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J. B. STUART,  
Plaintiff.

-vs-

CARL ZECH, doing business under  
the firm name of "Square Deal  
Auto Repair Shop."  
Defendant.

CIRCUIT COURT-LAW SIDE.  
STATE OF ALABAMA.  
BALDWIN COUNTY.

No. 1510.  
-----X

Comes the plaintiff in the above styled cause and demurs to  
the Plea and answer of the defendant and for grounds of demurrer  
assigns the following:-

FIRST.

That the first two items as set forth and shown in the item-  
ized and verified account attached to the plea or answer, under date  
of November 10th and November 12th, 1918, are and were for labor  
done more than six (6) months before the lien is claimed and defend-  
ant fails to allege that any action has been commenced to enforce  
said lien before the elapse of the six (6) months limitation period  
as provided under Section 4789 of Code of Alabama, 1907.

SECOND.

That the second item in the verified account under date of  
August 2, 1919, namely, "1½ Gall. Cyl. Oil.....\$1.35" and the last  
item on said account, namely, "Rent on Storage Battery from August  
12th, to August \_\_\_\_- Days a 25.....\$6.50" are both for items for  
which there is no lien given under the article and pages of the Code  
under which the Defendant claims his lien, not being shown to be  
for work or material contributed to the manufacture or repair of  
said automobile.

THIRD.

That the defendant fails to allege that he has complied with  
the requirements of the Article and pages of the Code under which he  
claims a lien, in that he fails to allege that he has made affidavit,  
given bond and had attachment issued as provided in said article and  
pages under which he claims a lien on said automobile.

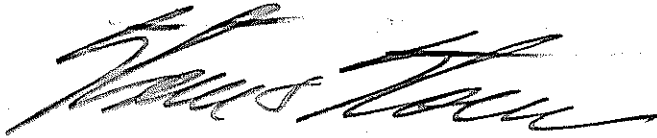
~~FOURTH.~~

FOURTH.

That the relief prayed for and the manner sought for the enforcement of the same is contrary to the method prescribed in the articles and pages of the Code under which defendant claims a lien on said automobile.

FIFTH.

The manner of relief as prayed for in said prayer for relief is contrary to the manner prescribed under the articles and pages of the Code under which defendant claims his lien, for the enforcement of a lien he might have thereunder.



Attorneys for the Plaintiff.

Filed

~~Noted~~

Nov. 18-1919

Proclamation

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