

410

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 Angus M Ferguson

of Deming, Luna, C, N.M. ~~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 et al.

against said Angus Ferguson, et al.

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 29th day of October

192 3.

T. W. Richerson

Register.

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

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

vs.

*Copy of Summons &
Recd Mailed
Return in Ferguson
by Reg Mail Oct 29/1923
J. Williams
J. W.*

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

**THE STATE OF ALABAMA
BALDWIN COUNTY**

Received in office this _____
day of _____ 192_____

Sheriff.

Executed this _____ day of _____
192_____
by leaving a copy of the within summons with

Defendant.

Sheriff.

By _____
Deputy Sheriff.

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 ~~*****~~ T.Lee Ferguson,

Angus M Ferguson, Lavelle B. Ferguson, Virginia Ferguson and
Luella Ferguson,

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 T.Lee Ferguson, Angus M Ferguson, Lavelle Ferguson,
Virginia Ferguson and Luella Ferguson,

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 26th, day of October,

1923.



Register.

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

Original

Serve on

Circuit Court of Baldwin County
In Equity

No.

SUMMONS

Russell Bryers et al.

vs.

I. Lee Ferguson, et al.

*No copy for
August M. Ferguson
as he is Non-Resident*

Hybert, more, Leary and Russell.

Solicitor for Complainant.

Recorded in Vol. Page

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this
day of 192

Sheriff.

Executed this *13th* day of
Nov. 192

by leaving a copy of the within summons with
Juella B. Ferguson
Virginia Ferguson
and Lulla Ferguson
Defendant.

W. R. Stuart
Sheriff.

By *B. L. Higgins*
Deputy Sheriff.

Tunstall Bryars and
Walter Bryars.
Complainants

)
)
)
IN THE CIRCUIT COURT
BALDWIN COUNTY
IN EQUITY

-vs-

T. Lee Ferguson, Angus M. Ferguson,
Lavelle B. Ferguson, Virginia Ferger-
son, Luella Ferguson,
Defendants

)
)
)
)
)
)
)
This matter having been submitted to the Court on the Complaint and Demurrers thereto and the matter having been heard and understood by the Court, the Court is of the opinion that the demurrers should be overruled; it is therefore ordered, adjudged and decreed by the Court that said demurrers be and the same hereby are overruled. The Defendants are allowed 30 days from the date of this Decree within which to answer or plead to this cause.

Dated, August 12th., 1925.

John D. Linger
Judge of 21st Judicial Circuit

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 T. Lee Ferguson, Angus M. Ferguson, Lavelle B. Ferguson, Virginia Ferguson and Luella Ferguson, 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.

Respondents are each over the age of twenty-one years and all of them except Angus M. Ferguson reside at Latham, Baldwin County, Alabama. And the said Angus M. Ferguson resides at Deming, Luna County, New Mexico.

SECOND

Complainants and respondents are tenants in common in, and are in possession of, that certain land in Baldwin County, Alabama and described as follows, to-wit: The Northeast quarter of Southeast quarter of Section fifteen, township two, North of Range two East. All that part of the Southeast quarter of the Northeast fractional quarter of Section fifteen, Township two North of Range two East, lying East of the bayou containing twenty-four and $21/100$ acres. Also also $87/100$ of an acre lying East of the bayou in the Southeast corner of the Southwest quarter of the Northeast quarter of Section fifteen, township two, North of Range two East, also five acres lying East of the bayou in the East of the Northwest quarter of the Southeast quarter of Section fifteen, Township two, North of Range two East. The interest of each of the parties named being set forth as follows:

Complainant	Tunstall Bryars	owns a $4/10$ undivided interest
Complainant	Walter Bryars	owns a $1/10$ undivided interest
Respondent	T. Lee Ferguson	owns a $1/10$ undivided interest
Respondent	Angus M. Ferguson	owns a $1/10$ undivided interest
Respondent	Lavelle B. Ferguson	owns a $1/10$ undivided interest
Respondent	Virginia Ferguson	owns a $1/10$ undivided interest
Respondent	Luella Ferguson	owns a $1/10$ undivided interest

