

IN THE CIRCUIT COURT OF

11 BALDWIN COUNTY, ALABAMA

AT LAW

AT LAW

:: CASE NO. 5587

MOTION TO DISMISS

Comes now the Defendants in the above styled cause and shows
unto Your Honors as follows:

That Mid-State Homes, Incorporated, is a foreign corporation not qualified to do business in the State of Alabama, and has refused and failed to qualify to do business with the Secretary of State of Alabama; that there is an action in the Circuit Court of Mobile County, Alabama, now pending, that is to adjudicate the ownership of said fee set out in the description of the Plaintiff's Bill of Complaint; that under the Laws of the State of Alabama, the Plaintiff, Mid-State Homes, Incorporated is not entitled to use the Courts on the grounds that it has failed and refused to qualify to do business in the State of Alabama.

WHEREFORE, the premises considered, your Defendants pray that this Honorable Court will dismiss the above styled cause.

Hayden Rector and William H. Card,
Jr., Attorneys for Defendants

BY William H. Card, Jr., Attorney
for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27 day of May, 1963 served a copy of the foregoing pleading on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed and first class postage prepaid.

MID-STATE HOMES, INCORPORATED, :: IN THE CIRCUIT COURT OF
a corporation,

Plaintiff :: BALDWIN COUNTY, ALABAMA

VS.

WALTER H. EVANS AND NETTIE G. :: AT LAW
EVANS, husband and wife,

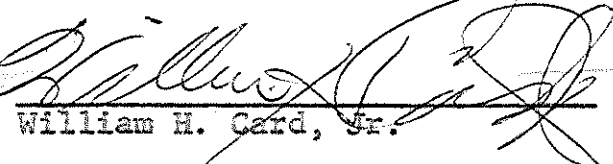
Defendants :: CASE NO. 5587

Comes now the Defendants in the above styled cause and shows
unto Your Honors as follows:

That the Plaintiff, Mid-State Homes, Incorporated, is a
foreign resident corporation domiciled in the State of Florida;
that said Plaintiff has failed and refused to qualify to do
business with the Secretary of State of Alabama as required by
the Laws of Alabama; that under the Laws of the State of Alabama,
viz, Title 11, Section 59, states in substance that all suits at
law or equity, commenced by or for the use of a nonresident of
this State, must be dismissed on motion if security be not
given by such nonresident when the suit is commenced or in such
time thereafter as the Court may direct.

WHEREFORE, the premises considered, the Defendants pray
that this Honorable Court will demand, order, and require the
Plaintiff to post sufficient security for cost as provided by
the statutes of the State of Alabama, or will in the alternative
dismiss said suit.

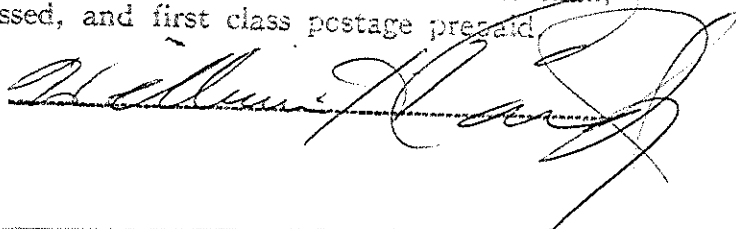
Hayden Rector and William H.
Card, Jr., Attorneys for Defendants

BY: 

William H. Card, Jr.

CERTIFICATE OF SERVICE

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day of Aug, 1963 served a copy of the
foregoing pleading on counsel for all parties to this
proceeding by mailing the same by United States mail,
properly addressed, and first class postage prepaid.



The State of Alabama

DEPARTMENT OF STATE

I, Mrs. Agnes Baggett, Secretary of State, of the State of Alabama, having custody of the Great and Principal Seal of said State, do hereby certify that the foreign corporation records on file in this office disclose that Mid-State Homes, Inc., a Florida corporation, qualified in the State of Alabama on February 14, 1963 and has designated as its statutory agents Fred S. Ball, Jr. and Richard A. Ball, 717 First National Bank Building, Montgomery, Alabama. I further certify that the records do not disclose that said Mid-State Homes, Inc. has been withdrawn.

