

3644

RICHARD P. BAER AND COMPANY,  
a Partnership composed of  
Richard P. Baer, Richard P.  
Baer, III, Michael S. Baer,  
JR., and William Vogedes,

Plaintiffs,

vs.

DR. WALTER B. JONES,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant in the cause entitled as above, and for answer to the complaint heretofore filed in said cause says as follows:-

PLEA I

Defendant says that he is not guilty of the matters therein alleged.

PLEA II

Defendant says that the cause of action set forth in the complaint herein is barred by the statute of limitations of ten years, as provided in Section 20, Title 7, 1940 Code of Alabama.

PLEA III

For more than twenty (20) years prior to the filing of the Bill of Complaint herein the Defendant has been in the open, actual, notorious, exclusive, uninterrupted, peaceable and adverse possession of all the lands described in the complaint herein, under a claim of title thereto, and Defendant still holds the possession thereof, and has since more than twenty (20) years prior to the filing of the Bill of Complaint herein, claimed, and still claims, to own said described property against all the world.

PLEA IV

For more than twenty (20) years prior to the filing of the Bill of Complaint herein Defendant has been in the open, actual, notorious, exclusive, uninterrupted, peaceable and adverse possession of all the lands described in the complaint herein, under a claim of title thereto, exclusive of any other right, and Defendant still holds the possession thereof and still claims to own said described property against all the world. Defendant,

while so in possession of said premises, holding adversely and asserting title thereto in good faith, made permanent and valuable improvements thereon, to-wit, docks and wharves, and a camp building, and a storage building, and outbuildings. Said improvements are of the value of the sum of, to-wit, Five Thousand and No/100 (\$5,000.00) Dollars.

WHEREFORE, Defendant demands judgment that the complaint herein be dismissed with costs, or that, if Plaintiff be adjudged entitled to recover possession of said premises, Defendant's claim for improvements be tried and that he recover the same, as provided by law, after the Court shall have ascertained the value of said permanent improvements so placed on said land by the Defendant.

HOLBERG, TULLY & MOBLEY  
Attorneys for Defendant

*Filed*  
*Sept. 18, 1958*  
*Alice J. Duck*  
*Duck*

By

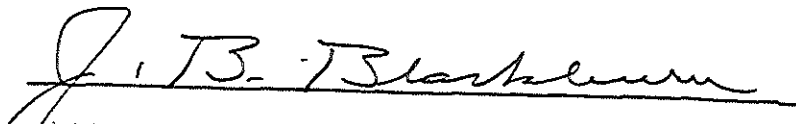
*[Signature]*  
Member Appearing

RICHARD P. BAER AND COMPANY,	)		
A partnership composed of	)	IN THE CIRCUIT COURT OF	
Richard P. Baer, Richard P.	)		
Baer, III, Michael S. Baer,	)	BALDWIN COUNTY, ALABAMA	
Jr., and William Vogedes,	)		
Plaintiffs,	)		
vs.	)	AT LAW.	NC. 3644.
DR. WALTER B. JONES,	)		
Defendant.	)		

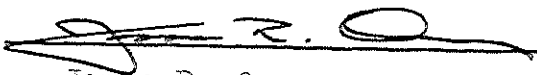
NOTICE:

Notice is hereby given to the Defendant in the above styled cause that the deposition of Richard P. Baer was filed in the office of Clerk of the Circuit Court of Baldwin County, Alabama on May 28, 1959.

This notice is given pursuant to Title 7, Section 474 (14) of the 1940 Code of Alabama as amended.

  
Attorney for Plaintiffs.

I, James R. Owen, one of the attorneys for the Plaintiffs in the cause styled as above, do hereby certify that on the 8th day of September, 1959, a copy of the above and foregoing notice was served on Holberg, Tully and Mobley, Attorneys of record for the defendant, by mailing a copy thereof with postage prepaid in the correct amount, to the address of such attorneys in Mobile, Alabama. I further certify that on the 8th day of September, 1959 I delivered a copy of the above and foregoing notice to Floyd Swearingen, Attorney at Law at his office in Bay Minette, Alabama.

