

SMITH-KELLY SUPPLY COMPANY,
INC., a corporation

Plaintiff

vs

THE PINEDA CLUB, INC.,
a corporation, and BATEMAN
CONSTRUCTION COMPANY, INC.,
a corporation

Defendants

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CIVIL DIVISION

CASE NO. 4498

Comes the Pineda Club, Inc., a corporation and demurs
to the complaint filed in said cause, and for demurrer shows unto
this Honorable Court as follows:

-1-

That said complaint fails to state a cause of action.

-2-

That said complainant failed to allege a notice to the
said Pineda Club, Inc., in accordance with the requirements of
Title 33, Section 37.

-3-

That said complaint fails to allege that the said mater-
ials were delivered to the Pineda Club, Inc.,

-4-

That the said complaint fails to allege that the Pineda
Club, Inc., purchased from the said plaintiff materials to the
amount alleged.

-5-

That said complaint fails to allege the capacity in which
the said Pineda Club, Inc., became indebted.

-6-

That the said complaint fails to allege the capacity in
which the defendants in said action were engaged.

-7-

For aught alleged in said complaint said complainant
failed to give notice to the defendant, the Pineda Club, Inc.,
prior to filing said action.

-8-

For aught alleged in said action complainant failed to
file the proper notice for record in the office of the Probate
Judge of Baldwin County, Alabama, under oath.

-9-

For aught alleged in said complaint plaintiff fails to allege the owner of said property described in said complaint.

-10-

For aught alleged in said complaint plaintiff fails to allege the owner of the one acre set out in said complaint.

-11-

For aught alleged in said complaint plaintiff fails to name the agent to whom delivery was made of the alleged materials.

-12-

For aught alleged in said complaint plaintiff fails to allege a contract with the owner or agent within the statute.

-13-

For aught alleged in said complaint plaintiff fails to allege a contract of sale with the owner of the said land.

-14-

For aught alleged in said complaint said plaintiff fails to aver a proper written notice to the owner of said lands on which a lien is claimed.

-15-

That said complaint did not allege facts sufficient to show compliance on their part with provisions of Title 33, Section 37.

-16-

That said complaint did not allege facts sufficient to show compliance on their part with provisions of Title 33, Section 41.

-17-

It affirmatively appears from the bill that if plaintiffs are entitled to liens on the real estate described in the bill it is by reason of the statute providing, in certain cases, for mechanics' and materialmen's liens, and complainants do not allege such a compliance on their part with the provision of said statute as to entitle them to liens in this case.

-18-

It affirmatively appears from the bill that the plaintiffs are not entitled to liens for their said labor and material, unless it be under Title 33, Section 37, of the code of Alabama, 1940, and

the bill as amended does not allege such facts as bring plaintiffs' claims for lien within the purview of said article.

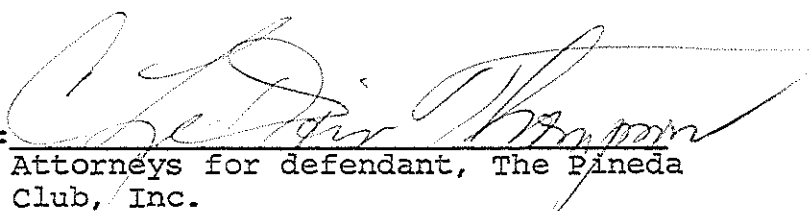
-19-

It affirmatively appears from the bill that the plaintiffs are not entitled to liens for their said labor and material, unless it be under Title 33, Section 41, of the code of Alabama, 1940, and the bill as amended does not allege such facts as bring plaintiffs' claims for lien within the purview of said article.

-20-

Plaintiffs seek to fasten liens on this defendant's lot and the house thereon, but fail to show compliance with the Alabama statute declaring, creating, and providing for such liens.

THOMPSON & WHITE

BY: 
Attorneys for defendant, The Pineda
Club, Inc.

