

STATE OF ALABAMA,
COUNTY OF BALDWIN.

CIRCUIT COURT, BALDWIN COUNTY,
NO. 6372 TERM, 1964.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon GEORGE F. McCOWEN, Individually, and doing business as McCOWEN CONSTRUCTION COMPANY, 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 GEORGE F. McCOWEN, Individually, and doing business as McCOWEN CONSTRUCTION COMPANY, Defendant, by FAIRHOPE HARDWARE & SUPPLY CO., INC., an Alabama Corporation, Plaintiff.

WITNESS my hand this 28 day of January, 1965.

Robert L. Smith
Clerk.

FAIRHOPE HARDWARE & SUPPLY CO., INC., an Alabama Corporation, Plaintiff,	I	IN THE CIRCUIT COURT OF
VS.	I	BALDWIN COUNTY, ALABAMA,
GEORGE F. McCOWEN, Individually, and d/b/a McCOWEN CONSTRUCTION COMPANY, Defendant.	I I	AT LAW.

C O M P L A I N T

Count I

The Plaintiff claims of the Defendant the sum of TWO THOUSAND THREE HUNDRED SEVENTY-SEVEN AND 86/100 (\$2,377.86) DOLLARS for materials furnished by the Plaintiff at the request of the Defendant, on a building or improvement on the following described property, viz.,

Lot 7, Maxwell Hights, a subdivision as per plat thereof recorded in Map Book 5, Page 42 of the records of the Judge of Probate, Baldwin County, Alabama.


which said indebtedness accrued on to-wit, the 24th day of October, 1964, and is now due and unpaid.

Plaintiff alleges that the above described property is the property of the Defendant, GEORGE F. McCOWEN; and that said materials were furnished on said building or improvements

on said land under and by virtue of a contract with the said GEORGE F. McCOWEN, Individually, and doing business as McCOWEN CONSTRUCTION COMPANY, the owner or proprietor thereof; that within six months after the indebtedness had matured, on, to-wit, the 16th day of December, 1964, the Plaintiff did file in the office of the Judge of Probate of Baldwin County, where said land is situated, a verified statement as required by law, a copy of which is attached hereto, made a part hereof, and marked Exhibit "A"; wherefore Plaintiff claims a lien for said amount on said land and buildings and improvements situated thereon.

Count II.

Plaintiff claims of the Defendant the additional sum of SIX HUNDRED TWENTY-THREE AND 40/100 (\$623.40) DOLLARS due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant between the 2nd day of July, 1964, and the 24th day of October, 1964, which sum of money with the interest thereon is still unpaid.


E. G. RICKARBY, Attorney for the Plaintiff.

FILED

JAN 28 65

ALICE L. DICK, CLERK
REGISTER

N. F.

700,6372

28 Jan 65

a copy of the within

Summons
George F. McCowen

By service on

TAYLOR WILKINS, Sheriff

By

D. 3

Returned 28 day of Jan 1965

Not found in my county after diligent search and inquiry.

Taylor Wilkins, Sheriff

By

Taylor Wilkins
Deputy Sheriff

Fairhope Hardware Supply Co
a corp

15

George F. McCowen
Ind. & d/b/a McCowen Constructions Co

FILED

JAN 28 1965

AUG 1 1965, REGISTER

F. G. Rickorby. Atty

STATE OF ALABAMA,

BALDWIN COUNTY.

