

2477

THE CRAFT COMPANY, INCORPORATED,
Plaintiff,
VS.
MARION O. BARRETT,
Defendant.

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

AMENDMENT TO BILL OF COMPLAINT:

Now comes the Plaintiff in the above styled cause and amends the Complaint heretofore filed, as amended by it in the same, so that the same shall read as follows:

In Count Two of the Complaint, Second Paragraph, which reads as follows: "And Plaintiff claims a lien on said real estate as provided for Mechanics and Materialmen", is amended to read as follows: "And Plaintiff claims a lien on the improvements situated on the described real estate, and the real estate on which the improvements are situated, as provided for Mechanics and Materialmen."

FILED

2-23 1905

ALICE J. DUCK, Clerk

James H. Bailey
Attorney for Plaintiff

Craft Company, Incorporated,
Plaintiff

IN THE CIRCUIT COURT

OF

vs,

BALDWIN COUNTY, ALABAMA

Marion O. Barrett

DEMURRED TO COMPLAINT

AS LAST AMENDED

Comes now the Defendant and demurs to the complaint as last amended and assigns the following separate and several grounds in support thereof:

1. Count Two does not state a cause of action

2. It affirmatively appears from the complaint that the alleged lien is not enforceable as to the improvements

3. It affirmatively appears that the alleged lien is not enforceable as to real estate described in the complaint

4. The location of the improvements are not described with sufficient certainty

5. For aught that appears from the complaint the land described consists of more than one acre and is not located within the limits of any city, town or village

6. The improvements are not sufficiently described either in the complaint or in the exhibit attached thereto.

7. The complaint fails to properly describe the improvement on the property

described in the complaint

CHASON & STONE

By Margaret O Stone

STATE OF ALABAMA

BALDWIN COUNTY

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETINGS:

You are hereby commanded to summon MARION C. BARRETT to appear and answer, plead, or demur, within thirty (30) days from the service of this writ, to a Bill of Complaint filed against her in Circuit Court, at Law, for said County of said State by CRAFT COMPANY, INCORPORATED.

Herein fail not. Due return make of this writ as the law directs.

Witness this 14 day of Dec, 1954

David J. Hensley
Clerk of Court

Defendant lives at
77 South Lafayette St.
Mobile, Alabama

CRAFT COMPANY, INCORPORATED,
Plaintiff

vs.

MARION C. BARRETT,
Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

The Plaintiff claims of the Defendant \$178.20 with interest due by an account on, to-wit, the 28th day of September, 1954, together with the interest thereon, which is past due and unpaid. Plaintiff avers that said account represents building materials and/or labor furnished by the Plaintiff under contract with the Defendant which was furnished for and which was used in the construction or improvement or repair of certain real estate of the Defendant described as:

Lots 1, 2, 3, 4, 12, 13, 14 and 15, Block 55, Park City,
a subdivision lying in Baldwin County, Alabama

And Plaintiff claims a lien on said real estate as provided for mechanics and materialmen by law and Plaintiff further avers that on November 19, 1954, the Plaintiff filed in the Probate Office of Baldwin County, Alabama, a claim of lien, copy of which is attached hereto as Exhibit A and made a part hereof and Plaintiff prays that said lien may be established and that said real estate be condemned for the satisfaction of said indebtedness and that same be ordered sold to satisfy said indebtedness.

Plaintiff demands a trial by jury

Ernest M. Dail
Attorney for Plaintiff

Ernest M. Dail
Attorney for Plaintiff

EXHIBIT A

STATE OF ALABAMA)
BALDWIN COUNTY)

The Craft Company, Incorporated files this statement in writing, verified by the oath of IRVIN P. CRAFT, who has personal knowledge of the facts herein set forth:

That said Craft Company, Incorporated claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit:

LOT 1, 2, 3, 4, 12, 13, 14 or 15, Block 55, Park City, consisting of appurtenances thereon, including one and one-half storey concrete block house.

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said land.

That said lien is claimed to secure an indebtedness of \$178.20 with interest from, to-wit, the 28th day of September, 1954, for materials and labor furnished pursuant to contract.

The name of the owner or proprietor of the said property is
MARION O. BARRETT.

S/
Irvin P. Craft, President
The Craft Company, Incorporated
Claimant

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, Ernest M. Bailey, a notary public in and for the State of Alabama at Large, personally appeared IRVIN P. CRAFT, who being duly sworn, doth depose and say: That he has personal knowledge of the facts set forth in the foregoing statement of lien, and that the same are true and correct to the best of his knowledge and belief.

S/
Irvin P. Craft
Affiant

Subscribed and sworn to before me on
this the day of November, 1954.

