

2593

TO THE HONORABLE JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY,
ALABAMA, SITTING IN EQUITY:

Now comes Ralph E. Burg and brings this bill of complaint against Gulf Shores Water Works Inc., a corporation, and for grounds of complaint respectfully shows unto the Court as follows:-

1. Complainant is over the age of 21 years and is a resident of the City of Tallahassee, Florida. The respondent is a corporation incorporated under the laws of Alabama, with its principal place of business at Gulf Shores, Alabama.

2. Prior to, to-wit, August 8, 1950, complainant agreed to perform certain work and services, as hereinafter set forth, for the respondent, for and in consideration of which respondent agreed to pay complainant, and respondent has failed and refused to pay complainant as agreed.

3. On and prior to, to-wit, August 8, 1950, complainant performed work and services under and by virtue of said contract with respondent to do and perform said work and services; said work and services performed by complainant under said contract consisted of the preparation of the drawings, plans and specifications for a water works, and the supervision of the construction and erection of said water works on and about the property hereinbelow described, and the submitting of said drawings, plans and specifications to the Alabama State Board of Health. The improvements covered by said drawings, plans and specifications of said water works were designed to be constructed and erected on, and were constructed and erected on, the following property of the said Gulf Shores Water Works Inc., viz.:-

Lot 11, Block 2 of Unit 1 of Gulf Shores according to Deed Book 58, page 502 and Deed Book 61, page 74, of the Probate Records of Baldwin County, Alabama, further described as containing a windmill pump with 4 inch cylinder.

Lots 12 and 13 of Block 15 of Unit 3 of Gulf Shores according to a map recorded in Map Book No. 3, page 9 of the Probate Records of Baldwin County, Alabama, further described as being situated behind what is known as a warehouse or plumbers' shop.

All water pipes and water works and appurtenances situated in the streets of Gulf Shores area in Sections 17, 18, 19 and 20, Township 9 South, Range 4 East.

1½ inch pipe running from Lots 12 & 13, Block 15, Unit Three, of Gulf Shores, Alabama, as shown on a map recorded in Map Book 3, at page 9, Baldwin County Probate Court Records, to the West line of Alabama Highway No. 3, thence Southerly along said West line to the Gulf Shores Boulevard, thence West along the North side of said Boulevard to the West line of West Fifth Street, Unit One, Gulf Shores, Alabama, thence West along the South side of said Gulf Shores Boulevard to the West line of Lot "K" in said Unit One; also starting at the water tank, running thence West along the West line of Fifth Street to Stanton Creek, thence across Stanton Creek, thence in a Northwesterly direction towards the Adams and the Gaillard cottages, making a total of 11,340 feet of 1½ and 1¼ inch pipe.

1 inch pipe starting at the intersection of the South line of Lot 5, Block "B", with the West line of Alabama Highway No. 3, as shown on a map of Unit One, Gulf Shores, Alabama, running thence Southwesterly along the South line of said Lot 5 to the South line of Lots 1 to 43, 44 and 45, inclusive, of Block "G", Unit One, Gulf Shores, Alabama, a total distance of 3,475 feet; and also starting at the West line of Lot "K", Unit One, running thence Westerly along the South line of Gulf Shores Boulevard to the West line of Lot 32, Block 3, Unit Two, Gulf Shores, Alabama, a distance of 1,000 feet, making a total distance of 4,475 feet of 1 inch pipe.

¾ inch pipe beginning at the intersection of the South line of West Second Avenue with Alabama Highway No. 3, running thence East across Highway No. 3 and along the South line of East Second Avenue to the East line of East First Street; thence Southerly to the North line of Gulf Shores Boulevard, a distance of 920 feet; also starting at the West line of Lot 32, Block 3, Unit Two, running thence Westerly to the East line of Lot 18, a distance of 1,300 feet, making a total of 2,220 feet of ¾ inch pipe.

