

IN THE CIRCUIT COURT OF DALLAS COUNTY, ALABAMA

WILLIE A. PALMER JR.

Intervenor

vs.

Case No.: 27- CV2024900137.00

CSX TRANSPORTATION, INC.

WILLIAM HENRY HUFFMAN III, ESQ.,

KIM RICE BONGIOVANNI, ESQ.,

RAIL CONNECTION, INC., GEORGE W. BALLARD

GALBRAITH MCFADDEN WEAVER III.,

FIRST CAHAWBA BANCSHARES. INC.,

HOBBS & HAINES ATTY AT LAW,

SELMA POLICE DEPARTMENT, LEAH PERDUE WEAVER

PITTS & PITTS & JONES, ATTY AT LAW,

CHIEF KENTA FULFORD,

JOHN EDWARD PILCHER, ESQ.,

RALPH NICHOLSON HOBBS, ESQ.,

HON. THOMAS A.P. ROGER JONES,

RICKMAN EDGAR WILLIAMS III, ESQ.,

JOHN C. CALAME, ESQ., SUSAN O'NEIL HUFFMAN

SHERRY MILLARD JOHNSTON,

Defendants

FILED IN OFFICE
DALLAS COUNTY COURTS

JUL 16 2025

Lynnetria R. Bennett
Circuit Clerk

**COMPLAINT FOR DECLARATORY RELIEF, QUIET TITLE, TRESPASS,
FRAUD, CIVIL CONSPIRACY, AND PROFESSIONAL MISCONDUCT**

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FRAUD, CIVIL CONSPIRACY, AND PROFESSIONAL MISCONDUCT**

I. PARTIES, JURISDICTION, AND VENUE

1. *Willie A. Palmer Jr.*, Intervenor, is a private landowner, entrepreneur, and successor-in interest to the Federal Land Patent grantee. He resides in Alabama and has legal and equitable title to the disputed property.
2. *CSX Transportation, Inc.*, a for-profit rail carrier, is occupying Intervenor's land without legal authority.
3. *William Henry Huffman III, Esq.*, a multi-jurisdictional attorney and resident in Selma, Alabama, is alleged to have committed fraud and professional misconduct in relation to Intervenor's land.
4. *Sherry Millard Johnston*, CSXT property manager, misrepresented ownership and facilitated unauthorized use.
5. *Kim Rice Bongiovanni*, CSXT counsel, asserted ownership on behalf of CSXT without lawful basis.
6. *John Edward Pilcher, Esq.*, at Pilcher & Pilcher Attorneys at Law, in Selma, Alabama attorney involved in clouded title issues.
7. *Rail Connection, Inc.*, an Alabama corporation, is alleged to have wrongfully claimed interest in Intervenor's land.
8. *Leah Perdue Weaver*, Grantee of the Northeast Quarter (NE $\frac{1}{4}$) of Section 18, Township 16N, Range 10E; January 1987, (RP Book 998, Page 1); executed a 2005 Warranty Deed allegedly recorded fraudulent documents clouding title, and reside in Selma, Alabama.

9. *Galbraith McFadden Weaver III*, a bank director at First Cahawba Bancshares Inc. participated in multiple transactions affecting disputed land residing in Selma, Alabama.
10. *First Cahawba Bancshares, Inc.*, Alabama bank entity, through its board of directors and attorneys, facilitated fraudulent property documents.
11. *Hobbs & Haines Law Firm*, allegedly involved in creating or defending fraudulent conveyances.
12. *George W. Ballard ("Ballard")* is an adult individual and resident of the State of Alabama. in this action due to his direct participation, facilitation, or benefit from the fraudulent conveyances, encroachments, and clouding of title described herein.
13. *Pitts, Pitts & Jones Law Firm*, alleged to have supported unlawful filings.
14. *Ralph Nicholson Hobbs, Esq.*, bank director at First Cahawba Bancshares Inc., attorney allegedly involved in clouding title.
15. *Hon. Thomas A.P. Roger Jones*, bank director at First Cahawba Bancshares Inc., also a member of Pitts, Pitts & Jones Law Firm; public official named for alleged misconduct.
16. *Rickman Edgar Williams III, Esq.*, attorney at Pitts, Pitts, & Williams Attorneys at Law involved in clouded title issues.
17. *John C. Calame, Esq.*, of Gamble, Gamble, Calame & Jones LLC, allegedly committed fraud affecting Intervenor's title.
18. *Chief Kenta Fulford*, of Selma Police Department, failed to act on reported trespass and title fraud.
19. *Susan O'Neil Huffman*, allegedly recorded fraudulent documents clouding title.

II. JURISDICTION AND VENUE

This Court has subject matter jurisdiction over this action pursuant to the laws of the State of Alabama, including but not limited to *Ala. Code §§ 6-6-220 et seq.* and *§ 6-6-540*, governing actions to quiet title and for declaratory relief.

20. This Court also has jurisdiction over *federal questions* related to *Federal Land Patent No. 735 (1825)*, including claims governed by the *Supremacy Clause of the U.S. Constitution (Article VI)*, which prohibits any private or state interference with federally granted property rights.
21. The Court has *personal jurisdiction* over all Defendants named herein, as they conduct business, own property, reside, or have otherwise availed themselves of the jurisdiction of *Dallas County, Alabama*, where the property is located and where the relevant actions occurred.
22. *Venue is proper* in this Court pursuant to *Ala. Code §§ 6-3-2(a)* and *6-3-4(a)* because the subject real property lies in Dallas County, and all relevant acts and omissions occurred in this jurisdiction.
23. Intervenor appears *pro se* in this action to assert his rights under state and federal law and seeks all relief due, both equitable and monetary.