S/
Notary Public

FILED

12-14 1954

ALICE J. DUCK, Clerk

BOOK 003
PAGE 461

Received in Sheriff's Office
Day 17 of Dec 1934
TAYLOR WILKINS, Sheriff

EXECUTED
This 27 day of Dec, 1934
by serving a copy of the within on
Morton B. Barrett
W. H. HOLCOMBE, Sheriff
By W. H. Holcombe, D. S.

964
RECORDED
no 2477

BILL OF COMPLAINT

CRAFT COMPANY, INC.
Plaintiff

VS.

MARION O. BARRETT,
Defendant

FILED
12-14-34
ALICE J. DUCK, Clerk
The Defendant lives at
77 South Lafayette St.
Mobile, Alabama

ERNEST M. BAILEY
ATTORNEY AT LAW
FAIRHOPE, ALABAMA

CRAFT COMPANY, INCORPORATED,

Plaintiff,

vs.

MARION O. BARRETT,

Defendant.

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IN THE CIRCUIT COURT OF

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BALDWIN COUNTY, ALABAMA

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AT LAW

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PLEAS

Comes now the Defendant in the above styled cause and for answer to the complaint heretofore filed against her and to each count thereof, separately and severally, pleads as follows:

1. That the allegations of the complaint are untrue.
2. That the allegations of Count One are untrue.
3. That the allegations of Count Two are untrue.

4. That the property described in Count Two of the Complaint consists of more than one acre and is not located within the corporate limits of any municipality in Baldwin County, Alabama, and is therefore not subject to the alleged lien filed by the Plaintiff in the office of the Judge of Probate of Baldwin County, Alabama, a copy of which is attached to the complaint and marked Exhibit "A".

5. For further answer to the complaint and to each count thereof, the Defendant alleges that she employed the Plaintiff to do certain plumbing work for her on property owned by her near Daphne in Baldwin County, Alabama, consisting of the repair of a pump and certain electrical attachments thereto and one or two matters in the kitchen of her house located on said property, and the Defendant was lead to believe that the entire amount of work would be completed for approximately Thirty-five Dollars (\$35.00). The Defendant further alleges that the Plaintiff, acting by and through its agents, servants and employees, did come to her said property and perform certain work as outlined above, but that all of said work was highly unsatisfactory and not done in a workmanlike manner and that the pump was not fixed by the Plaintiff, notwithstanding its agreement to do so, but continued to leak badly and to rust and deteriorate and the electrical work which the Plaintiff had agreed to do was not done in a

workmanlike manner in that the wire used was too small for the purpose for which it was used and it was necessary that the Defendant employ someone to repair the cut-off for the pump which the Plaintiff had agreed to do, and all of the work which the Plaintiff agreed to do for the Defendant was highly unsatisfactory and not performed in accordance with its said agreement.

6. For further answer to the complaint and to each count thereof, the Defendant alleges that the Plaintiff was, at the time of the filing of this suit, indebted to the Defendant in the amount of Three Hundred Dollars (\$300.00) as damages in this: That the Defendant contracted with the Plaintiff to do certain plumbing work and electrical work incidental thereto on the improvements located on her property near Daphne in Baldwin County, Alabama, and that although the Defendant has complied in all respects with her contract with the Plaintiff, the Plaintiff, acting by and through its agents, servants and employees, has failed and refused to complete the work agreed upon and the work which it actually did was not done in a workmanlike manner in that the top of the pump is rusted and the pump leaks constantly and the electric work which the Plaintiff agreed to do was not done properly, but was done in such a manner as to constitute a fire hazard in that the pump was wired directly to the switch box and as a result of the pump not functioning properly and said work not being done in a workmanlike manner, the Defendant has lost two tenants for said property and her electric bill has been increased and she has otherwise been damaged as a result of the actions of the Plaintiff and the breach of its contract with her, all of which the Defendant offers to set off against the claim of the Plaintiff and asks judgment for the excess.

FILED

6-24 1906

ALICE J. DUCK, Clerk

Respectfully submitted,

CHASON & STONE

By: Malcolm C. Stone

RECORDED

2477

CRAFT COMPANY, INCORPORATED,

Plaintiff,

vs.

MARION O. BARRETT,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

PLEAS

*Filed 6-24-55
Alice J. French
clerk*

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

CRAFT COMPANY, INCORPORATED,

Plaintiff,

vs.

