### HARRY D'OLIVE

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| Notice of Levy -           | I W Krick | \$  | Cts.    | \$      | Cts.    | \$    | Cts.             | \$           | Cts.<br><u>グ</u> ひ | \$ |
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FOR RECORD

#### WILSON HAYES

LAWYER P. O. BOX 300

BAY MINETTE, ALABAMA

36507

March 3, 1971

TELEPHONE 937-5506

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

Dear Eunice:

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,

WH/ms Enc.

# Notice of Levy on Real Estate

| Ray Amlung and<br>Lillian Amlung   |  |
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| Plaintiff,   |  |
| vs.  | Baldwin County Circuit Court   |
| Carold W. Kuck Defendant   | an an ana an an  |
| Notice is hereby given that under a Writ of Arissued in favor of the Plaintiff in above entitled cause, I had of said Defendants, described as follows, viz: the EAST  | ttachment  ve levied on the following described propert  of the Northeast Quarter of the |
| Southwest Quarter of Section 34, Township  | 5, Range 4 East, Baldwin County, A   |
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R- 50

RAY AMLUNG and LILLIAN IN THE CIRCUIT COURT OF AMLUNG,

Plaintiffs, ABALDWIN COUNTY, ALABAMA

Vs. AT LAW

GAROLD W. KUCK, NUMBER: 9734

Defendant.

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 J day of March, 1971.

Einiel BBlackmon

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Attachment Whit

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3/23/71
Executed by recording a notice of levy in the frobate Court Boldwin Co Cela. and posting a notice of levy at the court house door

Taylor Wilkins Sheriff by FMBeyrel

W. Hayes

| RAY AMLUNG and LILLIAN AMLUNG, | ğ | IN THE CIRCUIT COURT OF |
|--------------------------------|---|-------------------------|
| Plaintiffs,                    | Ŏ | BALDWIN COUNTY, ALABAMA |
| Vs.                            | Ĭ | AT LAW                  |
| GAROLD W. KUCK,                | Ŏ | NUMBER:                 |
| Defendant.                     | δ |                         |

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 day of March, 1971.

Mary C. Stiers, Notary Public

RAY AMLUNG and LILLIAN AMLUNG, 

Plaintiffs, 
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

GAROLD W. KUCK,

AT LAW

NO. 9734

Defendant. 0

# 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

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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

Attorney for Defendant

: VOL 60 PAGE 152

EUNICE B. BLACKMON CIRCUIT

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 Clerk

\* \* \* \* \* \* \* \* \* \* \* RAY AMLUNG and LILLIAN AMLUNG, Ø IN THE CIRCUIT COURT OF

Plaintiffs, Ø

BALDWIN COUNTY, ALABAMA Vs.

GAROLD W. KUCK, AT LAW ð

NUMBER: Defendant. ð

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 day of March, 1971.

ive 60 ac 146

Number: 9734

Ray Amlung and Lillian Amlung,

Plaintiffs,

Garold W. Kuck,

Defendant.

In the Circuit Court of Baldwin County, Alabama At Law

#### WILSON HAYES

P. D. 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

| MMO | PROBATE JUDGE |
|-----|---------------|
|     |               |

1773 Sperry Wilkens Bay Minette, Ala. 3-23-21, 19\_/

| FROM         | TO       |          | Deed Tax |          | Mortgage Tax |         | Mineral<br>Documentary<br>Tax |    | Recording Fees |          | otal |
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FOR RECORD

Harry D'Olive

PROBATE JUDGE

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

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FOR RECORD

Harry D'Olive.
JUDGE OF PROBATE.

## HARRY D'OLIVE

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