

(1) The Respondent for further answer to the Complainant's bill of complaint says that the said mortgage referred to in Complainant's bill of complaint, dated November 17th, 1931, being in default and said default continuing, the Respondent, acting by and through its attorney, in accordance with the powers set out in said mortgage, foreclosed the said mortgage on November 19th, 1934, and that said property was bought by the PEOPLES FERTILIZER COMPANY, a corporation, as shown by foreclosure deed recorded in the office of the Probate Judge of Baldwin County, Alabama, in Deed Book 56 N.S., pages 254-5;

(2) That the Respondent has from time to time since the execution of said mortgage referred to in Complainant's bill of complaint, advanced to the Complainant on said mortgage and otherwise, including interest, the sum of FIVE HUNDRED SEVENTY-NINE AND 75/100 (\$579.75) DOLLARS; that the Complainant has paid to the Respondent, in cash and otherwise, the sum of TWO HUNDRED TWENTY-EIGHT AND 99/100 (\$228.99) DOLLARS; that there is a balance due as of October 15th, 1934, from the Complainant to the Respondent, the sum of THREE HUNDRED FIFTY AND 76/100 (\$350.76) DOLLARS; that the amount bid at the foreclosure sale of the said mortgage, and for which the property was sold, was ONE HUNDRED SEVENTY-EIGHT AND 08/100 (\$178.08) DOLLARS, which was the best, last and highest bid; that there is now due by the Complainant to the Respondent the sum of ONE HUNDRED SEVENTY-TWO AND 68/100 (\$172.68) DOLLARS, with interest from October 15th, 1934.

  
Solicitors for Respondent.

JACKSON GRACE,  
Complainant.

-Vs-

PEOPLES FERTILIZER COMPANY,  
A CORPORATION,  
Respondent.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,  
IN EQUITY. NO. \_\_\_\_\_

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY.

1. Your orator, Jackson Grace, respectfully represents and shows unto your Honor that he is more than twenty-one years of age and is a bona fide resident of Baldwin County, Alabama, residing near Daphne in said county. That the respondent is a corporation organized under the laws of the State of Alabama and maintains its principal place of business in Foley, Baldwin County, Alabama.

2. That on the 9th day of December, 1925 Jackson Grace, the complainant herein, purchased by warranty deed the following described property located in Baldwin County, Alabama, viz:

Begin at the Northeast corner of the Southhalf of the Southwest quarter of Section Twenty-One (21) Township Five (5) South, Range Two (2) East, thence run west 3.16 chains, thence South 6.32 chains, thence east 3.16 chains, thence north 6.32 chains to point of beginning, containing two acres. All being in Section 21, tp. 5 S. R. 2 E.

That he immediately entered upon said property and occupied same as a homestead and lived thereon until, to-wit, March, 1933; that on November 17, 1931 Jackson Grace and his wife, Paralee Grace, executed a mortgage to the Peoples Fertilizer Company covering the above described property for \$217.75, which said mortgage was recorded in the office of the Judge of Probate of Baldwin County, Alabama on December 16, 1931 and is recorded in Mtge. Bk. 53, pages 51-2 of the Probate Records of Baldwin County, Alabama. That the consideration for said mortgage was for advances to be made by the said Peoples Fertilizer Company to Jackson Grace in a farming venture and a small amount of cash. That the said Peoples Fertilizer Company did not actually pay the entire amount of cash agreed to and secured by said mortgage, although they charged the said Jackson Grace therewith.

3. That during the year 1932 the complainant paid to the respondent, Peoples Fertilizer Company, the entire indebtedness secured by said mortgage above referred to and money in addition thereto, but that the said respondent, Peoples Fertilizer Company, have failed or refused to cancel and mark satisfied said mortgage on the records in the Probate Court of Baldwin County, Alabama; that in addition to this, in March, 1933 the said respondent wrongfully seized and took possession of said above described property, putting the complainant out of same and putting therein a man by the name of Jim Jamison, who has occupied said premises as the agent or tenant of the said Peoples Fertilizer Company since said eviction; that during the month of October, 1934 your complainant filed a suit for forcible entry and unlawful detainer against Jim Jamison in the Justice Court of G. E. Perkins, Precinct No. 10, Baldwin County, Alabama, for the recovery of said property, and that on the 25th day of October, 1934 at a hearing of said cause, he recovered a judgment in said Justice Court commanding and directing that he be placed in possession of said property; that within five days after the rendition of said judgment an appeal was taken by the said Jim Jamison from the decree of said Justice Court to the Circuit Court of Baldwin County, Alabama, where said cause is now pending; that said appeal was really taken by the Peoples Fertilizer Company and that they are the real parties at interest in the above entitled suit.