4. The consideration which Gulf Shores Water Works Inc. agreed to pay complainant for the preparation of the drawings, plans and specifications of said water works, and the supervision of the erection and construction of said water works, and the submitting of said designs to the Alabama State Board of Health was \$1300.00 of which there remains an unpaid balance due and owing by respondent to complainant of \$1,000.00 plus interest.

5. On, to-wit, the 8th day of JANUARY, 1951, a statement of lien in writing, verified by complainant, who had personal knowledge of the facts contained therein, was filed in the office of the Judge of Probate of Baldwin County, Alabama, according to the provisions of Alabama Code 1940, Title 33, Section 41.

6. Complainant offers to do equity in the premises.

PRAYER FOR PROCESS.

To the end, therefore, that equity may be done in the premises complainant respectfully prays that the Gulf Shores Water Works Inc. be made a party respondent to this bill of complaint, and that process in accordance with the course and practice of this Honorable Court be issued to and served upon it.

PRAYER FOR RELIEF.

And the premises considered complainant prays that the Court will render a decree ascertaining that the sum of \$1,000.00 plus interest is due and owing by the Gulf Shores Water Works Inc. to complainant, and will order that said sum be paid by the respondent to complainant, and will decree that

complainant has a lien on the property described in this bill of complaint according to Alabama Code 1940, Title 33, Section 37, and complainant prays for such other and further relief as he may be entitled to receive the premises considered.

CAFFEY, GALLALEE & CAFFEY,

By

Vivian G. Johnston Jr.
Solicitors for Complainant.

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,

BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2593

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Gulf Shores Water Works Inc

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
Gulf Shores Water Works Inc., Defendant

by Ralph E. Burg

Plaintiff

Witness my hand this 10th day of January 1951

Alfred W. Wack, Clerk

RECORDED

No. 2593 Page

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

RALPH E. BURG

Plaintiffs

vs.

GULF SHORES WATER WORKS, INC

Defendants

SUMMONS and COMPLAINT

Filed 1-10-51, 19

Alice J. French, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Jan. 11, 1951

Taylor W. Albino, Sheriff

I have executed this summons

this 1-24, 1951

by leaving a copy with

Forest Christain
agent for
Gulf Shores Water
Works Inc.

Taylor W. Albino Sheriff
Edleigh Steadham Deputy Sheriff

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY, NO. 2593

Comes the Defendant and files this its answer to the Bill of Complaint in this cause and shows to the court as follows;

1. Defendant admits the allegations of paragraph 1 of the Bill of Complaint.

2. Defendant denies the agreement setout in paragraph 2 and particularly denies that any authorized officer or agent of the Defendant made any such agreement with the Complainant.

3. The Defendant denies the allegations of paragraph 3, separately and severally and particularly denies that the Complainant performed the work and services for the benefit of the Defendant, for which he has not been paid, asserting the fact to be that the Defendant did not use the services of the Complainant nor did the Complainant supervise improvements or installations undertaken by the Defendant.

4. The Defendant denies the allegations of paragraph 4 and denies any contract was made with any authorized officer or agent of the Defendant providing for the payment of the sum setout in this paragraph.

5. The Defendant neither admits nor denies the allegations of paragraph 5 but the Defendant expressly denies that the Complainant is entitled to any lien upon or against any property, real or personal of the Defendant.

And now having fully answered, the Defendant prays this cause
be dismissed with costs to this Defendant.

Solicitor for the Defendant

RALPH E. BURG,

Plaintiff

vs:

GULF SHORES WATER WORKS, INC.,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY, NO. 2593

DEMURRER

1. Comes the Defendant and states that the complaint filed by the Plaintiff does not state a cause of action.

2. The complaint does not allege whether the contract was parol or written.


James A. Blum
Attorney for Defendant

VERNOL R. JANSEN
LAWYER
205 TITLE INSURANCE BUILDING
MOBILE, ALA.

July 23, 1951


Mrs. Alice Duck
Registrar in Chancery
County Court House
Bay Minette, Alabama

Dear Mrs. Duck:

I enclose herewith original and copy of the
answer of the Defendant in cause No. 2593, Ralph
E. Burg vs Gulf Shores Water Works, Inc.

