

REYNOLDS BROTHERS LUMBER COMPANY,
a partnership composed of J. P.
Reynolds and M. S. Reynolds,

Plaintiff,

VS.

IRENE NEUMANN, Guardian of Alfred
M. Neumann, a non compos mentis,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 3369

DEMURRER

I

Now comes the respondent and for demurrer to the Bill of Complaint filed in this cause assigns, separately and severally, the following:

1. There is no equity in the bill.
2. No facts are alleged to state a cause of action against this respondent.
3. It affirmatively appears from the allegations of the Bill of Complaint that this respondent is not indebted to the complainant in any way or manner.
4. There is a misjoinder of parties respondent.
5. No facts are alleged to show that the statement of lien, as required by Title 33, Section 41 of the 1940 Code of Alabama, has been filed.
6. No facts are alleged to show the legal description of the property on which complainant is attempting to establish and enforce a lien.
7. No facts are alleged to show that the lands on which complainant is attempting to enforce a lien is situated within or without the corporate limits of a municipality.

II

Now comes the respondent and demurs to that aspect of the Bill of Complaint wherein complainant is attempting to establish and enforce a lien, and as grounds of demurrer to the said aspect of the said Bill of Complaint assigns, separately and severally, grounds numbered 1 through 7 as set out above, as though the same were specifically rewritten here.

J. B. Blackburn
Solicitor for respondent.

3369

DEMURRER

REYNOLDS BROTHERS LUMBER COMPANY,
a partnership composed of J. P.
Reynolds and M. S. Reynolds,

Plaintiff,

VS.

IRENE NEUMANN, Guardian of
Alfred M. Neumann, a non compos
mentis,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY NO. 3369

FILED

11-5-54

AUGUST A. WILSON, Clerk

SUMMONS

BOOK 021 PAGE 22

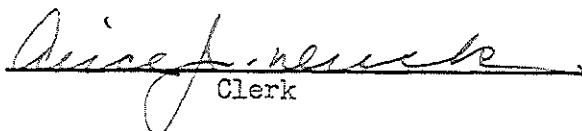
THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon IRENE NEUMANN, Guardian of ALFRED M. NEUMANN, a non compos mentis, 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, Alabama, at Bay Minette, Alabama, against IRENE NEUMANN, Guardian of ALFRED M. NEUMANN, a non compos mentis, by REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS.

Witness my hand this the 5th day of October, 1954.


Clerk

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COMPLAINT

REYNOLDS BROTHERS LUMBER COMPANY,
a partnership composed of J. P.
REYNOLDS and M. S. REYNOLDS,

PLAINTIFF

VS:

IRENE NEUMANN, Guardian of ALFRED
M. NEUMANN, a non compos mentis,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY.

COUNT I:

The plaintiff claims of the defendant the sum of FIVE HUNDRED FIFTY & 57/100 DOLLARS (\$550.57), for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 9th day of April, 1954, which sum of money, with interest thereon, is still unpaid.

Plaintiff further avers that on the 5th day of October, 1954, they filed in the probate court of Baldwin County, Alabama, where defendant's land, on which said improvements were erected, is located, plaintiff's verified statement of their account with defendant, which is in words and figures as set out in Exhibit "A" hereto attached. Plaintiff claims a lien on the property described in Exhibit "A" and prays that it be established.

There is attached hereto and made a part of the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 29th day of September, 1954.


Attorney for Plaintiff

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

EXHIBIT "A"

BOOK 021 PAGE 23

Reynolds Brothers Lumber Company, a partnership composed of J. P. REYNOLDS and M. S. REYNOLDS, with its principal place of business at Foley, in Baldwin County, Alabama, files this statement in writing, verified by the oath of Roy Clipper, who has personal knowledge of the facts herein set forth:

The said Reynolds Brothers Lumber Company, a partnership, claims a lien on the following described property situated in Elberta, in Baldwin County, Alabama, to wit: The house and one acre square of land on which the house is being constructed:

The West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$), Section 20, Township 7 South, Range 5 East.