FILED
DEC 13 1960

ALICE J. DUCK, Clerk

SMITH-KELLY SUPPLY COMPANY, INC., a corporation	X	IN THE CIRCUIT COURT OF
Plaintiff	X	BALDWIN COUNTY, ALABAMA
VS.	X	
THE PINEDA CLUB, INC., a corporation, and BATEMAN CONSTRUCTION COMPANY, INC., a corporation	X	
Defendants	X	CIVIL DIVISION
	X	CASE NO. <u>4498</u>

The Plaintiff claims of the Defendant SIX THOUSAND ONE HUNDRED SEVENTY AND 56/100 (\$6,170.56) DOLLARS with the interest thereon, due from them by account stated July 27, 1960, for materials furnished by the Plaintiff to the Defendants at their request on, to-wit, July 27, 1960, which sum of money with the interest therein is still due and unpaid.

This suit is filed to perfect a lien recorded in Exp. & Lien Book No. 5, Item No. 435-436, in the Probate Court of Baldwin County, Alabama, on the following described property:

County of Baldwin, State of Alabama, described as follows, to-wit: From a point on the West end of the North lane Bridge across Blakeley River, and on the center line of the North lane of U. S. Highway No. 90, run North 10 degrees, 56 minutes East a distance of 108.00 feet to the North right of way line of U. S. Highway No. 90 for the point of beginning of the property herein described; thence North 79 degrees, 04 minutes West along the said North right of way line a distance of 1110.53 feet to a point; thence Northwardly 70 feet to a point; thence West a distance of 51 feet to the East right of way line of Blakeley Boulevard, thence North 10 degrees, 56 minutes East a distance of 90 feet to a point of curvature of a 407.89 foot radius curve to the right (which curve has a central angle of 21 degrees, 57 minutes, 40 seconds); thence Northeastwardly along the arc of said curve a distance of 156.34 feet to a point of reverse curve of a 487.89 foot radius curve to the left (which curve has a central angle of 21 degrees, 57 minutes, 40 seconds); thence Northeastwardly along the arc of said curve a distance of 187.01 feet to the point of tangency;

thence North 10 degrees, 56 minutes East a distance of 30 feet to a point of curvature of a 25 foot radius curve to the right (which curve has a central angle of 90 degrees, 00 minutes; thence Northeastwardly along the arc of said curve a distance of 39.27 feet to a point of tangency on the South right of way line of Caribbean Boulevard; thence South 79 degrees 04 minutes East along the South right of way line of Caribbean Boulevard and the projection thereof a distance of 867.90 feet to a point on the West bank of Blakeley River; thence Southeastwardly along the meanders of the said West bank a distance of 598 feet more or less to a point on the North right of way line of U. S. Highway No. 90, said point bears South 79 degrees, 04 minutes East a distance of 30.70 feet from the point of beginning; thence North 79 degrees, 04 minutes West a distance of 30.70 feet to the point of beginning of the above described property.

(a) The Grantor reserves unto itself, its successors or assigns, the fee simple title to the following described real property in Baldwin County, Alabama, as follows:

Commence at a point on the West end of North Lane Bridge on the centerline of U. S. Highway #90; THENCE N 10 degrees 56 minutes 00 seconds E, 108.00 feet to a point on the North right-of-way line of U. S. Highway #90 for a POINT OF BEGINNING; THENCE N 79 degrees 04 minutes 00 seconds W, for a distance of 209.30 feet; THENCE N 10 degrees 56 minutes 00 seconds E, 200 feet; THENCE S 79 degrees 04 minutes 00 seconds E, for a distance of 158.30 feet to a point on the West bank of Blakeley River; THENCE S 11 degrees 17 minutes 09 seconds E, for a distance of 216.04 feet to a point on the said North right-of-way line; THENCE N 79 degrees 04 minutes 00 seconds W, for a distance of 30.70 feet to the POINT OF BEGINNING.