THIRD

Complainants further show that the said property is for the most part timbered lands, most of which is swamp and overflow lands 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 or interests, 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 T. Lee Ferguson, Angus M. Ferguson, Lavelle B. Ferguson, Virginia Ferguson, and Luella Ferguson, be made parties 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 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 hereto 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, Ware, Dickey & Tunstall
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, Ware, Dickey & Tunstall
Solicitors for Complainants.

STATE OF ALABAMA, *
*
COUNTY OF BALDWIN. *

Before me W.A. Breazeale, a Justice of Peace
Notary Public

in and for said State and County, personally appeared _____
Tunstall Byars whom is known to me, and who being sworn says that he is informed and believes and upon such information and belief states that the allegations in the foregoing bill of complaint are true.

Tunstall Byars

Sworn to and subscribed before me this 24 day of Oct 1923.

W.A. Breazeale - J.P.
Notary Public Baldwin County, Ala.

Tunstall Bryars and Walter Bryars,)
 Complainants,)
 VS.)
 T. L. Ferguson, Angus M.)
 Ferguson, Lavelle B. Fer-)
 guson, Virginia Ferguson)
 and Luella Ferguson,)
 Defendants.)

IN CIRCUIT COURT, BALDWIN COUNTY, ALABAMA.

In Equity.

The above named Respondents for answer to the Bill of Complaint filed against them in the above stated cause for answer thereto say:

First.

Respondents admit the allegations in the first paragraph of said Bill.

Second.

Respondents deny the allegations in the second paragraph of the Bill, that Complainants are tenants in common, and in possession of the lands described in said paragraph. Respondents allege that they are in possession of said land claiming to own it for more than ten years last past; that they have paid the taxes on said land for more than ten years before this suit was commenced;

Respondents show to the Court that they and those through whom they claim, have annually listed the land for taxation, in Baldwin County, Alabama, where said lands are situated, for more than ten years prior to the filing of the Bill in this case; and that they and those through whom they claim, have been in the adverse possession of said land under deeds purporting to convey the title to them, duly recorded in the office of the Judge of Probate of this County, in which the land is situated for more than ten years before the commencement of this suit.

Third.

Respondents deny each and every allegation in the third paragraph of said Bill.

And having fully answered said Bill they pray to be hence dismissed with their reasonable costs.

Wm S. Anderson
R. P. Road

Solicitors for Respondents.

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT
IN EQUITY

Tunstall Bryars and
Walter Bryars, Complainants

vs.

T.L.Furgeson, et als, Respondents

Come the respondents and demur to the bill of complaint in the above stated cause and assign as the grounds of the demurrer the following, upon each one of which separately the respondents insist:

1st: There is no equity in the bill of complaint.

2nd: The bill fails to state the interest of each person in the property sought to be divided.

3rd: The bill fails to state the number of shares into which the property, if sold, is to be divided.

Wm. S. Anderson
R. P. Roche
Solicitors for the Respondents.

Tunstall Bryers and
Walter Bryers

vs.

T. L. Ferguson et al.

Demurrers to Bill.

TO THE CLERK OF THE DISTRICT COURT

*Walter Bryers
Tunstall Bryers*

Plaintiffs in the above entitled cause, do hereby certify that the within and attached copies of the demurrers to the bill of the defendant herein named, are true and correct copies of the original demurrers filed in the above entitled cause, and that the same have been filed in the office of the Clerk of the District Court of the County of [unclear] State of [unclear] on this [unclear] day of [unclear] 1923.

*Filed Nov 24th 1923.
D. W. Richmond
Register*

RECORDED

IN THE DISTRICT COURT OF THE COUNTY OF [unclear] STATE OF [unclear]