III. STATEMENT OF FACTS

Ownership and Title

24. Intervenor, Willie A. Palmer Jr. is the legal and equitable owner in fee simple of approximately twenty (20) acres of real property located in the Northwest Quarter (NW¼) of Section 18, Township 16 North, Range 10 East, Dallas County, Alabama (the “Subject Property”), by virtue of Federal Land Patent No. 735, issued in 1825, and an unbroken chain of family possession dating back to at least 1945. Intervenor’s family has owned the land for over 80 years, and Intervenor has owned it personally since 2017,

with all property taxes paid in full. This ownership is confirmed by a Certified Title Abstract and a professional Land Survey (see **Exhibits A, B, C, and D**), establishing no lawful easements, lease, or conveyance affecting the Subject Property has been granted to any railroad, corporate entity, or third party.

25. Federal Land Patent No. 735, issued under the authority of the *Act of 1825 (3 Stat. 566)* and reinforced by the *Homestead Act of 1862 (12 Stat. 392)*, grants the highest form of title under United States law (fee simple absolute) and is protected by the *Supremacy Clause of the U.S. Constitution (Article VI, Clause 2)*. These patents are not subject to alteration or extinguishment by state law or subsequent legislative acts, including any claim of easement under Alabama statutes. The Homestead Act and related land patent protections prohibit any taking or unauthorized use without full due process and just compensation in accordance with the *Fifth Amendment*.

26. Any claim by CSXT under state easement law must therefore be subordinate to the superior federal title held by Intervenor. The Alabama Legislature cannot lawfully override the rights established by federal land patents. The U.S. Supreme Court in *Langdeau v. Hanes*, 88 U.S. 521 (1874) and *United States v. Winans*, 198 U.S. 371 (1905) reaffirmed that federal patents are conclusive and immune from state-level interference.

Initial Unauthorized Entry and False Ownership Claims

27. In December 2024, Intervenor observed a CSX Transportation, Inc. (“CSXT”) employee performing maintenance on railroad tracks within the northwest corner of the Subject Property, asserting CSXT’s intention to “we are taking back over the tracks from Genesee Wyoming lease, and refurbishing this short line”, despite the absence of any notice or lawful authorization.

28. On or about January 10, 2025, Intervenor, via phone and email, contacted CSXT Property Manager Sherry Millard Johnston demanding clarification regarding the legal basis for CSXT's asserted property interest. In response, Ms. Johnston falsely represented that Defendant William H. Huffman III, Esq. ("Huffman") was the legal owner of the subject property. Ms. Johnston's assertion was premised upon a purported mortgage instrument dated November 23, 1987, recorded in Real Property Book 1026, Page 67, in the records of the Dallas County Probate Office (see **Exhibit R**).
29. Intervenor asserts that this instrument is discovery-defective, void ab initio, and legally insufficient to convey or establish title, as it fails to comply with fundamental recording and acknowledgment requirements under Alabama law. Furthermore, the reliance upon this defective instrument is emblematic of a broader historical pattern of systemic land theft targeting African American landowners during and after the Jim Crow regime, whereby fraudulent or forged instruments were routinely employed to dispossess African American families of lawfully held lands, depriving them of generational wealth and secure property rights. Intervenor contends that the Invocation of such a defective document perpetuates this racially discriminatory legacy and further clouds the true and equitable title to the property at issue.
30. When Intervenor provided proof that the land did not belong to Defendant Huffman nor any of his predecessors, Ms. Johnston requested *six weeks* to research and review the title information. After receiving no response within that time, Intervenor followed up via email two weeks later, at the eight-week mark (see **Exhibit I**).
31. Subsequently, on April 1, 2025, CSXT's counsel *Kim Rice Bongiovanni* emailed, asserting CSXT's ownership of the land by virtue of an "*exclusive easement*" under an act of the Alabama Legislature. Sherry Millard Johnston was copied on this email, which

contradicted her earlier claim that the land belonged to Huffman. Despite being provided with proof that neither Huffman nor his predecessors had lawful title, Ms. Johnston failed to respond to follow-up correspondence after requesting six weeks for review. Ms.

Bongiovanni claimed that because the railroad tracks fell within fifty feet of the section centerline, CSXT was entitled to continued access and use under *Alabama Code § 18-1A-273* (see **Exhibit I**). This claim was both factually incorrect and legally invalid because:

- a. Alabama Code § 18-1A-273 only authorizes railroads to initiate a *formal condemnation process*, which itself requires full compliance with due process protections, including notice to the property owner, a judicial determination of public necessity, and payment of *just compensation*. The statute does not permit railroads to seize, occupy, or enter private land (including federally patented land) without these legal safeguards. It does not grant automatic easement rights or ownership. Courts have consistently held, as in *Slattery Co v. United States*, 231 U.S. 199 (1913), that corporations must perform due diligence and follow lawful procedures before occupying private land
 - b. No easement or right-of-way exists in the title records, in violation of Alabama statutes governing easements (*Ala. Code §§ 35-4-50 to 62*)
33. CSXT has never negotiated with Intervenor or his family, nor obtained consent for any access or easement
34. Most critically, *no state statute can nullify or override a federal land patent*, and Intervenor's title is fully protected under *federal supremacy laws*, including the 1825 and 1862 Acts and Article VI of the U.S. Constitution (see **Exhibit A red tab**).

