

STATE OF ALABAMA, *
*IN THE CIRCUIT COURT OF SAID COUNTY.
COUNTY OF BALDWIN. * IN EQUITY.

TO THE HONORABLE JOHN D. LEIGH, JUDGE:

Humbly complaining your orators, Tunstall Bryars, and Walter Bryars, bring this bill of complaint against Ransom W. Mathers, and respectfully show:

FIRST

Complainants are each over the age of twenty-one years and their residence is as follows: Complainants Tunstall Bryars and Walter Bryars reside at Latham, Baldwin County, Alabama.

Respondent Ransom W. Mathers is over the age of twenty-one years, and resides at Latham, Baldwin County, Alabama.

SECOND

Complainants and respondent are tenants in common in, and are in possession of, that certain land in Baldwin County, Alabama and described as follows, to-wit: The Northwest quarter of the Southwest quarter of Section Forty-five, Township Two, North of Range Two East. The interest of each of the parties named being set forth as follows:

Complainant	Tunstall Bryars	Owms a 4/10 undivided interest
Complainant	Walter Bryars	owns a 1/10 undivided interest
Respondent	Ransom W. Mathers	owns a 5/10 undivided interest

THIRD

Complainants further show that the said property is for the most part of a very rough surface comprised mostly of hills and hollows, and complainants are informed and believe and upon such information and belief state that it cannot be equitably divided or partitioned between the parties without a sale thereof and that a sale of said land and a division of the proceeds among the several tenants in common, in proportion to their respective shares, will promote the interests of said tenants in common, and for this reason complainants now apply to the court for a sale of said property for division under the statutes of Alabama.

PRAYER FOR PROCESS

Wherefore complainants pray that by the State's writ of Subpoena the said Ransom W. Mathers be made party respondent to this bill of complaint and be commanded to demur to, plead to, or answer this bill of complaint in all things as required by the rules and practices of this court.

PRAYER FOR RELIEF

Complainants further pray that upon the hearing of this cause Your Honor will ascertain whether the property above described can be equitably divided among the said tenants in common and if such can be done, will order a partition or division of said property in proportion to the respective shares or interests of each complainant and respondent in the same in the manner and according to the practice of this Honorable Court: But should Your Honor decide that an equal division of said property cannot be made, then complainants pray that the said entire property be decreed to be sold at public out-cry, for cash, to the highest bidder, and that the proceeds of the sale of said property be divided between the parties hereunto in proportion to their respective interests in the same.

Complainants further pray for such other, further, or different relief as complainants may be entitled to and to Your Honor may seem meet and proper.

Hybart, Hare, Dickey & Junstall
Solicitors for Complainants.

NOTE:

The respondents are required to answer all the allegations of each paragraph of the foregoing bill of complaint from FIRST to THIRD, inclusive, but not under oath, answer under oath being hereby expressly waived.

Hybart, Hare, Dickey & Junstall
Solicitors for Complainants.

STATE OF ALABAMA, *
COUNTY OF BALDWIN. *

Before me, E. D. J. J. J., a notary public in and for said State and County, personally appeared Turnstall Myers, who is known to me, and who being sworn says that he is informed and believes and upon such information and belief state that the allegations in the foregoing bill of complaint are true.

Sworn to and subscribed before me this 17 day of October, 1923.

E. D. J. J. J.
Notary Public Baldwin County, Ala.



The State of Alabama }
BALDWIN COUNTY.

CIRCUIT COURT OF BALDWIN COUNTY,
IN EQUITY.

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon Ransom W Mathers,

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 Tunstall Bryars and Walter Bryars,

against said Ransom W Mathers,

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, T. W. Richerson, Register of said Circuit Court, this 22nd day of October, 1923.

T. W. Richerson
Register.

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

2 Original

Serve on

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

Tunstall, Bryars et al.

vs.

Ransom W Mathers.

RECORDED

Hybart, Hare, Dickey and

Tunstall.

Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this
day of 192

Sheriff.

Executed this 18th day of
Nov. 1923

by leaving a copy of the within summons with

Ransom W. Mathers

Defendant.

H. R. Stuart

Sheriff.

By B. O. Higgins

Deputy Sheriff.

Tunstall Bryars and
Walter Bryars,
vs.
Ransom W. Mathers,
Defendant.

) IN CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.
)
) In Equity.
)
)
)

The Answer of Ransom W. Mathers to the Bill of Complaint filed against him in the above stated case.

1.

Respondent admits the allegations in the first paragraph of said Bill of Complaint.

2.

Respondent denies each and every allegation in the Second paragraph of said Bill of Complaint.

3.

Respondent denies the allegations contained in the Third paragraph of the Bill, and says they are not true.

4.

Further answering said Bill of Complaint, Respondent says he has been in the peaceable possession of the lands described in the Second paragraph of the Bill, claiming the same as his own for more than Twenty-five years; that he has practically all of said land in cultivation and has erected permanent improvements on the same, and during all these years he has paid the taxes on said lands, giving them in for taxation in his own name.

Further answering Respondent says Complainants have no right, title or interest in said land, and have never made any such claim in the past Twenty-five years until the filing of this Bill of Complaint, on October 22nd. 1923. That Respondent has been in the adverse possession of said land since some time in the year 1897.

Wherefore Respondent prays that said Bill may be dismissed against him, and that Complainants be required to pay the costs.

H. S. Anderson

Solicitor for Respondent.

Tunstall Bryars and
Walter Bryars,

vs.

Ransom W. Mathers.

Answer of Ransom W. Mathers.

Filed, Dec. 17, 1923.

R. W. Mathers

Clerk.

RECORDED

Tunstall Bryars and
Walter Bryars,
Complainants
vs.
Ransom W. Mathers,
Defendant.
The answer of Ransom W. Mathers to the bill of complainant filed
against him in the above stated case.
IN CIRCUIT COURT, WASHINGTON COUNTY, ALABAMA.
IN ADDITION.

Section paragraph of the bill, claiming the same as his own for more
than twenty-five years; that he has exercised all of said land in
cultivation and has erected permanent improvements on the same, and
during all these years he has paid the taxes on said lands, giving
them in for taxation in his own name.
Further answering respondent says complainants have no right
verse possession of said land since some time in the year 1897.
plaint. on October 22nd, 1923. That respondent has been in the ad-
in the past twenty-five years until the filing of this bill of com-
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further answering respondent says complainants have no right
them in for taxation in his own name.
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cultivation and has erected permanent improvements on the same, and
than twenty-five years; that he has exercised all of said land in
Section paragraph of the bill, claiming the same as his own for more

against him, and that complainants be required to pay the costs.
R. W. Mathers
reliever for respondent.