

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon CHARLES D. GRICE, MARION GRICE, ROBERT N. GRICE and ANNIE R. DAUGHERTY 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 C. D. JUSTICE.

WITNESS my hand this 31 day of January, 1957.

Alvin F. Dyer  
Clerk of the Circuit Court

\* \* \* \* \*

C. D. JUSTICE,	)	
	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
	)	AT LAW
CHARLES D. GRICE, MARION	)	NO. <u>3146</u>
GRICE, ROBERT N. GRICE and	)	
ANNIE R. DAUGHERTY,	)	
Defendants.	)	

The plaintiff sues to recover possession of the following described tract of land:

East Half of the Northwest Quarter of Section  
10, Township 3 South, Range 2 East, Baldwin  
County, Alabama,

of which he was in possession and upon which, pending such possession and before the commencement of this suit, the defendants entered and unlawfully withhold, together with the sum of One Thousand Dollars (\$1,000.00) damages for the detention thereof.

J. B. Blackburn  
Attorney for plaintiff

Plaintiff demands a trial  
of this cause by Jury.

J. B. Blackburn  
Attorney for plaintiff.

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 informed and believes, and on such information and belief states the facts to be that the above named defendant, Charles D. Grice, is over twenty-one years of age and a resident of Bay Minette, Baldwin County, Alabama; that the above named defendants, Marion Grice, Robert N. Grice and Annie R. Daugherty, are over twenty-one years of age and non-residents of the State of Alabama; that Marion Grice's residence and post office address is Skyland, North Carolina; that Robert N. Grice's residence and post office address is Asheville, North Carolina; and that Annie R. Daugherty's residence and post office address is 12 Liberty Place, Weehawken, New Jersey.

J. B. Blackburn

Sworn to and subscribed before me on  
this the 31<sup>st</sup> day of January, 1957.

[Signature]

Notary Public, Baldwin County, Alabama

SUMMONS AND COMPLAINT

C. D. JUSTICE,

Plaintiff,

VS.

CHARLES D. GRICE, MARION GRICE,  
ROBERT N. GRICE and ANNIE R.  
DAUGHERTY,

Defendants.

TAYLOR WILKINS, Sh

By W. R. Tolbert D. S.

13 miles south  
west of B.M.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 3140

FILED

JAN 31 1957

ALICE L. DUCK, Clerk

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA

C. D. JUSTICE,

PLAINTIFF

VS

CHARLES D. GRICE, ET AL.,

DEFENDANTS

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\*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 3140.

Comes now CHARLES D. GRICE, Defendant in the above styled cause and amends his motion heretofore filed in said cause and moves this Honorable Court as follows:

That the said C. D. Grice and other defendants named herein are the heirs of the said C. F. Grice and were the heirs of the said C. F. Grice, deceased, June 1st, 1914, at the time of the tax sale of said property which sold in the name of "heirs of C. F. Grice by Dudley Grice, agent". And that the said Dudley Grice named therein is the said Charles D. Grice, defendant herein; and that said heirs are in possession and have retained possession continuously to said property, and,

That this Honorable Court ascertain the amount paid by the purchaser at the said sale, and of the taxes subsequently paid by the said purchaser, together with 6% per annum thereon, and a reasonable attorney's fee for the plaintiff's attorney for bringing the suit and, as provided in Title 2312, Code of Alabama of 1907, as amended shall enter judgment for the amount so ascertained in favor of the said plaintiff against the said defendants and shall pronounce judgment for the said defendants clearing the title of the said defendants of the claim of the said plaintiff, as provided for in said Title 51 Section 296 of the 1940 Code of Alabama;

The defendants allege that the above styled cause was brought by the said plaintiff who claims title under a tax deed arising from said sale to eject the said defendants, heirs of C. F. Grice, deceased and the owners of the land in question at the time of said sale, who have retained possession continuously since said sale, and further your defendant moves that upon the payment into court of the amount of the judgment and costs so determined, the court shall enter judgment for said defendants for the land and that all title and interest in the said land shall by such judgment be divested out

of the said C. D. Justice, as the owner of said tax deed.

Charles D. Grice  
Charles D. Grice.