MARION C. BARRETT,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes now the Defendant in the above styled cause, by her attorneys, and demurs to the complaint heretofore filed against her and assigns the following separate and several grounds in support thereof:

1. That the complaint does not state a cause of action.
2. For aught that appears from the complaint the materials and labor alleged to have been furnished by the Plaintiff were not done so at the request of the Defendant.
3. The complaint fails to allege that the Defendant has breached the alleged contract with the Plaintiff.
4. For aught that appears from the complaint no claim has been filed in the Office of the Judge of Probate of Baldwin County, Alabama, as required by law.
5. It affirmatively appears from the complaint that no claim has been filed as required by law.
6. That the allegations of the complaint are vague, indefinite and uncertain.
7. The complaint fails to allege the terms of the alleged contract under which the Plaintiff is alleged to have done certain work and furnished building materials to the Defendant.

FILED

1-28 1935
ALICE J. DUCK, Clerk

Respectfully submitted,

CHASON & STONE

By:

Attorneys for Defendant.

RECORDED
2477

CRAFT COMPANY, INCORPORATED,
Plaintiff,

vs.

MARION O. BARRETT,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

DEMURRER

*Refiled 4-19-55
Alice J. Bush, Clerk*

FILED
JAN 28 1955
ALICE J. BUSH, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

Attorney for Plaintiff

The Plaintiff claims of the Defendant One Hundred Seventy Eight Dollars and Twenty Cents (\$178.20), due from her for work and labor done for the Defendant by the Plaintiff on the 28th day of September, 1954, which sum of money with the interest thereon, is still unpaid. Plaintiff avers that said amount represents building materials and labor furnished by the Plaintiff, at the request of the Defendant, which was furnished for and which was used in the construction or improvement or repair of certain real estate of the Defendant described as:

Lots 1, 2, 3, 4, 12, 13, 14 and 15, Block 55, Park City, a subdivision in Baldwin County, Alabama.

And Plaintiff claims a lien on said real estate as provided for mechanics and materialmen by law and Plaintiff further avers that on November 19, 1954, the Plaintiff filed in the Office of the Judge of Probate of Baldwin County, Alabama, a verified claim of lien, copy of which is attached hereto as Exhibit A and made a part hereof, and Plaintiff prays that said lien may be established and that said real estate be condemned for the satisfaction of said indebtedness and that same be ordered sold to satisfy said indebtedness.

COUNT TWO

The Plaintiff claims of the Defendant One Hundred Seventy Eight Dollars and Twenty Cents (\$178.20), due from her for work and labor done for the Defendant by the Plaintiff on the 28th day of September, 1954, at her request, which sum of money with the interest thereon, is still unpaid.

COUNT ONE

CHART COMPANY, INCORPORATED
Plaintiff
-vs-
MARION O. BARRETT
Defendant
AT LAW
BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF

heretofore filed by it in the same so that the same shall read as follows:

Amendment to BILL OF COMPLAINT

CHART COMPANY, INCORPORATED
Plaintiff
-vs-
MARION O. BARRETT
Defendant
AT LAW
BALDWIN COUNTY, ALABAMA
IN THE CIRCUIT COURT OF

FILED 1954 SEP 23

EXHIBIT A

STATE OF ALABAMA)
BALDWIN COUNTY)

The Craft Company, Incorporated files this statement in writing, verified by the oath of IRVIN P. CRAFT, who has personal knowledge of the facts herein set forth:

That said Craft Company, Incorporated claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit:

Lots 1, 2, 3, 4, 12, 13, 14 or 15, Block 55, Park City, consisting of appurtenances thereon, including one and one-half storey concrete block house.

This lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said land.

That said lien is claimed to secure an indebtedness of \$178.20 with interest from, to-wit, the 28th day of September, 1954, for materials and labor furnished pursuant to contract.

The name of the owner or proprietor of the said property is MARION C. BARRETT.

(Signed) Irvin P. Craft
Irvin P. Craft, President
The Craft Company, Incorporated

Claimant

STATE OF ALABAMA)
BALDWIN COUNTY)

Before me, Ernest M. Bailey, a notary public in and for the State of Alabama at Large, personally appeared IRVIN P. CRAFT, who being duly sworn, doth depose and say: That he has personal knowledge of the facts set forth in the foregoing statement of lien, and that the same are true and correct to the best of his knowledge and belief.

(Signed) Irvin P. Craft

Subscribed and sworn to before me
on the 18th day of November, 1954.

(Signed) Ernest M. Bailey
Notary Public

Affiant
STATE OF ALABAMA, BALDWIN COUNTY
Filed 11-19-54 8 a m
Recorded Ex & Lien Book 5 Page 93
(Signed) W. R. Stuart
Judge of Probate

RECORDED

2477

AMENDMENT TO
BILL OF COMPLAINT

CEAFT COMPANY, INCORPORATED
Plaintiff

-VS-

MARTIN O. BARRETT
Defendant

FILED

FEB 23 1955

ALICE J. BUCK, Clerk

ERNEST M. BAILEY
ATTORNEY AT LAW
FAIRHOPE, ALABAMA