In Testimony Whereof, I have hereunto set my hand and
affixed the Great Seal of the State, at the Capitol,
in the City of Montgomery, this SIXTH
day of SEPTEMBER One Thousand Nine
Hundred and SIXTY-THREE

Mrs. Agnes Baggett
Secretary of State



MID-STATE HOMES, INC., a
Corporation

Plaintiff

VS

WALTER H. EVANS and
NETTIE G. EVANS, husband
and wife

Defendants

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 5587

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The Plaintiff sues to recover the possession of the
following tract of land:

Commencing at the N.W. corner of S.W. Quarter
of S.E. Quarter of Section 20, Township 4 South,
Range 2 East, Baldwin County, Alabama run East
358 feet to a point; thence South 86 feet to an
iron stake for the point of BEGINNING, thence
continue South 105 feet to a point; thence East
210 feet to a point; thence North 105 feet to a
point; thence West 210 feet to the Point of
Beginning, containing one-half acre,

of which he was in possession, and upon which, pending such
possession, and before the commencement of this suit, the
Defendants entered and unlawfully withholds, together with
\$1,000.00 for the detention thereof.

FILED

MAY 30 1963

ALICE J. DUCK, CLERK
REGISTER

R. A. Norred and Wilson Hayes
Attorneys for Plaintiff

By: W. L. Hayes
WILSON HAYES

D's may be found near Spawth Pt (on proposed de cades)

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 5587

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon

Walter H. Evans and Nettie G. Evans, husband & ^{Wife} ~~Wife~~

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against

Walter H. Evans and Nettie G. Evans, husband & Wife, Defendant.

by Mid-State Homes, Inc., a corporation, Plaintiff.

Witness my hand this 30 day of May 19 63.

Alice J. Luck, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

MID-STATE HOMES, INC., A CORP.

Plaintiffs

vs.

WALTER H. EVANS, & NETTIE G. EVANS,

husband & ~~Wife~~ Wife

CHECK 27 BAZZEEES

Defendants

Summons and Complaint

Filed May 30, 1963

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

May 30, 1963

Sheriff.

I have executed this summons

this 8th day of Aug. 1963

by leaving a copy with

Walter S. Evans
Nettie S. Evans

Sheriff claims 88 miles at 80

Ten Cents per mile Total \$ 4.40

TAYLOR WILKINS, Sheriff

BY

Fred Leibert
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

Fred Leibert

Deputy Sheriff.

MID-STATE HOMES, INCORPORATED,
a corporation,
Plaintiff

:: IN THE CIRCUIT COURT OF
::
:: BALDWIN COUNTY, ALABAMA

VS.

WALTER H. EVANS AND NETTIE G.
EVANS, husband and wife,

:: AT LAW

Defendants

:: CASE NO. 5587

Comes now the Defendants in the above styled cause and hereby
demand a trial by jury.

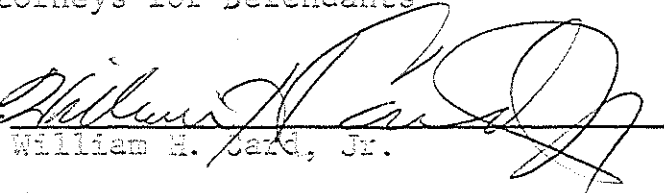
Hayden Rector and William H. Card, Jr.,
Attorneys for Defendants

FILED

AUG 29 1963

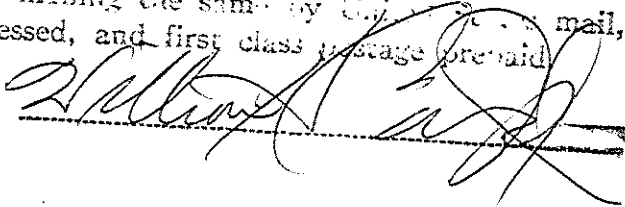
ALICE J. DUCK, CLERK
REGISTER

BY


William H. Card, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27
day of Aug, 1963, 3 copies of the
foregoing pleading on counsel for all parties to this
proceeding by mailing the same by air mail,
properly addressed, and first class postage prepaid.



MID-STATE HOMES, INCORPORATED, :: IN THE CIRCUIT COURT OF
a corporation,

Plaintiff :: BALDWIN COUNTY, ALABAMA

VS.

