4463

THE STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon E. C. JORDAN to appear within thirty days from the service of this writ in the Circuit Court to be held for said county, Equity side, at the place of holding same, and then and there answer the Bill of Complaint filed against him by NEIL A. LAUDER.

Witness my hand this 26 day of December, 1958.

Neil A. Lauder
As Register of the Circuit Court of
Baldwin County, Alabama, in Equity.

Respondent resides at
302½ Broad Street
Gadsden, Alabama
Executed Dec. 23, 1958

BILL OF COMPLAINT

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, SITTING IN EQUITY:

Neil A. Lauder presents this Bill of Complaint against E. C. Jordan and thereupon the complainant shows unto the Court and Your Honor as follows:

1. The complainant is over 21 years of age and is a resident of Baldwin County, Alabama. The respondent is over 21 years and is a resident of Etowah County, Alabama.

2. The respondent, E. C. Jordan, owns or did own certain real estate situated in Baldwin County, Alabama, to-wit:

> Beginning at a point on the North line of Gulf Shores Boulevard 200 feet East of the Southeast corner of Lot One (1) of Lagoon Estates, Unit Two (2) (according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama), as the point of beginning; continue thence East 100 feet; run thence North to the waters of Little Lagoon; run thence West following the meanders of Little Lagoon 100 feet if measured at right angle to the last course; run thence South and parallel to the East line of said Lot One (1) to the point of beginning.

Shortly prior to June 20, 1958, the respondent, E. C. Jordan, contracted with the complainant to dredge, pump and fill sand and other earth materials upon the above described property, and the complainant, pursuant to the instructions given to him by the respondent, did pump, dredge and fill said property, which repairs were completed on, to-wit: June 20, 1958.

3. One Thousand Four Hundred Thirty Three and 10/100ths ($1,433.10) Dollars is the reasonable value of the work done by the complainant in improving the said property. Complainant further alleges that on, to-wit, the 15th day of August, 1958, the respondent gave him a check for $460.00 drawn by respondent on the American National Bank of Gadston, Alabama, which check was returned for insufficient funds.

4. On, to-wit, December 20, 1958 the complainant filed in the office of the Probate Judge of Baldwin County, Alabama, a statement of lien, a copy of which is hereto attached marked "Exhibit A", and by reference made a part hereof as thought fully incorporated herein.

5. The complainant claims of the respondent One Thousand Four Hundred Thirty Three and 10/100ths ($1,433.10) Dollars due from him for work and labor done for the respondent by the complainant on to-wit, the 20th day of June, 1958, at his request which sum of money with interest thereon is still due and unpaid.

PRAYER FOR PROCESS

Complainant prays that the usual process of this Honorable Court will forthwith issue to the respondent requiring him to appear and plead, answer or demur to the Bill of Complaint filed against him in this cause within the time required by law

PRAYER FOR RELIEF

Complaint prays for the following separate and several relief:

A. That it be Ordered, Adjudged and Decreed that the respondent, E. C. Jordan, is indebted to the complainant in the sum of One Thousand Four Hundred Thirty Three and 10/100ths

($1,433.10) Dollars, together with interest thereon from the 20th day of June, 1958 , at Six per cent (6%).

B. That it be Ordered, Adjudged and Decreed that the complainant has a lien on the above described property for the amount due him and that the said property be ordered sold in the manner provided by Title 33, Section 38 of the 1940 Code of Alabama unless the amount due the complainant is paid.

C. Complainant further prays for such other further and general relief as he may be equitably entitled to, the premises considered.

James A. Bruce
Solicitor for complainant

STATE OF ALABAMA

COUNTY OF BALDWIN

Neil A. Lauder files this statement in writing verified by the oath of Neil A. Lauder who has personal knowledge of the facts herein set forth:

That the said Neil A. Lauder claims a lien upon the following described property in Baldwin County, Alabama, to-wit:

Beginning at a point on the North line of Gulf Shores Boulevard 200 feet East of the Southeast corner of Lot One (1) of Lagoon Estates, Unit Two (2) (according to the plat thereof recorded in the office of the Judge of Probate of Baldwin County, Alabama), as the point of beginning; continue thence East 100 feet; run thence North to the waters of Little Lagoon; run thence West following the meanders of Little Lagoon 100 feet, if measured at right angle to the last course; run thence South and parallel to the East line of said Lot One (1) to the point of beginning.

This lien is claimed on the entire property.

The said lien is claimed to secure an indebtedness for One Thousand Four Hundred Thirty-Three and 10/100ths ($1,433.10) Dollars with interest from the 20th day of June, 1958 for work and labor done by Neil A. Lauder on the said property in Baldwin County, Alabama.

The name of the owner or proprietor of said property is E. C. Jordan.

_____ (L.S.)
Neil A. Lauder

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned, a Notary Public, in and for said State and County, personally appeared Neil A. Lauder, 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.

_____
Neil A. Lauder

Sworn to and subscribed before me on this the 19th day of December, 1958, by said affiant.

_____
Notary Public, Baldwin County, Alabama

No. 4463

Executed this the 23 day of Dec.
19 18, by serving a copy of the within on
E C Jordan

JESS W. OWENS
Sheriff, Etowah Co., Ala.
By Thomas D. S.

Neil A. Lander
vs
E. C. Jordan

FILED
DEC 20 1958
ALICE J. DUCK, CLERK
REGISTER

NEIL A. LAUDER,	*	IN THE CIRCUIT COURT
COMPLAINANT	*	OF
VS.	*	BALDWIN COUNTY, ALABAMA
E. C. JORDAN,	*	IN EQUITY
RESPONDENT	*	CASE NUMBER 4463

Comes now the respondent in the above entitled cause and assigns the following grounds for demurrer to the complaint heretofore filed:

1. That from aught that appears there is a written contract in this case and the complaint has an adequate remedy at law.

2. That from aught that appears the sum of ONE THOUSAND FOUR HUNDRED THIRTY-THREE AND 10/100 ($1,433.10) DOLLARS is in excess of the amount contracted for by the parties.

HINTON & TORBERT
ATTORNEYS FOR RESPONDENT

BY: James F. Hinton
James F. Hinton

A copy of this pleading has been mailed to opposing party's attorney

James F. Hinton

Filed
Jan. 2, 1959
Alice J. Huck

NEIL A. LAUDER,

COMPLAINANT

VS.

E. C. JORDAN,

RESPONDENT

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

DEMURRERS

JAMES A. BRICE
ATTORNEY AT LAW
FOLEY, ALABAMA
POST OFFICE BOX 298
WHITEHALL 3-3601

January 30, 1959

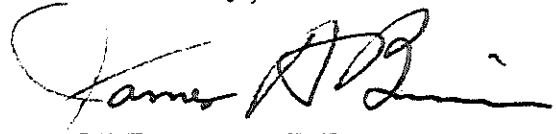
Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Re: Lauder vs. Jordon
Equity No. 4463

Dear Mrs. Duck:

Please send me a cost bill in the above case. We are going to dismiss the complaint.

Sincerely,



JAMES A. BRICE

JAB:bp

cc: Hinton & Torbert
Attorneys at Law
827 Chestnut Street
Gadston, Alabama