

CALLIE H. BROOKS,
Plaintiff,
vs.
GROVER REDMOND,
Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2539

DEMURRER TO PLEAS

Comes now the Plaintiff in the above styled cause and demurs to the Plea heretofore filed by the Defendant and to each "count" thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. That said plea is not a defense to this suit.
2. That "Count One" of said plea is not a defense to this suit.
3. That "Count Two" of said plea is not a defense to this suit.
4. That said plea is immaterial.
5. That it affirmatively appears from the allegations of "Count One" of said plea that the Plaintiff was not a party to the proceeding had in the Probate Court of Baldwin County, Alabama.
6. For aught that appears from the allegations of "Count Two" of the plea there has been no final settlement of the estate of Cleveland Redmond, Deceased, of which the Plaintiff had notice or to which she was a party.

filed 1-23-54
A. H. E. Dietz
Special Judge

CHASON & STONE

By: *[Signature]*
Attorneys for Plaintiff

CALLIE H. BROOKS,

Plaintiff,

vs.

GROVER REDMOND,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2539

DEMURRER TO PLEAS

*Filed 1-23-54
A. N. Elliott
Special Judge*

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

Callie H. Brooks	I	
Plaintiff	I	In the Circuit Court of
Vs	I	Baldwin County, Alabama
Grover Redmond	I	At Law No 2539
Defendant	I	

Now comes the Defendant and pleads in abatement of this suit that the matters contained therein are Res Judicata, in that on to-wit October 16, 1954, a decree was rendered, in the Probate Court of Baldwin County, in Re ^{the}state of Cleveland Redmond, deceased, over the objection of Callie Brooks by her Attorney said decree adjudicating that the deceased owned a fee simple title to said land sued for in this suit and said Callie Brooks owned no right, title or interest therein. Said decree having been rendered in administration of said estate by the Defendant in this suit as administrator and Title 13 Sec. 278, 1940 Ala. Code providing that a Probate Court is a Court of General Jurisdiction in matters pertaining to the sale of real and personal property of an intestate and said decree not being subject to collateral attack, Defendant having bought said land from said estate, said sale having been approved by said Probate Court, the Matters contained in this suit are Res Judicata.

filed
Mar. 15, 1955
Oliver J. Luck, Clerk

Robert F. McKinley

 Attorney for the Defendant.

Callie H. Brooks	Ø	In the Circuit Court of
Plaintiff	Ø	Baldwin County, Alabama
Vs	Ø	At Law. No. 2539
Grover Redmond	Ø	
Defendant	Ø	

AMENDMENT OF PLEA IN ABATEMENT BY ADDING COUNT 2

Now comes the Defendant and further pleads in abatement of said suit by adding Count 2 to said plea, stateing herein that Title 13, Sec. 145 of the 1940 Code of Alabama provides that a Bill in Circuit Court may be filed within two years, to correct any errors in the settlement of any Estate of a Decedent to to the injury of any party. The Plaintiff has entirely disregarded this statuatory provision to enable him to correct any errors in the Adminstration of this Estate in Probate Court and has attempted to disregard said statute and filed this present suit. For this reason, this suit should be dismissed.


Paul J. McFarley
 Attorney for the Defendant.

filed
Dec. 10, 1956
Alice J. Luck,
clerk

Callie H. Brooks
Plaintiff

Vs

Grover Redmond
Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law, No. _____

Defendant

Now comes the ~~Plaintiff~~ in the above styled cause by his Attorney and moves that Hon. H. M. Hall, Judge, recuse himself from acting as Judge in this cause and for grounds for said motion says:

1.

That Hon. H. M. Hall was Attorney for the ~~Plaintiff~~ Plaintiff in the preparation of papers, the subject of this suit and Title 13, Sec. 6. 1940 Code of Alabama forbids him from sitting in judgment upon said cause.

2.

That Title 13, Sec. 124, 1940 Code of Alabama provides the method of selecting and appointing Special Judges when a Judge has been disqualified under Sec. 6 of Title 13, Code.

filed Sept. 12, 1955
Alice J. Clark, Clerk

Robert F. McKinley
Attorney for the Defendant

Callie H. Brooks
Plaintiff

Vs

Grover Redmond
Defendent

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 2539

DEMAND FOR ABSTRACT OF TITLE

Comes now the Defendent in the above styled cause, by
his Attorneys, and demands of the Plaintiff an abstract, in
writing of the title or titles on which she will rely for
recovery in the above styled cause.

filed
Jan. 23, 1957
Walter J. Luck,
clerk

Lawrence S. McMillen
Attorney for the Defendent

no. 2539

Callie H. Brooks
Plaintiff
Vs
Grover Redmond
Defendent

Demand for Abstract of Title

FILED

JAN 23 1957

ALICE J. DUCK, Clerk

Received 23 day of Jan 1957
and on 31 day of Jan 1957
I served a copy of the within Demand
on Grover Redmond

By service on Grover Redmond

TAYLOR WILKINS, Sheriff

By W.A. Talbert D.
Perdick

Sheriff's claims 26 miles at

Ten Cents per mile Total \$ 2.60

TAYLOR WILKINS, Sheriff

BY Talbert
DEPUTY SHERIFF

Received _____ day of _____ 19____
and on _____ day of _____ 19____
I served a copy of the within Notice
on Norborne Stone, Atty

By service on Norborne Stone Atty

TAYLOR WILKINS, Sheriff

By W.A. Talbert D.S.