TO: Any Sheriff of the State of Alabama—GREETING:

Whereas, FAIRHOPE HARDWARE & SUPPLY CO., INC., a corporation, hath complained on oath to me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, that GEORGE F. MCCOWEN, individually, and doing business as MCCOWEN CONSTRUCTION COMPANY, is justly indebted to FAIRHOPE HARDWARE & SUPPLY CO., INC. in the sum of THREE THOUSAND AND ONE AND 26/100 (\$3,001.26) DOLLARS; and the said FAIRHOPE HARDWARE & SUPPLY CO., INC. having made affidavit, and the defendant being a non-resident of this State and the plaintiff electing not to give bond;

You are hereby commanded to attach so much of the estate of said GEORGE F. MCCOWEN, individually, and doing business as MCCOWEN CONSTRUCTION COMPANY as will be of value to satisfy the said debts and costs, according to the complaint; and such estate unless replevied, so to secure that the same may be liable to further proceedings thereon, to be had at the present term of the Circuit Court of Baldwin County, to be held at the Court House thereof, when and where you must make known how you have executed this writ.

Witness: Alice J. Duck, Clerk of said Court, my hand, this

28 day of January, 1965.

Alice J. Duck Clerk.

Request attachment be issued on dwelling house on Lot 7, Maxwell Hights, a subdivision as per plat thereof recorded in Map Book 5, Page 42, of the records of the Judge of Probate, Baldwin County, Ala.

Received 28 day of Jan 1965

on _____ day of _____

Received a copy of the within attach

George F. McConner

service on _____

TAYLOR WILKINS, Sheriff

By _____ D. S.

Returned 28 day of Jan 1965

Not found in my county after diligent search and in-

quiry. as to Geo. F. McConner

Taylor Wilkins Sheriff

Taylor Wilkins

Deputy Sheriff

Attached the within

described property

by filing Notice

of Levy in Office

of Judge of Probate.

Taylor Wilkins

Sheriff

Recording fee 50¢

M. 6372

Fairhope Adv. Supply

VS

George F. McConner

Notice of Levy on Real Estate

Fairhope Hardware & Supply Co., Inc. an Ala. Corp. Plaintiff,

vs.

George F. McCowen, Ind. Defendant
and d/b/a McCowen Constnution Co.

Baldwin County Circuit Court

To Harry Dolive Judge of Probate, Baldwin County, Alabama:

Notice is hereby given that under a Writ of Attachment

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property

of said Defendants, described as follows, viz:

On dwelling house on Lot 7, Maxwell Hights, a subdivision
as per plat thereof recorded in Map Book 5, Page 42, of
the records of the Judge of Probate, Baldwin County, Ala.

006 91

The above described Real Estate being in Baldwin County, Alabama

Given under my hand this 28 day of January 19 65

[Signature]
Sheriff of Baldwin County, Alabama

STATE OF ALABAMA, BALDWIN COUNTY
Filed 1/28/65 2:30
Recorded Li Rend book 6 page 91
Harry Dolive
Judge of Probate H.

LAW OFFICES

TYSON, MARR AND FRIEDLANDER

704 FIRST NATIONAL BANK ANNEX

JOHN M. TYSON
THOMAS M. MARR
MAURY FRIEDLANDER
CHARLES S. STREET

MOBILE, ALABAMA

TELEPHONE
HEMLOCK 2-4554
AREA CODE 205

June 2, 1965

6372

Hon. E. C. Rickarby
Attorney at Law
Fairhope, Alabama

Re: FAIRHOPE HARDWARE AND SUPPLY
CO., INC. VS. GEORGE F.
MCCOVEN, individually and
doing business as McCOVEN
CONSTRUCTION COMPANY

Dear Mr. Rickarby:

It is my understanding that our clients in the above-captioned case, which is presently pending and is set for June 4, 1965 in the Circuit Court of Baldwin County have agreed, through us, their respective attorneys, to settle the above-captioned case on the following terms and conditions:

1. The Defendant, George F. McCoven, withdraws a demand for a jury trial.
2. \$500.00 will be paid herewith and regular monthly payments in the amount of \$250.00 will be paid until the total amount of \$2,377.86 is paid in full.
3. That the case be passed by consent on June 4, 1965, to be taken out of the call, and not to be set again unless the payments agreed to be made hereunder are in default.
4. In the event of default, that a consent judgment be rendered for the balance due after notice to the Defendant that the case will be set.

