

4002

BILL OF COMPLAINT

HENRY H. NOVAK, d/b/a
DIESEL SERVICE,

Plaintiff,

Vs.

DAVID A. GWIN, d/b/a
GWIN DREGING COMPANY,

Respondent.

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

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, IN
EQUITY SITTING:

COMES NOW YOUR COMPLAINANT, Henry H. Novak, and files this
his Bill of Complaint for a Mechanics and Materialmens Lien, and
shows unto this Honorable Court as follows:

One

That your Complainant and the Respondent are both over the
age of twenty-one years of age; that your Complainant is a non-
resident of the State of Alabama, with his place of business at
334 Edgewater Drive, Pensacola, Florida, and your Respondent is
a non-resident of the State of Alabama, with his residence in
the State of Indiana, although his exact address is unknown.

TWO

That your Complainant did do or perform work or labor, and
furnished parts and materials, fixtures, engine repair parts or
machinery for a drege used for improvements on land by dredging
soil from the bottom of the water, or for repairing, altering
or beautifying the said land, under or by virtue of a contract
with the owner or proprietor thereof, to-wit, the Respondent,
and that the Respondent agreed to pay all costs for labor,
spare parts and materials for said drege; and the work was per-
formed and the materials were furnished by your Complainant.

THREE

That the Respondent, David A. Gwin, d/b/a Gwin Drege
Company, is indebted to the Complainant in the sum of FOUR
HUNDRED FOUR and 68/100 DOLLARS (\$404.68), which sum is due
and unpaid.

FOUR

That your Complainant claims a lien for labor and materials
on aforementioned drege owned by the Respondent, on which said
drege all said labor and materials were furnished, as described
in paragraph two of this Bill of Complaint. That your Com-
plainant has filed claim of lien in the Probate Court of Bald-
win County, Alabama, on October 5, 1959, and a copy of attached
hereto as Exhibit "A".

FIVE

Complainant avers that the said Respondent was at the time
of making of said contract, and is now, in possession of said
drege on which all labor and materials were furnished, and was
the owner or proprietor thereof, within the meaning of the
Mechanics and Materialmens Law. That while at the time of

entering into the said contract , and of entering upon and during the performance thereof, he had no notice or knowledge of any claim of any other person or party. Complainant further avers that by reason of the work and labor done and materials supplied and installed by him on said drege, as aforesaid, the market value of said drege has been greatly enhanced and increased, and without the said labor and materials the aforesaid drege could not have operated.

PRAYER FOR PROCESS AND RELIEF

The PREMISES CONSIDERED, Complainant prays (1) that said David A. Gwin, d/b/a Gwin Dreging Company, be made a party Respondent hereto, and (2) that the process of this Court issue to him, commanding him to plead, answer or demur to this Bill of Complaint within the time and in the manner provided by law, or failing therein, that a decree pro confessor be entered against him; (3) that upon a hearing hereof Your Honor will enter a decree in favor of your Complainant and against the Respondent for the indebtedness due to the Complainant as aforesaid, together with interest thereon, from July 31, 1959; and (4) declaring, fixing and establishing a lien on said personal property, and condemning the said property to the satisfaction thereof and directing that the same be sold by the Sheriff of Baldwin County, Alabama, in the manner and form provided by law, to the end that Complainant's said demand, claim and lien be satisfied.

If the Complainant be mistaken in the relief herein specifically prayed for, he humbly prays for such other, further, general and different relief to which he may show himself entitled.

Kenneth Cooper
Attorney for Complainant

VICE & DUCK' CLEW
OCT 13 1959
FILED

BILL OF COMPLAINT

IN WOLLEY.

DAVID A. GWIN, V. GWIN DREGING COMPANY

IN THE CIRCUIT COURT OF

Respondent.

GWIN DREGING COMPANY,
DAVID A. GWIN, d/b/a

As.

Complainant.

DIRECT SERVICE,
HENRY H. HONOR, d/b/a

CASE NO.

PERSONAL

Notice of Levy on ~~Real~~ Estate

HENRY E. NOVAK, d/b/a ~~Plaintiff~~
DIESEL SERVICE, Plaintiff

vs.

