

McDERMOTT, SLEPIAN & FEIBELMAN

ATTORNEYS AT LAW

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

36601

WILLIAM H. McDERMOTT

RONALD P. SLEPIAN

HERBERT P. FEIBELMAN, JR.

THOMAS E. BRYANT, JR.

EDWARD B. McDERMOTT

MAILING ADDRESS:

P. O. BOX 1374

PHONE 432-2632

July 20, 1967

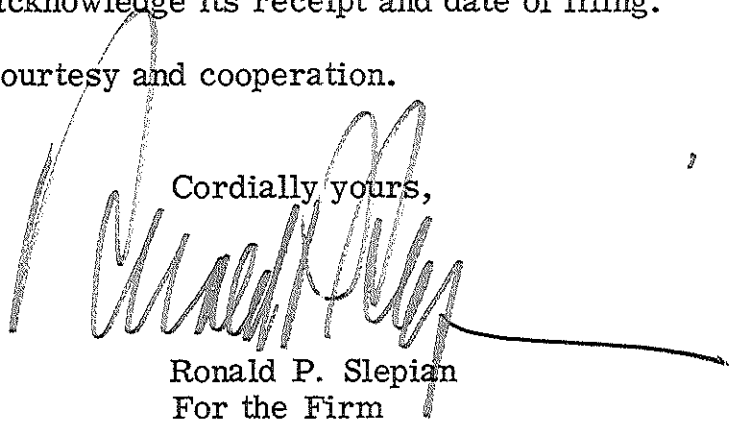
Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Baldwin County Court House
Bay Minette, Alabama 36507

Dear Mrs. Duck:

We represent Builders Wholesale Supply Company, Inc. Please
file the enclosed lawsuit and acknowledge its receipt and date of filing.

Thank you for your courtesy and cooperation.

Cordially yours,


Ronald P. Slepian
For the Firm

RPS:gs
Enclosures

FILED

JUL 21 1967

ALICE J. DUCK CLERK
REGISTER

2637

BUILDERS WHOLESALE SUPPLY
COMPANY, INC., a corporation,

Plaintiff,

VS.

HUBERT TURNER, ET AL,

Defendants.

)
)
) IN THE CIRCUIT COURT OF

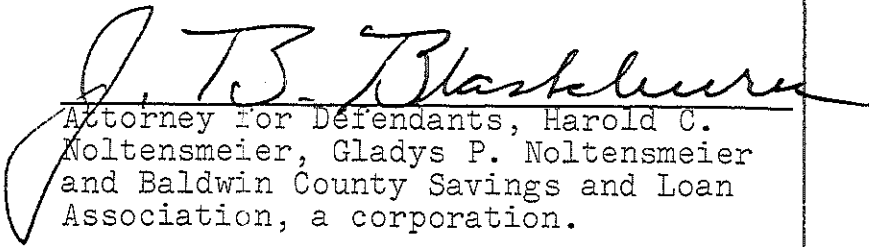
)
) BALDWIN COUNTY, ALABAMA

)
) AT LAW NO. 7637

PLEA

Now come the defendants, Harold C. Noltensmeier, Gladys P. Noltensmeier and Baldwin County Savings and Loan Association, a corporation, and for plea to the complaint heretofore filed in said cause and to each count thereof, separately and severally, says, separately and severally:

1. The allegations of said count are untrue.


Attorney for Defendants, Harold C.
Noltensmeier, Gladys P. Noltensmeier
and Baldwin County Savings and Loan
Association, a corporation.

NOV 7 1987

NO. 7637

VOL 61 PAGE 9

STATE OF ALABAMA :

IN THE CIRCUIT COURT - AT LAW

COUNTY OF BALDWIN :

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon HUBERT TURNER, HAROLD C. NOLTENSMEIER, GLADYS P. NOLTENSMEIER, SHORELINE REALTY COMPANY, INC., a corporation, and BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, a corporation, to appear and plead, answer or demur, within thirty (30) days from the service hereof, to the bill of complaint filed in the Circuit Court of Baldwin County, Alabama, at Law, by BUILDERS WHOLESALE SUPPLY COMPANY, INC., a corporation, as Plaintiff, against HUBERT TURNER, HAROLD C. NOLTENSMEIER, GLADYS P. NOLTENSMEIER, SHORELINE REALTY COMPANY, INC., a corporation, and BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, a corporation, as Defendants.

WITNESS my hand this the 21st day of July, 1967.

