

MR. AND MRS. DONALD  
OTTO BISHOP,

Plaintiffs,

vs.

FOUR STAR BUILDERS,  
INC., a corporation,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

8957

AMENDED COMPLAINT

Come now the Plaintiffs in the above styled cause and amend their complaint heretofore filed in said cause so that the same shall read as follows:

COUNT ONE

The Plaintiffs claim of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for the breach of a written contract entered into between the Plaintiffs and the Defendant on, to-wit, the 19th day of December, 1968, a copy of which such agreement is attached hereto and made a part hereof as fully as though here set out in its entirety, by the terms of which said agreement the seller agreed to construct a house as per the plans and specifications attached to said contract, for which the purchasers agreed to pay the sum of Twelve Thousand Dollars (\$12,000.00). And the Plaintiffs say that although they have complied with all of the provisions of said contract on their part the Defendant has failed to comply with the provision of said contract whereby he agreed to construct the house as per said plans and specifications for that the foundation is not constructed according to the requirements as to size and dimension and is furthermore cracked and chipped in several places; the masonry work on the exterior brick veneer is bad in general, it being in many places loose and uneven and the interior masonry is likewise loose and broken in many places; the fireplace and chimney were improperly constructed

and never completed; the facing on several interior doors has cracked and separated and the sliding closet doors are improperly installed and do not properly open and close, all to the damage to the Plaintiffs in the sum above mentioned, hence this suit.

COUNT TWO

The Plaintiffs claim of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for the breach of a warranty in the construction of a house for the Plaintiffs by the Defendant whereby the Defendant on, to-wit, the 19th day of December, 1968, warranted the construction of a house as per plans and specifications agreed upon by the parties and said Defendant has breached said warranty in that the house as constructed fails to meet the requirements of said plans and specifications in that the foundation is not constructed according to the requirements as to size and dimension and is furthermore cracked and chipped in several places; the masonry work on the exterior brick veneer is bad in general, it being in many places loose and uneven and the interior masonry is likewise loose and broken in many places; the fireplace and chimney were improperly constructed and never completed; the facing on several interior doors has cracked and separated and the sliding closet doors are improperly installed and do not properly open and close, all to the damage to the Plaintiffs in the sum above mentioned, hence this suit.

CHASON, STONE & CHASON

By: John E. Chason  
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 6 day of February, 1970.

John E. Chason

FILED

FEB 6 1970

ALICE J. DUCK CLERK  
REGISTER

We the Jury find for the Plaintiffs  
and fix damages at \$4,670.00,  
Four thousand six hundred and  
seventy dollars.

Charles R. Rhodes  
Foreman

89517

FILED

FEB 6 1970

ALICE J. DUCK  
CLERK  
REGISTER

DONALD OTTO BISHOP, et al.,	X		
Plaintiffs,	X	IN THE CIRCUIT COURT OF	
vs.	X	BALDWIN COUNTY, ALABAMA	
FOUR STAR BUILDERS, INC.,	X		
a corporation,	X	AT LAW	NO. 8957
Defendant.	X		

DEMURRER TO PLEAS

Come now the Plaintiffs in the above styled cause by their attorneys and demur to Pleas "1." and "2." and assign the following separate and several grounds to each of said pleas in support thereof:

1. Said Pleas are immaterial.
2. Said Pleas do not constitute a plea of the general issue.
3. Plea "2." does not constitute a defense to the cause of action.
4. Plea "2." does not constitute a defense to the matters complained of in the Complaint.

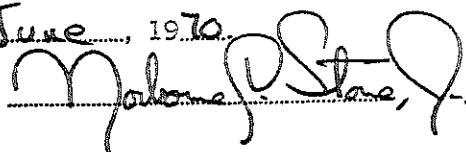
Respectfully submitted,

CHASON, STONE & CHASON

By:   
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 11 day of June, 1970.