  
James R. Owen.

RICHARD P. BAER AND COMPANY,  
A partnership composed of  
Richard P. Baer, Richard P.  
Baer, III, Michael S. Baer,  
Jr., and William Vogedes,

Plaintiffs,

vs.

DR. WALTER B. JONES,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW.

MOTION TO STRIKE:

Now come the Plaintiffs in the above styled cause and  
move the court to strike Defendant's Pleas II and III heretofore  
filed in this cause and as grounds for said motion assign the  
following separately and severally:

1. Said plea is unnecessarily prolix.
2. Said plea is irrelevant.
3. Said plea is frivolous.
4. Said plea is unnecessarily repeated.

*Filed*  
*Sept. 20, 1958*  
*Alice J. Luck*  
*clerk*

*J. B. Black*  
Attorney for Plaintiffs.

RICHARD P. BAER AND COMPANY,  
A Partnership composed of  
Richard P. Baer, Richard P.  
Baer, III, Michael S. Baer,  
Jr., and William Vogedes,

Plaintiff,

vs.

DR. WALTER B. JONES,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3644.

WRIT OF POSSESSION:

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to deliver to Richard P. Baer and Company, possession of the lands and tenements which the said Richard P. Baer and Company recovered of Dr. Walter B. Jones by the judgment of our Circuit Court, held for the County of Baldwin on the 15th day of September, 1959, to-wit:

From a point where the North line of Sand Bayou intersects the East line of Mallard Fork Bayou, said bayous being at the upper end of Chuckfey Bay as shown on Government plat, Baldwin County, Alabama, run thence Northwardly along the meanders of Mallard Fork Bayou as follows: North 24 degrees 0 minutes West 1220 feet to a point; thence North 47 degrees 10 minutes East 947 feet to a point; thence North 46 degrees 30 minutes East 905 feet to a point; thence North 49 degrees 15 minutes West 180 feet to a point; thence North 03 degrees 30 minutes West 1080 feet to a point; thence North 51 degrees 30 minutes West 470 feet to an iron pipe for the point of beginning of herein described property; thence North 93 feet to an iron pipe; thence West 72.3 feet to an iron pipe on East bank of a small bayou; thence South along said bayou 93 feet to the point of intersection with Mallard Fork Bayou; thence East along Mallard Fork Bayou 72.3 feet to the point of beginning, containing 0.15 acres.

You are further commanded of the goods and chattels, lands and tenements of the said Dr. Walter B. Jones, the sum of \$ 46.90, costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand this 9 day of November, 1959.

Archie J. Duck  
Clerk.

LAW OFFICES  
HOLBERG, TULLY AND MOBLEY  
SUITE 631-636 FIRST NATIONAL BANK BLDG.  
P. O. BOX 47  
MOBILE 1, ALABAMA

RALPH G. HOLBERG, JR.  
ALBERT J. TULLY  
JOHN W. MOBLEY  
HERBERT P. FEIBELMAN, JR.

Sept.  
17th,  
1958

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Baldwin County Court House  
Bay Minette, Alabama

Re: Baer & Co. vs. Jones

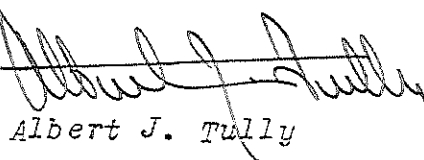
Dear Mrs. Duck:

On behalf of the Defendant in the cause entitled as above we here  
hand to you the original and two copies of the Defendant's pleas.

With all good wishes and kindest regards to you, we are

Very sincerely yours,

HOLBERG, TULLY & MOBLEY

  
Albert J. Tully

A  
J  
T  
/  
n

Encl.

