

# HARRY D'OLIVE

## PROBATE JUDGE

Nº 1773

Bay Minette, Ala., 3-23-71, 1

Received of Sherry Wilkins

FROM	TO	Deed Tax		Mortgage Tax		Mineral Documentary Tax		Recording Fees		T
		\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.	
<u>Notice of Levy -</u>	<u>G W Kueck</u>								50	
<u>Ray Amburg</u>										

FOR RECORD

Harry D'Oliver TOTAL \$ \_\_\_\_\_  
JUDGE OF P

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

March 3, 1971

Mrs. Eunice Blackmon, Clerk  
Circuit Court, Baldwin County  
Bay Minette, Alabama 36507

Dear Eunice:

9734

Please file the enclosed Complaint for Amlung  
Vs. Kuck and have it served by Registered Mail on  
Defendant at 2530 Cherokee Drive, Albany, Georgia 31705  
and forward the Writ to the Sheriff for attachment.

With kind regards, I am

Yours very truly,

*Wilson Hayes*  
Wilson Hayes

WH/ms  
Enc.

# Notice of Levy on Real Estate

Ray Amlung and  
Lillian Amlung

Plaintiff,

vs.

Carold W. Kuck

Defendant

Baldwin County Circuit Court

To Hon. Harry D'Olive Judge of Probate, Baldwin County, Alabama:

Notice is hereby given that under a Writ of Attachment

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property

of said Defendants, described as follows, viz: the EAST of the Northeast Quarter of the

Southwest Quarter of Section 34, Township 5, Range 4 East, Baldwin County, Alabama

006 246 731

The above described Real Estate being in Baldwin County, Alabama

Given under my hand this 23 day of March 19 71

TE OF ALABAMA,  
DWIN COUNTY  
erity that this Instrument was filed on

Taylor Wilkins  
Sheriff of Baldwin County, Alabama

FVOL 60 PAGE 147

MAR 23 1971 1055 AM

that no tax was collected. Recorded in his Pend  
6  
231 Harry D'Olive  
Judge of Probate

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Sherry Wilkins

RAY AMLUNG and LILLIAN  
AMLUNG,

Plaintiffs,

Vs.

GAROLD W. KUCK,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER:

9734

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, Ray Amlung and Lillian Amlung have complained by their Attorney, Wilson Hayes, on oath, that Garold W. Kuck of 2530 Cherokee Drive, Albany, Georgia 31705 is justly indebted to the Plaintiffs in the sum of ONE THOUSAND DOLLARS (\$1,000.00) or more for trespass and trespass quare clausem friget and the said Wilson Hayes having made affidavit as required by law in such cases, you are hereby commanded to attach so much of the estate of the said Garold W. Kuck, namely the East of the Northeast Quarter of the Southwest Quarter of Section 34, Township 5 South, Range 4 East, Baldwin County, Alabama as will be of value sufficiently to satisfy said debt and cost, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Alabama at a term thereof to be holden at the Court House of the said County from time-to-time on the days made and provided by the order of the said Court, when and where you must make known to the said Court how you have executed this Writ.

Witness my hand this 5 day of March, 1971.

Emilee B. Blackburn  
Clerk

4961

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149

9734

Ray Amlung & Lillian  
Amlung

vs.  
Garold W. Kuck

Attachment Writ

W. Hayes

Received 8 day of March 19 71  
and on day of 19  
I served a copy of the within  
on \_\_\_\_\_  
by service of \_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
D.S.

3/23/71

Executed by recording  
a notice of Levy in the  
Probate Court Baldwin Co, Ala.  
and posting a notice of Levy  
at the courthouse door -

Taylor Wilkins  
Sheriff  
by J M Byrd

RAY AMLUNG and LILLIAN  
AMLUNG,

Plaintiffs,

Vs.

GAROLD W. KUCK,

Defendant.

§

IN THE CIRCUIT COURT OF

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BALDWIN COUNTY, ALABAMA

§

AT LAW

§

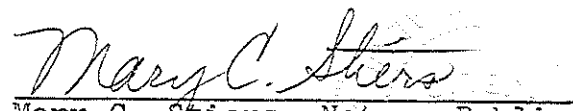
NUMBER: \_\_\_\_\_

§

Before me, Mary C. Stiers, a Notary Public in and for said County in said State, personally appeared Wilson Hayes, who being duly sworn, on oath, saith that Garold W. Kuck is justly indebted to Ray Amlung and Lillian Amlung for trespass and trespass quare clausem friget in the amount of ONE THOUSAND DOLLARS (\$1,000.00) or more, which said amount is justly due after allowing all just offsets and discounts, and that the said Garold W. Kuck is a non-resident of the State of Alabama whose last known address was 2530 Cherokee Drive, Albany, Georgia 31705 and that an attachment is necessary in this cause and prays that an attachment be issued in this cause, and that this attachment is not sued out for the purpose of vexing or harrassing the Defendant, or other improper motive.

  
Wilson Hayes

Sworn to and subscribed before me this the 27 day of March, 1971.

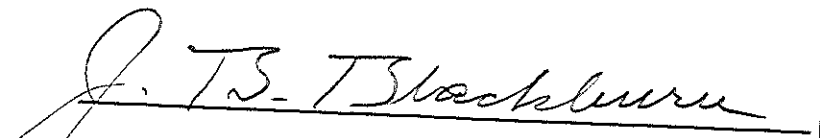
  
Mary C. Stiers, Notary Public

RAY AMLUNG and LILLIAN AMLUNG,    Ø  
  Plaintiffs,   Ø       IN THE CIRCUIT COURT OF  
VS.   Ø       BALDWIN COUNTY, ALABAMA  
GAROLD W. KUCK,                           Ø       AT LAW                   NO. 9734  
  Defendant.   Ø

DEMURRER TO COMPLAINT

Now comes the defendant, by his attorney, and demurs to the complaint in this cause, and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the complaint are vague, indefinite and uncertain.
3. The allegations of the complaint are conclusions of the pleader.
4. No facts are alleged on which the relief sought can be granted.
5. The allegations of the complaint are vague, indefinite and uncertain in that no facts are alleged to show what expenses the plaintiffs have incurred or what repairs they have made on the property described in the complaint.