WALTER H. EVANS AND NETTIE G. :: AT LAW
EVANS, husband and wife,

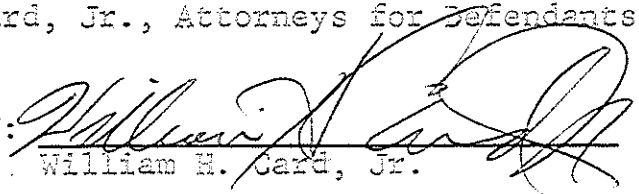
Defendants :: CASE NO. 5587

Comes now the Defendants in the above styled cause and shows
unto Your Honors as follows:

That the Plaintiff, Mid-State Homes, Incorporated, is a
foreign resident corporation domiciled in the State of Florida;
that said Plaintiff has failed and refused to qualify to do
business with the Secretary of State of Alabama as required by
the Laws of Alabama; that under the Laws of the State of Alabama,
viz, Title 11, Section 59, states in substance that all suits at
law or equity, commenced by or for the use of a nonresident of
this State, must be dismissed on motion if security be not
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time thereafter as the Court may direct.

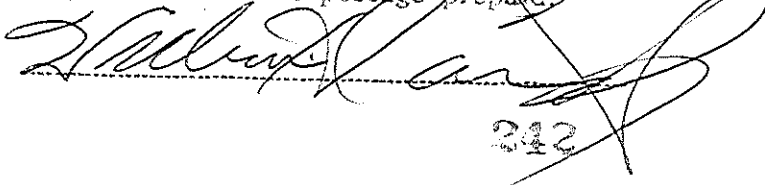
WHEREFORE, the premises considered, the Defendants pray
that this Honorable Court will demand, order, and require the
Plaintiff to post sufficient security for cost as provided by
the statutes of the State of Alabama, or will in the alternative
dismiss said suit.

Hayden Rector and William H.
Card, Jr., Attorneys for Defendants

BY: 
William H. Card, Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 22
day of Aug, 1963 served a copy of the
foregoing pleading on counsel for all parties to this
proceeding by mailing the same by United States mail,
properly addressed, and first class postage prepaid.


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FILED
AUG 28 1963
ALICE J. DUCK, CLERK
REGISTER

MID-STATE HOMES, INCORPORATED,
a corporation,

Plaintiff

VS.

WALTER H. EVANS AND NETTIE G.
EVANS, husband and wife,

Defendants

::

IN THE CIRCUIT COURT OF

::

BALDWIN COUNTY, ALABAMA

::

AT LAW

::

CASE NO. 5587

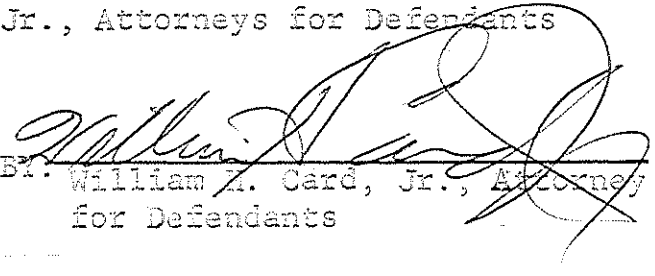
MOTION TO DISMISS

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That Mid-State Homes, Incorporated, is a foreign corporation
not qualified to do business in the State of Alabama, and has refused
and failed to qualify to do business with the Secretary of State
of Alabama; that there is an action in the Circuit Court of Mobile
County, Alabama, now pending, that is to adjudicate the ownership
of said fee set out in the description of the Plaintiff's Bill of
Complaint; that under the Laws of the State of Alabama, the Plaintiff,
Mid-State Homes, Incorporated is not entitled to use the Courts
on the grounds that it has failed and refused to qualify to do
business in the State of Alabama.

WHEREFORE, the premises considered, your Defendants pray that
this Honorable Court will dismiss the above styled cause.

Hayden Rector and William H. Card,
Jr., Attorneys for Defendants


By: William H. Card, Jr., Attorney
for Defendants

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I do hereby certify that I have on this 27
day of Aug, 1963 served a copy of the
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proceeding by mailing the same by United States mail
properly addressed, and first class postage prepaid.

FILED

AUG 28 1963

ALICE J. DUCK, CLERK
REGISTER

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