And the Plaintiff claims jointly and severally to the above described real property and the improvements thereon owned by the Defendants in Baldwin County, Alabama.


LEON DUKE

Attorney for the Smith-Kelly Supply Co.

The Plaintiff demands that this case be tried by Jury.



The Pineda Club, Inc. may be served on Mobile Causeway.

Bateman Construction Company may be served by Secretary of State, at 2701 East Walnut Street, Evansville, Indiana.

FILED

NOV 23 1962

ALICE J. DUCK, CLERK
REGISTER

Mrs Estelle Perry

Executed this 20 day of Dec
1960, by leaving a copy of the within

Mrs Estelle Perry
Personal Secretary
to J. H. Keller et al.

Roy L. Call Defendant
Sheriff
By A. V. McCorkle D.S.

This is to certify that
I have traveled 10 miles
in serving this paper.
ROY L. CALL

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4498

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon The Pineda Club, Inc., a Corporation, and BATEMAN
CONSTRUCTION COMPANY, INC., A Corporation

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 THE PINEDA CLUB, INC., A
Corporation, & BATEMAN CONSTRUCTION CO., INC. A CORP., Defendant

by SMITH-KELLY SUPPLY COMPANY, INC. A CORPORATION,

Plaintiff

Witness my hand this 23rd day of November 1960

Alice J. Smith, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

SMITH-KELLY SUPPLY COMPANY, INC.

A ~~xxx~~ corporation

Plaintiffs

vs.

THE PINEDA CLUB, INC. A Corp. &

BATEMAN CONSTRUCTION COMPANY, INC.

A Corporation

Defendants

Summons and Complaint

Filed November 23rd 1960

Alice J. Duck Clerk

To be served on
J. A. Keller
121 Alabama St
Florence, Ala.
Appointed Agent
for Bateman Construction Co

Plaintiff's Attorney

Defendant's Attorney

RECORDED IN OFFICE

Defendant lives at

DEC 12 1960

M. S. BUTLER, Sheriff
Received In Office

Nov. 25, 1960

Sheriff.

I have executed this summons

this 28 Nov 1960

by leaving a copy with

Pineda Club Inc
Stanley Quinn, Pres

Sheriff claims 60 miles at

Ten Cents per mile Total \$ 6
TAYLOR WILKINS, Sheriff

BY Danner DEPUTY SHERIFF

Taylor Wilkins
W. O. Garner

Sheriff.

Deputy Sheriff.

Causeway

SMITH-KELLY SUPPLY COMPANY, :
INC., a corporation, :
Plaintiff, :
VS: :
THE PINEDA CLUB, INC., :
a corporation, :
Defendant :

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NO. 4498

Upon the annexed petition of Robert L. Byrd, Jr., as Trustee of The Pineda Club, Inc., a bankrupt, praying for the stay of the captioned lawsuit, and it appearing that such suit or proceedings were pending at the time of the filing of the petition and that the suit or proceedings are founded upon claims from which a discharge in bankruptcy would be a release and that no notice of this application should be given and no adverse interest being represented, it is hereby

ORDERED that the captioned lawsuit be stayed and that the proceedings be restrained and enjoined until final decree in the bankruptcy proceedings or further order of this court.

FILED

JUN 3

ALICE J. DUCK, CLERK
REGISTER

Robert M. Steele
Judge

SMITH-KELLY SUPPLY COMPANY,	:	
INC., a corporation,	:	
Plaintiff,	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA
VS:	:	
	:	AT LAW
THE PINEDA CLUB, INC.,	:	
a corporation,	:	NO. 4558
Defendant	:	

Comes now your Petitioner, Robert L. Byrd, Jr., who is the duly elected and qualified Trustee of The Pineda Club, Inc., a bankrupt estate, and respectfully represents and shows unto this Honorable Court as follows:

I

On the 24th day of April, 1961, The Pineda Club, Inc., a corporation, filed a voluntary petition on the District Court of the United States for the Southern District of Alabama, Southern Division, seeking to declare The Pineda Club, Inc., a bankrupt; and on the same date it was duly adjudged a bankrupt and the proceedings were referred to the Honorable Sidney J. Gray, Referee in Bankruptcy.