**FILED**

JUN 11 1970

ALICE J. DUCK CLERK  
REGISTER

MR. AND MRS. DONALD  
OTTO BISHOP,

PLAINTIFFS,

VS

FOUR STAR BUILDERS, INC.,  
A CORPORATION,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 8957

DEMURRER

NOW COMES THE DEFENDANT, FOUR STAR BUILDERS, INC., A CORPORATION, IN THE ABOVE STYLED CAUSE AND DEMURS TO THE PLAINTIFF'S AMENDED COMPLAINT, AND TO EACH COUNT THEREOF SEPARATELY AND SEVERALLY, AND AS GROUNDS OF SUCH DEMURRER REFILES AND ASSIGNS SEPARATELY AND SEVERALLY, GROUNDS NUMBERED ONE (1) THROUGH SEVEN (7) OF THE DEMURRER FILED TO PLAINTIFF'S ORIGINAL COMPLAINT AS THOUGH SPECIFICALLY REWRITTEN HERE.

BAILEY & TAYLOR

By:

LLOYD E. TAYLOR

ATTORNEYS FOR THE DEFENDANT

FILED

FEB 11 1970

ALICE J. DUCK CLERK  
REGISTER

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 2/16/70  
served a copy of the foregoing on John E. Chason  
By mailing the same by United States Mail, Properly addressed, and First  
Class Postage Prepaid.

BAILEY & TAYLOR

By:

*DEMURRER*

*MR. & MRS. DONALD OTTO  
BISHOP,*

*PLAINTIFFS*

*VS*

*FOUR STAR BUILDERS, INC.,  
A CORPORATION,*

*DEFENDANTS*

*IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW*

*CASE NO: 8957*

BAILEY & TAYLOR  
ATTORNEYS AT LAW  
61 NORTH SECTION STREET  
P. O. BOX 361  
FAIRHOPE, ALABAMA 36532

ERNEST M. BAILEY  
LLOYD E. TAYLOR

PHONE  
FAIRHOPE 928-2393

MAY  
10TH  
1971

CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P.O. Box 120  
BAY MINETTE, ALABAMA, 36507

RE: BISHOP VS FOUR STAR BUILDERS  
AT LAW # 8357

DEAR MR. STONE:

IN ACCORDANCE WITH OUR AGREEMENT, I AM FORWARDING HERewith  
MY CHECK IN THE AMOUNT OF \$4,700.00 IN FULL SETTLEMENT OF  
THE ABOVE CASE.

BY COPY OF THIS LETTER, I AM REQUESTING THE CLERK OF CIRCUIT  
COURT TO FORWARD THE COST BILL TO ME FOR PAYMENT.

I TRUST THIS WILL SETTLE THIS MATTER.

VERY TRULY YOURS,

  
LLOYD E. TAYLOR

LET/w

INCL: CHECK

CC: EUNICE BLACKMON ✓

*Place in file*

C O P Y

*Bishop*  
*8957 v*  
*Four Star Builders*

JURY LIST - FALL SESSION, SEPTEMBER 14, 1970

1. Abercrombie, Thomas V., Jr., Dry Cleaners, Robertsdale
2. Cabiness, Norville, Laborer, Bay Minette
3. Childress, Julius, Farmer, Robertsdale
4. Cooper, Gilbert, Farmer, Rosinton
5. Cank, Sarah, Housewife, Bay Minette
6. McGill, C. E., Merchant, Perdido
7. Quinley, Lyman, Farmer, Bay Minette
8. Rhodes, Charles R., Farmer, Foley
9. Hester, Horace B., Fairhope
10. Higbee, Rita D., Housewife, Balforest
11. Flowers, Homer, Farmer, Foley
12. Foley, J. D., Industrialist, Foley
13. Franklin, Kenneth, Waiter, Foley
14. Garner, June A., School Teacher, Fairhope
15. Golden, Mrs. David, Housewife, Foley
16. Griffiths, Doyle, Foreman, Foley
17. Hagie, A. R., Employment Service, Foley
18. Doering, Richard, Tire Store Operator, Foley
19. Drinkard, Everette E., Farmer, Bay Minette
20. Busck, Frank J., Jr., Civil Service, Lillian
21. Early, E. J., Jr., E. Irwin & Son, Foley
22. Roberson, Mutt, Laborer, Robertsdale
23. Boesch, Lawrence F., Farmer, Bay Minette
24. Boone, Annie E., Stockton
25. Byrd, Clifton M., Farmer, Perdido
26. Baumann, Fred, Civil Service, Elberta
27. Bishop, Earnest E., Meat Packer, Fairhope
28. Blalock, Greene C., Carpenter, Fairhope
29. Hardy, Wendell B., Salesman, Bay Minette
30. Emmons, Isaac, Farmer, Silverhill
31. Amos, Roy A., Farmer, Foley
32. Armstead, George, Employee Fairhope Hardware, Daphne
33. Mikkelsen, Einer, Farmer, Summerdale
34. Phillips, Mayben, Farmer, Little River
35. Pizetti, Anthony, Farmer, Fairhope
36. Plovovich, Matthew, Reserve Fleet, Perdido
37. Meador, Eunice, Courthouse, Bay Minette
38. Nelson, Martin, Cleaners, Fairhope
39. Orem, Harley, Brookings Field, Bay Minette
40. Packer, Thomas, Meat Catter, Perdido
41. Lee, Cecil E., Farmer, Gatewood
42. Koehler, Frank, Farmer, Lillian
43. Gilbert, Jimmy, Insurance, Robertsdale
44. Hobbs, W. D., Farmer, Rosinton
45. Germany, Ruth, Saleslady, Foley
46. McLean, James K. Jr., Hotel Official, Fairhope
47. Anderson, Arthur, Machinist, Foley