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said lands. The said lien is claimed to secure an indebtedness in the amount of FIVE HUNDRED FIFTY & 57/100 DOLLARS (\$550.57), with interest thereon from the 9th day of April, 1954, for materials furnished by Reynolds Brothers Lumber Company for the construction of a residential building on said lands. The name of the owner of the said property is Alfred M. Neumann of Elberta, Baldwin County, Alabama.

REYNOLDS BROTHERS LUMBER COMPANY
BY:

Roy Clipper
Roy Clipper, Bookkeeper and Manager

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Before me, a Notary Public in and for said County and State, personally appeared Roy Clipper, who being by me first 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.

Roy Clipper
ROY CLIPPER

Sworn to and subscribed before me
this the 4th day of October, 1954.

Notary Public
Notary Public

AFFIDAVIT OF ROY CLIPPER

BOOK 021 PAGE 24

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

ROY CLIPPER, first being duly sworn, deposes and says as follows:

I am the office manager, credit manager and bookkeeper for REYNOLDS BROTHERS LUMBER COMPANY, a partnership composed of J. P. REYNOLDS AND M. S. REYNOLDS, Foley, Alabama, and as such know that my records are correct.

We have delivered to Baldwin Builders for the Alfred M. Neumann dwelling house east of Elberta, Alabama, materials in the amount of FIVE HUNDRED FIFTY & 57/100 DOLLARS (\$550.57) as shown by the original invoices consisting of 14 in number, the last item delivered consisted four (4) loads of concrete, and was delivered on the 9th day of April, 1954.

No payments have been made on this account, and after allowing all just credits the amount remaining due on this account is FIVE HUNDRED FIFTY & 57/100 DOLLARS (\$550.57).

Roy L. Clipper
Affiant

Sworn to and subscribed before me, a

Notary Public in and for Baldwin County,

Alabama, this the 29th day of September, 1954.

James C. Smith
Notary Public

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 3-25-1954
M Baldwin Builders
Address Neumann Job Alberta
Sold by MR. Cash ☒ C. O. D. ☐ Charge ☐ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 3000 # mix 1325 53.00
Tot 1.59
54.59

All claims and returned goods MUST be accompanied by this bill.

P 1829 Rec'd by _____

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 4-9-1954
M Baldwin Builders
Address Robertdale Neumann Job
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 2500 # mix 1325 53.00
Tot 1.69
54.69

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 3-25-1954
M Baldwin Builders
Address Neumann Job Alberta
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 2500 # mix 1325 53.00
Tot 1.59
54.59

All claims and returned goods MUST be accompanied by this bill.

P 1827 Rec'd by _____

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 4-9-1954
M Baldwin Builders
Address Robertdale Neumann Job
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 2500 # mix 1325 53.00
Tot 1.59
54.59

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 3-25-1954
M Baldwin Builders
Address Neumann Job Alberta
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 2500 # mix 1325 53.00
Tot 1.59
54.59

All claims and returned goods MUST be accompanied by this bill.

P 1826 Rec'd by _____

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 4-9-1954
M Baldwin Builders
Address Robertdale Neumann Job
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 2500 # mix 1325 53.00
Tot 1.59
54.59

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 3-23-1954
M Baldwin Builders
Address Neumann Job Alberta
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
2 cu yds 2500 # mix 1325 29.81
Tot .89
30.70

All claims and returned goods MUST be accompanied by this bill.

P 1812 Rec'd by _____

WARREN'S PAINTS
1322 COLORS
KENTILE
FLOOR COVERINGS
Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157
P. O. BOX 855

Customer's
Order No. _____ Date 3-24-1954
M Baldwin Builders
Address Neumann Job Alberta
Sold by MR. Cash ☐ C. O. D. ☐ Charge ☒ On Acct. ☐ Mdse. Ref. ☐ Paid Out ☐
QUAN. DESCRIPTION PRICE AMOUNT
4 cu yds 2500 # mix 1325 53.00
Tot 1.59
54.59

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157 WE ALSO DO PLUMBING WORK P. O. BOX 855

Customer's Order No.	Date	3-28-53					
Name	Baldwin Builders						
Address	NEWMANN job.						
SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
QUANTITY	DESCRIPTION					PRICE	AMOUNT
10	wall studs						3.00
5	104 15 # felt						17.25
							20.25
							61
							20.86
F. J. Froh.							