Alice D. Lusk
Clerk

BUILDERS WHOLESALE SUPPLY COMPANY, INC., a corporation,	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA,
Plaintiff,	:	
VS:	:	AT LAW
HUBERT TURNER, HAROLD C. NOLTENSMEIER, GLADYS P. NOLTENSMEIER, SHORELINE REALTY COMPANY, INC., a corporation, and BALDWIN COUNTY SAVINGS AND LOAN ASSOCIATION, a corporation, individually and jointly,	:	
Defendants	:	NO. <u>2637</u>

COUNT ONE

Plaintiff claims of the Defendants the sum of EIGHT HUNDRED FORTY SIX AND 87/100 (\$846.87) DOLLARS, with interest, for building materials consisting of plywood doors, blinds and miscellaneous related items and supplies, furnished by the Plaintiff at the request of the Defendants for use by Defendants in the erection and construction of a building or improvement on the following described real property situated in the County of Baldwin, State of Alabama, and more particularly described as follows, viz:

From the Northeast corner of Section 26, Township 8 South, Range 5 East, run West 2664 feet; thence South 555 feet to a point; thence North 77°47' East 465 feet to a point; thence South 59°43' East 645.4 feet to a point; thence South 21°47' East 300 feet to a point; thence South 14°0' West 381.1 feet to a point; thence South 39°05' East 591.5 feet to a point; thence South 19°43' West 987.2 feet to the point of beginning; thence run South 19°43' West 75 feet; thence run South 70°17' East to the margin of Bay La Launch; thence run Northeasterly, following the meanderings of Bay La Launch a distance of 75 feet when measured at right angles to the last course; thence run North 70°17' West to the point of beginning intending to describe Lot No. 12 of Block "B" of unrecorded plat of Pirates Cove Subdivision of part of Section 26, Township 8 South, Range 5 East.

(A new house situated on the Southwest side of Baldwin County Highway No. 95, approximately seven miles of its intersection with U. S. Highway No. 98 at Pirates Cove.)

which indebtedness accrued on, to-wit: January 25, 1967, said date being the date the last item of materials and supplies was furnished to the property as aforesaid and Plaintiff claims that said sum is now due and unpaid.

Plaintiff further avers that on, to-wit: April 19, 1967, it filed in the Office of the Judge of the Probate Court of Baldwin County, Alabama, a verified statement, as required by statute, of the amount due the Plaintiff for the said building materials and supplies so furnished, after all just credits had been given, together with a true description of the property on which the Plaintiff claims a lien, a copy of which said statement is attached hereto as Exhibit "A" and made a part hereof.

Plaintiff further avers that the Defendants are indebted to the Plaintiff in the sum of EIGHT HUNDRED FORTY SIX AND 87/100 (\$846.87) DOLLARS, with the interest thereon due from the Defendants by account on, to-wit: January 25, 1967, for said materials and supplies so furnished, which sum of money, with the interest thereon, is still due and unpaid.

WHEREFORE, Plaintiff brings this action for said sum and to enforce its said lien upon the said land and upon the improvement situated thereon, as to each Defendant herein, separately and severally.

COUNT TWO

Plaintiff claims of the Defendants the sum of EIGHT HUNDRED FORTY SIX AND 87/100 (\$846.87) DOLLARS for merchandise, goods and chattels sold by the Plaintiff to the Defendants on, to-wit: January 25, 1967, which sum of money, with the interest thereon, is still due and unpaid.

COUNT THREE

Plaintiff claims of the Defendants the sum of EIGHT HUNDRED FORTY SIX AND 87/100 (\$846.87) DOLLARS due from them by account


from, to-wit: January 25, 1967, which sum of money, with the interest thereon, is still due and unpaid.

McDERMOTT, SLEPIAN & FEIBELMAN
Attorneys for Plaintiff

By:


RONALD P. SLEPIAN

By:


EDWARD B. McDERMOTT

Address of Defendants:

Harold C. Noltensmeier and
Gladys P. Noltensmeier
c/o Munson
Elberta, Alabama

or

New house belonging to Mr. and
Mrs. Noltensmeier situated on the
Southwest side of Baldwin County
Highway No. 95, seven miles south
of its intersection with U. S. High-
way No. 98, at Pirates Cove

Baldwin County Savings and Loan
Association
Milwaukee Street
Robertsdale, Alabama

Hubert Turner
Post Office Box 301
Citronelle, Alabama

Shoreline Realty Company, Inc.
c/o Hubert Turner, Officer
Citronelle, Alabama

FILED

JUL 21 1967

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA :

COUNTY OF BALDWIN :

STATE OF ALABAMA,
BALDWIN COUNTY.

