

WALL-HAY-WALL LUMBER COMPANY, INC.,)	
a Corporation,)	IN THE CIRCUIT COURT OF
)	BALDWIN COUNTY, ALABAMA.
Complainant,)	
)	IN EQUITY
VS)	
)	NO. _____
WILLIAM M. CANNON,)	
Defendant.)	

.....

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

The Bill of Complaint of the Wall-Hay-Wall Lumber Company, Inc., to quiet title to the lands hereinafter described respectfully shows unto your Honor, as follows:

FIRST

That the complainant is a corporation incorporated under the laws of the State of Alabama, with its principal office at Mobile, Alabama; that they are in actual and peaceable possession of and own in fee the following described lands lying and being situate in the County of Baldwin, State of Alabama, more particularly described as follows, to-wit:

The South Half of Fractional Section 36, containing 199.50 acres, and the South Half of Fraction "A" in said Section 36, containing 79.82 acres, all in Township 4 North, Range 2 East, according to the official plat thereof, the total area being 279.32 acres.

SECOND

That the defendant, William M. Cannon, is more than 21 years of age and resides at Fayette, Alabama, and that said defendant is reputed to claim some right, title, or interest in or encumbrance on the land above described, or some portion thereof.

THIRD

That there is no suit pending to enforce or test the validity of said title, claim or encumbrance upon said land.

FOURTH

Complainants aver and allege that they and their predecessors in title have been in open, continuous, peaceable, notorious, visible, hostile and exclusive possession under color of title by warranty deed dated, to-wit: June 1st, 1909, which deed was filed for record June 30th, 1909, and recorded in Deed Book 15 N.S., pages 147-8, Probate Court Records of Baldwin County, Alabama, since June 1st, 1909; that they have regularly and annually assessed and paid taxes on said property by assessing same annually with the Tax Assessor of Baldwin County, and paying the taxes annually to the Tax Collector of said Baldwin County, Alabama, on all of said property, including the year 1909, continuously and successively through all the years up to and including 1923, and that they claim to own the title in fee, as well as by visible, peaceable, notorious, hostile and exclusive adverse possession continuously since, to-wit: June 1st, 1909.

FIFTH

And complainants call upon said defendant above named to set forth and specify his title, interest, claim or encumbrance upon said lands through and by what instruments the same is derived or created.

PRAYER

WHEREFORE, your complainants pray:

1. That your Honor will take jurisdiction in this cause and bring William M. Cannon into court by process appropriate in such cause.

2. That your Honor will determine the title, claim, interest or encumbrance of the said respondent in and to the lands described in this bill, and adjudge and decree whether he has any right, title, interest in or encumbrance upon said lands, and what it is and in and upon what part of the lands it exists, and that your Honor will establish and quiet

in complainante the title to said lands against said defendant.

3. That your Honor will be pleased to grant such other or further relief as the nature of complainants cause may require, and to your Honor may seem meet.

Thornton & Freyer,

Solicitors for Complainants.

FOOT NOTE

The respondent is hereby required to answer each and every allegation of this Bill of Complaint from paragraphs 1 to 5, both inclusive, but not under oath, oath being expressly waived.

Thornton & Freyer,
Solicitors for Complainants.

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 William M Cannon

of Bayette 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

Wall-Hay -Wall Lumber Company, Inc., a Corporation,

against said William M Cannon,

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 23rd day of Nov

1923

T. W. Richerson

Register.

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

2nd Original

Serve on _____

Circuit Court of Baldwin County
In Equity

No. _____

SUMMONS

Wall-Hay-Wall Lumber Co.,

RECORDED

vs.

William M Cannon.

Fayette
Allen
Fayette Co.

Thornton & Fazer.

Solicitor for Complainant.

Recorded in Vol. _____ Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

Received in office this Mar 30th
day of _____ 1923
J. J. Chambers
Sheriff.

Executed this 3th day of
Dec 1923
by leaving a copy of the within summons with
Wm Cannon

Defendant.
J. J. Chambers
Fayette County Ala Sheriff.
By _____
Deputy Sheriff.

WALL- HAY- WALL LUMBER COMPANY, INC.,

COMPLAINT,

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

Vs

IN EQUITY

WILLIAM M. CANNON,

DEFENDANT.

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

Now comes the defendant, William M. Cannon, and demurs to the Bill of Complaint herein filed and to each and every count or paragraph thereof separately and severally and for grounds of demurrer assigns separately and severally the following:

FIRST

For that there is no equity in the Bill.

SECOND

For that the same is vague, indefinite and uncertain in its averments and the relief sought.

THIRD

For that the alleged actual possession of the said lands described is a mere conclusion of the pleader, and do not state facts constituting such alleged actual and peaceable possession.

FOURTH

For that it is not shown by the averments and allegations of said bill that the complainants are NOW in the actual and peaceable possession of said lands

FIFTH

For that the said bill at most shows that the complainants only claim to be in the actual and peaceable possession of said lands by virtue of being the owners in fee and paying taxes on said property, and not as a matter of fact

SIXTH

For that the said bill in its averments sets up and shows a scrambling possession and ownership of the lands described.

SEVENTH

For that the use of unnecessary adjectives in a bill of this kind and character, such as "adverse", "hostile", "exclusive" and others of like import, together with the averment of the payment of taxes, shows that the possession attempted to be set up by the bill is a mere scrambling one.

Respectfully submitted

M. L. Harris

Counsel for William M. Cannon.