Please sign the acceptance below in the event this is your understanding and is our agreement, and

W. C. C. C.

200 **6601**

E. G. RICKARBY

392 FAIRHOPE AVENUE
FAIRHOPE, ALABAMA 36532

January 26, 1965

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Inre: Fairhope Hardware & Supply Company, Inc.
Vs: George F. McCowen
Our File: 64-340

Enclosed find Suit of Fairhope Hardware & Supply vs. George F. McCowen. This is the Suit begun by Attachment, Mr. McCowen, being a non-resident of the State of Alabama; and we are attaching some real estate here.

I am herewith enclosing Affidavit for Attachment, Affidavit as to Defendant being a non-resident and his post office address so that you can get the service on him by registered mail, Write to the Sheriff and Summons and Complaint.

Please process and oblige.

Yours very truly,



EGR/jlb

Encls.

cc: William Ruffles
2-6-65

Notice of Levy on Real Estate

Fairhope Hardware &
Supply Co., Inc. an Ala. Corp. Plaintiff,

vs.

George F. McCowen, Ind. Defendant
and d/b/a McCowen Construction Co.

Baldwin County Circuit Court

To Harry Dolive Judge of Probate, Baldwin County, Alabama:

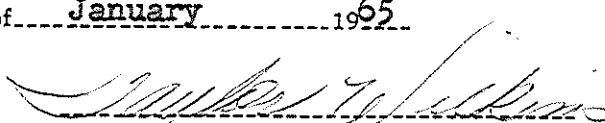
Notice is hereby given that under a Writ of Attachment

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property of said Defendants, described as follows, viz:-----

On dwelling house on Lot 7, Maxwell Heights, a subdivision
as per plat thereof recorded in Map Book 5, Page 42, of
the records of the Judge of Probate, Baldwin County, Ala.

The above described Real Estate being in Baldwin County, Alabama

Given under my hand this 28 day of January 1965


Sheriff of Baldwin County, Alabama

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 6372

AFFIDAVIT FOR ATTACHMENT
Code: Section 7 848 Volume 2

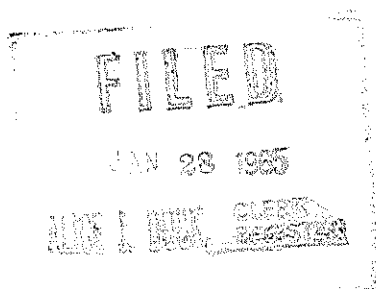
Before me, the undersigned Notary Public, personally appeared WILLIAM R. RUFFLES, JR., who being first duly sworn, deposes and says:

That he is Secretary and Treasurer of FAIRHOPE HARD-
WARE & SUPPLY CO., INC., and has knowledge of the facts alleged;
and that GEORGE F. McCOWEN is justly indebted to the FAIRHOPE
HARDWARE & SUPPLY CO., INC., a Corporation, in the sum of
THREE THOUSAND ONE AND 26/100 (\$3,001.26) DOLLARS, which said
amount is justly due and that the said GEORGE F. McCOWEN
resides out of the state; and that this attachment is not sued
out for the purpose of vexing or harassing said Defendant;
that said Defendant is a non-resident of the State of Alabama,
and the Plaintiff elects not to give bond.

William R. Ruppel
Affiant

Subscribed and sworn to before me this the 22 day of _____, 1965.

Notary Public, Baldwin County,
Alabama



STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned Notary Public, personally appeared WILLIAM R. RUFFLES, JR., who being first duly sworn, deposes and says that GEORGE F. McCOWEN is a non-resident of the State of Alabama; and that his post office address is:

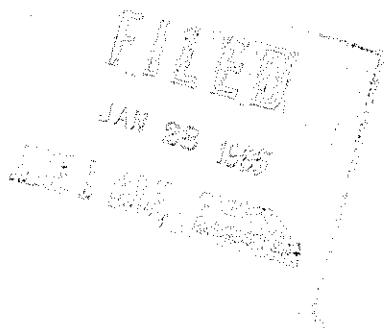
P. O. Box 1056, Crestview, Florida

and that said Defendant is over the age of 21 years and of sound mind.