Failure to Conduct Proper Title Search and Reliance on Fraudulent Claims

35. CSXT failed to perform a *required title search during its 2023 acquisition*, a statutory and regulatory duty under federal land use regulations, including but not limited to 49 C.F.R. § 18.31 and FTA Circular 5010.1E. Such a search would have revealed Intervenor's federally patented ownership and long-standing family possession, despite fraudulent deeds clouding the record irregularities.
36. The 2023 acquisition imposed a continuing legal duty on CSXT to uphold property rights and ensure clear title, which they neglected and instead, CSXT improperly relied on false ownership claims without verifying their legitimacy, perpetuating trespass and title clouding.

Law Enforcement Interaction and Escalation

36. On February 8, 2025, Intervenor reported the trespass to the Selma Police Department ("SPD"). During this encounter, Defendant Huffman threatened Intervenor and falsely claimed ownership. SPD declined to issue a formal incident report and deferred to the need for a new survey (see **Exhibit J and K**).
37. Intervenor made *multiple trips to SPD* regarding trespass, vandalism, and threats. Despite presenting a *recorded conversation* with Huffman, documentary proof of title, and evidence of repeated unauthorized occupation, SPD advised Huffman that the matter was civil and suggested he reach out to Intervenor for an agreement. This response, in Intervenor's view, placed him in greater danger, as it ignored the established evidence of criminal trespass and emboldened Huffman to persist in false claims (see **Exhibit L**).
38. Pursuant to SPD advice, Intervenor hired PLS, surveyor *Jarvis and Associates* who completed a boundary survey on May 6, 2025, confirming Intervenor's rightful ownership and railroad encroachment. Despite repeated attempts by Mr. Jarvis and

Intervenor in contacting CSXT, no cooperation or corrective measures were forthcoming (see **Exhibit C**).

Physical Damage and Notice of Unauthorized Use

39. On March 12, 2025, surveyor Butch Neighbor documented fresh vandalism, including damaged fencing and uprooted trees consistent with heavy equipment intrusion. SPD failed to investigate or protect Intervenor's property (see **Exhibit L**).

Additional Federal Railroad Safety Complaint

40. On January 27, 2025, Intervenor filed an official safety complaint with Federal Railroad Administration (FRA), regarding CSXT's unauthorized use of his USDA-designated farmland, which includes free-roaming livestock endangered by the presence of railroad tracks. On January 29, 2025, *FRA Safety Specialist Dillon Ondo* contacted Intervenor in response to the complaint. Mr. Ondo stated that he had contacted CSXT about the incident, but that the company appeared to be "*blowing off the claim*," as they were *accustomed to doing*, indicating a pattern of disregard for property and safety violations.
41. Intervenor provided photographic evidence showing his livestock on the railroad tracks, which he received from a neighbor. This constituted a serious safety hazard and raised liability concerns for CSXT, which has never obtained permission, right-of-way, or easement to operate on Intervenor's land. Despite these facts, Mr. Ondo stated that the incident was *not considered within the scope of his department's safety enforcement* authority and advised Intervenor to consult an attorney, further illustrating the lack of federal or corporate accountability in the face of serious and ongoing violations (see **Exhibit V**).

Criminal Trespass and Misapplication of Civil Label

42. Despite SPD's characterization of the matter as a civil dispute, the actions by CSXT, William Henry Huffman III, and others meet the elements of *criminal trespass* under Alabama law. Specifically, under *Ala. Code § 13A-7-2* (Criminal Trespass in the Second Degree), "A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises." The statute does not require violence or destruction unauthorized entry alone constitutes an offense when done knowingly and without privilege. *Ala. Code § 13A-7-21* (Criminal Mischief in the First Degree), Occurs when someone, with the intent to damage property, and without the right or reasonable belief of having the right to damage it, inflicts damage exceeding \$2,500 or by means of an explosion. Both violations occurred, yet no one was ever charged.
43. Intervenor provided clear, recorded evidence of ownership, posted No Trespassing signage, and submitted formal written objections. These legal warnings satisfy the statutory requirement that notice against entry be communicated. By continuing to enter and occupy the land after being informed, CSXT and its associates engaged in *willful and knowing trespass*, thus exposing themselves to *criminal liability* in addition to civil consequences (see **Exhibits F, G and H**).
44. Moreover, the repeated failures by SPD to document incidents, investigate damage, or hold perpetrators accountable raise equal protection concerns, particularly given the federal land protections and civil rights of the African American property owner. These failures amount to disparate enforcement and denial of due protection under the law, in violation of the Equal Protection Clause and actionable under *42 U.S.C. § 1983*, consistent with holdings in *Shelley v. Kraemer*, 334 U.S. 1 (1948) and *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968). (See **Exhibits K and L**)

45. On March 14, 2025, Intervenor filed an *Affidavit of Unauthorized Use of Land* recorded in (Real Property Book 1690, Page 290) in the records of the Dallas County Probate Office (see Exhibit G).