THOMPSON & WHITE, Attorneys for the  
Respondents,

BY: Mary Thompson White

Filed  
3/6/59

C. D. JUSTICE,	)	
	)	IN THE CIRCUIT COURT OF
VS. Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	AT LAW NO. 3140
CHARLES D. GRICE, ET AL.,	)	
Defendants.	)	

NOTICE

TO: CHARLES D. GRICE, DEFENDANT, AND TO THOMPSON AND WHITE,  
ATTORNEYS FOR THE DEFENDANTS:

Please take notice that at 9:00 o'clock A. M. on August 27, 1959, at the office of Louise Dusenbury, Court Reporter, at the courthouse in Bay Minette, Alabama, the plaintiff in this action desires to and will take the deposition of Charles D. Grice, one of the defendants, such deposition being upon oral examination and being taken pursuant to the statutes applicable to the taking of the same before Louise Dusenbury, an officer authorized to administer oaths by the laws of the State of Alabama.

Dated this 6th day of August, 1959.

J. B. Blackburn  
Attorney for plaintiff

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Charles D. Grice, who resides south of Cross Roads on the Bromley Road, to be and appear before Louise Dusembury, Court Reporter, at her office in the courthouse at Bay Minette, Alabama, at 9:00 o'clock A. M. on August 27, 1959, for the purpose stated in the above notice.

Dated this 6 day of August, 1959.

Geisef. Nuck  
Clerk of the Circuit Court

C. D. JUSTICE	X	IN THE CIRCUIT COURT OF
Complainant	X	BALDWIN COUNTY, ALABAMA
-VS-	X	IN EQUITY
CHARLES D. GRICE	X	
Respondent	X	

NOTICE TO PRODUCE WRITTEN INSTRUMENT

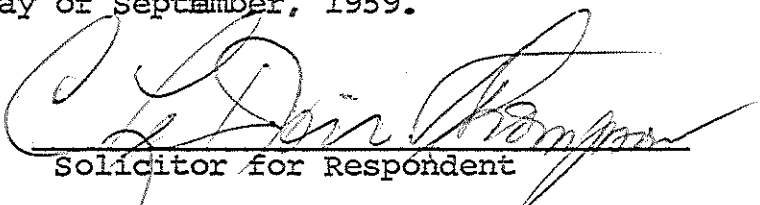
TO C. D. JUSTICE, COMPLAINANT, AND TO J. B. BLACKBURN,  
AS HIS SOLICITOR:

Notice is hereby given to you to produce on the trial of this cause on September 14, 1959, or on any date to which the said cause may be continued, the original letter from J. Connor Owens, Jr. to C. D. Justice, Candler, North Carolina, dated December 8th, 1954.

Notice is also hereby given to you to produce on the trial of this cause on September 14, 1959, or on any date to which the said cause may be continued, the original letter from J. Connor Owens, Jr. to C. D. Justice, Candler, North Carolina, dated October 16, 1954.

Upon your failure to produce the said original letter, secondary evidence of the said letter will be offered by the Respondent.


Dated this the 4th day of September, 1959.

  
Solicitor for Respondent

STATE OF ALABAMA X

BALDWIN COUNTY X

I hereby certify that I delivered a copy of the foregoing notice to J. B. Blackburn, Esquire, Solicitor for the Complainant, on this the 4th day of September, 1959.

  
Solicitor for Respondent

C. D. JUSTICE,  
Plaintiff,

VS.

CHARLES D. GRICE,  
MARION GRICE, ROBERT  
N. GRICE and ANNIE  
R. DAUGHERTY,

Defendants.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.

AT LAW

NO. \_\_\_\_\_

Comes now CHARLES D. GRICE, and for answer to the  
complaint assigns the following, separate and several pleas;

1. Defendant says that he is not guilty of the  
manners and things therein alleged.
2. Defendant says that the allegations thereof  
are untrue.

*W. B. Bracy*

*D. D. Cook, Jr.*  
ATTORNEYS FOR DEFENDANT, CHARLES D.  
GRICE.

*Filed*  
*4/27/57*



C. D. JUSTICE,

Plaintiff,

Vs.

CHARLES D. GRICE, MARION  
GRICE, ROBERT N. GRICE  
AND ANNIE R. DAUGHERTY,

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

AT LAW

NO. \_\_\_\_\_

Come now D. R. COLEY, JR., and CHRIS C. DE LANEY,  
and appear for all of the Defendants and reserve the right  
to plead, answer or demur further.

D.R. Coley Jr.  
Chris C. DeLaney  
ATTORNEYS FOR DEFENDANTS

Defendants demand a trial by jury.