No. 5788 Rec'd by _____
All claims and returned goods MUST be accompanied by this bill.
Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157 WE ALSO DO PLUMBING WORK P. O. BOX 855

Customer's Order No.	Date	3-17-54					
Name	Baldwin Builders						
Address	Newman job.						
SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RETD.	PAID OUT	
QUANTITY	DESCRIPTION					PRICE	AMOUNT
20	sk. Mason						22.00
8	sk. Cement						9.20
							31.20
							94
							32.14
C. B. Ames							

No. 5693 Rec'd by _____
All claims and returned goods MUST be accompanied by this bill.
Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
PHONE 157 WE ALSO DO PLUMBING WORK P. O. BOX 855

Customer's Order No.	Date	4-9-1954					
Name	Baldwin Builders						
Address	Robert Dale Neumann job.						
SOLD BY	CASH	C. O. D.	CHARGE	ON ACCT.	MDSE. RET.	PAID OUT	
QUAN.	DESCRIPTION					PRICE	AMOUNT
2	wall studs 2500 # min					1325	26.50
							79
							27.29

-All claims and returned goods MUST be accompanied by this bill.
P 1882 Rec'd by _____

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
WE ALSO DO PLUMBING WORK

PHONE 157 P. O. BOX 855

Customer's Order No. 3-46 Date 3-26 1954

Name Baldwin Builders
Robert G. Old

Address New Max Jobe

SOLD BY PC CASH ☐ C. O. D. ☐ CHARGE ☒ ON ACCT. ☐ MDSE. RETD. ☐ PAID OUT ☐

QUANTITY	DESCRIPTION	PRICE	AMOUNT
85	4 mortar mix		25.00
4	1 Cement		4.60
			29.60
			89
			30.49

C. B. Amos

All claims and returned goods MUST be accompanied by this bill.

No. P 5559 Rec'd by _____

[R] Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
WE ALSO DO PLUMBING WORK

PHONE 157 P. O. BOX 855

Customer's Order No. 4-8 Date 4-8 1954

Name Bald. Builders

Address Neumann job

SOLD BY PC CASH ☐ C. O. D. ☐ CHARGE ☒ ON ACCT. ☐ MDSE. RETD. ☐ PAID OUT ☐

QUANTITY	DESCRIPTION	PRICE	AMOUNT
80	luff 1/2 x 4 Exp. j.		8.60
			1.8
			5.78

Richard Walker

All claims and returned goods MUST be accompanied by this bill.

No. P 6203 Rec'd by _____

[R] Shepherd Printing & Stationery Co., Foley, Ala.

READY - MIX CONCRETE
SEPTIC TANKS
GREASE TRAPS

WARREN'S PAINTS
1322 COLORS

KENTILE
FLOOR COVERINGS

Reynolds Brothers Lumber Company
FOLEY, ALABAMA
A COMPLETE LINE OF BUILDING MATERIALS
Brick—Tile—Plumbing Supplies—Hardware—Electrical Supplies
WE ALSO DO PLUMBING WORK

PHONE 157 P. O. BOX 855

Customer's Order No. 3-25 Date 3-25 1954

Name Baldwin Builders

Address Neumann Jobe

SOLD BY PC CASH ☐ C. O. D. ☐ CHARGE ☒ ON ACCT. ☐ MDSE. RETD. ☐ PAID OUT ☐

QUANTITY	DESCRIPTION	PRICE	AMOUNT
4	100 15# Feib	3.45	13.80
1	100 30# "	3.45	3.45
			17.25
			57
			17.77

F. J. Frohlich

All claims and returned goods MUST be accompanied by this bill.

No. P 5827 Rec'd by _____

[R] Shepherd Printing & Stationery Co., Foley, Ala.

.00

.00 T

.00 T

3070

5459

5459

5459

5459

5459

5459

5800

2729

44353 S

44353 S

3214

2086

1777

578

3049