46. CSXT sent a narrative email on April 1, 2025, from Kim Rice Bongiovanni but failed to provide lawful documentation. A formal complaint letter was issued by Intervenor on May 29, 2025 (see **Exhibits F and I**)

Historical Fraudulent Deeds and Systemic Discrimination

47. Between 1987 and 2020, a series of fraudulent, misleading, and ultra vires deeds and conveyances were systematically prepared, executed, and recorded by various individuals and entities, including officers and directors of First Cahawba Bancshares, Inc., in active concert with attorneys, corporate actors, and other named Defendants. These illicit instruments were intentionally designed to misrepresent true ownership interests, obscure the lawful title chain, and facilitate the unauthorized occupation and use of the Subject Property by CSX Transportation, Inc. ("CSXT") and related parties (see **Exhibits M-U**).

48. Despite the longstanding, continuous ownership of the Subject Property by Intervenor and his family since at least 1945, rooted in and protected by a superior Federal Land Patent (Patent No. 735, issued 1825), these fraudulent actions sought to divest the rightful owners of their property rights through deceptive filings and judicial maneuvers. The orchestrated scheme not only clouded title but also enabled trespass, encroachments, and economic exploitation of the land without any valid easement, lease, or consent.

49. Moreover, these acts of fraud were compounded by a pattern of systemic discrimination, wherein the Intervenor, as a African American landowner and descendant of original

patentees, was deliberately excluded from legal processes, denied notice, and subjected to disparate treatment. Such conduct reflects a coordinated civil conspiracy aimed at depriving Intervenor and his heirs of their constitutional rights to property, due process, and equal protection under the law.

50. On January 8, 1987, a Warranty Deed was executed between Julien Smith Atkins and Victor Bethune Atkins, Jr. as Grantors, and Galbraith M. Weaver III and Leah Perdue Weaver as Grantees, conveying "all lands east of the Cahaba River" within the Northeast Quarter (NE $\frac{1}{4}$) of Section 18, Township 16 North, Range 10 East. Recorded in RP Book 998, Page 1, Dallas County Probate Records (see **Exhibit M**).
51. On November 23, 1987, Galbraith M. Weaver III and Leah Perdue Weaver purportedly executed a mortgage security agreement with SouthTrust Bank of Selma, prepared by Hobbs and Hain Attorneys at Law, Selma, Alabama. Critically, this mortgage document omitted specific legal descriptions of the Northeast Quarter (NE $\frac{1}{4}$), and lacked any authorized signatures of any SouthTrust Bank of Selma, Management Officials. Recorded in RP Book 1026, Page 67 (see **Exhibit R**).

The Fraudulent 1992 Courthouse Sale and Illegal Inclusion of Intervenor's Land

On or about February 21, 1992, a Civil Action No.CV-90-85 sale was held at the Dallas County Courthouse, Alabama, where Galbraith M. Weaver III was listed as the highest bidder for three tracts in the Northeast Quarter (NE $\frac{1}{4}$) of Section 18, Township 16N, Range 10E, recorded Real Property Book 1076, Page 895 in the records of the Dallas County Probate Office. However, public records show Weaver already owned the land, having received title via Warranty Deed dated January 8, 1987. The sale was a sham void of legal effect, merely reasserting pre-owned land and serving no foreclosure purpose.

52. Worse still, the legal description in the 1992 deed intentionally and fraudulently referenced Map Book 1, Page 130 to include land within the Northwest Quarter (NW¼) land lawfully owned by the Intervenor under Federal Land Patent No. 735 (1825) and never subject to any lawful conveyance or encumbrance. The so-called “Less and Except” clause was fatally defective and deliberately vague, failing to clearly exclude the Intervenor’s protected property. As a result, Weaver brazenly and without any legal right asserted ownership over land he neither possessed nor could lawfully acquire, creating a cloud on title and perpetrating a continuing fraud upon the court and public records. This defective description was deliberately replicated in multiple deeds from 2005 to 2020, creating a fraudulent chain of title for “Parcel II,” and resulting in the unauthorized sale, subdivision, and use of Intervenor’s land. These deeds were void ab initio, transferring no lawful interest.

53. Parties knowingly participating in or benefiting from this fraudulent scheme include:

First Cahawba Bancshares, Inc.

CSXT

Rail Connection, Inc.

Honorable Thomas AP Roger Jones, Galbraith McFadden Weaver III, Leah Perdue

Weaver, William Henry Huffman III, Ralph Nicolson Hobbs, Susan O’Neil Huffman,

Sherry Millard Johnston, Kim Rice Bongiovanni, John C. Calame, John E. Pilcher,

Rickman Edgar William,

Attorneys at Hobbs & Hain and Pitts, Pitts & Jones, Selma, Alabama

(See Exhibits M – Q.)

This conspiracy weaponized the recording system to legitimize theft, cloud Intervenor’s title, and profit from land never lawfully conveyed. These instruments and filings,

collectively orchestrated by corporate officers and attorneys, were executed without notice to Intervenor or his family, despite their continuous, tax-paying possession of the Subject Property for over eight decades. No valid easement, lease, conveyance, or adverse possession action was ever lawfully perfected against the Intervenor's superior patent title.

