commencement of this suit, the defendant entered and unlawfully withholds, together with \$500.00 for the detention thereof.

C. L. H. Thompson
Attorney for the Plaintiff.

702212

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

RECORDED

Received 15 day of Mar 1954
and on 22 day of Mar 1954

served a copy of the within

in

By service on Leath Brown

TAYLOR WILKINE, Sheriff

By P. J. Sullivan E.S.

THEO DEES, also known as THEOCSLUICE
DEES,

PLAINTIFF

VS

LEATH BROWN,
Pardido,
Agro Quarters DEFENDANT.

Suit In Ejectment

FILED
MAR 12 1954
MISS. & MISS. CLERK

C. LeNoir Thompson
Attorey At Law
Bay Minette, Alabama

THEO DEES, also known as
THEOFSLUICE DEES,

Plaintiff,

vs

LEATHA BROWN,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA, AT LAW:

Comes the defendant in the above styled cause and demurs to
the plaintiff's bill of complaint and as grounds for demurrer says:

1. That the said bill of complaint does not state a cause of
action.

Baker & Livingston
Attorneys for the Plaintiff.

Case No. 2212

THEO DEES, also known as
THEOFSLUICE DEES,

PLAINTIFF

VS

LEATHA BROWN,

DEFENDANT

DEMURRER

FILED
APR 13 1954
ALICE A. DICK, Clerk

THEO DEES, also known as
THEOFSLUICE DEES,

Plaintiff

vs

LEATHA BROWN

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the defendant in the above styled cause and answering plaintiff's complaint says:

1. She disclaims possession of, and as well any right, title or interest in, claim or demand to that portion of the lands described in plaintiff's complaint West of the following described line:

Commencing at an old iron marker long recognized as being the Southwest corner of the Southeast quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, thence West along an old fence 716.2 feet to an old iron stake marking the Southwest corner of defendant's land, which point is 61.3 feet West of the East line of the Southwest quarter of Southwest quarter of Southeast quarter, and which point is at the intersection of the defendant's fence with the South line of the Southwest quarter of Southeast quarter and which said fence line is the dividing line between the lands of this defendant and of the plaintiff, and which line is the East line of an old road, and which line from said point runs North 3° 50' West 203 feet, thence North 0° 10' East 456.2 feet to the North end of said fence;

2. Defendant pleads not guilty as to that portion of the lands described in the complaint lying East of the following described line:

Commencing at an old iron marker long recognized as being the Southwest corner of the Southeast quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, thence West along an old fence 716.2 feet to an old iron stake marking the Southwest corner of defendant's land, which point is 61.3 feet West of the East line of the Southwest quarter of Southwest quarter of Southeast quarter, and which point is at the intersection of the defendant's fence with the South line of the Southwest quarter of Southeast quarter and which said fence line is the dividing line between the lands of this defendant and of the plaintiff, and which line is the East line of an old road, and which line from said point runs North 3° 50' West 203 feet, thence North 0° 10' East 456.2 feet to the North end of said fence;

3. Further answering plaintiff's complaint defendant says this suit arises over a disputed boundary line between the plaintiff and defendant, they being coterminus owners of lands in the Southwest quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, and defendant shows that she is the owner and is in the actual possession of and has been in the actual continuous adverse possession of those lands lying in the South half of Southwest quarter of Southeast quarter, the West line of which is a line described as follows: Commencing at an old iron marker long recognized as being the Southwest corner of the Southeast quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, thence West along an old fence 716.2 feet to an old iron stake marking the Southwest corner of defendant's land, which point is 61.3 feet West of the East line of the Southwest quarter of Southwest quarter of Southeast quarter, and which point is at the intersection of the defendant's fence with the South line of the Southwest quarter of Southeast quarter, and which said fence line is the dividing line between the lands of this defendant and of the plaintiff and which line is the East line of an old road, and which line from said point runs North $3^{\circ} 50'$ West 203 feet, thence North $0^{\circ} 10'$ East 456.2 feet to the North end of said fence, the same being the Northeast corner of the property owned by this defendant; and which line is the true dividing line between the property of plaintiff and defendant; and this defendant further says that she is the owner of the said lands to the said line above described, that she and those through whom she holds title have maintained a fence along the said line for more than ten years next preceding the filing of this suit and that during the whole of the said period she and those through whom she claims have claimed the said line as the true dividing line between her property and the property of the plaintiff, and that she is now in possession of the same and that she and those through whom

she holds title have for more than ten years next preceding the filing of this suit been in the continuous adverse possession of the said land up to the said line above described, claiming to own the same and that for more than ten years next preceding April 25, 1953, no person has disputed her claim to the said lands up to the said fence, or have disputed that the said line is the true West line of her lands.

4. For further answer to plaintiff's complaint the defendant makes this suggestion upon the record: That she has for three years next before the commencement of this suit had adverse possession of so much of the lands described in the complaint as lies East of a line described as follows:

Commencing at an old iron marker long recognized as being the Southwest corner of the Southeast quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, thence West along an old fence 716.2 feet to an old iron stake marking the Southwest corner of defendant's land, which point is 61.3 feet West of the East line of the Southwest quarter of Southwest quarter of Southeast quarter and which point is at the intersection of the defendant's fence with the South line of the Southwest quarter of Southeast quarter, and which said fence is the dividing line between the lands of this defendant and of the plaintiff, and which line is the East line of an old road, and which line from said point runs North 3° 50' West 203 feet, thence North 0° 10' East 456.2 feet to the North end of said fence;

BEEBE & SWEARINGEN

BY

W C Seese
Attorneys for defendant

2212

Answer

FILED
JUN 30 1955
ALICE J. DUCK, Clerk

Dust & Brown

Come the parties in the above styled cause and their attorneys and said cause being tried by the court upon defendant's plea of disclaimer of a part of the land and suggestion of a disputed boundary line; and the testimony having been taken and heard by the Court, and the Court having found for the defendant on said plea and having found the true dividing line between the lands of the plaintiff and of the defendant to be the dividing line as set out and described in defendant's plea suggesting a disputed boundary line;

Judgment is therefore rendered for the defendant and the dividing line between the lands of the plaintiff and of the defendant is hereby fixed as described in defendant's suggestion of disputed boundary line as follows:

Commencing at an old iron marker long recognized as being the Southwest corner of the Southeast quarter of Southeast quarter of Section 25, Township 1 North, Range 4 East, thence West along an old fence 716.2 feet to an old iron stake marking the Southwest corner of defendant's land, which point is 61.3 feet West of the East line of the Southwest quarter of Southwest quarter of Southeast quarter, and which point is at the intersection of the defendant's fence with the South line of the Southwest quarter of Southwest quarter and which said fence line is the dividing line between the lands of this defendant and of the plaintiff, and which line is the East line of an old road, and which line from said point runs North 3° 50' West 203 feet, thence North 0° 10' East 456.2 feet to the North end of said fence;

It is ordered and adjudged that the defendant go hence and recover of the plaintiff the costs in this behalf expended for which execution may issue.

RECORDED

Wm. Beck 10
Page 222

RECORDED

RECORDED

1172