I certify that this instrument was filed on

APR 19 1967 *RAM*

and that no tax was collected. Recorded in *E.P.*

Book *6*
Page *439* *Shirley Doline*
Judge of Probate

By *RAM*

STATEMENT OF LIEN

BUILDERS WHOLESALE SUPPLY COMPANY, INC., a corporation, files this statement in writing, verified by the oath of C. M. BRADLEY, President of said corporation, who has personal knowledge of the facts herein set forth:

That said BUILDERS WHOLESALE SUPPLY COMPANY, INC. claims a lien upon the following described property situated in Baldwin County, Alabama, to-wit:

From the Northeast corner of Section 26, Township 8 South, Range 5 East, run West 2664 feet; thence South 555 feet to a point; thence North 77°47' East 465 feet to a point; thence South 59°43' East 645.4 feet to a point; thence South 21°47' East 300 feet to a point; thence South 14°0' West 381.1 feet to a point; thence South 39°05' East 591.5 feet to a point; thence South 19°43' West 987.2 feet to the point of beginning; thence run South 19°43' West 75 feet; thence run South 70°17' East to the margin of Bay La Launch; thence run Northeasterly, following the meanderings of Bay La Launch a distance of 75 feet when measured at right angles to the last course; thence run North 70°17' West to the point of beginning intending to describe Lot No. 12 of Block "B" of unrecorded plat of Pirates Cove Subdivision of part of Section 26, Township 8 South, Range 5 East.

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 EIGHT HUNDRED FORTY SIX AND 87/100 (\$846.87) DOLLARS, with interest thereon, from, to-wit: January 25, 1967, for building materials consisting of plywood,

EXHIBIT "A"

BOOK

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doors, blinds and miscellaneous related items and supplies furnished by claimant for use in the construction of the buildings located upon the land described hereinabove.

Affiant believes that the names of the owners of said property are HAROLD C. NOLTENSMEIER and GLADYS P. NOLTENSMEIER.

BUILDERS WHOLESALE SUPPLY COMPANY,
INC.

By: C. M. Bradley
C. M. BRADLEY, its President

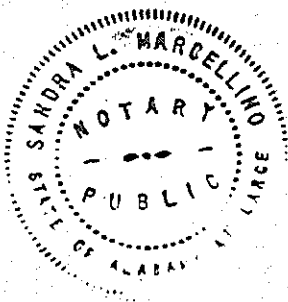
STATE OF ALABAMA :

COUNTY OF MOBILE :

Before me, the undersigned authority in and for said State and County, personally appeared C. M. BRADLEY, who, known to me and being by me first duly sworn, does depose on oath and say that he is the President of BUILDERS WHOLESALE SUPPLY COMPANY, INC., a corporation, and has the authority to make the above and foregoing statement of lien; that he has personal knowledge of the facts set forth in said statement of lien and that the same are true and correct.

C. M. Bradley
C. M. BRADLEY, Affiant

Subscribed and sworn to before me on this the 14th day of April, 1967.



Sandra L. Marcellino
Notary Public, State of Alabama at Large

Josephine
CASE NO. 7637
Hawle 4283

BUILDERS WHOLESALE SUPPLY COMPANY,
INC., A Corp.,

Plaintiff

vs:

HUBERT TURNER, HAROLD C. NOLTENSMETER,
GLADSY P. NOLTENSMETER, SHORELINE REALTY
COMPANY, INC, A Corp., & BALDWIN COUNTY
SAVINGS AND LOAN ASSOCIATION, A Corp.,
Ind. & Jointly,

Defendants

SUMMONS & COMPLAINT

Received 21 day of July 1967
in on 30 day of Oct 1967

served a copy of the within 84C

on Baldwin County

Savings & Loan Association

by service on Robert M. McKelmon

TAYLOR WILKINS, Sheriff

By Robert M. McKelmon S.

McDermott, Slepian & Feibelman
P. O. Box 1374
Mobile, Alabama

Sheriff charges 270 miles at
Ten Cents per mile Total \$ 27.00

TAYLOR WILKINS, Sheriff

BY Eastburn &
DEPUTY SHERIFF

Josephine RECEIVED

JUL 21 1967

TAYLOR WILKINS
SHERIFF

21 day of July 1967
18 day of August 1967
served a copy of the within 84C

Harold C. Noltensmeyer
Gladys Noltensmeyer
service on above defendants

TAYLOR WILKINS Sheriff

By Joe Eastburn
Josephine, Ala.

Received 24 Day of July 1967
and on 24 Day of July 1967
served a Copy of the within 84C
on Hubert & Gladys and on
Shoreline Realty company a copy
by service on Hubert & Gladys

RAY D. BRIDGES, Sheriff
By R. G. Hawle D. S.