*Filed*  
*3/9/57*

D.R. Coley Jr.  
Chris C. DeLaney  
ATTORNEYS FOR DEFENDANTS

C. D. JUSTICE,  
Plaintiff,  
Vs.  
CHARLES D. GRICE, et al,  
Defendants.

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA.  
AT LAW  
NO. 3140

Come now D. R. Coley, Jr., and Chris C.  
De Laney, and respectfully move the Court to withdraw  
their appearance as attorneys for the Defendant, Charles  
D. Grice, in the above entitled cause.

  
\_\_\_\_\_  
  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT

*Filed*  
*3/6/58*

C. D. JUSTICE,	)	
	)	IN THE CIRCUIT COURT OF
VS.            Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
CHARLES D. GRICE, MARION	)	AT LAW                      NO. 3140
GRICE, ROBERT N. GRICE and	)	
ANNIE R. DAUGHERTY,	)	
Defendants.	)	

DEMAND FOR ABSTRACT

TO CHARLES D. GRICE, DEFENDANT, OR TO THOMPSON AND WHITE, ATTORNEYS FOR CHARLES D. GRICE:

Pursuant to the provisions of Title 7, Section 940 of the 1940 Code of Alabama, demand is hereby made upon the defendant, Charles D. Grice, for an Abstract of Title showing the title or titles on which the defendant will rely for defense of this cause.

Dated this 29th day of August, 1958.

J. B. Blackburn  
Attorney for plaintiff

STATE OF ALABAMA )  
                              \*  
BALDWIN COUNTY    )

I hereby certify that I delivered a copy of the foregoing instrument to the office of Thompson and White, attorneys for the defendant, Charles D. Grice, in Bay Minette, Alabama, on this the 29th day of August, 1958.

*Filed*  
*9/4/58*

J. B. Blackburn  
Attorney for plaintiff

C. D. JUSTICE,

PLAINTIFF

VS

CHARLES D. GRICE, MARION  
GRICE, ROBERT N. GRICE and  
ANNIE R. DAUGHERTY,

DEFENDANTS

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\*

\*

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NO. 3140

Come C. LeNoir Thompson and Mary Thompson White, and appear as  
Attorneys of Record for all of the Defendants,

THOMPSON & WHITE

BY: Mary Thompson White  
Attorneys for Defendants

I hereby certify that I have this the 8<sup>th</sup> day of September, 1958,  
delivered a copy of the foregoing appearance to the Honorable J. B. Blackburn,  
Attorney for C. D. Justice, Plaintiff in said cause.

*Filed*  
*9/8/58*

Mary Thompson White  
Attorneys for Defendants.

C. D. JUSTICE,	)	
	)	
Plaintiff,	)	
VS.	)	IN THE CIRCUIT COURT OF
	)	BALDWIN COUNTY, ALABAMA
CHARLES D. GRICE, MARION	)	
GRICE, ROBERT N. GRICE and	)	AT LAW NO. 3140
ANNIE R. DAUGHERTY,	)	
Defendants.	)	

MOTION

Now comes the plaintiff, by his attorney, and shows unto the court that he did on August 29, 1958, deliver to the office of Thompson and White, Attorneys at Law, Bay Minette, Alabama, who are the attorneys for the defendant, Charles D. Grice, a notice in writing demanding an abstract in writing of the title or titles on which the said defendant, Charles D. Grice, will rely for defense of this action, as provided by Title 7, Section 940 of the 1940 Code of Alabama.

The said defendant, after such demand and notice, has failed to furnish such abstract of title to the plaintiff, as required by Title 7, Section 940 of the 1940 Code of Alabama.

WHEREFORE, plaintiff moves the court to require the said defendant, Charles D. Grice, who is in default as provided above, to furnish the said abstract of title within a time to be fixed by the court, or upon the defendant's failure to comply with such order will render a judgment by default against the said defendant and tax the cost of this proceeding against him.

Dated this 8th day of September, 1958.

J. B. Blackburn  
Attorney for plaintiff

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

I hereby certify that I delivered a copy of the above and foregoing motion to C. Linn Thompson, one of the

Filed  
9/8/58

J. B. Blackburn  
Attorney for plaintiff

[illegible]

C. D. JUSTICE

PLAINTIFF

VS

CHARLES D. GRICE, MARION  
GRICE, ROBERT N. GRICE and  
ANNIE R. DAUGHERTY,

DEFENDANTS

\* IN THE CIRCUIT COURT OF  
\* BALDWIN COUNTY, ALABAMA.