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P XXXX XXXX XXXX  
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STATE OF ALABAMA

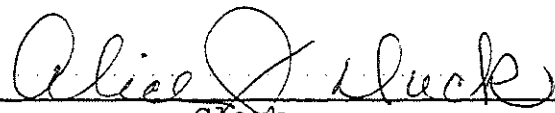
IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Four Star Builders, Inc., a corporation, to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Mr. and Mrs. Donald Otto Bishop.

Witness my hand this 27 day of October, 1969.

  
Clerk

MR. AND MRS. DONALD  
OTTO BISHOP,

Plaintiffs,

vs.

FOUR STAR BUILDERS,  
INC., a corporation,

Defendant.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

8957

The Plaintiffs claim of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for the breach of a written contract entered into by them on, to-wit: the 1st day of November, 1968, a copy of which such contract is in the possession of the Defendant and of which the Plaintiffs have no copy, in and by the terms of which said contract the Defendant agreed to construct a home for the Plaintiffs and it has breached said contract

by failure to build said home in a good and workmanlike manner.

CHASON, STONE & CHASON

By:

*John Earl Chason*

The Plaintiffs respectfully  
demand a trial of this cause  
by a jury.

CHASON, STONE & CHASON

**FILED**

OCT 27 1969

By:

*John Earl Chason*

**ALICE J. DUCK**

CLERK  
REGISTER

8957

*Spanish Fl.*  
Inter. 317225

Mr. + Mrs. Donald Otto  
Bishop.

*Petz.*

*vs.*

*Four Star Builders,  
Inc. a corp.  
Deft.*

Sheriff claims 44 miles at  
Ten Cents per mile Total \$ 4.40  
TAYLOR WILKINS, Sheriff  
BY *Woodall*  
DEPUTY SHERIFF

FILED

OCT 27 1969

ALICE J. DUCK CLERK  
REGISTER

*Chason, Stone & Chason*

Received 28 day of Oct 1969  
and on 28 day of Oct 1969  
I served a copy of the within 1st  
on Four Star Builders  
By service on *Edna Reynolds*  
*Secretary*  
TAYLOR WILKINS, Sheriff  
BY *Woodall* D.S.  
*Sp. St. of*

MR. & MRS. DONALD OTTO BISHOP,

PLAINTIFFS

Vs

FOUR STAR BUILDERS, INC.,  
A CORPORATION

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 8957

A N S W E R

NOW COMES THE DEFENDANT IN THE ABOVE STYLED CAUSE AND FOR ANSWER TO THE BILL OF COMPLAINT, AS AMENDED, HERETOFORE FILED IN THIS CAUSE AND TO EACH COUNT THEREOF, SEPARATELY AND SEVERALLY, ANSWERS AS FOLLOWS:

