

SUMMONS AND COMPLAINT

MOORE PRINTING CO., 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 SummonMRS. FRANCES KAHALLEY.....

.....
.....
.....

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.....

MRS. FRANCES KAHALLEY....., Defendant.....

by CHARLES SANKS.....

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

Witness my hand this.....5th.....day of.....May.....1967.....

Alia J. Sinks..... Clerk

104 W. 3rd St.

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

CHARLES SANKS

Plaintiffs

vs.

MRS. FRANCES KAHALLEY

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

FILED
MAY 5 1967

Clerk

ALICE J. WICK, CLERK
REGISTER

C. Lewis Thompson

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED

Received In Office

MAY 5 1967

19.....

TAYLOR WILKINS

SHERIFF

Sheriff

I have executed this summons

this May 9 1967

by leaving a copy with

Mrs. Frances Kahalley

Taylor Wilkins Sheriff

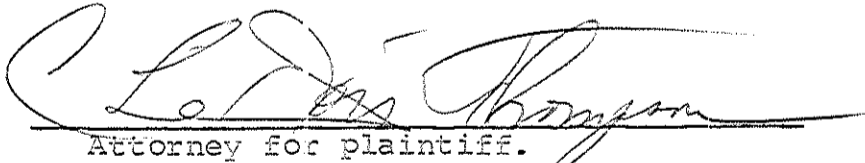
W. A. Zilch Deputy Sheriff

CHARLES SANKS	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
MRS. FRANCES KAHALLEY	X	<i>at Law</i>
Defendant	X	<i>75-14</i>

The plaintiff claims of the defendant Six Hundred Thirty (\$630.00) Dollars due by an account on to-wit, the 6th day of January, 1967, together with interest thereon which is past due and unpaid.

Plaintiff avers that said account represents building material and/or labor furnished by the plaintiff under ^{oral} agreement with the defendant which was furnished for and which was used in the construction or improvement or repair of certain real estate described as that house located on the lot in the City of Bay Minette, said property being identified as 104 West 3rd Street, Bay Minette, Alabama.

And plaintiff claims a lien on said real estate as provided for mechanics and materialmen by law and plaintiff further avers that on to-wit, the 11th day of February, 1967, plaintiff filed in the Probate Office of Baldwin County, Alabama, a claim of lien, copy of which is attached hereto as Exhibit "A" and made a part hereof and plaintiff prays that said lien may be established and that said real estate be condemned for the satisfaction of said indebtedness and that same be ordered sold to satisfy said indebtedness.


 Attorney for plaintiff.

FILED
 MAY 6 1967
 ALICE I. WICK, CLERK
 REGISTER

CHARLES SANKS,)	
)	IN THE CIRCUIT COURT OF
Plaintiff,)	
vs.)	BALDWIN COUNTY, ALABAMA
MRS. FRANCES KAHALLEY,)	
)	LAW SIDE. NO. 7504
Defendant.)	

PLEA IN ABATEMENT:

Now comes the Defendant, Frances Kahalley, in the above styled cause, and, appearing specially and only for the purpose of filing this plea, says that the Plaintiff in said cause ought not to have and maintain his alleged cause of action herein, and in support thereof, assigns the following separate and several grounds:

1. Said action is premature.

WHEREFORE, Defendant prays that this Court will enter an order abating and/or dismissing this action, with all costs to be taxed against the Plaintiff.

OWEN AND PATTON

By: J. Cannon Owen, Jr.

Attorneys for Defendant.

I, the undersigned, one of the Attorneys of Record for the Defendant in the above styled cause, do hereby certify that I have forwarded a copy of the foregoing plea to C. LeNoir Thompson, the Attorney of Record for the Plaintiff, by United States Mail, properly addressed, with postage prepaid, this 9th day of May, 1967.

J. Cannon Owen, Jr.

FILED

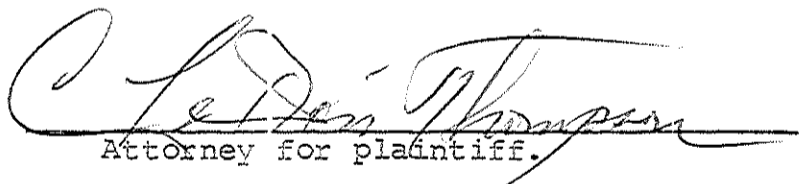
MAY 12 1967

ALICE J. WICK, CLERK
REGISTER

CHARLES SANKS	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
MRS. FRANCES KAHALLEY	X	
Defendant	X	

Comes the plaintiff in the above styled cause and propounds the following interrogatories to the defendant, Mrs. Frances Kahalley:

1. State your name.
2. Are you the Mrs. Frances Kahalley who owns or claims to own an interest in the real estate located at 104 West 3rd Street, Bay Minette, Alabama?
3. If your answer is "yes", state the interest which you own or claim to own in said property.
4. If your answer is "yes", have you had any business dealings with Charles Sanks in regard to painting, repairing, remodeling or improving the said property?
5. If your answer is "yes", state the approximate date on which the last work was done in connection with this agreement?
6. Have you paid the said Charles Sanks for the work, labor and materials used in painting, repairing, remodeling or improving the said property?
7. Has the said Charles Sanks rendered to you a statement of the said account?