54. As a direct result of these fraudulent conveyances, CSXT and its affiliates wrongfully entered, occupied, and exploited portions of the Subject Property, constructing infrastructure and deriving economic benefit without any lawful right, license, or compensation to Intervenor or his heirs.
55. The above-described scheme constitutes a deliberate pattern of systemic discrimination. Intervenor, as a African American descendant and rightful heir maintaining possession of the Subject Property under federal patent, was intentionally excluded from legal proceedings, denied access to remedies, and deprived of property rights in a manner reflective of racially discriminatory animus. This conduct violates 42 U.S.C. § 1982, the Fourteenth Amendment to the United States Constitution, and Article I, Sections 1 and 22 of the Alabama Constitution.
56. Moreover, the involvement of banking officers, attorneys, and public officials in facilitating these fraudulent transactions underscores a broader civil conspiracy to defraud and dispossess Intervenor. The acts described herein demonstrate knowing, intentional, and reckless disregard of Intervenor's federally protected rights.
57. Intervenor has repeatedly demanded that Defendants cease and desist from further encroachment and to vacate the Subject Property. Nevertheless, Defendants have failed and refused to take corrective actions, continuing to maintain an unlawful presence and asserting baseless claims of title or easement.

58. Due to these fraudulent activities and continuing trespass, Intervenor has suffered and continues to suffer economic damages, emotional distress, loss of use and enjoyment of land, and irreparable harm to his family's historical and cultural legacy.

59. Parties knowingly participating in or benefiting from this fraudulent scheme include:

First Cahawba Bancshares, Inc.

CSXT

Rail Connection, Inc.

Honorable Thomas AP Roger Jones, Galbraith McFadden Weaver III, Leah Perdue

Weaver, William Henry Huffman III, Ralph Nicolson Hobbs, George W. Ballard, Susan

O'Neil Huffman, Sherry Millard Johnston, Kim Rice Bongiovanni, John C. Calame,

John E. Pilcher, Rickman Edgar William,

Attorneys at Hobbs & Hain and Pitts, Pitts & Jones, Selma, Alabama

(See Exhibits M – Q.)

COUNT I – Declaratory Relief (Quiet Title)

60. *Statutes and Law:*

- a. *28 U.S.C. § 2201 (Declaratory Judgment Act):* This federal statute allows a court to declare the rights of parties before a violation or further harm occurs, preventing ongoing disputes over ownership
- b. *Alabama Code §§ 6-6-220 to 6-6-232 (Quiet Title Statutes):* Provides a legal mechanism for landowners to resolve conflicts and clear competing claims, ensuring title is confirmed and free from clouds
- c. *Act of 1825 (3 Stat. 566) & Homestead Act of 1862 (12 Stat. 392):* Federal laws issuing land patents that grant fee simple absolute ownership. These land patents are superior to any state law or later claims

- d. *Supremacy Clause, U.S. Const. Art. VI, Cl. 2*: Establishes federal law as the "supreme Law of the Land," making federal land patents inviolable by state statutes or private claims
- e. *U.S. Const. Amend. V (Takings Clause)*: Protects owners from their property being taken without due process and just compensation
- f. *Alabama Common Law*: Alabama courts recognize quiet title as a remedy to settle disputes over land ownership and remove clouds on title. It requires proof of rightful ownership and wrongful possession by others, as established in *Ward v. Jackson*, 267 Ala. 150, 100 So.2d 915 (1958)

Impact:

60. This count establishes that Intervenor's ownership is federally protected and unassailable by any state-level attempt to infringe on it, such as CSXT's wrongful occupation. Courts must respect these superior rights and clear any improper claims to prevent ongoing violations.

COUNT II – Trespass to Real Property

61. *Statutes and Law*:

- a. *Alabama Code §§ 6-5-250 to 6-5-252 (Civil Trespass)*: Defines unauthorized entry as a civil wrong subject to damages
- b. *Alabama Code § 13A-7-2 (Criminal Trespass in the Second Degree)*: Criminalizes knowingly entering or remaining on property without permission after notice
- c. *Federal Law*: Protects federally patented land from unauthorized intrusion, reinforcing that trespass here is not merely civil but may involve federal enforcement

- d. *Chicago, Rock Island & Pacific Ry. Co. v. Schendel*, 270 U.S. 611 (1926): Successor railroads can be held liable for predecessor actions when continuing operations or using same property.
- e. *St. Louis, I.M. & S. Ry. Co. v. Taylor*, 210 U.S. 281 (1908): Railroads must compensate landowners for takings even under older legislative easements.
- f. *Equal Protection Clause (U.S. Const. Amend. XIV)*, 42 U.S.C. § 1983: Protects Intervenor from discriminatory enforcement or lack thereof by state officials
- g. *Alabama Common Law*: Trespass requires unauthorized entry on land, with damages presumed upon entry. See *McGlothlin v. Broussard*, 271 Ala. 116, 122 So.2d 223 (1960).

Impact:

- 62. CSXT's continued presence after receiving clear notice and warnings satisfies the elements of both civil and criminal trespass. The failure of local police to act properly exacerbates the violation and potentially reflects racial discrimination, making this a serious legal and constitutional matter.

