

CARRIE GRIFFIN
PLAINTIFF
VS
JOE ROBINSON, Sr.,
MISSOURI BUSH and
WILLIE BUSH
DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 3438

Now comes the Plaintiff in the above styled cause and demurs to the Motion of the Defendant, Joe Robinson, Sr., to transfer this cause to Equity and to each aspect thereof and for grounds for said demurrer assigns,

1.

There is no Equity in the defense of the Defendant, Joe Robinson, Sr., in that the Plaintiff, on to-wit November 4, 1929 did buy said land in question in this suit from Robin Horance and received a Warranty Deed thereof, which said Deed was recorded in Deed Book No. 50Ns. Page 569, Baldwin County Records, actual notice to all the world of the ownership of said land by the Plaintiff, since to-wit December 30, 1930.

2.

The Statute of Limitations of 10 years bars any claim to said land by the Defendant, Joe Robinson, Sr., in that the Plaintiff has been in possession of said land for a period of nearly 30 years, under color of title, paying the taxes assessed on said land, in her name.

3.

The Doctrine of Laches prevents Equity from assuming any Jurisdiction over this cause, in that the Defendant, Joe Robinson, Sr., for a period of nearly 30 years, with actual Notice of the Ownership of said land by the Plaintiff, failed and refused to assert any claim of any kind to said land.

Filed
Feb. 11, 1958
Alice J. Luck

Robert T. McKinley
Attorney for the Plaintiff,

CARRIE GRIFFIN	*	IN THE CIRCUIT COURT OF
	*	
PLAINTIFF	*	BALDWIN COUNTY, ALABAMA
	*	
VS	*	AT LAW.
	*	
JOE ROBINSON, Sr.,	*	CASE NO. _____
MISSOURI BUSH and	*	
WILLIE BUSH	*	
	*	
DEFENDANTS	*	
	*	

Now comes JOE ROBINSON Sr., a defendant in the above styled cause, and alleges that he has an equitable defense to said action which can not be disposed of in the law side of the Court, and which depends upon the assertion of an equitable right by said claimant.

The said JOE ROBINSON Sr., avers and shows that the substance of his equitable defense is as follows:

That the property described in the complaint which is as follows: Begin at a point 877 50/100 ft. N. of the S.E. cor. of S 1/2 of the S.W. 1/4 Sec. 22, 1N, 2E, Thence W. 1323 ft for a beg. cor. Thence N 440 ft. to N. line of said S 1/2 of SW 1/4, Sec. 22, Thence W. 662 ft. Thence S. 440 ft. Thence E. 662 ft. to beg, all in Sec. 22, T1N, R2E, containing 7 1/2 acres, is a portion of that property originally held by Collins Horace, now deceased and also a part of the estate of Tom Horace, his son, now deceased, who left five children, Carrie Horace Griffin, Plaintiff in this cause, Octavia Horace Robinson, now deceased who left three children, Ed Robinson, Joe Robinson, Hester Robinson. Each of the named individuals being tenants in common as heirs of Tom Horace, deceased.

That the said Carrie Horace Griffin has cut and sold timber or has permitted same to be cut from said properties and has not accounted to the heirs aforesaid for monies received therefrom.

That the real property described in the complaint is owned by the parties aforesaid as tenants in common and is not capable of being divided.

That said defendants, Missouri Bush and Willie Bush are tenants of Joe Robinson Sr., as a tenant in common of said property and are in possession under his interest in said land atorn thereto.

Wherefore, the said Defendant desiring and accounting as set forth in this cause files in this cause, this his written motion and moves the Court to make and enter an appropriate order transferring

this cause from the law side of the court to the equity side of the court that proper evidence may be taken as to the heirship of said individuals and that their interest in said property may be determined so that proper accounting may be had and proper distribution may be made under a decree of the Equity Court.

Joe Robinson Sr
Defendant, Joe Robinson, Sr.

C. LeNoir Thompson
Attorney for Defendant.

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for said County, in said State, personally appeared Joe Robinson, Sr., who has knowledge of the facts set forth in the foregoing claim, who, being by me first duly sworn, says on oath that the facts hereinabove set forth are true and correct, according to the best of his information, knowledge and belief.

Joe Robinson Sr
Defendant, Joe Robinson, Sr.,

Sworn to and subscribed before me this 8 day of February, 1958.

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.

Filed
Feb. 8, 1958
Wm. J. Clark, Clerk.

CARRIE GRIFFIN

PLAINTIFF

VS

JOE ROBINSON, Sr.,
MISSOURI BUSH and
WILLIE BUSH

DEFENDANTS

AND

ED ROBINSON
Petitioner to intervene

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NO. 3438

Come JOE ROBINSON, Sr., MISSOURI BUSH and WILLIE BUSH, Defendants
and for answer to said complaint show unto this court as follows:

1.

