

MOBILE TILE COMPANY, INC.,
A Corporation,

Plaintiff

- VS -

DON WATTS AND CALLA MAI WATTS,

Defendants.

I IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA

3574

C O M P L A I N T

COUNT I

The plaintiff claims of the defendants SEVEN HUNDRED, FIVE AND 03/100 DOLLARS (\$705.03) due by an account on, to-wit, the 10th day of March, 1958, together with the interest thereon, which is past due and unpaid. Plaintiff avers that said account represents building materials and labor furnished by the plaintiff under contract with the defendants which was furnished for and which was used in installing ceramic tile in two baths including lathing and scratch coating same and improving certain real estate of the defendant, CALLA MAI WATTS, DESCRIBED AS;

Beginning at a point on the North Line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 5, Township 8, South, Range 4 East, where said North line intersects the West boundary of Alabama Highway FIFTY-NINE (59), thence run West ONE-HUNDRED AND THIRTY-FIVE (135) feet, thence run South THREE-HUNDRED AND THIRTY (330) feet, more or less, to the Southern Boundary of the North-half (N $\frac{1}{2}$) of the North-half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section. Thence run East to Alabama Highway Fifty Nine (59), thence run North THREE-HUNDRED AND THIRTY (330) feet, more or less, to the POINT OF BEGINNING; And being the eastern acre of the land owned by CALLA MAI WATTS in the North One-Half (N $\frac{1}{2}$) of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 5, Township 8 South, Range 4 East, together with the improvements thereon.

And plaintiff claims a lien on said real estate of the defendants as provided for mechanics and materialmen by law and plaintiff further avers that on the 15th day of May, 1958, 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

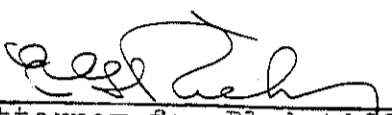
Mobile Tile Company, Inc.
vs. Don Watts and Calla Mae Watts
continued

be condemned for the satisfaction of said indebtedness and that
same be ordered sold to satisfy said indebtedness.



Attorney for Plaintiff

Note: The account sued on is evidenced by a verified and
itemized statement filed herewith.



Attorney for Plaintiff

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 3574

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon DON WATTS, AND CALLA MAI WATTS

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against-----

DON WATTS, AND CALLA MAI WATTS

-----, Defendant-----

by Mobile Tile Company, Inc. a Corporation

-----, Plaintiff-----

Witness my hand this 12 day of June 19 58

Executed
June 18, 1958

Deice J. Rouse, Clerk

MOBILE TILE COMPANY, *Lue*
A Corporation,

Plaintiff,

vs.

DON WATTS and CALLA MAE
WATTS,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

PLEA

Comes the Defendant Calla Mae Watts and for plea to
Count Two of the amended Complaint says:

1. That the allegations of the Complaint are untrue.

FILED

JAN 19 '59

**ALICE I. DUCK, CLERK
REGISTER**

Theresa Stone

Attorneys for Defendant Calla
Mae Watts.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Come the Defendants in the above styled cause and demur to the amended complaint filed in said cause and to each and every count thereof, separately and severally, and assign the following separate and several grounds, viz:

1. That there is a misjoinder of causes of action in said complaint.

2. That the Plaintiff seeks to recover from two Defendants in "COUNT II" of the complaint and only seeks to recover from one Defendant in "COUNT III" thereof.

3. That said complaint does not seek to recover damages from each Defendant sued in each count of the complaint.

4. That it is affirmatively shown by "COUNT III" of the complaint that the Plaintiff seeks to have the property of one Defendant sold for the satisfaction of a debt it is claimed that the other Defendant owes.

5. That "COUNT III" of the complaint alleges that a copy of the lien which was filed in the Office of the Probate Judge is attached to such complaint as "Exhibit A" and made a part thereof and no such copy is attached to the copy of the complaint which was sent to the Defendants' attorney.

Filed Nov. 24, 1958 Harold L. Stone
Attorneys for Defendants

MOBILE TILE COMPANY, *Inc*
A Corporation,

Plaintiff,

vs.

DON WATTS and CALLA MAE
WATTS,

Defendants.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

PLEA:

Comes the Defendant Don Watts and for plea to Count "II" of the amended Complaint says, separately and severally, as follows:

1. That the allegations of the Complaint are untrue.
2. That he has paid the debt, for the recovery of which this action was brought, before the commencement of such action.

3. That the debt for which this action was brought arose out of an agreement of the Plaintiff to furnish certain labor and materials to install ceramic tile in two baths in property belonging to Calla Mae Watts and the tile installed in such baths was not properly installed and the cost of having such tile properly installed would be in an amount in excess of the amount the Plaintiff now claims to be due it for such service. The reasonable value of the materials and labor which has been furnished by the Plaintiff to such Defendant is less than the amount which has already been paid by such Defendant to the Plaintiff.

James Stone
Attorneys for Defendant

Don Watts

Filed Jan 16, 1958

3574

MOBILE TILE COMPANY, INC.
A Corporation,

Plaintiff,

vs.

