



IN THE CIRCUIT COURT OF DALLAS COUNTY, ALABAMA

RAIL CONNECTION, INC.

Plaintiff,

v.

**WILLIAM H. HUFFMAN, III and SUSAN
 O'NEIL HUFFMAN,**

Defendants.

Case No.: _____

COMPLAINT FOR SALE FOR DIVISION

Rail Connection, Inc. ("Rail Connection"), by and through the undersigned counsel, files this Complaint against William H. ("Bill") Huffman, III, Susan O'Neil Huffman, and any other person unknown who is claiming any right, title, estate, lien, or interest in the real property described herein. Rail Connection alleges as follows:

1. This action is brought and this Court has jurisdiction under ALA. CODE §§ 35-6-20, *et seq.*
2. Venue is proper in this Court because the real estate that is the subject of this action is located in Dallas County, Alabama. ALA. CODE § 6-3-2(b)(1); Ala. R. Civ. P. 82(b)(1)(B).
3. Rail Connection, Inc. is a corporation organized and existing under the laws of the State of Alabama.
4. Defendant William H. ("Bill") Huffman, III is an adult resident of the State of Alabama.
5. Defendant Susan O'Neil Huffman is an adult resident of the State of Alabama.
6. Rail Connection and the Defendants are tenants in common of the following described property situated in Dallas County, Alabama (referred to as "the Property"):

PARCEL I:

All land East of the Cahaba River in Section 11, Township 16 North, Range 9 East; all land East of the Cahaba River in Section 14, Township 16 North, Range 9 East; all land East of the Cahaba River in Section 12, Township 16 North, Range 9 East; all of the SE $\frac{1}{4}$ of Section 6, Township 16 North, Range 10 East; all of the N $\frac{1}{2}$ of Section 13, Township 16 North, Range 9 East, which lies East of the Cahaba River and North of the right of way of Alabama Highway 22, all of Section 7, Township 16 North, Range 10 East and all of the NE $\frac{1}{4}$ of Section 18, Township 16 North, Range 10 East, except Parcels 1, 2, 3, 4, 5 and 6 of Sky-Harbor Subdivision as shown by Map of said subdivision recorded in the Probate Office of Dallas County, Alabama, in Map Book 5, Page 120; it being the intention to include in this description all lands in Dallas County, Alabama, previously owned by Julien S. Atkins and Victor B. Atkins, Jr., which lie north of Alabama Highway No. 22 in Sections 11, 12, 13 and 14, Township 16 North, Range 9 East, and in Sections 6, 7 and 18, Township 16 North, Range 10 East; subject, however to that certain flowage easement heretofore granted by Kate Smith Atkins to the United States of America, which easement is dated July 5, 1966, and is recorded in the Probate Office of Dallas County, Alabama, in Right of Way Book 5, Page 367; and less and except all lands lying within the right of way boundaries of railroads and public roads and public utilities over and across the lands herein described.

PARCEL II:

Tracts No. One (1), Two (2) and Three (3) according to a map or plat of the A.J. Mullen Subdivision, which is recorded in Map Book 1, Page 130, in the Probate Office of Dallas County, containing 88.75 acres, more or less. LESS AND EXCEPT Beginning at the northwest corner of the Northwest Quarter (NW $\frac{1}{4}$) of Section 18, Township 16, Range 10, and from said point running East along the section line one thousand (1,000) feet, more or less, then run South at right angles with said section line a distance of seven hundred ninety three (793) feet, thence run in a southwestwardly direction to a point on the West section line of Section 18, which is nine hundred fifty-eight feet (958) feet due South of the point of beginning. Said property being in the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 18, Township 16, Range 10. All the above-described property containing in the aggregate 68.75 acres, more or less.

PARCEL III:

Commencing at the Northwest corner of the NE $\frac{1}{4}$ of SW $\frac{1}{4}$, of Section 13, T16N, R9E, Dallas County, Alabama; thence run East along the North line of the S $\frac{1}{2}$ of said Section 13 for 486 feet to the point of beginning; thence continue East along said North line for 1,192.1 feet to the North right-of-way of Alabama Highway No. 22; thence run in a Southwesterly direction along said North margin of Highway No. 22 for 1,253 feet, more or less to the East line of the 5.78 acre tract as described by deed recorded in Book 446 at Page 407 in the Probate Office of Dallas County, Alabama; thence run North along said East line for 382 feet, more or less to the point of beginning. Said described property contains 5.40 acres, more or less and lies partly in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and partly in the NW $\frac{1}{4}$ and SE $\frac{1}{4}$, Section 13, T16N, R9E, Dallas County, Alabama.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

1. A parcel of land conveyed to West Dallas Water Authority in Rlpy 1108, at Page 445 and being more particularly described as follows: Commencing at an old iron pipe at a point formed by the intersection of the West Line of Section EIGHTEEN, Township SIXTEEN North, Range TEN East, Dallas County, Alabama, with the North Right of Way of Alabama Highway No. 22; thence run North 71°22'14" East along said North Right of Way for 1,645.05 feet to an iron pipe and the point of beginning; thence run North 18°37'46" West for 180.0 feet to an iron pipe; thence run North 71°22'14" East for 180.0 feet to an iron pipe; thence South 18°37'46" East for 180.0 feet to an iron pipe on the north Right of Way of said Alabama Highway No. 22; thence run South 71°22'14" West along said North Right of Way for 180.0 feet to the point of beginning. Said described property contains 0.7438 acre and lies in the East Half of the Northeast Quarter of Section EIGHTEEN, Township SIXTEEN North, Range TEN East, Dallas County, Alabama.

2. The property conveyed to the State of Alabama by deed recorded in Deed Book 664, at Page 41 in the Probate Office of Dallas County, Alabama.