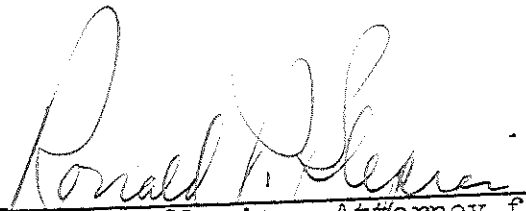
II

On the 8th day of May, 1961, your Petitioner was appointed as Trustee of The Pineda Club, Inc., a corporation, and your Petitioner has now been duly qualified and has entered upon the performance of his official duties as Trustee of the said named bankrupt estate.

III

It has come to the attention of your Petitioner that at the time of filing the bankruptcy petition and the appointment of your Petitioner as Trustee and at the present time, the captioned lawsuit was and still is pending before this Honorable Court; that said suit is founded upon a claim which a discharge in bankruptcy would be a release.

WHEREFORE, your Petitioner moves and prays that the captioned lawsuit be stayed and that the Plaintiff therein be enjoined and restrained until final decree in the bankruptcy proceedings from doing any act or commencing any other proceedings in stated cause until a final decree or order therein, and that he have such other and further relief as is just in the premises.


Ronald P. Slepian, Attorney for
Robert L. Byrd, Jr., as Trustee
in Bankruptcy of The Pineda Club,
Inc., a bankrupt estate

FILED

JUN 11 1961

ALICE L. DUCK, CLERK
REGISTER

HARRY SEALE
LAWYER
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

HARRY SEALE
M. A. MARSAL
A. J. SEALE
LEON G. DUKE

December 9, 1960

MAILING ADDRESS.
POST OFFICE BOX 1318
HE#LOCK 2-6686

Alice J. Duck
Clerk of the Circuit Court
Baldwin County Court House
Bay Minette, Alabama

RE: SMITH-KELLY VS. PINEDA CLUB, et al
Dear Mrs. Duck: Case No. 4498

Enclosed is our check for \$3.00 for service of this
suit through the Secretary of State. The Defendant's
address is 2701 East Walnut Street, Evansville, Indiana.

Yours truly,


LEON DUKE

LD/sd

Encls.

THE STATE OF ALABAMA

CIRCUIT COURT

COUNTY

Term, 19

Marvin H. Klemmewitz

No. 4366

vs.

Edward C. Berman, The
Prudential Bank et al.