DON WATTS AND CALLA MAI WATTS,

Defendants

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

* * * * *

DEMURRER

* * * * *

FILED

JUL 7 1958

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

EXHIBIT A

STATE OF ALABAMA
BALDWIN COUNTY

VERIFIED STATEMENT OF LIEN

The MOBILE TILE COMPANY, INC., and Alabama Corporation, files this statement in writing, verified by the oath of M.E. ORSO, Vice President and General Manager of said Corporation, who has personal knowledge of the facts herein set forth:

That said MOBILE TILE COMPANY, INC. claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit:

That Lot of land described as;
Beginning at a point on the North
Line of the Northeast Quarter (NE $\frac{1}{4}$)
of the Southeast Quarter of Section
5, Township 8 South, Range 4 East,
where said North line intersects
the West boundary of Alabama High-
way FIFTY-NINE (59), thence run
West ONE-HUNDRED AND THIRTY-FIVE
(135) feet, thence run South THREE-
HUNDRED AND THIRTY (330) feet, more
or less, to the Southern Boundary
of the North-half of the North-half
of the Northeast Quarter (NE $\frac{1}{4}$) of
the Southeast Quarter (SE $\frac{1}{4}$) of said
Section. Thence run East to Alabama
Highway Fifty Nine (59), thence run
North THREE-HUNDRED AND THIRTY (330)
feet, more or less, to the POINT OF
BEGINNING: And being the Eastern
Acre of the land owned by CALLA MAI
WATTS in the North One-Half (N $\frac{1}{2}$) of
the North one half (N $\frac{1}{2}$) of the North-
east Quarter (NE $\frac{1}{4}$) of the Southeast
Quarter (SE $\frac{1}{4}$) of Section 5, Township
8 South, Range 4 East, together with
the improvements thereon.

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

The said lien is claimed to secure an indebtedness of SEVEN-
HUNDRED, FIVE AND 03/100 (705.03) DOLLARS with interest thereon
from to-wit: the 10th day of March, 1958, for materials and labor
furnished in improving said property.

The name of the owner or proprietor of said property is
CALLA MAI WATTS.

MOBILE TILE COMPANY, INC. BY
M. E. ORSO, VICE PRES. AND MGR.

M. E. Orso Claimant

Verified Statement of Lien
against property of Calla Mai Watts
Continued

Before me, Joyce Iasset, a Notary public in and for the county of Mobile, State of Alabama, personally appeared M. E. ORSO, 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.

M. E. Orso
M. E. Orso, Affiant.

Sworn to and subscribed before me this the 9th day of May,
1958.

Joyce Iasset
Notary Public, Mobile County, Alabama

E. G. Rickarby
E. G. Rickarby, Attorney for Claimant

State of Alabama, Baldwin County,
Filed 5-15-58-----8:00 A. M.
Recorded Ex. & Lien book 5-Page 279-80
M. R. Stuart
Judge of Probate G

MOBILE TILE COMPANY, INC.,
A Corporation,

Plaintiff,

-VS-

DON WATTS and CALLA MAE
WATTS,

Defendants.

¶
¶
¶
¶
¶
¶
¶

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

AMENDED COMPLAINT

Count II

The Plaintiff claims of the Defendants SEVEN HUNDRED AND FIVE AND 03/100 (\$705.03) DOLLARS, due from them by account on, to-wit, the 10th day of March, 1958, which sum of money with interest thereon is still unpaid.


Count III

The Plaintiff claims of the Defendants SEVEN HUNDRED AND FIVE AND 03/100 (\$705.03) DOLLARS, due from them by account on, to-wit, the 10th day of March, 1958, which sum of money with interest thereon is still unpaid. The Plaintiff avers that said account represents building materials and labor furnished by the Plaintiff under contract with the Defendants which was furnished for and which was used in installing ceramic tile in two baths, including lathing and scratch coating same and improving certain real estate of the Defendant, CALLA MAE WATTS, described as:

Beginning at a point on the North Line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 5, Township 8 South, Range 4 East, where said North line intersects the West boundary of Alabama Highway 59, thence run West ONE HUNDRED AND THIRTY-FIVE (135) feet, thence run South THREE HUNDRED AND THIRTY (330) feet, more or less, to the Southern Boundary of the North Half ($N\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section. Thence run East to Alabama Highway 59, thence run North THREE HUNDRED AND THIRTY (330) feet, more or less, to the POINT OF BEGINNING; and being the eastern acre of the land owned by CALLA MAE WATTS in the North Half ($N\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section 5, Township 8 South, Range 4 East, together with the improvements thereon, in Baldwin County, Alabama.

And the Plaintiff claims a lien on said real estate of the Defendants as provided for mechanics and materialmen by law and plaintiff further avers that on the 15th day of May, 1958, 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 the 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.