Please mail a copy to the ~~S~~olicitor of Re-
cords for the Complainant.

Very truly yours,


Vernol R. Jansen

VRJ/lma

enclosure

CAFFEY, GALLALEE & CAFFEY
ATTORNEYS AT LAW
715-719 FIRST NATIONAL BANK BUILDING
MOBILE 3, ALABAMA

WILLIAM G. CAFFEY
JACK C. GALLALEE
WILLIAM G. CAFFEY, JR.

January 10, 1951

Mrs. Alice J. Duck,
Register,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:-

We are enclosing two copies of a bill
of complaint for Ralph E. Burg against Gulf Shores
Water Works Inc. and ask that you file same upon re-
ceipt of this letter.

Yours very truly,

CAFFEY, GALLALEE & CAFFEY,

By

William G. Caffey, Jr.

Encs.

VGJ, Jr.:od

2593

Ralph E. Bury

vs.

Gulf Shores Water Works

on contract

Filed 1-10-51

Caffee, Gallalee & Caffey

CAFFEY, GALLALEE & CAFFEY

ATTORNEYS AT LAW

715-719 FIRST NATIONAL BANK BUILDING

MOBILE 3, ALABAMA

WILLIAM G. CAFFEY
JACK C. GALLALEE
WILLIAM G. CAFFEY, JR.

October 6, 1952

Mrs. Alice J. Duck, Register,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

2593

Dear Mrs. Duck:-

Thank you for sending us the cost
bill in the case of Burg v. Water Works. Our check
to cover is enclosed.

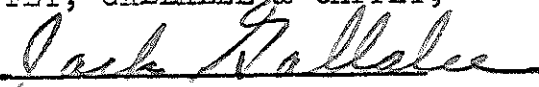
Will you please dismiss this case.
I talked with the Judge on the telephone on the day
the case was set last week and he continued it at my
request so I will appreciate it if you will tell him
that it has now been dismissed.

Thank you very much for your help.

Yours very truly,

CAFFEY, GALLALEE & CAFFEY,

By



Enc.
JCG:od



LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

February 23, 1951

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Ralph E. Burg
vs: Gulf Shores Water Works, Inc.
No. 2593

Dear Mrs. Duck:

Enclosed is an answer in the case mentioned above. After the answer has been filed, I wish to withdraw my appearance in this case. Mr. George C. Meyer, 814 Annex First National Bank Building (P. O. Box 406), Mobile, Alabama, has full management of the water works and any further matters pertaining to this case should be referred to him.

I am sending a copy of this letter to Mr. Meyer so he has knowledge of my withdrawal.

Yours very truly,

Forest A. Christian

*I certify that I
have sent a copy of
the enclosed answer to
the complainant's attorney.
H.C.*

CAFFEY, GALLALEE & CAFFEY

ATTORNEYS AT LAW

715-719 FIRST NATIONAL BANK BUILDING

MOBILE 3, ALABAMA

WILLIAM G. CAFFEY
JACK C. GALLALEE
WILLIAM G. CAFFEY, JR.

September 29, 1952

Mrs. Alice J. Duck, Register,
Circuit Court of Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck:-

Will you please inform us what the
costs would be on dismissal of the case of Ralph H.
Burg v. Gulf Shores Water Works, Inc.

Yours very truly,

CAFFEY, GALLALEE & CAFFEY,

By



JCG:od

RALPH E. BURG,
Plaintiff,
VS.
GULF SHORES WATER WORKS, INC.
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY. NO. 2593.

DECREE OVERRULING DEMURRER

This cause coming on to be heard is submitted on Respondent's demurrer to Complainant's bill of complaint and the same being considered and understood by the Court and the Court being of the opinion that said demurrer is not well taken and should be overruled:

It is, therefore, ORDERED, ADJUDGED AND DECREED that Respondent's demurrer to Complainant's bill of complaint be and the same is hereby overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Respondent have twenty days in which to file further pleadings if he so desires.

Done and ordered this 26th day of June, 1951.

J. Fair J. Madlibury, Jr.
Judge