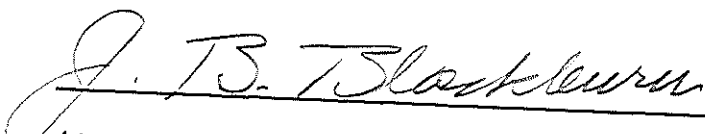
  
Attorney for Defendant

I hereby certify that I mailed a copy of the foregoing demurrer to Wilson Hayes, Esquire, attorney for plaintiffs, on this the 16th day of April, 1971.

**FILED**

APR 16 1971

EUNICE B. BLACKMON CIRCUIT CLERK

  
Attorney for Defendant



STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Garold W. Kuck 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 the same, then and there to answer the complaint of Ray Amlung and Lillian Amlung.

*This 5 day of March, 1971*

*Ernie R. Blackburn*  
Clerk

\*\*\*\*\*  
RAY AMLUNG and LILLIAN  
AMLUNG,

Plaintiffs,

Vs.

GAROLD W. KUCK,

Defendant.

Ø IN THE CIRCUIT COURT OF

Ø BALDWIN COUNTY, ALABAMA

Ø AT LAW

Ø NUMBER: 9734

I

The Plaintiffs claim of the Defendant the sum of TEN THOUSAND DOLLARS (\$10,000) for that the Plaintiffs are the owners of certain lands described as follows:


The West half of the Northeast Quarter of the Southwest Quarter of Section 34, Township 5 South, Range 4 East, Baldwin County, Alabama

which said land is adjoined on the East side by lands owned by Defendant, viz:

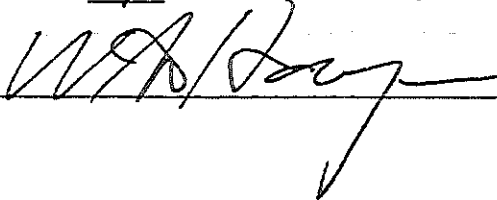
The East half of the Northeast Quarter of the Southwest Quarter of Section 34, Township 5 South, Range 4 East, Baldwin County, Alabama;

That Plaintiffs are entitled, as the owners of the lands described as owned by them, to have lateral support for his said lands from the adjoining lands of Defendant; that heretofore within one year next preceding the filing of this Bill of Complaint, the exact date or dates of which are unknown, Defendant removed or caused to have removed soil from his lands above described adjacent to Plaintiffs said lands by excavating from his, the said Defendant's lands near or adjacent to Plaintiffs' lands to an

excessive depth, thereby removing the lateral support from Plaintiffs' lands; that as a result of the removal of such lateral support Plaintiffs' lands have fallen and caved at the places where the said lateral support has been removed and that the said lands of Plaintiffs will continue to cave and fall at the places where the said lateral support has been removed and that as a proximate consequence of Defendant's acts in removing the said lateral support or causing to be removed the said lateral support Plaintiffs have been subjected to expenses and will continue to be put to expense to repair or restore their said property; that the rental value of their, the Plaintiffs' lands, have been diminished and they have suffered loss of use and enjoyment of the lands, ad quod damnum.

  
\_\_\_\_\_  
Attorney for Plaintiffs  
Wilson Hayes

Plaintiff demands trial by Jury  
this 24th day of March, 1971.

  
\_\_\_\_\_

Number: 9734

Ray Amlung and Lillian  
Amlung,

Plaintiffs,

Vs.

Garold W. Kuck,

Defendant.

In the Circuit Court of  
Baldwin County, Alabama  
At Law

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

July 13, 1972

Mrs. Eunice Blackmon, Clerk  
Circuit Court, Baldwin County  
Bay Minette, Alabama 36507

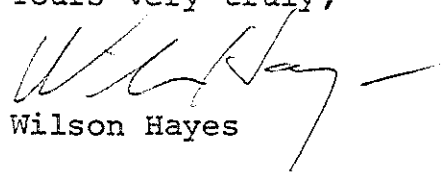
Re: Amlung v Kuck  
Case #9734

Dear Mrs. Blackmon:

Please have this case dismissed and the cost  
taxed against the Plaintiff. The case is now moot  
since Plaintiff has purchased Defendant's lands.

With kind regards, I am

Yours very truly,

  
Wilson Hayes

WH/mm

**PROBATE JUDGE****PROBATE JUDGE**

1773

Bay Minette, Ala.

3-23-71

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red of\_

173  
Sherry Watkins

[illegible]

FOR RECORD

*Harry D'olive* TOTAL \$  
JUL

TOTAL \$

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JUDGE OF PROBATE.

**PROBATE JUDGE**

1773

3-23-71, 1971

'ed of.

173  
Sherry Watkins

[illegible]

FOR RECORD

Harry D'Almeida TOTAL \$ 50  
JUDGE OF PROBATE.

HARRY D'OLIVE

PROBATE JUDGE

Nº 1773

Bay Minette, Ala. 3-23-71, 19\_\_

Received of

*Sherry Wilkins*

FROM

TO

*Notice of Levy - G W Kueck*  
*Ray Ambung*

Deed Tax		Mortgage Tax		Mineral Documentary Tax		Recording Fees		Total	
\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.	\$	Cts.
						50		50	

FOR RECORD

*Harry D'Olive*

TOTAL \$ .50

JUDGE OF PROBATE.