COUNT III – Fraud and Misrepresentation

63. *Statutes and Law*:

- a. *Alabama Code §§ 6-5-101 to 6-5-105 (Fraudulent Misrepresentation)*: Prohibits knowingly false statements made to induce another party to act to their detriment
- b. *Alabama Code § 6-5-170 (Fraud in Conveyances)*: Addresses fraudulent deeds intended to deceive and impair true ownership rights
- c. *Alabama Rules of Professional Conduct*: Requires attorneys to act with honesty and diligence, prohibiting conduct that facilitates fraud

- d. *Alabama Common Law*: Fraud requires a false representation of a material fact, knowledge of falsity, intent to deceive, and damages. See *Cory v. Wilkes*, 529 So.2d 36 (Ala. 1988)

Impact:

64. Defendants, including attorneys who knowingly recorded false deeds, deliberately manipulated legal records to cloud title and unlawfully deprive Intervenor of his land. This not only harms property rights but also violates professional and ethical standards expected of lawyers.

COUNT IV – Inverse Condemnation / Unlawful Taking

65. *Statutes and Law*:

- a. *U.S. Const. Amend. V (Takings Clause)*: No property shall be taken for public use without just compensation
- b. *Alabama Const. Art. I, § 24*: Mirrors federal protections for property owners against unlawful taking
- c. *42 U.S.C. § 1983*: Provides a civil remedy when state actors or those acting under color of law deprive individuals of constitutional rights
- d. *Alabama Common Law*: Alabama courts recognize inverse condemnation claims where governmental or quasi-governmental entities take property without formal condemnation proceedings. See *Southeastern Power Admin. v. Alabama Power Co.*, 307 F.3d 1304 (11th Cir. 2002)

Impact:

66. CSXT's possession of Intervenor's land without condemnation proceedings or compensation constitutes an unlawful taking. This count demands the court recognize and rectify this constitutional violation.

COUNT V – Civil Conspiracy

67. *Statutes and Law:*

- a. *Alabama Code § 6-5-380*: Defines civil conspiracy as an agreement between two or more persons to do an unlawful act or to do a lawful act by unlawful means causing injury
- b. *Common Law*: Alabama recognizes that conspirators can be jointly liable for damages caused by their combined actions
- c. *42 U.S.C. § 1983*: Extends liability to conspiracies involving state actors to violate civil rights
- d. *Alabama Common Law*: Alabama requires proof of (1) a combination of two or more persons, (2) an unlawful act done in furtherance of the conspiracy, and (3) resulting damage. See *Johnson v. Dorsey Trailers, Inc.*, 455 So.2d 86 (Ala. 1984)

Impact:

68. The coordinated actions by CSXT, attorneys, and individuals to falsify records, trespass, and violate civil rights show an unlawful scheme harming Intervenor. This count ensures all parties acting in concert are held accountable.

COUNT VI – Violation of Civil Rights

69. *Statutes and Law:*

- a. *42 U.S.C. § 1982*: Guarantees all citizens equal rights to purchase, lease, sell, and inherit property regardless of race
- b. *42 U.S.C. § 1983*: Provides a remedy when a person acting under color of state law deprives another of constitutional rights, including equal protection and due process.
- c. *Equal Protection Clause, U.S. Const. Amend. XIV*: Prohibits discriminatory treatment by state actors

- d. *Case Law (Shelley v. Kraemer, Jones v. Alfred H. Mayer Co.)*: Affirm the prohibition of racial discrimination in housing and property rights
- e. *Alabama Common Law*: Courts have recognized that racial discrimination in property rights violates state constitutional guarantees and may support claims under Alabama civil rights statutes, see *Cochran v. City of Birmingham*, 758 So.2d 1194 (Ala. 1999)

Impact:

- 70. The pattern of ignoring Intervenor's ownership, the failure of law enforcement to intervene properly, and reliance on fraudulent documents disproportionately affects an African American landowner, violating his federal civil rights.

COUNT VII – Fraud, Civil Conspiracy, Breach of Fiduciary and Professional Duty, Slander of Title, and Unlawful use of Land Description

- 71. (*Against the Board of Directors of First Cahawba Bancshares, Inc. with All Attorneys Involved*)
 - a. Intervenor alleges and incorporates by reference all preceding paragraphs as if fully stated herein
 - b. The Board of Directors of First Cahawba Bancshares, Inc., along with the bank's attorneys and other legal counsel retained by associated defendants, knowingly participated in the preparation, authorization, and recording of deeds and documents that utilized the legal description of property owned solely by the Intervenor and his family, without any legal authority, interest, or consent. These actions constitute intentional fraud, conspiracy to defraud, professional and fiduciary misconduct, and multiple statutory violations under both Alabama and federal law

VIOLATIONS – STATUTES, LAWS, REGULATIONS, AND CASE LAW

- 72. **Unauthorized Use of Another's Land Description / Fraudulent Conveyance**

- a. *Moore v. Smith*, 158 So. 2d 690 (Ala. 1963) A deed based on an unauthorized or incorrect legal description fails to convey any interest
- b. *Meredith v. Sharp*, 356 So. 2d 143 (Ala. 1978) Knowingly using an incorrect legal description renders the deed void
- c. Ala. Code § 35-4-20 Requires a valid written instrument with lawful property description for transfer of land
- d. Ala. Code § 8-9-12 Prohibits sale of land without legal title. 18 U.S.C. § 1001 – Prohibits knowingly and willfully making false statements in any matter within federal jurisdiction
- e. 18 U.S.C. §§ 1341, 1343, 1344 Prohibit schemes to defraud through mail, wire, and bank fraud

