

CECIL G. CHASON

ATTORNEY-AT-LAW
FOLEY, ALABAMA

April 9, 1965

6397


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

Dear Mrs. Duck:

Re: Edward H. Hoornstra and
Milred M. Hoornstra vs.
Thomas A. Smith and Carolyn B.
Smith, individually, and as
Trustees of Gulf States Develop-
ment Company, a dissolved
Florida Corporation.

Enclosed is Demurrer in the above styled cause, a copy
of which is this day being mailed to J. Conner Owens, Jr.,
attorney for the Plaintiffs.

Yours very truly,



Cecil G. Chason

CGC:dc

EDWARD H. HOORNSTRA and MILDRED)
M. HOORNSTRA,

Plaintiffs,

vs.

THOMAS A. SMITH and CAROLYN B.
SMITH, individually, and as
Trustees of Gulf States Develop-
ment Company, a dissolved
Florida Corporation,

Defendants.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

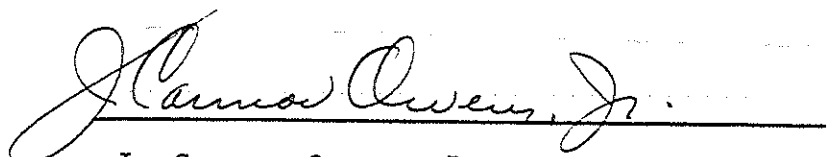
) LAW SIDE.

) No. 6397

The Plaintiffs claim of the Defendants FOUR THOUSAND THREE HUNDRED FIFTY and NO/100 DOLLARS (\$4,350.00) damages for breach of warranty in the sale of the following described tract of land situated in Escambia County, Florida, to-wit:

The West 49 feet of Lot 2 in Block 28 in the Second Addition to Aero Vista, a subdivision per plat thereof recorded in Plat Book 2 at pages 81 and 81-A of the Public Records of Escambia County, Florida;

by the Defendants to the Plaintiffs on the 15th day of April, 1960, by and which in said instrument the Defendants warranted that they were well seized of an indefeasible estate in fee simple in said property and they had a good right to convey the same and forever warranted and defended the Plaintiffs against all persons lawfully claiming the same, when in fact, the said Defendants had on, to-wit, January 17, 1958, conveyed the above described property to one W. H. Hays, while acting as President and Secretary of the Gulf States Development Company, a Florida Corporation, the said Thomas A. Smith having on said date acted as President and the said Carolyn B. Smith having on said date acted as Secretary of said corporation.



J. Connor Owens, Jr.,
Attorney for Plaintiffs.

FILED

FEB 17 1961

MR. J. P. OWENS, CLERK
BALDWIN COUNTY, ALABAMA

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No.

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon THOMAS A. SMITH and CAROLYN B. SMITH,
LILLIAN, ALABAMA, individually, and as Trustees of Gulf States
Development Company, a dissolved Florida Corporation.

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 _____
Thomas A. Smith, et al.,

by Edward H. Hoornstra and Mildred M. Hoornstra

_____, Defendant

_____, Plaintiff.....

Witness my hand this 17 day of February 19...65..

Becky J. Hester, Clerk

64-2-20-65-Carolyn Smith
64-2-21-65-Thomas A. Smith

No.

6397

Page

Lillian

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Edward W. Hornstra
et al

Plaintiffs

vs.

Thomas A. Smith
Lillian et al

Defendants

SUMMONS and COMPLAINT

Filed

2-17-

1965

W. J. French, Clerk

J. Connor Owens
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
RECEIVED IN OFFICE

FEB 18 1965

19.....

TAYLOR WILKINS

SHERIFF

, Sheriff

I have executed this summons

this

19.....

by leaving a copy with

Casslyn B. Smith 2/24/65
Thomas A. Smith 3/23/65

Sheriff claims 2.00 miles atTen Cents per mile Total \$ 20.00

TAYLOR WILKINS, Sheriff

BY

J. M. Eastburn
DEPUTY SHERIFF

Taylor Wilkins Sheriff

J. M. Eastburn Deputy Sheriff

Lillian, aka

EDWARD H. HOORNSTRA and MILDRED)
M. HOORNSTRA,)

Plaintiffs,)

VS.)

