

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

April 15, 1964

6029

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck: Re: Ernest E. Gates, sometimes known
as Sam Gates, and doing business
as Gates Construction Company

VS

Gerald P. Robinson

I am enclosing Bill of Complaint in the above styled
cause. Defendant may be served at Daphne, Alabama.

Yours very truly,



C. G. Chason

CGC:dc

Ernest E. Bates
vs.
Herald F. Robinson

JURY LIST - MAY 31, 1965

- 1. Anacker, Walter R., Farmer, Fairhope
- 2. Beaty, Raymond, Laborer, Fairhope
- 3. Beck, John, Mechanic, Foley
- 4. Broughton, Joe N., Merchant, Cross Roads
- 5. Bryhn, Vernon A., Farmer, Elberta
- 6. Carlisle, D.C., Newport, Bay Minette
- 7. Carlisle, Otis A., Newport, Bay Minette
- 8. Corley, Horace W., Brookley Field, Bay Minette
- 9. Crook, Prince, Laborer, Bay Minette
- 10. Drinkard, Everette E., Farmer, Bay Minette
- 11. Dusek, Frank J., Jr., Civil Service, Lillian
- 12. Ebert, Charles J., Jr., Ins. Agt., Foley
- 13. ~~Elberta, Elberta, Post Office Clerk, Bay Minette~~
- 14. Fell, Frank, Mechanic, Elberta
- 15. Fell, Neal J., Farmer, Lillian
- 16. Frank, George, Farmer, Elberta
- 17. Gilbert, B.B., Mechanic, Bay Minette
- 18. Gilbert, Jimmy, Insurance, Robertsedale
- 19. Hall, Gerald B., Jr., Newport, Bay Minette
- 20. Hall, Origen, Club Operator, Bay Minette
- 21. Hamilton, Percy, Town of Bay Minette, Bay Minette
- 22. Harrison, Joseph M., Farmer, Fairhope
- 23. Henderson, James M., Farmer, Fairhope
- 24. Hobbs, William G., Merchant, Bay Minette
- 25. Hodges, Willie Lee, Sawmill, Bay Minette
- 26. ~~Homer, Pierce E., Electrician, Stackton~~
- 27. Keuler, Albert, Salesman, Loxley
- 28. Keuler, Jake W., Farmer, Loxley
- 29. King, Horace E., Farmer, Mag. Spgs.
- 30. McCarthy, James G., Merchant, Bay Minette
- 31. Meszaros, Michael A., Retired, Elberta
- 32. Morse, Wilson W., Civil Service, Foley
- 33. Nix, B. Coles, Ag. Teacher, Foley
- 34. Palmer, James J., Farmer, Robertsedale
- 35. Pridgen, J. Phillip, Farm Adm., Bay Minette
- 36. Ryan, Robert, Newport, Bay Minette
- 37. Seaburn, James, Farmer, Foley
- 38. ~~Shannon, Gordon, Farmer, Daphne~~
- 39. Stimpson, Carl, Clay Products, Fairhope
- 40. Toler, Johnnie G., Electrician, Foley
- 41. Trawick, Walter, Laborer, Bay Minette
- 42. Underwood, Hilary H., Farmer, Foley
- 43. Vasut, Charles F., T.V. Repair, Robertsedale
- 44. Weekley, Willard A., Newport, Bay Minette
- 45. Wilson, John R., Auto. Dealer, Bay Minette
- 46. ~~Young, William, Post Office, Bay Minette~~
- 47. Mikkelson, Roy, Farmer, Summerdale
- 48. Stuart, Harold, Cleaners, Bay Minette
- 49. Fuller, David, Motel, Spanish Fort-Daphne

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P XXXXX XXX

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STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT . . . LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon GERALD P. ROBINSON to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of ERNEST E. GATES.

WITNESS my hand this the 17 day of April, 1964.

Deirdre J. Smith
Clerk

ERNEST E. GATES, sometimes known)	
as SAM GATES, and doing business)	IN THE CIRCUIT COURT OF
as GATES CONSTRUCTION COMPANY,)	BALDWIN COUNTY, ALABAMA
Plaintiff)	LAW SIDE
VS)	
GERALD P. ROBINSON,)	
Defendant	


COUNT 1

The Plaintiff claims of the Defendant THREE THOUSAND THREE HUNDRED SEVEN AND 72/100 Dollars (\$3,307.72) due from him, on to-wit, the 30th day of September, 1961, for breach of an oral agreement whereby the Plaintiff was to furnish material and labor for the construction of a dwelling for the Defendant in Baldwin County, Alabama, and was to be paid therefor all cost of material, sub-contracts, for his own labor, and for labor hired, plus seven and one-half per cent (7½%) on all hired labor paid, which said agreement the Plaintiff performed, and under the terms of which there is due to him by the Defendant the sum of Three Thousand Three Hundred Seven and 72/100 Dollars (\$3,307.72) as aforesaid with interest thereon.

COUNT 2

The Plaintiff claims of the Defendant, Three Thousand Three Hundred Seven and 72/100 Dollars (\$3,307.72) as damages for breach of a ^{ORAL} contract and agreement made and entered into on,

to-wit, June 27, 1961, whereby Plaintiff agreed to construct a dwelling for the Defendant and to be paid therefor by the Defendant for all labor and material in the construction thereof, plus seven and one-half per cent ($7\frac{1}{2}\%$) on the cost of labor, which said contract and agreement the Plaintiff performed, and which said contract and agreement, the Defendant has breached, all to the damage of the Plaintiff as aforesaid.


