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SUMMONS AND COMPLAINT

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon WILLIE WILKES, ANNE WILKES and MARY PETERSON to appear within thirty days from the service of this writ in the Circuit Court, to be held for the said County at the place of holding of the same, then and there to answer the complaint of ROBERTSDALE BUILDERS SUPPLY COMPANY.

WITNESS my hand, this 1st day of August, 1939.

R. S. Duck
Clerk. - Register
By W. H. Thompson Deputy

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ROBERTSDALE BUILDERS SUPPLY COMPANY,)
Complainant.)

-vs-

WILLIE WILKES, ANNE WILKES and MARY)
PETERSON,)
Respondents.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
IN EQUITY.

The Complainant claims of the Respondents the sum of TWO HUNDRED SEVENTY NINE AND 47/100 DOLLARS (\$279.47) due from them by account on the 14th day of July, 1938 which sum of money with interest thereon is still unpaid.

TWO: The Complainant claims of the Respondents Two Hundred Seventy nine and 47/100 Dollars (\$279.47) due from them upon account stated between the Complainant and the Respondents on the 14th day of July, 1938 which sum of money with interest thereon is still unpaid.

THREE: The Complainant claims of the Respondent Two Hundred Seventy nine and 47/100 Dollars (\$279.47) due from them for merchandise, goods and chattels sold by the Complainant to the Respondents on or about July 14th, 1938, which sum of money with interest thereon is still unpaid.

FOUR: Complainant further avers that the construction of the house into which said building material was wrought is located upon the land owned by the Respondents Anne Wilkes and/or Mary Peterson and that the building was constructed by Anne Wilkes' husband Willie Wilkes, the joint Respondent, and that the order for part of the materials was delivered to the Complainant by the Respondent Anne Wilkes while the building was under construction and that she was informed by the Complainant of the terms of payment for the said material and that the material was furnished at her request as well as at the request of the co-respondent Willie Wilkes and that the Complainant did agree to sell to the Respondents certain building materials upon the assurance from the Respondents that the purchase price on the same would be paid to the Complainant, and, prior to the delivery of the materials the Respondents Anne Wilkes and Mary Peterson had verbal notice of the same and the materials then were delivered at the request of the joint respondents; that the total of the material delivered was Five Hundred Eleven and 52/100 Dollars (\$511.52) and that payments were made totaling Two Hundred Thirty-two and 05/100 Dollars (\$232.05) leaving the balance now due for which this materialmen's lien is claimed of Two Hundred Seventy nine and 47/100 Dollars (\$279.47) which said amount is still due and unpaid.

Complainant further avers that on August 9th, 1938 he filed in the Probate Court of Baldwin County, Alabama, where the Respondents reside and where the said Respondents' land on which the said improvements were erected is located, Complainant's verified statement of his account with the Respondents which is in words and figures as follows:

"STATE OF ALABAMA)
COUNTY OF BALDWIN)

MATERIALMAN'S LIEN

Robertsdale Builders Supply Company by Bill Ball, proprietor, files this statement in writing, verified by the oath of himself, who has personal knowledge of the facts herein set forth;

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

"One acre of land located one mile west of Robertsdale on the south side of the Robertsdale-Silverhill highway facing on the surfaced highway being located in Beatnine, Baldwin County, Alabama."

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 \$279.47 with interest from, to-wit: May 9th, 1938, for eight per cent.

The name of the owner or proprietor of the said property is Willie Wilkes and Annie Wilkes, Robertsdale, Alabama.

ROBERTSDALE BLDERS. SUPPLY CO.

Claimant

By Wm. C. Ball,

Proprietor.

State of Alabama)
Baldwin County)

Before me, Orvis M. Brown, a Notary Public, in and for said County and State aforesaid, personally appeared Bill Ball proprietor of the Robertsdale Builders Supply Company, 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.

Wm.C. BALL
Affiant.

Subscribed and sworn to before me on this the 8th day of August, 1938, by said affiant.
Seal.

ORVIS M. BROWN,
Notary Public
My commission expires April 2nd, 1939."