THOMAS A. SMITH and CAROLYN B.)
SMITH, individually, and as)
Trustees of Gulf States Develop-)
ment Company, a dissolved)
Florida Corporation,)

Defendants.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Come the Defendants in the above styled cause and demur to the Bill of Complaint heretofore filed therein and for grounds for such demurrer show separately and severally the following:

1. Complaint does not state a cause of action.
2. Complaint is vague and indefinite.
3. For aught that appears in the Complaint the Defendants had a right to make conveyance to the Plaintiffs as set out in said Complaint.
4. For aught that appears in the Complaint there has been no failure of title to the Plaintiffs.
5. For aught that appears in the Complaint there has been no breach of warranty.
6. For aught that appears in the Complaint, W. H. Hays to whom Gulf States Development Company, a Florida corporation, alleged to have conveyed the property described in the Complaint, claims no right, title or interest therein.
7. For aught that appears in the Complaint the Defendants may have been the owners of fee simple title of the property described in the Complaint on the date of the alleged conveyance to the Plaintiffs.


Attorney for Defendants

Defendants demand trial by jury.



FILED

APR 12 1965

ALICE J. DUCK, CLERK
REGISTER

The State of Alabama
BALDWIN COUNTYNo. 6397**CIRCUIT COURT**

To any Sheriff of the State of Alabama—GREETING:

You are hereby commanded, that of the goods and chattels, lands and tenements of _____

Edward A. Heerstra et al

, Plaintiff

you cause to be made the sum of Twenty-seven + 75/100 Dollars, costs of suit,which Thomas A. Smith et al, Defendantrecovered of the Plaintiff for the use of the officers of said Court, on the 10 day of Dec., 1965by the judgment of the Circuit Court, held for the County of BALDWIN, and have the same to render to the Clerk of said Court and make return of this writ and the execution thereof according to law.Witness my hand, this 27 day of Sept, 1984Eunice B. Blackmon, Clerk

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS AND JUDGMENT:	AMOUNT
1. Suits for \$100.00 or less.....	\$ 6.00	1. Clerk's Fees	20 50
2. Suits for over \$100.00 but less than \$1000	10.00	2. Ex-Clerk's Fees	30 75
3. Suits for \$1000.00 and over.....	20.00	3. Sheriff's Fees	
4. Suits Detinue, ejectment, etc.....	10.00	4. Ex-Sheriff's Fees	
5. Suits not otherwise provided for.....	10.00	5. Trial Tax	4 50
6. Appeal from Justice of Peace, etc.....	6.00	6. Court Reporter's Fee, per day	5 00
7. Garnishment on Judgment, etc.....	6.00	7. Witness Fees	
8. Workmen's Compensation—Petition Settlement	10.00	8. Commissioner's Fees	
9. Appeals from State Dept. of Pub. Safety, etc.....	10.00	9. Garnishee's Fees	
10. Motion to sell real estate—J. P. levy.....	6.00	10. Publisher's Fees	
11. Mandamus, writ of prohibition, etc.....	15.00	11. <u>J. T.</u>	200
12. Recording Executions—State Agencies	3.00	12.	
13. Copy of Record—per 100 words.....	.15	13. Clerk's Fees in Inferior Court	
14. Certifying Abstract in transcript.....	5.00	14. Sheriff's Fees in Inferior Court.....	
15. Record for Supreme—Appeals Ct. per 100 wds. ....	.15	15. Witness Fees in Inferior Court.....	
16. Additional copies Record—Appeals per 100 wds. ....	.05	16.	
17. Taking Appeal Bond .....	.75	17. Justice of Peace Fees.....	
18. Reporter's Transcript on Appeal.....	10.00	18. Constable's Fees	
19. Appeals Courts Concurrent Jurisdiction	15.00	19.	
20. Application—Habeas Corpus	6.00	20. Cost in Appealed Cases Docketed (Total).....	
21.		TOTAL FEES AND COST	62 75
22.		21.	
Total Clerk's Fees	20 50	22. Judgment	35 00
SHERIFF'S FEES:		23. 10% Damages	
23. Serving summons and complaint.....	\$ 1.50	24. Interest	
24. Levying attachment and return	6.25	TOTAL JUDGMENT	
25. Seizing personal property—Detinue	6.00	TOTAL FEES, COST AND JUDGMENT	27 75
26. Approving bond, each.....	2.00		
27. Serving Garnishee—Writ	1.50		
28. Serving Se' Fa. or notice	1.50		
29. Serving Subpoe .....	.75		
30. Impanelling Jury .....	.75		
31. Serving Contempt Attachment	1.50		
32. Collecting execution for cost only.....	1.50		
33. Commissions on Execution			
34. Executing Writ of Possession, each	5.00		
35. Making Deed to Real Estate sold, each	2.50		
36. Mileage, each .....	.10		
37.			
38.			
Total Sheriff's Fees	30 75		