BILL OF COSTS

CLERK'S FEES:	AMOUNT	SUMMARY OF FEES, COSTS AND JUDGMENT:	AMOUNT
1. Suits for \$100.00 or less.....\$ 6.00		1. Clerk's Fees	
2. Suits for over \$100.00 but less than \$1000 10.00		2. Ex-Clerk's Fees	
3. Suits for \$1000.00 and over..... 20.00	20 00	3. Sheriff's Fees	39 75
4. Suits Detinue, ejectment, etc..... 10.00		4. Ex-Sheriff's Fees	
5. Suits not otherwise provided for..... 10.00		5. Trial Tax	2 50
6. Appeal from Justice of Peace, etc..... 6.00		6. Court Reporter's Fee, per day.....\$	
7. Garnishment on Judgment, etc..... 6.00		7. Witness Fees	10 00
8. Workmen's Compensation-Petition Settlement	10.00	8. Commissioner's Fees	
9. Appeals from State Dept. of Pub. Safety, etc..... 10.00		9. Garnishee's Fees	
10. Motion to sell real estate-J. P. levy..... 6.00		10. Publisher's Fees	
11. Mandamus, writ of prohibition, etc..... 15.00		11.	
12. Recording Executions-State Agencies..... 3.00		12.	
13. Copy of Record-per 100 words..... .15		13. Clerk's Fees in Inferior Court	
14. Certifying Abstract in transcript..... 5.00		14. Sheriff's Fees in Inferior Court.....	
15. Record for Supreme-Appeals Ct. per 100 wds.15		15. Witness Fees in Inferior Court.....	
16. Additional copies Record-Appeals per 100 wds.05		16.	
17. Taking Appeal Bond..... .75		17. Justice of Peace Fees.....	
18. Reporter's Transcript on Appeal..... 10.00		18. Constable's Fees	
19. Appeals Courts Concurrent Jurisdiction..... 15.00		19.	
20. Application-Habeas Corpus	6.00	20. Cost in Appealed Cases Docketed (Total).....	
21.			
22.			
Total Clerk's Fees		TOTAL FEES AND COST	
SHERIFF'S FEES:		21.	
23. Serving summons and complaint.....\$ 1.50	2 00	22. Judgment	
24. Levying attachment and return	6.25	23. 10% Damages	
25. Seizing personal property-Detinue	6.00	24. Interest	
26. Approving bond, each	2.00		
27. Serving Garnishee-Writ	1.50	TOTAL JUDGMENT	
28. Serving Sci. Fa. or notice..... 3	1.50	TOTAL FEES, COST AND JUDGMENT	
29. Serving subpoenas, each..... 375		
30. Impanelling Jury75		
31. Serving Contempt Attachment	1.50		
32. Collecting execution for cost only..... 1.50			
33. Commissions on Execution			
34. Executing Writ of Possession, each	5.00		
35. Making Deed to Real Estate sold, each	2.50		
36. Mileage, each..... 18 00	18 00		
37. 12 00	12 00		
38.			
Total Sheriff's Fees	39 75		

NATIONAL SURETY CORPORATION

New York

A Member of The FUND Insurance Companies
GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that NATIONAL SURETY CORPORATION, a Corporation duly organized and existing under the laws of the State of New York, and having its principal office in the City of New York, N. Y., hath made, constituted and appointed, and does by these presents make, constitute and appoint B. F. ADAMS, JR. & E. S. JENKINS

JOINTLY OR SEVERALLY

of MOBILE and State of ALABAMA

its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver ANY AND ALL BONDS, RECOGNIZANCES, CONTRACTS, AGREEMENTS OF INDEMNITY AND OTHER CONDITIONAL OR OBLIGATORY UNDERTAKINGS;
PROVIDED, HOWEVER, THAT THE PENAL SUM OF ANY ONE SUCH INSTRUMENT EXECUTED
HEREUNDER SHALL NOT EXCEED ONE MILLION (\$1,000,000.00) DOLLARS.

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises. Said appointment is made under and by authority of the following provisions of the By-laws of NATIONAL SURETY CORPORATION:

"ARTICLE XII. RESIDENT OFFICERS AND ATTORNEYS-IN-FACT.

"Section 1.—The Chairman, President or any Vice-President may from time to time appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the corporation and the Chairman, President, or any Vice-President, the Board of Directors or the Executive Committee may at any time suspend or revoke the powers and authority given to any such Resident Vice-President, Resident Assistant Secretary and Attorney-in-Fact, and also remove them from office. (Adopted April 29, 1933. Applies to all powers of attorney executed prior to May 25, 1933).

"Section 1.—The President, Executive Vice-President or any Vice-President may, from time to time, appoint Resident Vice-Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and the President, Executive Vice-President or any Vice-President, the Board of Directors or the Executive and Finance Committee may at any time suspend or revoke the powers and authority given to any such Resident Vice-President, Resident Assistant Secretary or Attorney-in-Fact, and also remove any of them from office. (As amended May 25, 1933. Applies to all powers of attorney executed prior to April 27, 1943).

