

GIRARD LUCASSEN, doing business
as Lucassen Plumbing Company,

Plaintiff,

VS.

HUBERT W. TURNER, ET AL.,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 7532

DEMURRER

Now comes the defendant, Harold C. Noltensmeier, and demurs to the complaint heretofore filed in said cause, and to each count thereof, and as grounds for said demurrer assigns the following:

1. Said count does not state a cause of action.

J. B. Blackless
Attorney for Defendant, Harold C.
Noltensmeier

FILED
JUL 12 1987
ALICE L. DICK, CLERK

CODE 205
Telephone: 923-9826

LAW OFFICES

Mailing Address
P.O. BOX 471

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

May 22, 1967

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: Girard Lucassen
Vs: Hubert Turner
File: 67-81

Enclosed find Summons & Complaint in the above styled cause, together with itemized and verified statement of account.

Service can be made on Hubert Turner for Shoreline Realty Company and Kingsberry Homes, Inc., at Citronelle, Alabama, and on Harold C. Nolten-smeire, at Elberta, Alabama.

Please have Sheriff advise when debtors have been served.

Thanks.

Yours very truly,



jlb
Encls.
cc: Sheriff
cc: Mr. Girard Lucassen
6-1-67

FILED
MAY 28 1967

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Alice L. Buck, CLERK
REGISTER

CIRCUIT COURT, BALDWIN COUNTY,
NO. 7539
TERM, 1967.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon HUBERT W. TURNER, and SHORELINE REALTY COMPANY, a Corporation, and KINGSBERRY HOMES, INC., and HAROLD C. NOLTENSMEIRE, 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 HUBERT W. TURNER, SHORELINE REALTY COMPANY, a Corporation, and KINGSBERRY HOMES, INC., and HAROLD C. NOLTENSMEIRE, Defendants, by GIRARD LUCASSEN, doing business as LUCASSEN PLUMBING COMPANY, Plaintiff.

WITNESS my hand this 23 day of May, 1967.

Alice L. Buck Clerk.

GIRARD LUCASSEN, doing business as
LUCASSEN PLUMBING COMPANY,

Plaintiff,

VS.

HUBERT W. TURNER, SHORELINE REALTY
COMPANY, a Corporation, KINGSBERRY
HOMES, INC., and HAROLD C. NOLTENSMEIRE,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

C O M P L A I N T

Count I.

The Plaintiff claims of the Defendant, HUBERT W. TURNER, the sum of SIX THOUSAND SIX HUNDRED FIFTY-ONE AND 52/100 (\$6,651.52) DOLLARS due from him by account, on, to-wit, the 9th day of March, 1967, which sum of money with the interest thereon is still unpaid. The account sued on is evidenced by an itemized and verified statement filed herewith.

Count II.

The Plaintiff claims of the Defendants, HUBERT W. TURNER and KINGSBERRY HOMES, INC., the sum of SIX HUNDRED SIXTY-THREE AND 19/100 (\$663.19) DOLLARS due by account, on, to-wit, the 8th day of December, 1966, which sum of money with the interest thereon is still unpaid.

Count III.

The Plaintiff claims of the Defendants, HUBERT W. TURNER and SHORELINE REALTY COMPANY, INC., the sum of FIVE THOUSAND NINE HUNDRED EIGHTY-THREE AND 35/100 (\$5,983.35) DOLLARS due by account, on, to-wit, the 9th day of March, 1967, which sum of money with the interest thereon is still unpaid.

Count IV.

The Plaintiff claims of the Defendants, HUBERT W. TURNER, SHORELINE REALTY COMPANY, INC., and HAROLD C. NOLTENSMEIRE, the sum of TWO THOUSAND TWO HUNDRED TWENTY-SIX AND 24/100 (\$2,226.24) DOLLARS for labor and materials furnished by the Plaintiff, at the request of HUBERT W. TURNER on a building or improvements on the following described property, to-wit: Lot in Pirate's Cove, Elberta, Baldwin County, Alabama, owned by HAROLD C. NOLTENSMEIRE, which said indebtedness accrued on, to-wit, the 9th day of March, 1967, and is now due and unpaid.

The Plaintiff alleges that the above described property is the property of the Defendant, HAROLD C. NOLTENSMEIRE, that said work or labor was done or performed on said building for improvements on said land under and by virtue of a contract with the said HUBERT W. TURNER and SHORELINE REALTY COMPANY, the agent or contractor of the owner, HAROLD C. NOLTENSMEIRE, that within six months after said indebtedness had matured, on, to-wit, the 9th day of March, 1967, the plaintiff did sign in the office of the Judge of Probate of the County wherein said land is situated, a verified statement as required by law, a copy of which is attached hereto and made a part hereof, and marked Exhibit "A", and did notify the Defendant of said lien as required by law, and that after said lien had been filed in the Probate Court and said notice had been given to the Defendant, HAROLD C. NOLTENSMEIRE, there was in the hands of the said HAROLD C. NOLTENSMEIRE, moneys owed to said contractor for the completion of said building.

WHEREFORE, the Plaintiff claims a lien for said amount upon said lands and the building and improvements situated thereon.

Count V.