 Attorney for plaintiff.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, the undersigned Notary Public, in and for said State and County, personally appeared C. LeNoir Thompson, who being by me first duly sworn, deposes on oath and says as follows:

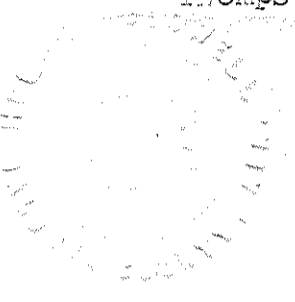
My name is C. LeNoir Thompson and I am one of the Attorneys of Record for the plaintiff in the above entitled cause, and as such, I am authorized to make this affidavit. I further state

that the answer of the defendant to the foregoing interrogatories will, if truthfully made, be material evidence for the plaintiff on the trial of said cause.


C. LeNoir Thompson

Subscribed and sworn to before me by the said C. LeNoir Thompson on this the 5 day of May, 1967.


Notary Public, Baldwin County, Alabama



FILED

MAY 5 1967

AIDE J. BUCK, CLERK REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

Charles Banks files this statement in writing, verified by the oath of Charles Banks, who has personal knowledge of the facts herein set forth:

That said Charles Banks claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit: in the City of Bay Minette being the property at 104 West 3rd Street.

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said land.

That said lien is claimed to secure an indebtedness of \$630.00 with interest, from to-wit, January 6, 1967, to date for labor and materials in repairing and improving said property.

The name of the owner of the said property is Frances Kahalley.

Charles Banks
Claimant

Before me, James H. [unclear], a notary public in and for the county of Baldwin State of Alabama, personally appeared Charles Banks, who being duly sworn, doth depose and say: That he has personal knowledge of the facts set forth in the foregoing statement of lien, and that the same are true and correct to the best of his knowledge and belief.

James H. [unclear]
Affiant

Subscribed and sworn to before me on this the day of , 1967 by said affiant.

Notary Public, Baldwin County, Alabama.

AMENDED COMPLAINT

CHARLES SANKS	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
VS	X	BALDWIN COUNTY, ALABAMA
MRS. FRANCES KABELLEY	X	AT LAW NO. 7504
Defendant	X	

Comes the plaintiff and amends his complaint heretofore filed in said cause to read as follows:

-1-

The plaintiff claims of the defendant Six Hundred Thirty (\$630.00) Dollars due by an account on to-wit, the 6th day of January, 1967, together with interest thereon which is past due and unpaid.

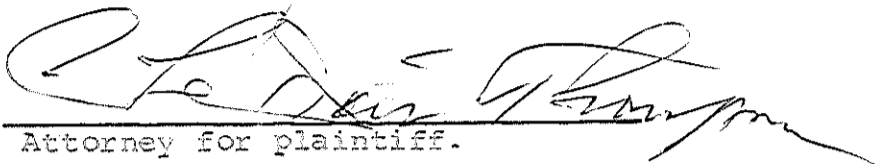
Plaintiff avers that said account represents building material and/or labor furnished by the plaintiff under oral agreement with the defendant which was furnished for and which was used in the construction or improvement or repair of certain real estate described as that house located on the lot in the City of Bay Minette, said property being identified as 104 West 3rd Street, Bay Minette, Alabama.

And plaintiff claims a lien on said real estate as provided for mechanics and materialmen by law and plaintiff further avers that on to-wit, the 11th day of February, 1967, plaintiff filed in the Probate Office of Baldwin County, Alabama, a claim of lien, copy of which is attached hereto as Exhibit "A" and made a part hereof and plaintiff prays that said lien may be established and that said real estate ^{be} condemned for the satisfaction of said indebtedness and that same be ordered sold to satisfy said indebtedness.

-2-

The plaintiff claims of the defendant Eight Hundred Dollars (\$800.00) due from her by account on to-wit, the 6th day of January, 1967, which sum of money with interest thereon is still unpaid.

The plaintiff claims of the defendant Eight Hundred Dollars (\$800.00) due from her for work and labor done for the defendant by the plaintiff on to-wit, the 6th day of January, 1967, at her request which sum of money with interest thereon is still unpaid.


Attorney for plaintiff.

Filed 10-25-67

Alice J. Slack, Clerk,