"Section 1.—Appointment.—The President, Executive Vice President or any Vice President may, from time to time, appoint Resident Vice Presidents, Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation. (As amended April 27, 1943. Applies to all powers of attorney executed on or after that date).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority to execute, acknowledge and deliver for and in the name and on behalf of the Corporation any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any such instrument executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the Chairman or the President and sealed and attested by the Secretary. (Adopted April 29, 1933. Applies to all powers of attorney executed prior to May 25, 1933).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority to execute, acknowledge and deliver for and in the name and on behalf of the Corporation any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary. (As amended May 25, 1933. Applies to all powers of attorney executed prior to July 30, 1935).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts of indemnity and other conditional or obligatory undertakings, and any and all notices and documents cancelling or terminating the corporation's liability thereunder, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the corporation as if signed by the President and sealed and attested by the Secretary. (As amended July 30, 1935. Applies to all powers of attorney executed prior to April 27, 1943).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the Corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings, and any and all notices and documents cancelling or terminating the Corporation's liability thereunder, and any such instrument so executed by any such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary. (As amended April 27, 1943. Applies to all powers of attorney executed prior to April 28, 1953).

"Section 4.—Attorneys-in-Fact.—Attorneys-in-Fact may be given full power and authority, for and in the name and on behalf of the Corporation, to execute, acknowledge and deliver, any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings, and any and all consents and releases incident thereto, and any and all notices and documents cancelling or terminating the Corporation's liability thereunder, and any such instrument so executed by such Attorney-in-Fact shall be as binding upon the Corporation as if signed by the President and sealed and attested by the Secretary. (As amended April 28, 1953. Applies to all powers of attorney executed on or after that date).

"Section 7.—Attorneys-in-Fact.—Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to a copy of the By-laws of the Corporation or any Article or Section thereof. (Adopted April 29, 1933. Applies to all powers of attorney executed prior to May 25, 1933).

"Section 7.—Attorneys-in-Fact.—Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to copies of the By-laws of the corporation or any Article or Section thereof. (As amended May 25, 1933. Applies to all powers of attorney executed prior to April 27, 1943).

"Section 7.—Attorneys-in-Fact—Verifications.—Attorneys-in-Fact are hereby authorized to verify any affidavit required to be attached to bonds, recognizances, contracts, agreements of indemnity, or other conditional or obligatory undertakings, and they are also authorized and empowered to certify to copies of the By-laws of the Corporation or any Article or Section thereof. (As amended April 27, 1943. Applies to all powers of attorney executed prior to June 27, 1944).

"Section 7.—Attorneys-in-Fact—Verifications—Certifications.—Attorneys-in-Fact are hereby authorized to verify, by affidavit or otherwise, the authority to execute bonds, recognizances, contracts, agreements of indemnity, and other conditional or obligatory undertakings; and to certify, by affidavit or otherwise, as to the inspection or examination of assets of the estates, where the fiduciary responsible for such assets is bonded by the Corporation; and they are also authorized and empowered to certify to copies of the By-laws of the Corporation or any Article or Section thereof. (As amended June 27, 1944. Applies to all powers of attorney executed on or after that date).

"ARTICLE VIII. APPOINTMENT AND AUTHORITY OF RESIDENT ASSISTANT SECRETARIES, AND ATTORNEYS-IN-FACT, AND AGENTS TO ACCEPT LEGAL PROCESS AND MAKE APPEARANCES.

Section 30. Appointment.—The President, any Vice President, or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice President, may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation. (Adopted October 25, 1955. Applies to all Powers of Attorney executed on and after that date.)

Section 31. Authority.—The authority of such Resident Assistant Secretaries, Attorneys-in-Fact, and Agents shall be as prescribed in the instrument evidencing their appointment, and any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment. (Adopted October 25, 1955. Applies to all Powers of Attorney executed on and after that date.)