4. That in the November 1, 1934 issue of the Fairhope Courier the said Peoples Fertilizer Company have advertised the property of the complainant herein above described for foreclosure and sale under the powers contained in said mortgage above referred to, said advertisement stating that said property will be sold at auction for cash in front of the front door of the Court House of Baldwin County, Alabama on November 19, 1934 at 12 o'clock noon.

PRAYER FOR PROCESS

WHEREFORE, the premises considered, your complainant prays that your Honor will take cognizance of this cause and will cause the subpoena of this Honorable Court to issue to the respondent requiring it to answer, plead or demur to this bill of complaint within the time required by law and to the rules of this Honorable Court.

PRAYER FOR RELIEF

Your complainant further prays that at a hearing of  
the cause your Honor will issue an order requiring an accounting  
of the respondent to the complainant of all monies and things of  
value received by the respondent from the complainant, and that on  
the final hearing of this cause your Honor will enter a judgment and  
decree declaring said mortgage paid and satisfied in full, and will  
require the respondent, the Peoples Fertilizer Company, to cancel  
and mark satisfied said mortgage on the record in the Probate Court  
of Baldwin County, Alabama. Your complainant further prays that your  
Honor will issue an order and serve notice upon the respondent en-  
joining and prohibiting it from conducting said foreclosure of said  
mortgage on the 19th day of November, 1934 as advertised by the said  
respondent. Your orator further prays for such other further and  
different relief as in equity he is entitled to receive.

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Solicitor for Complainant.

of Note: The respondent is required to answer each and every  
allegation contained in the foregoing bill of complaint, but answer  
under oath is hereby expressly waived.

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Solicitor for Complainant.

PRAYER FOR RELIEF

Your complainant further prays that at a hearing of this cause Your Honor will issue an order requiring an accounting by the respondent to the complainant of all monies and things of value received by the respondent from the complainant, and that on a final hearing of this cause Your Honor will enter a judgment and decree declaring said mortgage void and satisfied in full, and will require the respondent, the Peoples Fertilizer Company, to cancel and mark satisfied said mortgage on the record in the Probate Court of Baldwin County, Alabama. Your complainant further prays that Your Honor will issue an order and serve notice upon the respondent enjoining and prohibiting it from conducting said foreclosure of said mortgage on the 15th day of November, 1934 as advertised by the said respondent. Your orator further prays for such other further and different relief as in equity he is entitled to receive.

*Filed Nov 17 1934*  
*M. A. Stone*  
*Register*

Solicitor for Complainant.

Under oath is hereby expressly waived. Allegation contained in the foregoing bill of complaint, but answer thereto. The respondent is required to answer each and every

Solicitor for Complainant.

The State of Alabama,  
Baldwin County.

No. 96 CIRCUIT COURT IN EQUITY.

Jackson Grace. Complainant

vs.

Peoples Fertilizer Co. Defendant

In this cause it appears to the  
that a summons requiring the Defendant Peoples Fertilizer Co.

to appear and demur, plead to or answer the Bill of Complaint in this cause within thirty days  
after the service of said Summons upon  
was served upon by the Sheriff of Baldwin County, Alabama, on the  
day of 19.

And the said Defendant having failed to demur, plead to or answer the said Bill of Complaint  
to this date, it is now, therefore, on motion of  
ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said Peoples Fertilizer Co.

Defendant aforesaid.

This 8th day of July 19 35

Register.

*Handwritten mark*

No. 96 Page

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

Jackson Grace

vs.

Peoples Fertilizer Co.

DECREE PRO CONFESSO ON  
PERSONAL SERVICE

Issued JULY 8th 1935

*Handwritten signature*  
Register.

Moore Printing Company, Bay Minette, Ala.

96

The State of Alabama, { Circuit Court of Baldwin County, In Equity.  
Baldwin County.

NO 96

To Any Sheriff of the State of Alabama--GREETING:

WE COMMAND YOU, That you summon \_\_\_\_\_ Peoples Fertilizer Company,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

of \_\_\_\_\_ Baldwin \_\_\_\_\_ County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

Jackson Grace

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

against said \_\_\_\_\_ Peoples Fertilizer Co.,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, M. A. Stone, Register of said Circuit Court, this 17<sup>th</sup> day of November 1934

*M. A. Stone*  
M. A. Stone, Register

N. B.—Any party defendant is entitled to a copy of the bill upon application to the Register.



*Paetty Page 91*

RECORDED  
SERVE ON Peoples Fertilizer Co.,

Circuit Court of Baldwin County  
IN EQUITY

No. 96

SUMMONS

Jackson Grace

VS.

Peoples Fertilizer Co.,

T. T. Shepard

Solicitor for Complainant

Recorded in Vol. \_\_\_\_\_ Page \_\_\_\_\_

RECORDED

THE STATE OF ALABAMA,

BALDWIN COUNTY

Received in office this 17<sup>th</sup>

day of Nov 1934

*W. R. Stewart*

SHERIFF

Executed this 20<sup>th</sup> day of

November 1934

by leaving a copy of the within Summons with

Wm Stewart

*President of Peoples Fertilizer Co.*  
Defendant

*W. R. Stewart*  
Sheriff

By \_\_\_\_\_  
Deputy Sheriff

96

No. 96

**RECORDED**  
*Book* Page

96

**The State of Alabama,**  
Baldwin County.

**CIRCUIT COURT, IN EQUITY**

Jackson, Grace.

vs.

