

GUS STEVENS,

Plaintiff,

Vs.

MELTON H. LANG,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

2020

Comes your petitioner, Melton H. Lang, and moves this Honorable Court to transfer said cause to the Equity Docket, and for grounds for said motion sets forth the following facts:

1.

That your petitioner is over the age of 21 years, and is a resident of Baldwin County, Alabama. That the plaintiff in said original cause is over the age of 21 years, and is a non-resident of the State of Alabama.

2.

That on or about May 1, 1951, the parties to this cause entered into an agreement that your petitioner would plant the crops, the plaintiff's money against the labor of your petitioner, and that the parties to this cause would split the profits fifty-fifty; and that the animals that were there, and the increase thereof, or animals purchased and placed on the property in Baldwin County, would be jointly owned by the parties to this cause.

3.

That the plaintiff, Gus Stevens, and your petitioner would purchase a pick-up truck, with the provision that your petitioner would trade in the pick-up truck he owned and the plaintiff herein, Gus Stevens, would pay the difference on a down payment, said truck being purchased to belong jointly to the parties to this action.

4.

That your petitioner, in 1951, moved to the property owned by the said plaintiff, said property being situate in Baldwin County, and resided there continuously, carrying out the terms of the agreement until evicted by the said plaintiff.

5.

That during the period of occupation and the life of said agreement, livestock were bought and sold in the name of the partnership, and your petitioner looked after the increase of both livestock and poultry.

6.

That there has been no settlement or accounting of this partnership agreement for the period beginning May, 1951, until to date, and there has been no audit made, nor any division of profits, nor any division of the increase from said partnership venture, in accordance with the terms of said partnership agreement.

7.

That the said Gus Stevens has been continuously in possession of all books and records pertaining to said joint venture, and your petitioner has been in possession of said livestock and poultry bought or derived as increase from the original holding thereof. Your petitioner is also in possession of the said automobile truck, acquisition of which was made by the use of your petitioner's own pick-up truck as a trade-in.

8.

Your petitioner was forced to move all of these items of personal property to another farm nearby upon the enforcement of the eviction judgment rendered in the Circuit Court of Baldwin County.

9.

That your petitioner has been unable to ascertain the amounts due him by the said Gus Stevens under the terms of the partnership agreement and joint venture.

#### PRAYER FOR RELIEF

The premises considered, the petitioner prays that a master or a register be appointed to take charge of all the joint venture books and accounts aforesaid, and to hold a reference and make an accounting of these joint ventures entered into by your petitioner and the plaintiff herein, reporting its findings to this Court.

And for such other and further relief as the nature of the case may require and to this Honorable Court may seem proper.

And your petitioner submits himself to the jurisdiction of the Court, and offers to do whatever the Court may consider necessary to be done on his part toward making the decree which he seeks just and equitable with regard to the other parties to the suit.

Melton H. Lang  
Petitioner

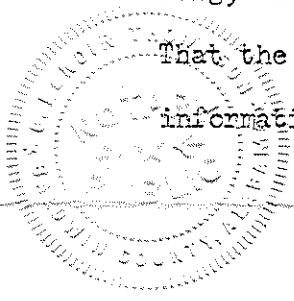
STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Melton H.

Lang, who is known to me, and who, being duly sworn, deposes and says:

That the foregoing facts are true according to the best of his knowledge,  
information or belief.



Charles H. Thompson  
Notary Public

2020



RECORDED

FILED

SEP 16 1953

ALICE J. DUCK, Clerk

STATE OF ALABAMA )  
\*  
BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon MELTON H. LAND 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 GUS STEVENS.

WITNESS my hand this 16th day of June, 1953.

*Amie F. Venable*  
Clerk

6-22-53

Executed 6-22 1953  
for serving copy of within Summons and  
Complaint on

*Melton H. Land*

*Taylor Watkins* Sheriff  
by *W. A. Hall* Deputy Sheriff  
*Steadman*

GUS STEVENS,  
Plaintiff,  
VS.  
MELTON H. LANG,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

COMPLAINT

The Plaintiff claims of the Defendant the following described personal property, viz:

- 17 23 hogs
- 13 8 pigs
- ✓ 1 milk cow
- ✓ 4 heifers
- ✓ 2 Jersey Bulls
- 50 100 chickens
- 38 turkeys
- 14 30 ducks
- 1 2 guineas
- ✓ 1 Farm-all Tractor - complete with implements
- ✓ 1 1947 International pickup truck
- ✓ 2 lengths water hose.

with the value of the hire or use thereof during the detention, viz:  
from the first day of January, 1953.

*James H. Hendrix*

*John R. Owen*

Attorneys for Plaintiff.

COMPLAINT

2020

Received by Sheriff's Office  
this 12 day of June 53  
TAYLOR WILKINS, Sheriff

RECORDED

GUS STEVENS,  
Plaintiff,

VS.

MELTON H. LANG,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed 6-16-53  
A. J. French  
Clerk

*ma Williams 1st from Lang Union  
Prisoner 90*

BOND

STATE OF ALABAMA )  
BALDWIN COUNTY )

KNOW ALL MEN BY THESE PRESENTS, That we, Gus Stevens, as Principal, and Eftowia Urahater and Mrs. Sara Nimmo D'Olive, and Tom Matthews, as sureties, are held and firmly bound unto Melton H. Lang in the sum of \$2,500.00 dollars, to be paid to the said Melton H. Lang, his heirs, executors, administrators or assigns; for which payment, well and truly to be made, we bind ourselves, and each of us, our and each of our heirs, executors and administrators, jointly and severally and firmly, by these presents. Sealed with our seals, and dated this 16<sup>th</sup> day of June, 1953.