IN WITNESS WHEREOF, NATIONAL SURETY CORPORATION has caused these presents to be signed by its Vice President, attested by its Assistant Secretary, and its corporate seal to be hereto affixed this 11th day of MAY A.D., 1953.

NATIONAL SURETY CORPORATION

(Seal)

By S. G. DRAKE

Vice President

ATTEST: A. N. MacDOUGALL

F. 2014 REV. 1/56

Assistant Secretary

STATE OF NEW YORK,
COUNTY OF NEW YORK, } ss.:

On this 11th day of MAY A.D., 19 53.

before me personally came S. G. DRAKE, to me known, who, being by me duly sworn, did depose and say, that he resides in the City of New York; that he is Vice President of NATIONAL SURETY CORPORATION, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed

his name thereto by like order. And said S. G. DRAKE

further said that he is acquainted with A. N. MacDOUGALL and knows him to be an Assistant Secretary of said Corporation; and that he executed the above instrument.

(Notarial seal affixed) ELIZABETH C. KING
Notary Public

STATE OF GEORGIA
COUNTY OF FULTON } ss.:

I, NELLIE COOK, Resident Assistant Secretary and Attorney-in-Fact of NATIONAL SURETY CORPORATION, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney (including applicable By-law sections), executed by said NATIONAL SURETY CORPORATION, which is still in force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the

City of ATLANTA this 17th day of November A.D., 19 60

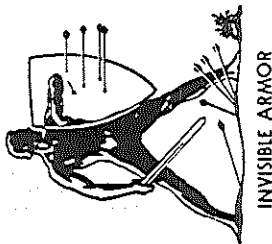
FILED

NOV 20 1960

ALICE J. DUCK, CLERK
REGISTER

Nellie Cook

Resident Assistant Secretary and Attorney-in-Fact



NATIONAL SURETY
CORPORATION
New York

A Member of The FUND Insurance Companies

GENERAL
POWER OF ATTORNEY

—TO—

ON

DATE

19

F. 2014



BETTYE FRINK
SECRETARY OF STATE

STATE OF ALABAMA
OFFICE OF SECRETARY OF STATE
MONTGOMERY 4, ALABAMA

December 13, 1960

TO: SHERIFF OF MONTGOMERY COUNTY, MONTGOMERY, ALABAMA

FROM: SECRETARY OF STATE

SUBJECT: PROCESS OF SERVICE

Smith-Kelly Supply Company, Inc., a corp. VS
Bateman Construction Company, Inc., a corp.

An examination of the foreign corporation records on file, discloses that the Bateman Construction Company, Inc., a corporation, has qualified in the State and appointed a statutory agent. The agent is

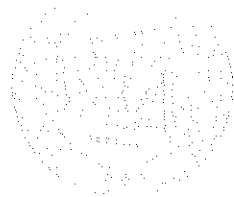
J. A. Keller
121 Alabama St.
Florence, Ala.

Bettye Frink

4498

J. A. Miller
Appointed Agent
for

Bateman
Constructive Co



RECEIVED

APR 10 1908

RECEIVED

APR 10 1908

RECEIVED

APR 10 1908

RECEIVED

RECEIVED

APR 10 1908

RECEIVED

To the Sheriff of said County:

Whereas, the Plaintiff in the within stated cause has made affidavit and given bond as required by law you are hereby required to take the property mentioned in Complaint into your possession unless the Defendant gives bond payable to the Plaintiff with sufficient surety in double the amount of the value of the property, with condition that if the Defendant is cast in the suit he will within thirty days thereafter, deliver the property to the Plaintiff, and pay all damages and costs which may accrue from the detention thereof.

201

Alvin J. Duck. Clerk

Executed by attaching
One 1959 Ford Custom 300
Serial no. C8AG100093
and placing it at the
Baldwin Co. Jail
This the 28th Nov. 1960

Jayley Wilkins Sheriff
By W.O. Garner C.D.S.
Bond made 12/5/60 by
Stacy & Property
returned to same