Baldwin County Circuit Court

DAVID A. GWIN, d/b/a ~~Defendant~~
GWIN DREDGING COMPANY, Defendant

To: W. R. Stuart Judge of Probate, Baldwin County, Alabama:

Notice is hereby given that under a Writ of Attachment

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property

of said Defendants, described as follows, viz : One steel haul barge, without serial number, size 39½ feet by 20 feet, with "A" frames on each end, with one 16 foot latter on the bow and two spuds on the stern, and equipped with: one Thomas 8" pump, 2 GMC Diesel engines, serial numbers 671100621 and 671102855, with quad. reduction gears; haul-in gear; one Wilson 300 Amp Welder, engine No. 1099641, with leads; one John Deere 2 cycle gasoline engine, Ser No. 91138; one Chrysler engine, with reduction unit, Ser No. T245-21596; three pieces of 30 ft length shore aluminum pipe; eight ten foot pieces of shore pipe, eight connections and sleeves for the shore pipe; one 40 foot length 8" mild steel pipe, schedule 40; two 20 foot lengths of 8" mild steel pipe, schedule 40; one 12 volt Delco storage battery, and two 6 volt storage batteries; two fire extinguishers, one on-acetylene welding torch, with two regulators and 25 feet welding hose; one box assorted tools, one 6" vice; and one two-wheel trailer used for welder.

The above described Real Estate being in Baldwin County, Alabama.

Given under my hand this 5th day of October 1959

John Wilkins
Sheriff of Baldwin County, Alabama

~~Grove~~
4002
Novak
vs
Grove

Received 9 day of Oct 19 59
and on _____ day of _____ 19____
served a copy of the within Notice
on David J. Lewis
By service on _____
TAYLOR WILKINS, Sheriff
By _____ D. S.

Returned 10 day of Oct 19 59
Not found in my county after diligent search and in-
quiry.
Taylor Wilkins, Sheriff
By Chadwick
Deputy Sheriff

PERSONAL

Notice of Levy on ~~Real~~ Estate

HENRY H. NOVAK, b/b/a ~~ROBERT~~
DIESEL SERVICE, Plaintiff

vs.

Baldwin County Circuit Court

DAVID A. GWIN, d/b/a ~~DAVID A. GWIN~~
GWIN DREDGING COMPANY, Defendant

To W. R. Stuart Judge of Probate, Baldwin County, Alabama:

Notice is hereby given that under a Writ of Attachment

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property

of said Defendants, described as follows, viz : One steel haul barge, without serial number, size 39½ feet by 20 feet, with "A" frames on each end, with one 16 foot ladder on the bow and two spuds on the stern, and equipped with: one Thomas 8" pump, 2 GMC Diesel engines, serial numbers 671100621 and 671102855, with quad. reduction gears; haul-in gear; one Wilson 300 Amp Welder, engine No. 1099641, with leads; one John Deere 2 cycle gasoline engine, Ser No. 91138; one Chrysler engine, with reduction unit, Ser No. T245-21596; three pieces of 30 ft length shore aluminum pipe; eight ten foot pieces of shore pipe, eight connections and sleeves for the shore pipe; one 40 foot length 8" mild steel pipe, schedule 40; two 20 foot lengths of 8" mild steel pipe, schedule 40; one 12 volt Delco storage battery, and two 6 volt storage batteries; two fire extinguishers, one on-acetylene welding torch, with two regulators and 25 feet welding hose; one box assorted tools, one 6" vice; and one two-wheel trailer used for welder.

The above described Real Estate being in Baldwin County, Alabama.

Given under my hand this 5th day of October 19 59

James Walker
Sheriff of Baldwin County, Alabama

BILL OF COMPLAINT

HENRY H. NOVAK, d/b/a
DIESEL SERVICE,

Plaintiff,

Vs.

DAVID A. GWIN, d/b/a
GWIN DREGING COMPANY,

Respondent.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

IN ~~EQUITY~~ *LAW*

TO THE HONORABLE HUBERT M. HALL, JUDGE OF SAID COURT, IN
EQUITY SITTING:

COMES NOW YOUR COMPLAINANT, Henry H. Novak, and files this
his Bill of Complaint for a Mechanics and Materialmens Lien, and
shows unto this Honorable Court as follows:

One

That your Complainant and the Respondent are both over the
age of twenty-one years of age; that your Complainant is a non-
resident of the State of Alabama, with his place of business at
334 Edgewater Drive, Pensacola, Florida, and your Respondent is
a non-resident of the State of Alabama, with his residence in
the State of Indiana, although his exact address is unknown.