JURY LIST  
FALL SESSION, SEPTEMBER 14, 1959

- 703644  
Richard E. Baer  
vs  
Dr. Walter E. Jones
- ~~1. Schwartz, Edward J., Farmer, Elberta~~
  - ~~2. Thames, Miley, Farmer, Robertsdale~~
  3. Vines, Mack, Clerk, Bay Minette
  - ~~4. Wallace, William, Farmer, Bay Minette~~
  - ~~5. Weekley, Willard A., Newport, Bay Minette~~
  6. Weeks, Harry J., Nurseryman, Gulf Shores
  - ~~7. Weston, Herbert R., Bookkeeper, Bay Minette~~
  - ~~8. Wren, Walter P., Fleet, Bay Minette~~
  9. Lenz, William, Civil Service, Elberta
  - ~~10. Little, Frank Eugene, Mechanic, Foley~~
  - ~~11. Lunsford, Herbert L., Grower & Shipper, Foley~~
  - ~~12. Malone, R., Farmer, Seminole~~
  - ~~13. McDaniel, Schuler, Farmer, Robertsdale~~
  - ~~14. Meszaros, Michael A., Retired, Elberta~~
  - ~~15. Parker, Samuel F., Jr., C.P.A., Foley~~
  - ~~16. Parker, Wilburn, Farmer, Rabon~~
  17. Parker, Willard, Farmer, Gulf Shores
  - ~~18. Pittman, Henry Durwood, Farmer, Gateswood~~
  19. Pluscht, Peter, Jr., Carpenter, Elberta
  - ~~20. Powell, Brady L., New Port, Bay Minette~~
  21. Quinley, Lyman, Farmer, Bay Minette
  22. Resmondo, Noak, Farmer, Summerdale
  - ~~23. Rybar, Joe, Farmer, Silverhill~~
  - ~~24. Bryant, George E., Farmer, Stockton~~
  25. Hlinka, George, Retired, Elberta
  - ~~26. Herron, John L., Kemstrand, Bay Minette~~
  27. Herron, William E., Merchant, Bay Minette
  - ~~28. Hobbs, W.D., Farmer, Rosinton~~
  - ~~29. Koehler, Charles G., Jr., Banker, Elberta~~
  - ~~30. Krauss, Joseph, Retired, Elberta~~
  31. Johnson, Coy L., Laborer, Bay Minette
  32. Jones, Walter, Clerk, Bay Minette
  - ~~33. Jones, Willie, Farmer, Bay Minette~~
  - ~~34. Faulk, Billy, Barber, Robertsdale~~
  - ~~35. Gullledge, Charles, Farmer, Summerdale~~
  36. Hammond, Cecil C., Truck Operator, Bay Minette

P. XXXXX X

D. XXXXX X

36  
12

RICHARD P. BAER AND COMPANY,  
A partnership composed of  
Richard P. Baer, Richard P.  
Baer, III, Michael S. Baer,  
Jr., and William Vogedes,

Plaintiffs,

vs.

DR. WALTER B. JONES,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

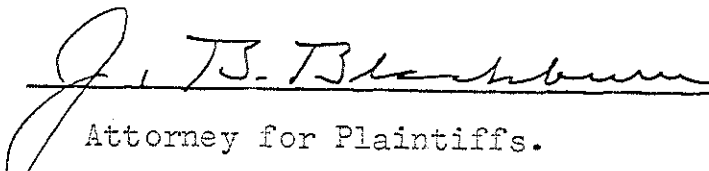
NO. 3644.

NOTICE TO TAKE DEPOSITION UPON ORAL EXAMINATION:

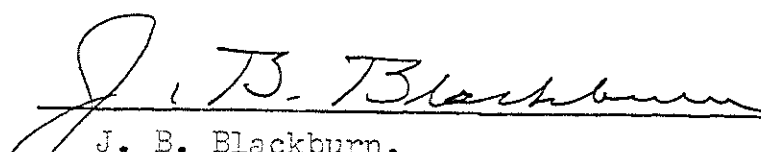
TO HOLBERG, TULLY & MOBLEY  
Attorneys at Law  
First National Bank Building  
Mobile, Alabama.

Please take notice that at 3:30 P. M., on the 12th day of May, 1959, in the Offices of France, Rouzer, Mundy and Harris, 316 Equitable Building, Baltimore 2, Maryland, the Plaintiffs in the action entitled as above will take the deposition of Richard P. Baer, such deposition being upon oral examination and being taken pursuant to the statutes applicable to the taking of the same, before an officer authorized to administer oaths by the laws of the place where the examination is to be held. The said oral examination will continue from place to place and from day to day until completed. You are invited to attend and cross examine.

