

L. B. GUESS,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
vs.)	AT LAW
R. E. STACEY,)	6473
Defendant.)	

COUNT ONE

Plaintiff claims of the Defendant the sum of TWENTY-FIVE THOUSAND AND NO/100 (\$25,000.00) DOLLARS as damages for the breach of a written lease executed by the parties on, to-wit: the 17th day of November, 1964, wherein Plaintiff leased from the Defendant the following described building and premises, to-wit:

That certain building or buildings facing East on South McKenzie Street in Foley, Baldwin County, Alabama, comprising what is now known as the GATEWAY HOTEL AND RESTUARANT, being the intent to demise that part of the building or buildings presently used in the businesses of the Gateway Hotel and Restuarant.

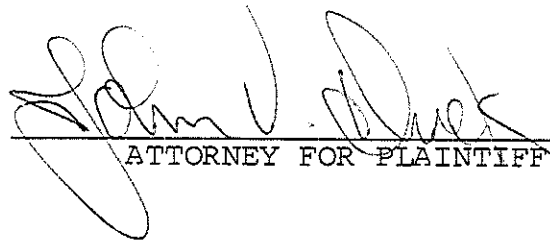
That in and by the terms of said lease, it provided "that the Lessor agrees as a part of the consideration for this lease and agreement with the Lessee to make the following improvements immediately to the interior of the buildings to the approval and satisfaction of the Lessee:

1. Build barbeque pit as specified by Lessee.
2. Vent rest rooms in restuarant and remodel entrance to rest rooms to improve appearance and meet regulations of State Health Department.
3. Install new floor covering in main dining room and redecorate inside walls of main dining room.
4. Remodel private dining room by installing false ceiling, new lighting and paint floor and inside walls."

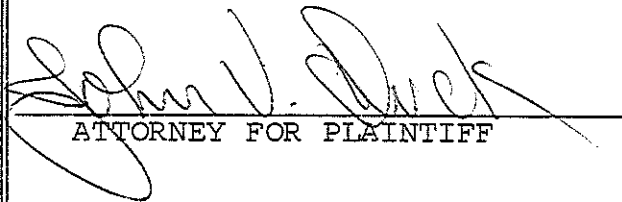
That further in and by the terms of the said lease, the Lessor agreed to keep in good repair and condition the leased premises, and that any major repairs or replacements should be the obligation of the Lessor.

Plaintiff further avers that the Lessor has failed or refused to make the said repairs, and that the City of Foley has condemned that part of the said buildings leased, as a hotel, and

that the Lessor fails and refuses to make the necessary repairs,
all to the damage of the Plaintiff, hence this suit.


ATTORNEY FOR PLAINTIFF

Plaintiff respectfully demands
a trial by Jury.


ATTORNEY FOR PLAINTIFF

FILED
APR 10 65
ALICE L. DUCK, CLERK
REGISTERED

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

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 R. E. STACEY

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.....

R. E. STACEY....., Defendant.....

by L. B. GUESS.....

....., Plaintiff.....

Witness my hand this 16 day of April 1965

64-4-20-65 Deirdre Luck, Clerk

No. 64-73 Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

L. B. GUESS

Plaintiffs

vs.

R. E. STACEY

Defendants

SUMMONS AND COMPLAINT

Filed FILED 19.....

APR 16 1965

ALICE L. DICK

CLERK
REGISTER

Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Foley, Alabama or at
Elberta, Alabama

Received In Office

April 16 1965

....., Sheriff

I have executed this summons

this 20th April 1965

by leaving a copy with

R.E. Stacey

Sheriff claims 70

Total Costs per mile Total \$ 7.25

TAYLOR WILKINS, Sheriff

by

J.M. Eastburn
DEPUTY SHERIFF

Taylor Wilkins Sheriff


J.M. Eastburn Deputy Sheriff

Foley, Ala

L. B. GUESS,)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF)	BALDWIN COUNTY, ALABAMA
)	
vs)	
)	
ROBERT E. STACEY,)	
)	
DEFENDANT)	AT LAW, NO. 6473

Comes now the Defendant in the above styled cause, by his attorney, and demurs to the complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The complaint fails to state a cause of action.
2. The complaint is vague, indefinite and uncertain.
3. The complaint fails to allege in what respect the Defendant has failed to build the barbeque pit.
4. The complaint fails to allege in what respect the Defendant has failed to vent rest rooms in restaurant and remodel entrance to rest rooms.
5. The complaint fails to allege in what respect the Defendant has failed to install false ceiling, new lighting, paint floor and inside walls.
6. The complaint fails to allege in what respect the Defendant has failed to keep leased premises in good repair and condition, and in what respect Defendant has failed to make major repairs or replacements.
7. The complaint fails to allege for what reason the City of Foley allegedly condemned that part of the said building leased as a hotel.
8. The complaint fails to allege that the alleged condemnation of the hotel portion of the leased premises was the result of any breach by the Defendant under the terms of said lease.


 James W. Howell
 Attorney for Defendant

FILED

MAY 5 1963

ALICE L. DUCK, CLERK
 REGISTER