The condition of the above obligation is such, That whereas the above bound Gus Stevens, on the day of the date hereof hath obtained at the suit of Gus Stevens vs. Melton H. Lang, a summons and complaint for the recovery of personal property in specie against said defendant and asks an endorsement by the Clerk of this Court "That the Sheriff is required to take the property mentioned in said complaint into his possession," as required by law in such cases, which summons and complaint are returnable to the next term of the Circuit Court of Baldwin County, and which said endorsement is made upon the plaintiff entering into this bond.

Now, if the said plaintiff shall fail in this suit, and shall pay the defendant all such costs and damages as he may sustain by reason of the wrongful complaint in said case, then this obligation to be void, otherwise to remain in full force and effect.

Eftowia Urahater (SEAL)

Mrs. Sara Nimmo D'Olive (SEAL)

Tom Matthews (SEAL)

Approved this 16<sup>th</sup> day of June, 1953. Malbis Restaurant  
Gus Stevens Highway 90

Alvin J. Leach  
Clerk.



W2020

RECORDED

Filed 6-16-52  
A. J. W. Clerk  
clerk

GUS STEVENS,  
Plaintiff,  
VS.  
MELTON H. LANG,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

STATE OF ALABAMA )  
BALDWIN COUNTY )

Before me, Alice J. Duck, Clerk of the Circuit Court of Baldwin County, in and for said County, personally appeared Gus Stevens, who first being duly and legally sworn, deposes and says:

That the property sued for in the Complaint of Gus Stevens vs. Melton H. Lang belongs to Gus Stevens, the said Plaintiff.

Gus Stevens

Sworn to and subscribed before me on  
this the 16th day of June, 1953.

Alice J. Duck  
Clerk.

no 2022

RECORDED

Filed 6-16-53  
Alice French  
Clerk.

no 2022

no 2022

STATE OF ALABAMA )

BALDWIN COUNTY )

TO ANY SHERIFF OF THE STATE OF ALABAMA:

The plaintiff having given bond and made affidavit as required by law, you are hereby required to take the property mentioned in the complaint into your possession, unless the defendant give bond payable to the plaintiff, with security in double the value of the property, conditioned that if the defendant is cast in the suit, he will, within thirty days thereafter, deliver the property to the plaintiff, and pay all costs and damages which may accrue from the detention thereof.

WITNESS my hand this 17th day of June, 1953.

*David F. Reisch*

Clerk of the Circuit Court of  
Baldwin County, Alabama.

*Executed 6-22-53 By serving a  
copy of the within and by attaching  
the following described property*

*17 Hogs  
13 Pigs  
1 milk cow  
4 Heifers  
2 Jersey Bolls  
about 50 to 60 chickens  
16 ducks  
1 quina*

*1 small tractor complete with implements  
1-1947 International pickup Truck*

*2 lengths water hose  
The Defendant failed to make bond in 5 days  
the plaintiff failed to make bond. turned  
the above property back to Defendant*

*Jayler Wilkins  
Sheriff  
By W.F. Hall Deputy Sheriff*

ORDER

702020

RECORDED

GUS STEVENS,  
Plaintiff,

VS.

MELTON H. LANG,  
Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

Filed  
6-17-53  
Alice French  
Clerk

GUS STEVENS,

PLAINTIFF,

VS.

MELTON H. LANG,

DEFENDANT.

Ø

Ø

Ø

Ø

Ø

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant and moves to dismiss said complaint filed in said cause and for grounds for said motion assigns the following:

1.

That no demand was made by the Plaintiff of the Defendant of said prior to the filing of this suit, which demand being necessary to terminate the relationship under which the property is held.

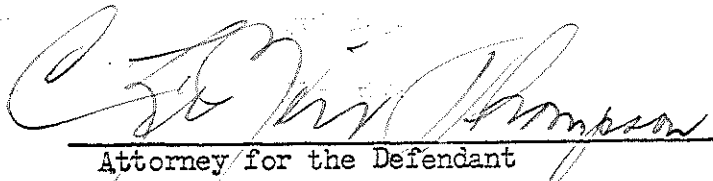
2.

That the Plaintiff failed to comply with Section 918 of Title 7 of the Code of Alabama, of 1940 as amended, in that said Plaintiff failed to file a good and proper bond, in that said individual executing same do not meet the requirements of having assessed double the value of the bond over and above the amount of the exemptions as provided in Title 15, Section 201 of the Code of Alabama of 1940 as amended.

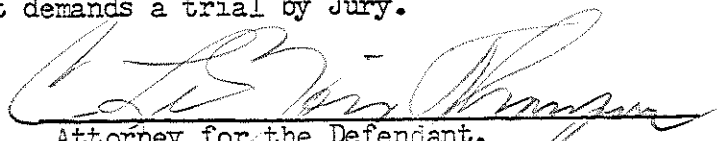
3.

That the said parties to this cause are joint owner of said property and therefore a writ of detinue will not lie for one joint owner or tenant in common against another joint owner or tenant in common.

Hence this motion.

  
Attorney for the Defendant

Failing in this motion, Defendant demands a trial by Jury.

  
Attorney for the Defendant.

70 20 20

GUS STEVENS,

PLAINTIFF

VS.

MELTON H. LANG,

DEFENDANT

RECORDED

Motion to Dismiss

From the Law Offices of  
C. LeNoir Thompson  
Attorney At Law  
Bay Minette, Alabama

FILED

JUL 7 1953

ALICE J. DUCK, Clerk