Statement of account attached as listed below:

"Feb. 21/38	Cr. by Clerk	- - - - -	- - - - -	- \$200.00
Mar. 18	Lum. 1765-66-67-68	- - - - -	- - - - -	\$205.03
" "	Lum. 1793-94-95-96	- - - - -	- - - - -	240.30
" 28	Cr. By Clk.	- - - - -	- - - - -	10.00
Apr. 8	Lum. 1838	- - - - -	- - - - -	47.53
" 9	" 1849	- - - - -	- - - - -	2.65
" "	" 1854	- - - - -	- - - - -	16.01
" 25	Cr." 190'	- - - - -	- - - - -	2.30
July 14	Cr.	- - - - -	- - - - -	14.75
				\$511.52
Balance		- - - - -	- - - - -	\$279.47
				\$232.05

Robertsdale Bldrs Supply Co.
By Wm. C. Ball"

WHEREFORE, THE PREMISES CONSIDERED, Complainant prays that your Honor will with proper process, make the said Willie Wilkes, Anne Wilkes & Mary Peterson parties respondent to this bill of complaint, requiring them to plead, answer and demur to the same within the time and under the penalty prescribed by law and the practices of this Honorable Court.

Complainant further prays that upon a final hearing of this cause, that this Honorable Court will give and grant unto your Complainant a decree declaring a materialman's lien upon the one acre of land upon which the buildings are located which were constructed with this material for which this lien is claimed as described in the materialman's lien as herein set forth and that your Honor will enter a further order and decree awarding a sale of this property for the payment of this lien and that your Honor will allow a reasonable attorneys fee for the solicitor in this matter and tax the costs of this

ROBERTSDALE BUILDERS SUPPLY
COMPANY,

Complainant,

vs.

WILLIE WILKES, ANNE WILKES
and MARY PETERSON,


Respondents.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

DEMURRER

Come now the above named respondents and demur to the Bill of
Complaint in the above entitled cause, and to each count thereof
separately and severally, and as grounds for such demurrer say:

There is no equity in the Bill.


Solicitor for respondents.

The State Of Alabama, } Circuit Court of Baldwin County, In Equity.
Baldwin County

To Any Sheriff of the State of Alabama—GREETING:

WE COMMAND YOU, That you summon

WILLIE WILKES, ANNE WILKES, and MARY PETERSON

of Baldwin County, to be and appear before the Judge of the Circuit Court of Baldwin County, exercising Chancery jurisdiction, within thirty days after the service of Summons, and there to answer, plead or demur, without oath, to a Bill of Complaint lately exhibited by

ROBERTSDALE BUILDER'S SUPPLY COMPANY,

against said WILLIE WILKES, ANNE WILKES, and MARY PETERSON

and further to do and perform what said Judge shall order and direct in that behalf. And this the said Defendant shall in no wise omit, under penalty, etc. And we further command that you return this writ with your endorsement thereon, to our said Court immediately upon the execution thereof.

WITNESS, R. S. Duck, Register of said Circuit Court, this 1st day of August, 193 9.

R. S. DUCK
clerk, - register

By *Sauhin Thompson*, Deputy Register

N. B. — Any party defendant is entitled to a copy of the bill upon application to the Register.

proceeding to the Respondents; that your Honor will give and grant unto the Complainant such, other, further, different and/or general relief as he may be in equity and good conscience entitled to receive and which in duty bound he will ever pray.

Wm C Ball
Complainant
Wm A. Brown
Solicitor for Complainant.

FOOT NOTE: The Respondents Willie Wilkes, Anne Wilkes & Mary Peterson are required to answer each and every allegation contained in the foregoing bill of complaint paragraphs One to Four inclusive but not under oath, oath being hereby expressly waived.

Wm C Ball
Complainant
Wm A. Brown
Solicitor for Complainant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN CHANCERY

RECORDED

ROBERTSDALE BUILDERS SUPPLY COMPANY

Complainant,

vs.

WILLIE WILKES, ANNE WILKES and
MARY PETERSON,

Respondents.

DEMUERER

Filed August 30, 1930
R. S. DICK

clerk - register

By *Willie Wilkes*
Deputy

LLOYD A. MAGNEY
Attorney-at-Law
Foley, Alabama.

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RECORDED

Filed August 1, 1939
R. S. Ditch, Clerk-Register
By *Arthur Thompson*
Deputy

ORVIS M. BROWN
ATTORNEY AND COUNSELLOR AT-LAW
BALDWIN BUILDING
ROBERTSDALE, ALA.