1. NOT GUILTY.

2. FOR FURTHER ANSWER TO THE BILL OF COMPLAINT AND EACH COUNT THEREOF, THE HOUSE, WHICH IS THE SUBJECT OF THIS SUIT WAS CONSTRUCTED BY THE DEFENDANT ACCORDING TO THE PLANS AND SPECIFICATIONS AGREED TO BY THE PLAINTIFFS AND AFTER COMPLETION OF SAID HOUSE, IT WAS INSPECTED BY AUTHORIZED REPRESENTATIVES OF THE FEDERAL HOUSING ADMINISTRATION AND MET THE PLANS AND SPECIFICATIONS STATED IN ACCORDANCE WITH THE CONTRACT IN ADDITION TO ALL REQUIREMENTS OF THE DEPT. OF HOUSING AND URBAN DEVELOPMENT, FEDERAL HOUSING ADMINISTRATION, BEING FHA CASE No. 011-083901-203. THE DEFENDANT HAS REPAIRED ALL DEFECTS IN MATERIAL AND WORKMANSHIP CALLED TO ITS ATTENTION WITHIN ONE YEAR AFTER DATE OF COMPLETION ACCORDING TO THE TERMS OF A WARRANTY OF COMPLETION ACCEPTED BY THE PLAINTIFFS.

3. THE DEFENDANTS HAVE IN ALL RESPECTS COMPLIED WITH THE CONTRACT ENTERED INTO BY AND BETWEEN THE PARTIES.

CERTIFICATE OF SERVICE

BAILEY & TAYLOR

I do hereby certify that I have on this 6-10-70 served a copy of the foregoing on NORBORNE STONE by mailing the same by United States Mail, Properly addressed, and First Class Postage Prepaid.

By: [Signature]  
ATTORNEYS FOR THE DEFENDANT

BAILEY & TAYLOR

By: [Signature]

JUN 30 1970

ALICE J. DUCK  
CLERK  
REGISTER

FILED  
JUN 10 1970  
MILKE J. BOCK  
CLERK  
REGISTER

MR. AND MRS. DONALD  
OTTO BISHOP,

PLAINTIFFS

VS

FOUR STAR BUILDERS, INC.,  
A CORPORATION,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 8957

COMES THE DEFENDANT, FOUR STAR BUILDERS, INC., IN THE ABOVE  
STYLED CAUSE AND DEMURS TO THE PLAINTIFFS' COMPLAINT AND TO EACH  
COUNT THEREOF, SEPARATELY AND SEVERALLY, AND ASSIGNS THE FOLLOW-  
ING GROUNDS OF DEMURRER:

1. SAID COUNT IS VAGUE AND INDEFINITE.
2. SAID COUNT FAILS TO STATE A CAUSE OF ACTION.
3. SAID COUNT DOES NOT CLEARLY SET FORTH THE NATURE OR  
CHARACTER OF THE ALLEGED BREACH OF CONTRACT.
4. SAID COUNT DOES NOT SUFFICIENTLY INFORM THE DEFENDANT AS  
TO HOW OR WHEREIN IT BREACHED THE ALLEGED CONTRACT.
5. SAID COUNT DOES NOT SET FORTH THE ESSENTIAL FACTS CON-  
STITUTING THE OBLIGATION OF THE DEFENDANT.
6. SAID COUNT DOES NOT SUFFICIENTLY ALLEGE WHETHER THE  
ACTION IS EX-CONTRACTU FOR THE BREACH OF CONTRACT, OR EX DELICTO  
FOR THE NEGLIGENT PERFORMANCE OF A CONTRACT.
7. SAID COUNT DOES NOT SET FORTH FACTS SUFFICIENTLY CLEAR  
TO APPRAISE THE DEFENDANT IN WHAT MANNER HE FAILED TO PERFORM  
THE ALLEGED CONTRACT IN A GOOD AND WORKMANLIKE MANNER.

BAILEY & TAYLOR

By: *Lloyd E. Taylor*

LLOYD E. TAYLOR

ATTORNEYS FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11/20/69  
served a copy of the foregoing on John Chasen  
by mailing the same by United States Mail, Properly addressed, and First  
Class Postage Prepaid.

BAILEY & TAYLOR

By: *Lloyd E. Taylor*

VOL

65 PAGE 378

NOV 24 1969

WILLIE J. BRYANT

CLERK  
RECEIVED

MR. & MRS. DONALD OTTO  
BISHOP,

PLAINTIFFS

VS

FOUR STAR BUILDERS, INC.,  
A CORPORATION,

DEFENDANTS

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8957