\* AT LAW.

\* CASE NO. 3140

\*

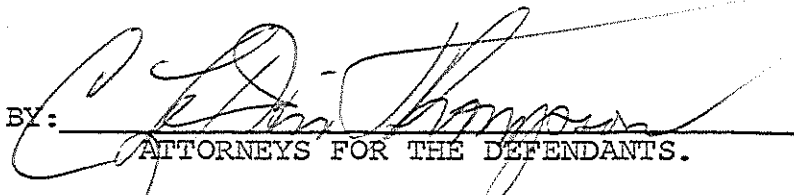
\*

Come now the Defendants in the above styled cause by their Attorneys of Record, C. LeNoir Thompson and Mary Thompson White, and move this Honorable Court as follows:

That this Honorable Court ascertain the amount of taxes due on the said lands sued for, as well as other reasonable expenses, as provided for in Title 51, Section 296 of the 1940 Code of the State of Alabama and pronounce judgment for the Defendants clearing the title of the Defendants of the claim of the Plaintiff, as provided for in said title and section of the Code. The Defendants allege that the above styled cause was brought by the Plaintiff, who claims title under a tax deed, to eject the Defendants, the original owner of the land in question, who has remained in possession continuously since the tax sale.

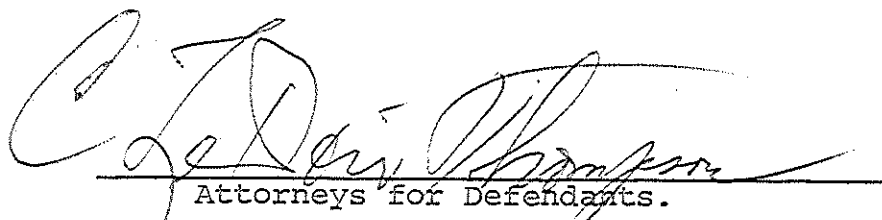
THOMPSON & WHITE

BY:

  
ATTORNEYS FOR THE DEFENDANTS.

I hereby certify that I have this the 8 day of September, 1958, delivered a copy of the foregoing motion to the Honorable J. B. Blackburn, Attorney for C. D. Justice, Plaintiff in said cause.

*Filed*  
*9/8/58*

  
Attorneys for Defendants.

C. D. JUSTICE,

Plaintiff

VS.

CHARLES D. GRICE, et als,

Defendants

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§

§

§

§

§

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA.

AT LAW

NO. \_\_\_\_\_

Comes now D. R. Coley, Jr. and Chris C. De Laney  
and withdraw their appearance heretofore filed on behalf  
of all of the Defendants in the above entitled cause.

*D R Coley Jr*

*Chris C De Laney*

Attorneys for Defendants.

*Filed*  
*9/9/58*



C. D. JUSTICE	*	IN THE CIRCUIT COURT OF
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA.
VS	*	AT LAW.
CHARLES D. GRICE, MARION	*	CASE NO. _____
GRICE, ROBERT N. GRICE	*	
and ANNIE R. DAUGHERTY,	*	
DEFENDANTS	*	

Come now the Defendants in the above styled cause by their Attorneys of Record, C. LeNoir Thompson and Mary Thompson White, and suggest to this Honorable Court in accordance with Section 3846 of the 1907 Code:

1. That they have for three years before the commencement of this suit had adverse possession thereof which must be construed to mean the same character of possession as will put in operation the statute of limitation.

THOMPSON & WHITE

BY:

*C. LeNoir Thompson*  
Attorneys for Defendants.

*Filed  
9/9/58*

AMENDED

C. D. JUSTICE,	*	IN THE CIRCUIT COURT OF
PLAINTIFF,	*	BALDWIN COUNTY, ALABAMA.
VS	*	AT LAW.
CHARLES D. GRICE,	*	CASE NO. _____
MARION GRICE, ROBERT	*	
N. GRICE and ANNIE	*	
R. DAUGHERTY,	*	
DEFENDANTS	*	

Come now the defendants in the above styled cause and for answer to the complaint assigns the following, separate and several pleas:

1. Defendant says that he is not guilty of the manners and things therein alleged.
2. Defendant says that the allegations thereof are untrue.
3. The Defendants for answer to the complaint, saith that the action at law by the Plaintiff in this cause is barred by the statute of limitations of three years.