7. These parcels collectively make up the Property, and the latest deeds involving these parcels are recorded in Deed Book 1607 Pages 774–777 and Deed Book 1609 Pages 538–39.

8. The parties' respective interests in the Property are as follows:

- a. Rail Connection—44 ½ %;
- b. Bill Huffman—5 ½ %; and
- c. Bill Huffman & Susan Huffman jointly—50 %.

These percentages were set forth by Defendant Bill Huffman in an Answer and Counterclaim filed in this Court in 2020 in Case No. CV-2020-900203.

9. The Property cannot be equitably partitioned or divided between the parties without a sale thereof.

10. Rail Connection has employed attorneys John Q. Somerville and Robert H. Turner, Sr., as Rail Connection's attorneys, to file this Complaint and to prosecute this action for a sale of the Property for a division of the proceeds among the parties, for the mutual benefit of all the parties. Further, Somerville and Robert H. Turner, Sr., are each entitled to a reasonable fee for

their services in this proceeding, and such fee should be paid out of the proceeds of the sale of the Property for division because such sale is for the common benefit of Rail Connection and the Defendants.

11. Rail Connection is a party plaintiff in another proceeding against Defendant Bill Huffman involving corporate fraud committed by Huffman in the Circuit Court of Shelby County, Alabama in Case No. CV-2023-900542. The claims asserted in that case deal with corporate fraud and theft and wrongdoing committed by Bill Huffman while he was an employee of Rail Connection. That proceeding has been stayed pending Bill Huffman's threat to file a mandamus petition challenging that Court's decision not to transfer the corporate wrongdoing claims to Dallas County. Plaintiff Rail Connection never asserted any petition for judicial sale in that case and has always maintained that this Court has jurisdiction over the petition for judicial sale just as the Circuit Court for Shelby County has jurisdiction and venue over claims for corporate fraud with respect to Rail Connection, a Shelby County Corporation. The only claim asserted here in this case is for judicial sale for division. A claim for a judicial sale does not overlap with any claim in the Shelby County proceeding and has not been asserted in that proceeding. In fact, as has been acknowledged all along by Plaintiff, Rail Connection, the only proper venue for judicial sale claims involving property located in Dallas County is the Circuit Court of Dallas County, Alabama.

12. Defendants Bill Huffman and Susan Huffman are involved in a divorce proceeding in the Circuit Court of Jefferson County, Domestic Relations Division in Case No. DR-2022-901574. Plaintiff Rail Connection is not a party to that divorce proceeding and none of its lawyers represent either party in that divorce proceeding or otherwise. Nonetheless, it should be emphasized that any proceeds from this judicial sale that are attributable to properties owned by

Defendants Bill Huffman and Susan Huffman are assets of the marital estate and should be divided by that Divorce Court. Therefore, Plaintiff Rail Connection requests as a part of this Complaint that any proceeds derived from the judicial sale attributable to property shares owned by Bill Huffman and Susan Huffman should be transferred and deposited in court with the Clerk of the Circuit Court of Jefferson County, Alabama pursuant to Ala. R. Civ. P. 67.

WHEREFORE, Rail Connection respectfully requests that this Court enter an Order and Decree that establishes:

(1) That Rail Connection and Defendants be established as the owners of undivided interests in the Property as set forth in Paragraph 7 above;

(2) That the Property cannot be equitably partitioned or divided in kind without a sale;

(3) That a sale of the Property be ordered and made in accordance with law and in such a manner that will produce the most appropriate price for the property;

(4) That the Court will establish a reasonable attorneys' fee to be paid to Rail Connection's attorneys out of the proceeds of the sale or sales and that all expenses incurred in connection with the sale of the Property will also be paid out of the proceeds of the sale in such manner as may be determined by the Court and that the remaining proceeds be distributed between Rail Connection, on one hand, and Defendants on the other consistent with what their interests may be and sending such proceeds attributable to Defendants' interests to the Divorce Court for deposit in the registry of that Court presiding over the divorce proceeding involving Defendants; and

(5) For such other relief relating to the sale of this property as may be shown under the circumstances to be due and required under the law to give effect to the intent and purpose of this claim.

DATED: May 17, 2024.

/s/ John Q. Somerville

John Q. Somerville (SOM007)
SOMERVILLE, LLC
300 Richard Arington Blvd North
Suite 710
Birmingham, AL 35203
Phone: (205) 871-2183
jqs@somervillellc.com

/s/ Robert H. Turner, Sr.

Robert H. Turner, Sr.
416–417 Washington Street
Marion, AL 36756
Phone: (334) 683-4111
RTURNERATTY@BELLSOUTH.NET

Counsel for Rail Connection, Inc.

SERVE DEFENDANTS BY CERTIFIED MAIL

William Huffman
113 Landline Road
Selma, Alabama 36701

Andrew P. Campbell
Yawanna N. McDonald
CAMPBELL PARTNERS, LLC
505 20th Street North, Suite 1600
Birmingham, AL 35206
andy@campbellpartnerslaw.com
Yawanna@campbellpartnerslaw.com

J. Mark White
Jackson M. Neal
Katherine R. Brown
WHITE ARNOLD & DOWD P.C.
2001 Park Place, Suite 1400
Birmingham, AL 35203
mwhite@whitearnolddowd.com
jneal@whitearnolddowd.com
kbrown@whitearnolddowd.com

Susan Huffman
c/o Stephen W. Shaw
WALLACE, JORDAN, RATLIFF & BRANDT, LLC
P.O. Box 530910
Birmingham, AL 35253
sshaw@wallacejordan.com

/s/ John Q. Somerville

OF COUNSEL