William R. Ruffles, Jr.
WILLIAM R. RUFFLES, JR.,

Subscribed and sworn to before me this the 11 day of January, 1965.

[Signature]
Notary Public, Baldwin County,
Alabama.



FAIRHOPE HARDWARE & SUPPLY CO.,) IN THE CIRCUIT COURT OF
INC., an Alabama corporation,

Plaintiff,

) BALDWIN COUNTY, ALABAMA

) AT LAW

vs

GEORGE F. McCOWEN, Individually,
and d/b/a McCOWEN CONSTRUCTION)
COMPANY,

Defendant.

CASE NO. 6372

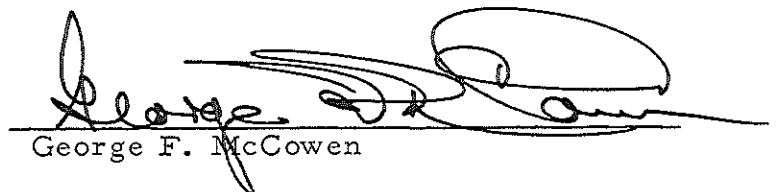
Comes now Defendant, George F. McCowen, and demands
a trial by jury in this cause.

Comes now the Defendant and for answer to Count One files
the following separate and several pleas:

1. Not guilty.
2. The allegations of the complaint are untrue.

Comes now the Defendant and for answer to Count Two files
the following separate and several pleas:

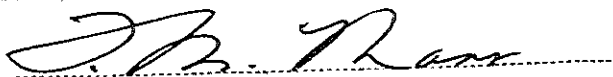
1. Not guilty.
2. The allegations of the complaint are untrue.


George F. McCowen

Thomas M. Marr
Attorney for Defendant
Of Counsel:
Tyson, Marr & Friedlander

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 25
day of Feb., 1965, 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.


Thomas M. Marr



MAR 2 1965

FILED
MAR 1 1965
CLERK
REGISTER

CODE 205
Telephone: 928-9336

LAW OFFICES

Mailing Address
P.O. BOX 471

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

October 20, 1967

Honorable Telfair J. Mashburn
Circuit Judge
Bay Minette, Alabama 36507

Dear Judge Mashburn:

Inre: Fairhope Hardware & Supply Co., Inc.
Vs: McCowen Construction Co.
Our File: 64-340
Case No. 6372

In this case request Judgment by Default for \$2,123.57, being the balance owed of \$2,003.37, plus interest to date by consent in accordance with letter of June 6th, filed in this cause.

The Judgment is on an account and request that execution be withheld for thirty days but that certificate of Judgment be issued for recording.

Yours very truly,



EGR/jlb

cc: Thomas Hospital
cc: Thomas M. Marr, Esquire
Tyson, Marr and Friedlander
704 First National Bank Annex
Mobile, Alabama

I certify that I have this day served Thomas M. Marr, Esquire, Attorney for the Defendant in the above mentioned matter, a copy of this letter by depositing in the United States Mail a copy of the same in an envelope with adequate postage pre-paid thereon, property addressed, this the 20th day of October, 1967.


E. G. RICKARBY, Attorney for
Fairhope Hardware & Supply

Nº 11789

L. D. OWEN, Jr.

PROBATE JUDGE

Bay Minette, Ala., 1/28/65, 1965

Received of Thompson Hardware & Supply
George F. McCarver

	Deed Tax		Mortgage Tax		Mineral Documentary Tax		Recording Fees		Total	
	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
<u>Thompson Hardware & Supply</u>										
<u>George F. McCarver</u>							50		50	

FOR RECORD

TOTAL \$ 1.00

Harry D'Almeida
CLERK JUDGE OF PROBATE.