*Thompson & White*  
By *C. L. Davis Thompson*  
Attorneys for Defendants.

*I hereby Certify that I have this  
9th day of Sept. 1958 delivered  
as copy of the foregoing to Hon.  
J.B. Blockson, atty for Plaintiff  
filed 9/9/58*

C. D. JUSTICE,	)		
	)	IN THE CIRCUIT COURT OF	
Plaintiff,	)		
vs.	)	BALDWIN COUNTY, ALABAMA	
CHARLES D. GRICE, ET AL.,	)		
	)	AT LAW.	NO. 3140.
Defendants.	)		

DEMURRER TO MOTION TO REDEEM FROM TAX SALE

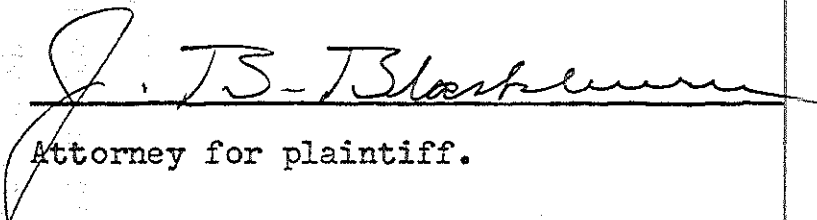
Now comes the plaintiff and demurs to the defendants' motion to redeem from tax sale heretofore filed in this cause, and as grounds of such demurrer assigns, separately and severally, the following:

1. No facts are alleged in the said motion to entitle the parties making the said motion to the relief sought by them therein.
2. No facts are alleged to show that the parties making the said motion are within the class entitled to redeem under the statute set out in the said motion.
3. No facts are alleged to show that the statute set out in the said motion applies to the tax sale through which the plaintiff claims title.
4. For aught that appears in the said motion, the claim of the parties making the said motion is barred by the statute of limitations of three (3) years.
5. The facts alleged in the said motion do not show with accuracy and clearness all of the matters which are essential to the granting of the relief sought in the said motion.
6. The matters alleged in the said motion are vague, indefinite and uncertain.
7. The allegations of the said motion are ambiguous and inconclusive.
8. The relief sought in and by the said motion is inconsistent with the provisions of the statute referred to therein.
9. The allegations of the said motion are conclusions of the pleader.

10. The allegations of the said motion are conclusions of the pleader and no facts are alleged to show that those filing the motion had rightful possession of the land involved in this suit at the time of the filing of the said motion.

11. No facts are alleged to show when the tax sale, through which the plaintiff claims title, was made.

12. No facts are alleged to show the date of the tax sale through which the plaintiff claims title.

  
Attorney for plaintiff.

*Filed*  
*1/16/59*

DEMURRER TO MOTION TO REDEEM  
FROM TAX SALE

C. D. JUSTICE,

Plaintiff,

vs.

CHARLES D. GRICE, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 3140.

FILED

JAN 16 1959

ALICE J. DUCK, CLERK  
REGISTER

C. D. JUSTICE

Complainant

-VS-

CHARLES D. GRICE

Respondent

X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NOTICE TO PRODUCE WRITTEN INSTRUMENT

TO C. D. JUSTICE, COMPLAINANT, AND TO J. B. BLACKBURN,  
AS HIS SOLICITOR:

Notice is hereby given to you to produce on the trial of this cause on September 14, 1959, or on any date to which the said cause may be continued, the original letter from J. Connor Owens, Jr. to C. D. Justice, Candler, North Carolina, dated December 8th, 1954.

Notice is also hereby given to you to produce on the trial of this cause on September 14, 1959, or on any date to which the said cause may be continued, the original letter from J. Connor Owens, Jr. to C. D. Justice, Candler, North Carolina, dated October 16, 1954.

Upon your failure to produce the said original letter, secondary evidence of the said letter will be offered by the Respondent.

Dated this the 4th day of September, 1959.

\_\_\_\_\_  
Solicitor for Respondent

STATE OF ALABAMA

I

BALDWIN COUNTY

I

I hereby certify that I delivered a copy of the foregoing notice to J. B. Blackburn, Esquire, Solicitor for the Complainant, on this the 4th day of September, 1959.

\_\_\_\_\_  
Solicitor for Respondent