Peoples Fertilizer Co.

**MOTION FOR DECREE PRO  
CONFESSO ON PERSONAL SERVICE**

Filed July 8th 1935

*Robert L. Welch*

Register.

Recorded in Record,

Vol. Page

Register.

The State of Alabama,  
Baldwin County.

No. 96. CIRCUIT COURT IN EQUITY.

Jackson Grace Complainant

vs.

Peoples Fertilizer Company Defendant

In this cause it appears to the Register

that a ~~summons~~ **Cross Bill** requiring the ~~Defendant~~ **Complainant and Cross-Respondent,**

Jackson Grace

~~to appear and demur, plead to or answer the Bill of Complaint~~ **Cross Bill**  
after the service of said ~~summons~~ **Cross Bill** upon him

was served upon him by the Sheriff of Baldwin County, Alabama, on the  
day of \_\_\_\_\_ 19\_\_

And the said Defendant... having failed to demur, plead to or answer the said ~~Bill of Complaint~~ **Cross Bill**  
to this date, it is now, therefore, on motion of BEEBE & HALL  
Attorneys for Peoples Fertilizer Co.,

ordered and decreed that the said Bill of Complaint in this cause be and it hereby is in all things  
taken as confessed against the said Jackson Grace

Complainant and Cross-Defendant, said.

This 8th day of July 19 35

*Robert D. Duck* Register.

FILED  
KORDE

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No. 96

Page

The State of Alabama,  
Baldwin County.

CIRCUIT COURT, IN EQUITY

Jackson Grace

vs.

Peoples Fertilizer Co.?

DECREE PRO CONFESSO ON  
PERSONAL SERVICE

Issued July 8th 1935

*Richard D. Davis*  
Register.

Meore Printing Company, Bay Minette, Ala.

JACKSON GRACE,  
Complainant and  
Cross-Respondent,

VS.

PEOPLES FERTILIZER COM-  
PANY, a Corporation,  
Respondent and Cross-  
Complainant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY,

NUMBER 96.

This cause coming on to be heard is submitted upon the original Bill of Complaint of the Complainant and Cross-Respondent, Answer and Amended Answer and Cross Bill of the Respondent and Cross-Complainant, Decree Pro Confesso on Personal Service against the Complainant and Cross-Respondent, and Testimony as noted by the Register.

The Court, after understanding and considering the matter, is of the opinion that the Respondent-Cross-Complainant is entitled to the relief prayed for against the Complainant-Cross-Respondent; that the Complainant-Cross-Respondent, JACKSON GRACE, is indebted to the Respondent-Cross-Complainant, PEOPLES FERTILIZER COMPANY, a Corporation, in the sum of TWO HUNDRED EIGHTEEN and 43/100 (\$218.43) DOLLARS, after allowing all payments, discounts, set offs, and counter-claims of the Complainant-Cross-Respondent, JACKSON GRACE, and that as against said judgment the Complainant-Cross-Respondent waived all exemption as to personal property under the Constitution and Laws of the State of Alabama.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the PEOPLES FERTILIZER COMPANY, a Corporation, Respondent-Cross-Complainant, have and recover of JACKSON GRACE, Complainant-Cross Respondent, the sum of TWO HUNDRED EIGHTEEN and 43/100 (\$218.43) DOLLARS, and that as against said judgment the said JACKSON GRACE, Complainant-Cross-Respondent, waived all exemption as to personal property under the Constitution and Laws of the State of

Alabama.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Complainant-Cross-Respondent, JACKSON GRACE, pay the costs of this proceeding, for which let execution issue.

Dated at Monroeville, Alabama, this the 17<sup>th</sup> day of January, 1936.

J. W. Hare  
Judge of the Circuit Court of  
Baldwin County, Alabama, in  
Equity.

96

**ACCOUNTS**  
*Handwritten*

JACKSON GRACE,

Complainant,

VS.

PEOPLES FERTILIZER COMPANY,  
a Corporation,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

IN EQUITY.

ANSWER

Filed this 15 day of Decem-  
ber, 1934.

*W. A. Stone*  
Clerk.

RECORDED  
Buch  
2-189

JACKSON GRACE,

Complainant - Cross-  
Respondent,

VS.

PEOPLES FERTILIZER COMPANY,  
a Corporation,

Respondent - Cross-  
Complainant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA,

IN EQUITY,  
NUMBER 96.

FINAL DECREE

Filed this 18 day of Jan  
1936.  
*J. R. ...*  
Register.