Filed
Nov. 17, 1958
Alice J. Luck
clerk


E. G. RICKARBY,
Attorney for Plaintiff.

E. G. RICKARBY

BANK BUILDING
FAIRHOPE, ALABAMA

June 6, 1958

Mrs. Alice Duck
Clerk of Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed find complaint of Mobile Tile Company,
Incorporated, a Corporation, versus Watts.

Please put summons on same and have the sheriff
serve two copies, one on Mr. Don Watts and one
on Mrs. Calla Mae Watts. They live just south
of Foley, close to the American Legion Club and
I am making an extra copy of this letter for
you to give the sheriff with these papers.

Yours very truly,



EGR/sl

cc: in duplicate
cc: Dun & Bradstreet
in duplicate.
enclosure

Mailed to
Mr. Secretary

8G-188 (13743)

COUNTY OF Mobile
STATE OF Ala.

Be it remembered, that on this 21st day of May
A. D., 1959, personally appeared before me, the undersigned authority,
M. E. Ows known to me
who being duly sworn, upon his oath stated that he is Vice-President
of Mobile Life Co. Inc.
{ a corporation organized and doing business under the laws of the State of Ala.
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of _____
_____ a sole trader doing business as _____
and that as such he makes this affidavit; that he is familiar with the books and business of
said Mobile Life Co. Inc.; that the attached account against
Mrs. E. Anna Shaw Smith of Mobile, Ala.
is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Mrs. E. Anna Shaw Smith
at { its } special instance and request, that credit has been duly given for all payments and
{ their }
{ his }
just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of Seven Hundred and thirty Dollars & 00/100 Dollars
(\$ 730.00) with interest from March 10 1957 is justly due and
remains unpaid.

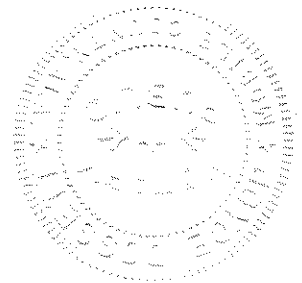
M. E. Ows

X

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Ala.
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

J. E. Ows
Notary Public

County of Mobile State of Ala.
My commission expires 4-13 A. D. 1959



INVOICE

Mobile Tile Company, Inc.

TILE CONTRACTORS

S. L. WILLIAMSON
President

TELEPHONE
HEmlock 8-3631

BATH AND MANTEL TILE
RUBBER TILE • ASPHALT TILE

Office and Warehouse
555 ST. LOUIS STREET

MOBILE 14, ALA.
February 28, 1958

M. E. ORSO
Vice President
and
General Manager

SOLD TO: Mr. & Mrs. Don Watts
Gulf Shores, Alabama

INVOICE No. 18881

TERMS: Net

ORDER No. Job #C-6834

Additional work done in your house.

68 S/F	Floor	.75	51.00
71 S/F	Wall	.75	53.25
33 Pcs.	Cap	.20	6.60
1 Pc.	Cap. corners	.23	.23
15 Pcs.	Base	.19	3.04
4 Ekts.	Bkts.	1.00	4.00
2	24" Bars	1.75	3.50
10 Sheets	Metal lathe	.96	9.60
1 1/2 Yds.	Sand	4.00	6.00
6 Sks.	Cement	1.16	6.96
4 Sks.	Lime	.68	2.72
15 lbs.	Tile groute	.0966	1.45
3 ft.	Ceramic bead	.23	.69
			149.04
			4.47
			132.66
			73.50
			92.35
			\$ 452.02

Labor: 36 hrs. @3.685
42 hrs. @1.75

3% Tax

16% overhead-10% profit

INVOICE

Mobile Tile Company, Inc.

TILE CONTRACTORS

S. L. WILLIAMSON
President

TELEPHONE
HEmlock 8-3631

BATH AND MANTEL TILE
RUBBER TILE • ASPHALT TILE

Office and Warehouse
555 ST. LOUIS STREET

MOBILE 14, ALA.

M. E. ORSO
Vice President
and
General Manager

January 21, 1958

SOLD TO: Mr. & Mrs. Don Watts
Gulf Shores, Alabama

INVOICE No. 18658

TERMS: Net

ORDER No. Job #C-6709

Ceramic tile in two baths including lathing and scratch coating same.				
192 S/F	Wall Tile	.75	144.00	
84 Pcs.	Cap tile	.20	16.80	
18 Pcs.	Acq tile corners	.23	4.14	
51 Pcs.	Base tile	.19	9.69	
72 S/F	Floor tile	.75	54.00	
2 Sets	Accessories	.95	21.90	
65 Pcs.	Feature Strip	.23	14.95	
2 Pcs.	Feature Strip	.28	56	
20 Shts.	Metal lathe	.96	19.20	
1½ Yds.	Sand	4.00	6.00	
10 sks.	Cement	1.16	11.60	
8 sks.	Lime	.68	5.44	
40 lbs.	Groute	.0966	3.86	
			312.14	
	3% Tax		9.37	
	Labor:			
	51 hrs. @3.685		187.94	
	91½ hrs. @1.75		160.13	
			669.58	
	15% Overhead-10% profit		171.65	
			\$ 841.23	