STATE OF ALABAMA

BALDWIN COUNTY

## IN THE CIRCUIT COURT - LAW SIDE

# TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Linden Construction

Company, 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 Magnolia Hollow Metal Hardware & Building Specialties

Co., Inc., a corporation.

Witness my hand this 1/7 day of August, 1972.

Eunia. B. Blackmon

MAGNOLIA HOLLOW METAL HARDχ WARE & BUILDING SPECIALTIES CO., INC., a corporation, χ IN THE CIRCUIT COURT OF Plaintiff, χ BALDWIN COUNTY, ALABAMA vs. χ AT LAW NO: 10,553 LINDEN CONSTRUCTION COMPANY, χ INC., a corporation, χ Defendant.

### COUNT ONE

The Plaintiff claims of the Defendant the sum of Two

Hundred Thirty-seven Dollars and Twelve Cents (\$237.12) due from

the Defendant by account on the 7th day of August, 1972, which sum

of money with interest thereon, is still unpaid.

## COUNT TWO

The Plaintiff claims of the Defendant the sum of Three Hundred Eighty-four Dollars and Sixty-four Cents (\$384.64) due

from the Defendant by account on the 7th day of August, 1972, which sum of money with interest thereon is still unpaid.

CHASON, STONE & CHASON

BY: Oave Man

There is attached to the original hereof an itemized verified statement of the account sued upon.

CHASON, STONE & CHASON

BV.

AUG 17 ...

EUNICE B. BLACKIACH CLERK

BALDWIN COUNTY Before me, the undersigned authority, personally appeared \_\_\_\_, who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows: My name is A de Ceca). of Magnolia Hollow Metal Hardware & Building Specialties Co., Inc., and as such, have full and complete knowledge of the books and records of said corporation. The attached statement of account of Linden Construction Company, Inc., a corporation, in the amount of Two Hundred Thirty-seven Dollars and Twelve Cents (\$237.12), is a true and correct statement of the account as the same exists after allowing all just credits. WITNESS my hand and seal this 7th day of Ucc 1972. Sworn to and subscribed before

me this 7th day of

1972.

STATE OF ALAI Sanderdale

Notary Public, Lauderdale County, Mississippi

Ny Commission Expires April 24, 1976

Town I down From Land

AUG 17 B. ..

EUNICE B. BLACKIAON GURGUIT

STATE OF ALABAMA

SALDWIN COUNTY

Before me, the undersigned authority, personally appeared

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My name is Same Address and I am

Specialties Co., Inc., and as such, have full and complete knowledge
of the books and records of said corporation. The attached statement of account of Linden Construction Company, Inc., a corporation, in the amount of Three Hundred Eighty-four Dollars and Sixtyfour Cents (\$384.64), is a true and correct statement of the account as the same exists after allowing all just credits.

being by me first duly and legally sworn, did depose and say under

WITNESS my hand and seal this 7th day of Cong.

1972.

(SEAL)

Sworn to and subscribed before

me this 2 day of

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Notary Public, Lauderdale County, Mississippi

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EUMICE B. BLACKMON CHROUT

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TAYLOR WILKINS

MAGNOLIA HOLLOW METAL HARD-WARE & BUILDING SPECIALTIES CO., INC., a corporation,

Plaintiff,

VS.

LINDEN CONSTRUCTION COMPANY, INC., a corporation,

Defendant.

SUMMONS AND COMPLAINT

AUG 17 1972

EUNICE B. BLACKMON CIRCUIT

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

MAGNOLIA HOLLOW METAL HARD-WARE & BUILDING SPECIALTIES

CO., INC., a corporation,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

Plaintiff,

AT LAW NO. 10553

VS.

LINDEN CONSTRUCTION COMPANY, INC., a corporation,

Defendant.

## MOTION TO STAY AND SUGGESTION OF BANKRUPTCY PROCEEDING

Comes now LINDEN CONSTRUCTION COMPANY, INC., Defendant in the above styled cause and respectfully represents and shows unto this Honorable Court that on August 25, 1972, said LINDEN CONSTRUCTION COMPANY, INC., filed an original petition proposing an arrangement under Chapter XI of the Bankruptcy Act and further that the administration of such estate is still pending in the United States District Court for the Southern District of Alabama, Southern Division, being Case Number 3 3198 on the docket of that Court and, therefore, LINDEN CONSTRUCTION COMPANY, INC., Defendant herein and Debtor, respectfully moves that all proceedings herein be stayed until a final decree and administration of such estate in said United States District Court.

RONALD P. SLEPIAN, Attorney for

LINDEN CONSTRUCTION COMPANY, INC.

211 North Conception Street Post Office Drawer 2025 Mobile, Alabama 36601

\_\_CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by same to each by First Class United S os Mall, properly addressed

SEP 25 1972

FILED

EUNICE B. BLACKMON CIRCUIT

### McDermott & Slepian

ATTORNEYS AT LAW
211 NORTH CONCEPTION STREET
MOBILE, ALABAMA
36601

WILLIAM H. MCDERMOTT RONALD P. SLEPIAN BRAXTON L. KITTRELL, JR. CHARLES J. FLEMING

August 27, 1973

MAILING ADDRESS: POST OFFICE DRAWER 2025 PHONE 432-1671

Chason, Stone & Chason Attorneys at Law Bay Minette, Alabama

Re: Magnolia Hollow Metal Hdw. & Building Specialities Co.

-vs-

Linden Construction Co. Case No. 10 553

### Gentlemen:

As you know, we represent Linden Construction Company and our client has recently completed successfully an arrangement with creditors under Chapter XI of the Bankruptcy Act. It is my understanding that the disbursing agent made payment to your client either through your office or directly to the client and this case should now be dismissed. Please be kind enough to dismiss the case and send copies of such dismissal to my attention.

I am taking the liberty of sending a copy of this letter to the court. If there is any misunderstanding or different opinion about the situation, please communicate with the undersigned as soon as possible.

Thank you for you'r courtesy and cooperation.

Cordially yours

Ronald P. Slepian

For the Firm

FILED

AUG 28 1973

RPS:ce

cc: Clerk of Circuit Court
of Bay Minette, Alabama
Linden Construction Company

SUNICE B. BLACKMON CIRCUIT