THOMAS H. BENTON
SHERIFF

Received in office _____ 19_____
_____, Sheriff

Sheriff's Execution Docket, Page _____

By virtue of the within Execution I have, at
_____ o'clock _____ M., this _____
day of _____, 19_____, levied
on the following:

10-6-87
Execution returned
no property found
on which to
levy.

James B. Johnson, Sheriff
Jerry Collins, Deputy Sheriff

[illegible]

EDWARD H. HOORNSTRA and MILDRED)	
M. HOORNSTRA,)	
	)	IN THE CIRCUIT COURT OF
Plaintiffs,)	
vs.	)	BALDWIN COUNTY, ALABAMA
THOMAS A. SMITH and CAROLYN B.)	
SMITH, individually, and as	)	LAW SIDE.
Trustees of Gulf States Develop-)	
ment Company, a dissolved)	
Florida Corporation,)	
Defendants.)	

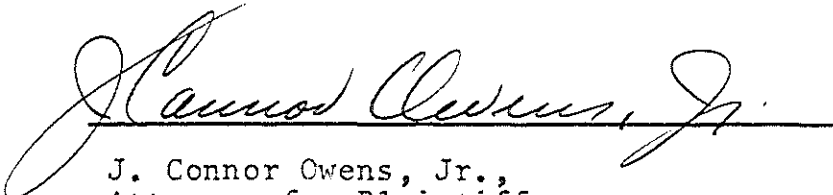
AMENDED COMPLAINT

Now come the Plaintiffs, by their attorney, and amend the complaint heretofore filed in this cause so that as amended, the same shall read as follows:

The Plaintiffs claim of the Defendants FOUR THOUSAND THREE HUNDRED FIFTY AND NO/100 DOLLARS (\$4,350.00) damages for breach of warranty in the sale of the following described tract of land situated in Escambia County, Florida, to-wit:

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by the Defendants to the Plaintiffs on the 15th day of April, 1960, by and which in said instrument the Defendants warranted that they were well seized of an indefeasible estate in fee simple in said property and they had a good right to convey the same and forever warranted and defended the Plaintiffs against all persons lawfully claiming the same, when in fact, they did not own the same, the said Gulf States Development Company, had, on to-wit, January 17, 1958, conveyed the above described property to one W. H. Hays, the said Thomas A. Smith having on said date acted as President and the said Carolyn B. Smith having on said date acted as Secretary of said corporation.


 J. Connor Owens, Jr.,
 Attorney for Plaintiffs.

FILED
 APR 28 1965
 ALICE J. DUCK, CLERK
 REGISTER

6397

AMENDED COMPLAINT

EDWARD H. HOORNSTRA and MILDRED
M. HOORNSTRA,

Plaintiffs,

VS

THOMAS A. SMITH, individually,
and as Trustees of Gulf States
Development Company, a dissolved
Florida Corporation,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

FILED

APR 28 1965

ALICE J. DUCK, CLERK
REGISTER

J. CONNOR
~~XXXXXXXXXX~~ OWENS
ATTORNEYS AT LAW
DAHLBERG BUILDING
BAY MINETTE, ALABAMA

We the jury find for
the plaintiff and set
the damage at \$4,350.00
Vernie Gaddaway
Hornstrom