TWO

That your Complainant did do or perform work or labor, and
furnished parts and materiels, fixtures, engine repair parts or
machinery for a drege used for improvements on land by dredging
soil from the bottom of the water, or for repairing, altering
or beautifying the said land, under or by virtue of a contract
with the owner or proprietor thereof, to-wit, the Respondent,
and that the Respondent agreed to pay all costs for labor,
spare parts and materiels for said drege; and the work was per-
formed and the materiels were furnished by your Complainant.

THREE

That the Respondent, David A. Gwin, d/b/a Gwin Drege
Company, is indebted to the Complainant in the sum of FOUR
HUNDRED FOUR and 68/100 DOLLARS (\$404.68), which sum is due
and unpaid.

FOUR

That your Complainant claims a lien for labor and materiels
on aforementioned drege owned by the Respondent, on which said
drege all said labor and materiels were furnished, as described
in paragraph two of this Bill of Complaint. That your Com-
plainant has filed claim of lien in the Probate Court of Bald-
win County, Alabama, on October 5, 1959, and a copy of attached
hereto as Exhibit "A".

FIVE


Complainant avers that the said Respondent was at the time
of making of said contract, and is now, in possession of said
drege on which all labor and materiels were furnished, and was
the owner or proprietor thereof, within the meaning of the
Mechanics and Materialmens Law. That while at the time of

entering into the said contract , and of entering upon and during the performance thereof, he had no notice or knowledge of any claim of any other person or party. Complainant further avers that by reason of the work and labor done and materials supplied and installed by him on said drege, as aforesaid, the market value of said drege has been greatly enhanced and increased, and without the said labor and materials the aforesaid drege could not have operated.

PRAYER FOR PROCESS AND RELIEF

The PREMISES CONSIDERED, Complainant prays (1) that said David A. Gwin, d/b/a Gwin Dreging Company, be made a party Respondent hereto, and (2) that the process of this Court issue to him, commanding him to plead, answer or demur to this Bill of Complaint within the time and in the manner provided by law, or failing therein, that a decree pro confessor be entered against him; (3) that upon a hearing hereof Your Honor will enter a decree in favor of your Complainant and against the Respondent for the indebtedness due to the Complainant as aforesaid, together with interest thereon, from July 31, 1959; and (4) declaring, fixing and establishing a lien on said personal property, and condemning the said property to the satisfaction thereof and directing that the same be sold by the Sheriff of Baldwin County, Alabama, in the manner and form provided by law, to the end that Complainant's said demand, claim and lien be satisfied.

If the Complainant be mistaken in the relief herein specifically prayed for, he humbly prays for such other, further, general and different relief to which he may show himself entitled.


Attorney for Complainant

FILED

OCT 12 1959

ALICE J. DUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

Henry H. Novak, files this statement in writing, verified by the oath of himself, who has personal knowledge of the facts herein set forth:

That the said Henry H. Novak claims a lien upon the following property, situated in Baldwin County, Alabama, to-wit: One steel hull barge, without serial number, size 39½ feet by 20 feet, with "A" Frames on each end and with one 16 foot latter on the bow and two spuds on the stern, equipped with the following: one Thomas 8" pump; two GMC Diesel engines, serial numbers 671100621 and 671102855, with Quad. reduction gears; one haul-in gear; one Wilson 300 amp welder, engine No. 1099641, with leads; one John Deere 2 cycle gasoline engine, Serial No. 91138; one Chrysler engine, with reduction unit, Serial No. 1245-21596; three pieces of 30 feet length aluminum shore pipe; eight 10 foot lengths of aluminum shore pipe; eight connections and sleeves for the shore pipe; one 40 foot length of 8" mild steel pipe, schedule 40; two 20 foot lengths of 8" mild steel pipe, schedule 40, one 12 volt Delco storage battery and two 6 volt Delco storage batteries; two fire extinguishers; one ox-acetylene welding torch, with two regulators and 25 feet of welding hose; one box assorted tools, one 6" vice, and one two-wheel trailer used for welder.

This lien is claimed, separately and severally, as to all the property and parts thereof.