Not guilty.

2.

That the said Carrie Griffin, plaintiff in said cause and the
said Joe Robinson Sr., Ed Robinson, are heirs of Thomas Horace who
was a son of Collins Horace and that the said heirs are tenants in
common of that certain parcel of land originally identified in the
division of said properties of Collins Horace as Parcel no. 3.

3.

That the said Carrie Griffin was at the time of the distribution
of the estate of the said Collins Horace over the age of 21 and the
said Ed Robinson and Joseph Robinson were minors and further that the
will of the said Collins Horace provided for the equal division of
his said estate and named in said will the said Tom Horace through
whom your defendants claim and further your defendant the said Joe
Robinson and his brother Ed Robinson were minors as identified in the
administrative papers in said cause and being tenants in common of
the said Carrie Griffin deny her right to exclusive possession in
said real property.

THOMPSON & WHITE

Filed
Jan. 12, 1959
Alice J. Clark

155

BY:

C. L. Davis Thompson
Attorneys for Defendants.

Carrie Griffin

Plaintiff

Vs

Joe Robinson, Sr.,
Missouri Bush and Willie
Bush

Defendants

and

Ed Robinson

Petitioner to
Intervene

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 3438

Interrogatories to be propounded to Joe Robinson, Sr., and
Ed Robinson;

1. Did you know that Carrie Griffin has at this time and has had a warranty deed to the property in question, subject of this suit, since on to wit November 4, 1929?
2. When did you decide to assert any acts of ownership to said property?
3. Did you know that Carrie Griffin has had the abovementioned deed on record in the Baldwin County courthouse since on to wit June 16, 1931, constructive notice to all the world of her ownership of said property?
4. Have either of you ever paid any taxes on the above described property?
5. If the answer to No. 4 is "Yes", Please attach a copy of said tax receipt to your answer to this question.
6. What notice have either of you ever given in the last 30 years, that you intended to try to claim part of said property?
7. Who authorized Missouri Bush and Willie Bush to move on said land?
8. To your knowledge, has anyone ever questioned Carrie Griffin's undisputed right to said land, other than you two?
9. Have you ever offered Carrie Griffin or anyone else, any money in the last 30 years, to help pay taxes on this property?
10. Have you ever had occasion in the last 30 years, until just before this suit was brought, to inform Carrie Griffin of your claim of ownership?
11. Didn't Carrie Griffin help raise you two men?
12. Please attach to your answer any existing documentary evidence of any claim of title, you may have to said land.
13. Attach to your answer any existing evidence showing you are related by blood to Thomas Horace and are his heirs.
14. Attach to your answer any existing documents to show legal marriage and birth of children of all persons in your line of descent from a common ancestor to Carrie Griffin and yourselves.
15. When did you become 21 years of age?

Now comes Reuben F. McKinley, Attorney for Carrie Griffin, Plaintiff and says that true and complete answers to the above interrogatories will be material evidence in said cause for the Plaintiff.

Subscribed and sworn to before me on this the 14th day of January
1959.

James L. McKinley
Notary Public, Baldwin County, Alabama

Filed
Jan. 14, 1959

Ed. Jan. 15, 1959

CARRIE GRIFFIN
PLAINTIFF

VS

JOE ROBINSON, Sr.,
MISSOURI BUSH and
WILLIE BUSH

DEFENDANTS

* IN THE CIRCUIT COURT OF
*
* BALDWIN COUNTY, ALABAMA
*
* AT LAW.
*
* CASE NO. _____
*
*

Comes Ed Robinson and moves to interplead in the above styled cause and as a basis for said motion shows unto this Honorable Court as follows:

1. That his name is Ed Robinson, that he is a brother of Joe Robinson, Sr., and that he is a son of Octavia Horace Robinson and a grandson of Tom Horace and is an heir at law of the property described in the above styled cause.

2. That as an heir of the said Tom Horace he is antenant in common with the said Carrie Griffin, Plaintiff, in said cause and with Joe Robinson Sr., Defendant in said cause.

Ed Robinson
Ed Robinson
C. LeNoir Thompson
Attorney for Ed Robinson

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for said County, in said State, personally appeared Ed Robinson, who has knowledge of the facts set forth in the foregoing claim, who, being by me first duly sworn, says on oath that the facts hereinabove set forth are true and correct, according to the best of his information, knowledge and belief.

Ed Robinson
Ed Robinson

Sworn to and subscribed before me this 14 day of February,
1958.