DATED this 20<sup>th</sup> day of April, 1959.

  
Attorney for Plaintiffs.

I, J. B. Blackburn, the Attorney of record for the Plaintiffs in the cause styled as above, do hereby certify that on the 20<sup>th</sup> day of April, 1959, a copy of the above and foregoing notice to take deposition upon oral examination was served upon Holberg, Tully & Mobley, Attorneys of record for the Defendant, by mailing a copy thereof, with postage prepaid in the correct amount, to the address of such attorneys in Mobile, Alabama.

  
J. B. Blackburn.



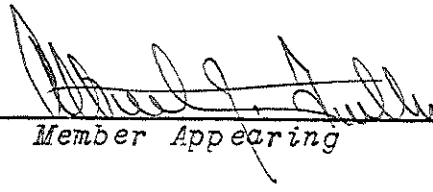
RICHARD P. BAER AND COMPANY,	X	
a partnership composed of		
RICHARD P. BAER, RICHARD P.	X	IN THE CIRCUIT COURT OF
BAER, III, MICHAEL S. BAER,		
JR., and WILLIAM VOGEDES,	X	BALDWIN COUNTY, ALABAMA
Plaintiffs,	X	
vs.	X	AT LAW
DR. WALTER B. JONES,	X	NO. 3644
Defendant	X	

MOTION THAT DEPOSITION BE TAKEN ON WRITTEN INTERROGATORIES

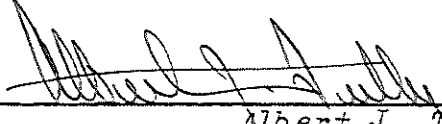
Comes now the Defendant in the matter entitled as above and moves the Court for an order that the deposition of RICHARD P. BAER, notice of the taking of which on oral examination was served by Plaintiff on the undersigned counsel for Defendant, be taken only on written interrogatories, upon the ground and for the reason that the said witness, who is also a party Plaintiff in said cause, is to be taken at Baltimore, Maryland, which is approximately 1,000 miles or more from the place of this Court; that Defendant cannot afford the expense of engaging local counsel to conduct oral cross-examination of the witness and Plaintiff, or of sending his present counsel to Baltimore for the purpose of conducting such cross-examination; and that the matters concerning which the witness will be examined are comparatively simple and can be inquired into effectively by written interrogatories.

In the alternative Defendant moves the Court that if oral examination be permitted, Plaintiff be required to advance to the Defendant the expenses of retaining local counsel to conduct cross-examination or of sending his present counsel to the place of examination for that purpose.

HOLBERG, TULLY & MOBLEY  
Attorneys for Defendant

By   
Member Appearing

I, ALBERT J. TULLY, counsel of record for the Defendant in the cause entitled as above, do hereby certify that on the 27th day of April, 1959, a copy of the above and foregoing motion was served upon J. B. Blackburn, Esq., counsel of record for the Plaintiff, by mailing a copy thereof, with postage prepaid in the correct amount, to the address of such attorney in Bay Minette, Alabama.

  
Albert J. Tully

RICHARD P. BAER AND COMPANY,  
A Partnership composed of  
Richard P. Baer, Richard P.  
Baer, III, Michael S. Baer,  
Jr., and William Vogedes,

Plaintiff,

vs.

DR. WALTER B. JONES,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3644.