Attorney for Plaintiff

The Defendant resides in
Daphne, Alabama

FILED
APR 17 1964
ALICE L. DUCK, CLERK
REGISTER

EX-4-27-64

We the jury, find for the defendant.

Signed
J R Wilson
Foreman

SUMMONS AND COMPLAINT

ERNEST E. GATES, sometimes known
as SAM GATES, and doing business
as GATES CONSTRUCTION COMPANY,

Plaintiff

VS

GERALD P. ROBINSON,
46 Ozark School
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED

APR 17 1964

ALICE L. DUCK, CLERK
REGISTER

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

Received April 17 day of April 1964
and on April 17 day of April 1964
served a copy of the within Summons and Complaint
on Gerald P. Robinson

By service on _____
TAYLOR WILKINS, Sheriff
By Herbert D. S.
Lake Forest

Sheriff claims 46 miles at
Ten Cents per mile Total \$ 4.60
BY Fred Bennett
TAYLOR WILKINS, Sheriff
DEPUTY SHERIFF

ERNEST E. GATES, sometimes known))	IN THE CIRCUIT COURT OF
as SAM GATES, and d/b/a GATES)	
CONSTRUCTION COMPANY,)	BALDWIN COUNTY, ALABAMA
)	
Plaintiff,)	AT LAW
)	
vs)	no. 6029
)	
GERALD P. ROBINSON,)	
)	
Defendant.)	

1. Comes now the Defendant, and for answer to the complaint, and to each and every count thereof, separately and severally, saith that he has paid to the plaintiff all money which was due to the plaintiff under the terms of the oral agreement entered into between the parties, and that the said payment was made prior to the commencement of this suit.

2. The defendant, for answer to the complaint, saith that he did enter into an oral agreement with the plaintiff during the year 1961, whereby the plaintiff was to furnish all materials and labor for construction of a dwelling house for the defendant in Baldwin County, Alabama; that the plaintiff was to be paid therefor all costs for materials, subcontracts and labor, plus seven and one-half ($7\frac{1}{2}$) per cent on all labor other than the labor of the plaintiff, but the said agreement was with the stipulation that the total costs for all charges to the defendant for the dwelling house would not exceed the sum of Twelve Thousand (\$12,000.00) Dollars, and the defendant alleges that he did pay to the plaintiff, prior to the commencement of this suit, the sum of Twelve Thousand Two Hundred Forty-eight and 32/100 (\$12,248.32) Dollars for construction of the said dwelling house.

3. The defendant for answer to the complaint, saith that he has paid the debt, for the recovery of which this suit was brought before action was commenced in this cause.

Attorney of Record for Plaintiff:
Hon Cecil G. Chason
Attorney at Law
Folwy, Alabama

Kenneth Cooper
Attorney for Defendant

FILED

JUN 15 1964

ALICE L. DUCK, CLERK
REGISTER

714

ERNEST E. GATES, sometimes
known as SAM GATES, and
doing business as GATES
CONSTRUCTION COMPANY,

Plaintiff,

vs.

GERALD P. ROBINSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

6029
#5962

Comes now the Defendant in above styled cause, and for answer to
the complaint filed in this cause, and to each and every count thereof,
separately and severally, says that he is not guilty of the matters
alleged therein.

Kenneth Cooper
Attorney For Defendant

Attorney Of Record

For Plaintiff:

Hon Harry J. Wilters
Attorney At Law
Bay Minette, Alabama

FILED

MAY 22 1961

ALICE J. DUCK, CLERK
REGISTER

ERNEST E. GATES, sometimes known
as SAM GATES, and doing business
as GATES CONSTRUCTION COMPANY,

Plaintiff,

vs.

GERALD P. ROBINSON,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

6029

Comes now the defendant in above styled cause and demurs to each and every count of the complaint heretofore filed in this cause, separately and severally, and says:

1. Count 1 of the complaint does not state a cause of action;
2. Count 1 of the complaint is vague, uncertain and indefinite;
3. Count 1 of the complaint fails to allege any liability on the part of the defendant;
4. Count 1 of the complaint fails to allege any duty on the part of the defendant to pay the alleged charges;
5. There is no allegation in Count 1 of the complaint that the defendant in any manner gave his consent to the alleged agreement;
6. Count 1 of the complaint fails to allege who was to pay for the services enumerated;
7. Count 1 fails to sufficiently allege the terms of the alleged oral agreement;
8. Count 1 of the complaint fails to allege what the \$3,307.72 is due for;
9. Count 2 of the complaint fails to allege whether the alleged agreement was oral or in writing;
10. Count 2 of the complaint fails to state a cause of action;
11. Count 2 of the complaint is vague, uncertain and indefinite;
12. Count 2 of the complaint fails to allege how the defendant has allegedly breached the alleged agreement;

13. Count 2 of the complaint fails to allege any agreement by the defendant to pay for the alleged labor and material;

14. Count 2 of the complaint does not allege where the alleged agreement was made;

15. Count 2 of the complaint fails to allege how the Respondent breached the said alleged agreement.

Defendant demands a trial by jury in this cause.

Kenneth Cooper
Attorney For Defendant

Kenneth Cooper
Attorney For Respondent

FILED

MAY 1 1984

ALICE J. DUCK, CLERK
REGISTER