73. Forgery and Falsified Deeds

- a. Ala. Code § 13A-9-3 Forgery in the second degree includes making or possessing forged property instruments (Class C felony)
- b. *Hunt Petroleum Corp. vs. State*, 901 So. 2d 1 (Ala. 2004) A forged, false deed is null and void and may form the basis for damages

74. Breach of Fiduciary Duty (Bank Directors)

- a. *Mansell v. Board of Trustees*, 823 So. 2d 653 (Ala. 2001) Fiduciaries may be held personally liable for acts involving dishonesty, bad faith, or intentional wrongdoing
- b. *Restatement (Third) of Agency* § 8.01 – Fiduciary duty of loyalty
- c. *Restatement (Third) of Agency* § 8.11 – Directors must not misrepresent or conceal material facts

75. Professional Misconduct by Attorneys

- a. *ABA Model Rule 4.1* – Prohibits lawyers from knowingly making false statements of material fact or law to third parties.
- b. *ABA Model Rule 8.4(c)* It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.
- c. *In re McGowan, 420 So. 2d 792 (Miss. 1982)* Lawyer disbarred for participation in a fraudulent land transaction.
- d. *Matter of Discipline of Weems, 537 So. 2d 28 (Miss. 1988)* Legal ethics violated when attorney knowingly recorded false instruments.

76. Civil Conspiracy to Deprive Property and Rights

- a. *42 U.S.C. § 1985(3)* Prohibits conspiracies to interfere with civil rights based on racial or class-based animus.
- b. *Griffin v. Breckenridge, 403 U.S. 88 (1971)* Civil conspiracy actionable under
- c. §1985 where motivated by race.
- d. *Luck v. Primus Automotive Fin. Servs., Inc., 763 So. 2d 243 (Ala. 2000)* Civil conspiracy arises from a concerted action to defraud.

77. Slander of Title

- a. *Starks v. Comer, 65 So. 2d 739 (Ala. 1953)* Knowingly recording false deeds is slander of title and actionable.
- b. *Meredith v. Sharp, supra* – Provides for damages due to false land claims.

78. Civil Rights and Property Protection Statutes

- a. *42 U.S.C. § 1982* – Guarantees equal rights to own and use property regardless of
 - a. race.
- b. *42 U.S.C. § 1983* – Allows redress for constitutional violations by persons acting under color of law.

- c. *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968) §1982 prohibits racial discrimination in real estate transactions.

79. IMPACT – HARM TO INTERVENOR

- a. As a result of Defendants' concerted and unlawful conduct, the Intervenor suffered extensive and compounded harm. The lawful title was clouded by the unauthorized filing of fraudulent deeds with state authorities, which deprived the
- b. Intervenor of possession, control, and income from property held in his family for generations.
- c. The Intervenor experienced significant emotional distress and mental anguish, compounded by the historical weight of being stripped of land tied to African American heritage dating back to the 1800s. He faced financial hardship from having to fund legal and investigative efforts to uncover and counteract the fraud, all while contending with systemic bias and exclusion from legal protections.
- d. The Defendants' acts interfered with constitutional rights, particularly due process and property protections, and violated multiple federal civil rights statutes denying the Intervenor the right to own, use, and defend his property without discrimination or obstruction.
- e. The psychological, financial, legal, and social consequences of these violations have disrupted his ability to preserve his legacy, protect his ancestry, and uphold the rights secured under the Constitution and federal law.

80. **WHEREFORE**, based on the foregoing, Intervenor Willie Palmer respectfully prays that this Honorable Court grant the following relief:

I. Quiet Title:

Enter judgment in favor of Intervenor quieting title to the subject land located in the *Northwest quarter of Section 18, Township 16 North, Range 10 East, Dallas County, Alabama*, in Intervenor's *FAMILY TRUST* name, extinguishing all claims, deeds, or filings made by any Defendant or their agents, successors, or assigns that cloud or challenge his legal ownership.

II. Declaratory Judgment:

Declare that any deeds, mortgages, or encumbrances recorded by or through Defendants specifically those based on unauthorized use of the Intervenor's land description are *null, void, and without legal effect*, as they were executed without color of title, legal standing, or consent of the rightful owner.

III. Ejectment and Injunctive Relief:

- a Order the *immediate removal of all encroachments, structures, uses, or claims* made by
- b Defendants upon the subject property, and permanently enjoin
- c Defendants from returning, trespassing, using, leasing, or conveying the land in any way without proper legal authority.
- d To the extent any permanent fixtures, such as railroad tracks, remain, Defendants shall be required to cease all use of the property unless and until they have fully complied with all applicable federal, state, and local laws and regulations, including but not limited to those governing easements, leasing, just compensation, landowner notification, and lawful authorization.
- e Defendants must initiate and complete all proper legal procedures with the rightful landowner prior to any continued occupation, maintenance, or utilization of the property.

IV. **Compensatory Damages:**

- a. Award compensatory damages in the amount of *Three Hundred Sixty Million Dollars (360,000,000\$)* for the following:
 - b. Loss of use and enjoyment of the land over the past decades
 - c. Emotional distress and psychological harm caused by racial discrimination, denial of rights, and decades of exclusion
 - d. Financial losses and costs incurred in investigating, researching, and defending a f. the rightful title
 - e. Damage to reputation, familial legacy, and generational opportunities lost due to the cloud on title
 - f. Unjust enrichment to Defendants who derived financial gain from property they did not lawfully own or control
 - g. Loss of intergenerational wealth and opportunity to lease, farm, sell, or develop the land
 - h. Violation of Intervenor's unique rights under a Federal Land Patent, including interference with a form of title protected under the U.S. Constitution and federal supremacy.