CALLIE H. BROOKS

VS

GROVER REDMOND

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO. 2539.

ORDER FOR SPECIAL JUDGE

WHEREAS, it has been made known to me that Hon. Hubert M. Hall, Judge of the Circuit Court of Baldwin County, Alabama, has declared himself incompetent to try, hear, or render judgment in the above styled cause because of his having been counsel to one of the parties hereto, at one time in reference to matters now in dispute, and does declare such incompetency and recuses himself from presiding upon hearing of said cause,

Whereas, Hon. W. C. Beebe possesses the qualifications of a Circuit Judge as provided in the law, and is a proper person to be appointed as Judge to hear said cause,

I, therefore appoint Hon. W. C. Beebe to preside as Judge in this said cause which is set down for hearing _____ at _____ o'clock.

Witness my hand this 23rd. day of April, 1956.

Reed J. Hubert
Register in Equity

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Grover Redmond to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Callie H. Brooks.

Witness my hand this 18 day of February, 1955.

Clarence J. White
Clerk.

CALLIE H. BROOKS,

Plaintiff,

vs.

GROVER REDMOND,

Defendant.

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

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

Commence at the Northwest corner of Lot 31 of Greenwood's Survey of Section 36 in Township 1 North, Range 4 East, as per plat of same duly recorded in the Office of the Judge of Probate of said County in Map Book One at page 28, thence measure Southwesterly 75 feet to the point of beginning, Southeasterly and parallel with West line of said Lot 31, 420 feet to a point, thence Southwesterly 100 feet more or less to the Southeast corner of Lot 28 of above Survey, South 54° West along Southerly line of said Lot 28, 77.5 feet to an iron pin, North 46° West 507 feet to the Northerly line of said Lot 28, North 46° East 84.5 feet to the Northeast corner of said Lot 28, thence Northeasterly 225 feet more or less to point of beginning, being part of Lot 28 and 51 of said above Greenwood's Survey, and containing two and one-half acres, more or less,

of which she was in possession, and upon which, pending such possession, and before the commencement of this suit, the Defendant entered

and unlawfully withholds, together with the sum of Five Hundred Dollars (\$500.00) for the detention thereof.

CHASON & STONE

By: Melburn G. Stone
Attorneys for Plaintiff.

We, Chason & Stone, Attorneys at Law, Bay Minette, Alabama, do hereby acknowledge ourselves as security for the costs in this suit.

CHASON & STONE

By: Melburn G. Stone

Defendant resides at Perdido, Alabama.

filed Feb 18, 1955
Alice J. Luck, clerk.
Executed Nov. 10, 1955

No. 2539 Pardido

Received 18 day of Feb 1955
and on 10 day of Mar 1955
I served a copy of the within S.C.
on _____

By service on Grover Redmond

TAYLOR WILKINS, Sheriff
By W. H. Ham D. S.

CALLIE H. BROOKS,
Plaintiff,
VS.
GROVER REDMOND,
Defendant.

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

SUMMONS AND COMPLAINT

FILED
FEB 18 1955
ALICE J. BUCK, Clerk
LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

CALLIE H. BROOKS,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
GROVER REDMOND,	I	AT LAW NO. 2539
Defendant.	I	

DEMAND FOR ABSTRACT OF TITLE

Comes now the Plaintiff in the above styled cause, by her attorneys, and demands of the Defendant an abstract in writing of the title or titles on which he will rely for defense of the above styled cause.

CHASON & STONE

filed Jan. 4, 1957
Walter J. Duck, Clerk

By: *Malone S. Stone*
Attorneys for Plaintiff

Received 4 day of Jan 1957
and on 8 day of Jan 1957

I served a copy of the within Demand
on Grover Redmond

By service on Ruben M. Kinty

TAYLOR WILKINS, Sheriff
By W. A. Tolbert D. S.
Omi

CALLIE H. BROOKS,
Plaintiff,

vs.

GROVER REDMOND,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2539

DEMAND FOR ABSTRACT OF TITLE

FILED

JAN 4 1957

MADE A. DICK, CLERK

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

same
over

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