That said lien is claimed to secure an indebtedness of \$404.68, with interest, since 31 July, 1959, for materials and parts, and installation thereof.

The name of the owner of the said property is DAVID A. GWIN, d/b/a Gwin Dreging Company.


CLAIMANT

Before me, Kenneth Cooper, Notary Public, State at Large, State of Alabama, personally appeared Henry H. Novak, 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.


Affiant
Subscribed and sworn to before me on this 5th day of October, 1959, by said affiant.



Notary Public
State at Large
State of Alabama

Exhibit "A" to Bill of Complaint.

FILED

OCT 12 1959

ALICE J. DUCK, Clerk

CASE NO. 4002

HENRY H. NOVAK, d/b/a
DIESEL SERVICE,

Complainant,

Vs.

DAVID A. GWIN, d/b/a
GWIN DREGING COMPANY,

Respondent

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN EQUITY

BILL OF COMPLAINT

FILED

OCT 12 1959

ALICE J. DUCK, Clerk

The State of Alabama, {
Baldwin County. }

WHEREAS, HENRY H. NOVAK, d/b/a DIESEL SERVICE

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that
DAVID A. GWIN, d/b/a GWIN DREDGING COMPANY

is justly indebted to the Plaintiff Henry H. Novak

in the sum of FOUR HUNDRED FOUR AND 68/100 Dollars, and
no

_____ having made affidavit and ~~given~~^{xxx} bond
as required by law, in such cases, you are hereby commanded to attach so much of the ~~xxxxxx~~
personal property of David A. Gwin, d/b/a Gwin Dredging Company,

as will be of value sufficient to satisfy said debt and costs, 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, Ala., at a term thereof, to be held at the Court House of said County, on _____ Monday of _____ 19____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 5th day of October A. D., 19 59

Reif Duck Clerk.

No. 4002

ATTACHMENT

Henry H. Novak

Vs. { ATTACHMENT

David C. Givni 1/4
Givni Drapery Co.

Received 5 day of Oct 1959

and on 5 day of Oct 1959

I served a copy of the within Attch

on David C. Givni

By service on Att. the Article Dated

Belan

TAYLOR WILKINS Sheriff

By David C. Givni D. S.

Produce Bank

1 sterile, Bang

2 B.M. Motor { 6-71RC6282
{ 6-71102855 Black

{ 6-71RC8062

{ 6-71100621 Black

7-10' pipe

3 - Weld Bull.

2 - 4 in. Ext.

1 Bx Tools

6" Vice

1 - 3" Rusted Pipe

1 Johnson Motor # 91138

1 - 200 Amp. Wilson Welder

1099641

Issued _____, 195

Printed by Moore Printing Co.

THE STATE OF ALABAMA }
 Baldwin County }

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We, _____

_____, of the County of Baldwin _____

are held and firmly bound unto _____

in the sum of _____ Dollars, to

be paid to the said _____

heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the _____ day of _____, 19 ____

The Condition of this Obligation is such:

That whereas, the above bounden _____

_____ ha _____, on the day of the date

hereof, prayed an Attachment at the suit of _____

_____ against the estate of above named

for the sum of _____ Dollars,
 and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said _____

should prosecute said Attachment to effect, and pay the said Defendant all such damages as _____ may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void; otherwise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

_____ (Seal)

_____ (Seal)

_____ (Seal)

_____ (Seal)

Approved, this _____ day of _____, 19 ____

_____, Clerk

THE STATE OF ALABAMA }
Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, KENNETH COOPERin and for said County, personally appeared Henry H. Novakwho, being duly sworn, on oath saith that David A. Gwin, d/b/a Gwin Deedging
Company

justly indebted to

HENRY H. NOVAK, d/b/a Diesel Servicein the sum of FOUR HUNDRED FOUR AND 68/100

Dollars,

which said amount is justly due after allowing all just offsets and discounts, and that the said

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

Subscribed and sworn to before me this 5th day of October, 19 59Kenneth Cooper
Kenneth Cooper

Page

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT
 At Bay Minette, Ala.

TO

ATTACHMENT BOND AND AFFIDAVIT

FILED

Filed this the

OCT 6 1959

day

of
 ALICE J. DUCK, REGISTER

Clerk

Attorney