WRIT OF POSSESSION:

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to deliver to Richard P. Baer and Company, possession of the lands and tenements which the said Richard P. Baer and Company recovered of Dr. Walter B. Jones by the judgment of our Circuit Court, held for the County of Baldwin on the 15th day of September, 1959, to-wit:

From a point where the North line of Sand Bayou intersects the East line of Mallard Fork Bayou, said bayous being at the upper end of Chuckfey Bay as shown on Government plat, Baldwin County, Alabama, run thence Northwardly along the meanders of Mallard Fork Bayou as follows: North 24 degrees 0 minutes West 1220 feet to a point; thence North 47 degrees 10 minutes East 947 feet to a point; thence North 46 degrees 30 minutes East 905 feet to a point; thence North 49 degrees 15 minutes West 180 feet to a point; thence North 03 degrees 30 minutes West 1080 feet to a point; thence North 51 degrees 30 minutes West 470 feet to an iron pipe for the point of beginning of herein described property; thence North 93 feet to an iron pipe; thence West 72.3 feet to an iron pipe on East bank of a small bayou; thence South along said bayou 93 feet to the point of intersection with Mallard Fork Bayou; thence East along Mallard Fork Bayou 72.3 feet to the point of beginning, containing 0.15 acres.

You are further commanded of the goods and chattels, lands and tenements of the said Dr. Walter B. Jones, the sum of \$ 46.90, costs of suit; and make return of this writ and the execution thereof according to law.

WITNESS my hand this 9 day of November, 1959.

  
Clerk.

STATE OF ALABAMA     )  
                              \*  
BALDWIN COUNTY        )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Dr. Walter B. Jones, 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 the same, then and there to answer the complaint of Richard P. Baer and Company, a partnership composed of Richard P. Baer, Richard P. Baer, III, Michael S. Baer, Jr., and William Vogedes.

WITNESS my hand this 15 day of August, 1958.

Alice J. Clark  
Clerk.

Defendant can be served at  
Smith Hall, University, Alabama  
Tuscaloosa County.

EX-8-18-58  
\*\*\*\*\*

RICHARD P. BAER AND COMPANY,     |  
A Partnership composed of         |  
Richard P. Baer, Richard P.       |  
Baer, III, Michael S. Baer,       |  
Jr., and William Vogedes,         |

Plaintiffs,     |

vs.     |

DR. WALTER B. JONES,     |

Defendant.     |

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

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

From a point where the North line of Sand Bayou intersects the East line of Mallard Fork Bayou, said bayous being at the upper end of Chuckfey Bay as shown on Government plat, Baldwin County, Alabama, run thence Northwardly along the meanders of Mallard Fork Bayou as follows: North 24 degrees 0 minutes West 1220 feet to a point; thence North 47 degrees 10 minutes East 947 feet to a point; thence North 46 degrees 30 minutes East 905 feet to a point; thence North 49 degrees 15 minutes West 180 feet to a point; thence North 03 degrees 30 minutes West 1080 feet to a point; thence North 51 degrees 30 minutes West 470 feet to an iron pipe for the point of beginning of herein described property; thence North 93 feet to an iron pipe; thence West 72.3 feet to an iron pipe on East bank of a small bayou; thence South along said bayou 93 feet to the point of intersection with Mallard Fork Bayou; thence East along Mallard Fork Bayou 72.3 feet to the point of beginning, containing 0.15 acres,

of which they were in possession and upon which, pending such possession and before the commencement of this suit, the Defendant entered and unlawfully withholds, together with Five Hundred Dollars (\$500.00) for the detention thereof.

J. B. Blackburn  
Attorney for Plaintiffs.

Plaintiffs demand a trial by jury  
of this cause.

J. B. Blackburn  
Attorney for Plaintiffs.

3644 ✓

Received 15 day of Aug 1958  
and on \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
served a copy of the within ICC  
on Dr. Walter B. Jones

By service on \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By \_\_\_\_\_ D. S.

Executed this 18 day of Aug 1958  
by handing a copy of the within to  
Dr. Walter B. Jones  
NATHAN CHISM, Sheriff  
Tuscaloosa Co., Ala.  
By D.M. Bowen, D. S.

THE SHERIFF CLAIMS 2  
MILES @ 10¢ PER MILE  
FOR A TOTAL OF 20¢

SUMMONS AND COMPLAINT

RICHARD P. BAER AND COMPANY, a  
partnership composed of Richard  
P. Baer, Richard P. Baer, III,  
Michael S. Baer, Jr., and William  
Vogedes,

Plaintiffs,

vs.

DR. WALTER B. JONES,

Defendant.

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

FILED  
AUG 15 1958  
ALICE J. DUCK, Clerk

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