The Plaintiff claims of the Defendants, HUBERT W. TURNER, SHORELINE REALTY COMPANY, the sum of EIGHT HUNDRED AND NO/100 (\$800.00) DOLLARS for materials and labor furnished by the Plaintiff at the request of the Defendant, HUBERT W. TURNER, on a building, or improvements on the following described property, to-wit: Lot 98, Whispering Pines,

which said indebtedness accrued on, to-wit, the 27th day of December, 1966, and is now due and unpaid. The Plaintiff alleges that the above described property is the property of the Defendant, HUBERT W. TURNER, that said work or labor was done or performed on said land under and by virtue of a contract with the said HUBERT W. TURNER and the SHORELINE REALTY COMPANY, the owner or proprietor thereof, that within six months after the indebtedness had matured, on, to-wit, the 27th day of December, 1966, the Plaintiff did file in the office of the Judge of Probate of the County wherein the said land is situated, a verified statement as required by law, a copy of which is attached hereto and made a part hereof, and marked Exhibit "B";

WHEREFORE, the Plaintiff claims a lien for said amount upon said land and the buildings and improvements thereon.


E. G. RICKABY, Attorney for Plaintiff.

STATE OF ALABAMA,
 CC
 COUNTY OF BALDWIN.

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

That said GIRARD LUCASSEN claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit: The property owned by Harold C. Noltensmeire at Pirate's Cove, Baldwin County, Alabama.

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 \$2,181.80 with interest from, to-wit, the 1st day of April, 1966, owed by Hubert Turner, or the Shoreline Realty, the original contractor, for plumbing and air conditioning fixtures and installation.

The name of the owner of said property is Harold C. Noltensmeire.

LUCASSEN PLUMBING COMPANY

BY: Girard Lucassen

GIRARD LUCASSEN

Before me, the undersigned Notary Public, in and for said County, in said State, personally appeared GIRARD LUCASSEN, 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.

Girard Lucassen
 GIRARD LUCASSEN

Subscribed and sworn to before me this the 6 day of April, by said affiant.

E. G. Rickarby
 Notary Public, Baldwin County, Alabama.

E. G. Rickarby
 E. G. RICKARBY, Attorney for Plaintiff.

STATE OF ALABAMA,
 BALDWIN COUNTY

I certify that this instrument was filed on

APR 10 1967 8A AM

and that no tax was collected. Recorded in Ep & Line

Book 6
 Page 431 Harry Doline
 Judge of Probate

By [Signature]



STATE OF ALABAMA,

COUNTY OF BALDWIN.

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

That said GIRARD LUCASSEN claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit: The West Half of Lot 98, Whispering Pines Subdivision, Daphne, Baldwin County, Alabama.

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 \$1,650.00 with interest from, to-wit, the 1st day of April, 1967, owed by Hubert Turner, or the Shoreline Realty, the original contractor, for plumbing and air conditioning fixtures and installation.

The name of the owner of said property is Hubert Turner and/or Shoreline Realty.

LUCASSEN PLUMBING COMPANY

BY:

Girard Lucassen
GIRARD LUCASSEN

Before me, the undersigned Notary Public, in and for said County, in said State, personally appeared GIRARD LUCASSEN, 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.

Girard Lucassen
GIRARD LUCASSEN.

Subscribed and sworn to before me this the 13 day of April, 1967.

[Signature]
Notary Public, Baldwin County, Alabama.

[Signature]
E. G. RICKARBY, Attorney for Plaintiff.

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

APR 14 1967 8AM

and that no tax was collected. Recorded in Ex & Lien
Book 6
Page 435 Harry Doline
Judge of Probate
By [Signature]

BOOK

6 PAGE 435

RECEIVED

MAY 23 1967

TAYLOR WILKINS
SHERIFF

Received 24 Day of may 1967
and on 1 Day of june 1967
I served a Copy of the within Hubert W. Turner, d/b/a Kingberry Realty Company, Inc.
by service on Hubert W. Turner, Pres.

RAY D. BRIDGES

By R. H. Haulle

Received 24 Day of may 1967
and on 1 Day of june 1967
I served a Copy of the within Hubert W. Turner, d/b/a Kingberry Realty Company, Inc.
by service on Hubert W. Turner, Pres.

RAY D. BRIDGES

By R. H. Haulle

4 services 6.00
mileage 9.40
total 15.40
94 miles at
Sheriff claims 9.40
Ten Cents per mile Total \$ 9.40
TAYLOR WILKINS, Sheriff
BY J. C.
DEPUTY SHERIFF

Hubert (Ethel) No. 7532 (3)
7
4194

Girard Lucassen
d/b/a Lucassen Plumbing Co.

17th St.
Hubert W. Turner
Shoreline Realty Co. a corp.
Kingsberry Homes, Inc.
and
Harold C. Noltensmire

986-5876

Received 23 day of may 1967
and on 26 day of june 1967
I served a copy of the within Harold C. Noltensmire
on Harold C. Noltensmire
By service on Alouf

TAYLOR WILKINS, Sheriff

By J. M. Eastman
Pirates Cove, Fla.

E. G. Rickard by

P 1.00
E. G. Rickard

570