V. **Punitive Damages:**

Award *punitive damages* in the maximum amount permitted by law against each Defendant who participated in the fraudulent conveyance, recording, or defense of these unlawful actions. Such damages are necessary to punish egregious misconduct, deter future wrongdoing, and affirm that *no entity or individual is above the law* especially where racial and economic injustice intersect with deliberate abuse of legal systems.

VI. **Disbarment and Sanctions:**

Refer any attorney(s) involved in the drafting, authorizing, or facilitating of fraudulent documents to the appropriate disciplinary authorities for *disbarment and sanctions* for professional misconduct, fraud, and violation of ethical rules governing fiduciary duty and candor to the court and public offices.

VII. Referral for Criminal and Regulatory Review:

Refer the actions of all Defendants including CSXT, First Cahawba Bancshares, Inc., William Henry Huffman III, its board of directors, and other professionals to appropriate *state and federal authorities* for investigation and prosecution of potential crimes including forgery, mail and wire fraud, land theft, and civil rights violations.

VIII. Costs and Fees:

Award all *court costs, litigation expenses, and reasonable attorneys' fees* pursuant to applicable law, including but not limited to 42 U.S.C. § 1988 and other equitable doctrines.

IX. Further Relief:

Grant such *other and further relief* as this Court deems just and proper considering the facts, history, and egregious nature of the harm suffered by the Intervenor and his family who, for over *80 years*, were wrongfully denied the dignity, protection, and access to the land they lawfully owned.

X. Relief Under Federal Land Patent Law and Supremacy Clause:

Declare that Intervenor's land, held under *Federal Land Patent No. 735 (1825)*, is subject to exclusive federal authority and protection, and that no state court, local official, private entity, or third party had legal power to impair, transfer, convey, or encumber such title. Affirm that the attempted alienation of patent land by fraudulent means violates not only state law but also the *Supremacy Clause of the U.S. Constitution (Article VI)* and binding

federal precedent. Require full restoration of any benefits, rents, leases, access, and profits derived from the land, and permanently bar all future attempts to circumvent federal title protections by state actors or private parties.

Respectfully submitted,

Willie A. Palmer Jr.

Pro Se Intervenor

July 14, 2025

FILED IN OFFICE
DALLAS COUNTY COURTS

JUL 16 2025

Lynethia R. Bennett
Circuit Clerk

Exhibit A: Certified Title Abstract and Land Patent No. 735 (1825)

Exhibit B: Affidavit of Robert D. Washington Jr. (Recorded 2017)

Exhibit C: Certified Land Survey by Jarvis & Associates (Reg. No. 1162)

Exhibit D: Dallas County Tax Assessor Parcel Records for 5690 Highway 22 W.

Exhibit E: Commissioner's Deed – Real Property Book 1076, Page 895 (1992 Judicial Sale- Galbraith McFadden Weaver recognized as Highest bidder)

Exhibit F: Unauthorized Use of Land Affidavit – Real Property Book 1690, Page 290 (2025)

Exhibit G: Formal Trespass Complaint to CSXT (May 29, 2025)

Exhibit H: Photos and Map of Encroached Property Area with No Trespassing Sign

Exhibit I: Correspondence with CSXT including April 1, 2025 Email

Exhibit J: February 8, 2025 audio recording of Huffman Admitting conspiracy

Exhibit K: Police Report February 8, 2025

Exhibit L: Police Report March 12, 2025

Exhibit M: Warranty Deed –January 08, 1987 *Real Property Book 998, Page 1; Northeast Quarter (NE1/4) of Section 18, Township 16N, Range 10E

Exhibit N: Warranty Deed – May 17, 2005 *Real Property Book 1317, Page 300 (May 17, 2005 Weaver to Rail Connection & Ballard)

Exhibit O: Warranty Deed – *Real Book 1607, Page 779, (December 8, 2005 between Rail Connection Inc. and William H. Huffman III)

Exhibit P: Warranty Deed - *Real Book 1607, Page 774 (September 8, 2020 between Rail Connection Inc. and William H. Huffman III)

Exhibit Q: Warranty Deed – October 9, 2020 *RP Book 1609, Page 538 between
(George W. Ballard, and William & Susan Huffman)

Exhibit R: Mortgage and Security Agreement – November 23, 1987 *RP Book 1026,
Page 67 (SouthTrust Bank of Selma)

Exhibit S: Mortgage and Security Agreement – September 09, 2020 *RP Book 1609,
Page 534 Galbraith M. Weaver III Weaver (First Cahawba Bancshares Inc.)

Exhibit T: Full satisfaction of record 1987 lien from (South Trust Bank of Selma) *RP
Book 1109, Page 650

Exhibit U: 1992 Courthouse CV Map Book 1, Page 130, Leah Purdue and Galbraith M.
Weavers, III, Grantee of the Northeast Quarter (NE1/4) of Section 18; documents

Exhibit V: Correspondence with FRA representative Dillon Odin

Exhibit W: Mortgage and Security Agreement – May 17, 2005 *RP Book 1317, Page
304; Galbraith McFadden Weaver, III (First Cahawba Bancshares Inc.)