Filed
Feb. 14, 1958

C. LeNoir Thompson
Notary Public, Baldwin County, Alabama.

State of Alabama
County of Baldwin

To any Sheriff of the State of Alabama:

You are hereby commanded to summon Joe Robinson, Sr., Missouri Bush and Willie Bush to appear and plead, answer or demur within thirty days to a complaint filed in the Circuit Court of said County, wherein Carrie Griffin is Plaintiff and Joe Robinson, Sr., Missouri Bush and Willie Bush are Defendants.

Witness my hand, this 7 day of Jan 1958.

Carrie J. Griffin
Clerk

Carrie Griffin

Plaintiff

Vs

Joe Robinson, Sr. Missouri
Bush and Willie Bush

Defendants

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

1.

The Plaintiff sues to recover possession of the following tract of land, viz;

Beg. at a pt 877 50/100 ft. N. of the S.E. cor of S 1/2 of the S.W. 1/4, Sec. 22, 1N, 2E, Thence W 1323 ft. for a beg. cor. Thence N. 440 ft. to N. line of said S 1/2 of S.W. 1/4 Sec. 22. Thence W. 662 ft. Thence S. 440 ft. thence E. 662 ft. to beg., all in Sec 22, 1N, 2E, containing 7 1/2 acres.

of which she was in possession and upon which, pending such possession and before the commencement of this suit, the Defendants entered and unlawfully withholds, together with five hundred dollars for the detention thereof.

2.

The Plaintiff claims of the Defendants Two hundred dollars damages for a trespass by the Defendants on the following tract of land, viz;

Beg. at a pt. 877 50/100 ft. N. of the S.E. cor. of S 1/2 of the S.W. 1/4, Sec. 22, 1N, 2E, Thence W. 1323 ft for a beg. cor. Thence N. 440 ft. to N. line of said S 1/2 of S.W. 1/4, Sec. 22. Thence W. 662 ft. Thence S. 440 ft. Thence E. 662 ft. to beg. all in Sec. 22, 1N, 2E, containing 7 1/2 acres,

belonging to the Plaintiff and for cutting timber thereon, on to wit December 15, 1957.

Filed
Jan 7, 1958

Robert H. McKinley
Attorney for the Plaintiff

Exp. Jan. 22, 1958

Carrie Griffin
Plaintiff

Vs

Joe Robinson, Sr.,
Missouri Bush and
Willie Bush

Defendants
and

Ed Robinson
Petitioner to
intervene

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 3438

Now comes the Plaintiff and in answer to the motion to transfer this cause to Equity and the petition to intervene says;

1.

There is no equity in this cause that would warrant a transfer to the Equity side of the court or give a right to any person to intervene, in that the Plaintiff, on to wit the 4th day of November, 1929, did buy the land in question in this suit from Robin Horace and received a warranty deed therefor, which said deed was recorded in Deed Book No. 50NS, page 569, Baldwin County records, constructive notice to all the world of the ownership of said land by the Plaintiff since on to wit December 30, 1930. Plaintiff has paid all of the taxes in her name since that time, a period of nearly 30 years and has not had any claim of right to said land asserted by the Defendants or the petitioner during that period.

2.

The Statute of Limitations bars any claim to said land by the Defendants or the Petitioner, in that the Plaintiff has been in actual possession of said land, exerting any and all acts consistent with ownership over said land, and paying the taxes in her name for a period of nearly 30 years, by virtue of a Warranty deed to her from Robin Horace.

3.

The doctrine of laches prevents Equity from assuming jurisdiction ~~over this cause~~ over this cause, in that the Defendant, Joe Robinson, Sr. and the petitioner, Ed Robinson, for a period of nearly thirty years, with actual notice of the ownership of the said land by the Plaintiff, failed and refused to assert any claim of any kind to said land. The doctrine of repose in titles to land makes it imperative that the claims of all other persons but the Plaintiff to said land be barred.

and further

The Plaintiff moves this Honorable Court to grant her a judgment by default against the Defendants, Missouri Bush and Willie Bush, in that more than thirty days have elapsed since service was had on them of a copy of the Bill of Complaint in said cause, and they have not filed any pleading thereto. This is in accord with Title 7, Sec. 953 which provides for separate assessments of damage against Defendants severally.

Filed
May 21, 1958
Alice J. Duck

Robert T. McQuinn
Attorney for the Plaintiff

Carrie Griffin

Plaintiff

Vs

Joe Robinson, Sr.
Missouri Bush and Willie
Bush

Defendants

and

Ed Robinson

Petitioner to
Intervene

In the Circuit Court of
Baldwin County, Alabama
At Law. No. 3438

Now comes the Plaintiff and demands an abstract of title of the chain of title upon which the Defendants and petitioner will rely, individually, in defense of this action.

Filed

Nov. 17, 1958

Alice J. Clark

Robert F. McHenry

Attorney for the Plaintiff