

110

the owner or proprietor thereof; that within six months after said indebtedness had matured and on, to-wit, the 13th day of December, 1960, the Plaintiff did file in the office of the Judge of the Probate Court of the County wherein said land is situated, a verified statement as required by law, a copy of which is attached hereto, made a part hereof and marked Exhibit "A"; wherefore, Plaintiff claims a lien for said amount aforesaid, upon said land and buildings and improvements situate thereon.

HOLBERG, TULLY, HODNETTE & MOBLEY
Attorneys for Plaintiff

BY


Member Appearing

Defendant may be served:

The Pineda Club, Inc.
Mobile Bay Causeway
U. S. Highway 90 and 31
Pineda Island, Baldwin County, Alabama

FILED

JAN 10 1961

ALICE J. DUCK, CLERK
REGISTER

NO. 4541

Moretrench Corporation
a corp.

VS.

The Pineda Club
Inc.

Received 10 day of Jan 1961
rd on 11 day of Jan 1961
served a copy of the within D9C
a The Pineda Club
by service on Stanley Lujan

TAYLOR WILKINS, Sheriff

By W. O. Garner

Cañonway

Sheriff claims 60 miles

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY Garner
DEPUTY SHERIFF

FILED

JAN 10 1961

ALICE L. DUCK, CLERK
REGISTER

MORETRENCH CORPORATION

Plaintiff

vs

THE PINEDA CLUB, INC.

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

4541

WITHDRAWAL OF APPEARANCE

Come(s) C. LeNoir Thomson,
who have (has) either formally appeared in the above styled
cause by filing a written appearance or pleading in said
cause, or else informally appeared in said cause, in behalf
of the Pineda Club, Inc.,
and withdraw(s) their (his) appearance as counsel as afore-
said in said cause.

C. LeNoir Thomson

FILED

APR 13 1961

ALICE J. DUCK, CLERK
REGISTER

APPEARANCE

Come HAMILTON, DENNISTON, BUTLER & RIDDICK, by _____
Miller A. Widenie, and file this their initial appear-
ance in the above styled cause as counsel for The Pineda
Club, Inc. ... and move that said Defendant (Re-
spondent) be granted a continuance with respect to the _____
above case set for a hearing on April 13, 1961,
in said cause, in order to give them a reasonable opportunity
to familiarize themselves with said cause and to prepare what-
ever pleadings and proof may be necessary and proper in their
representation as aforesaid.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By: Miller A. Widenie

MORETRENCH CORPORATION,	:	
a corporation,	:	
Plaintiff,	:	IN THE CIRCUIT COURT OF
VS:	:	BALDWIN COUNTY, ALABAMA
THE PINEDA CLUB, INC.,	:	AT LAW
a corporation,	:	NO. 4541
Defendant	:	

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 1961

ALICE J. DUCK, CLERK
REGISTER

Robert M. Lee
Judge

MORETRENCH CORPORATION,	:	
a corporation,	:	
Plaintiff,	:	IN THE CIRCUIT COURT OF
VS:	:	BALDWIN COUNTY, ALABAMA
	:	AT LAW
THE PINEDA CLUB, INC.,	:	
a corporation,	:	NO. 4541
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 in 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.

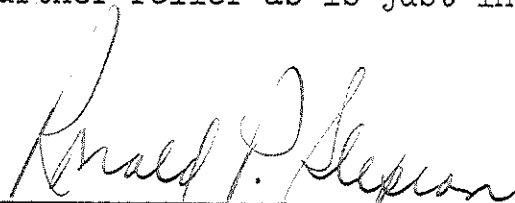
II

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.

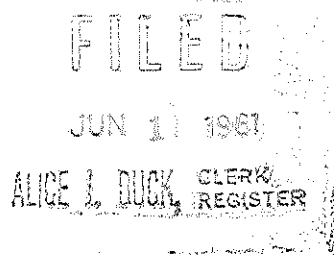
III

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



MORETRENCH CORPORATION,
a corporation,

Plaintiff

vs

THE PINEDA CLUB, INC.,
a corporation,

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN EQUITY

NO. 4541

Comes the defendant in the above styled cause and for demurrer to said complaint filed in said cause and to each phase thereof separately and severally shows unto this Honorable Court as follows:

-1-

That said complaint fails to furnish a legal description of the real property involved as required by law.

-2-

That said complaint fails to state a cause of action.

-3-

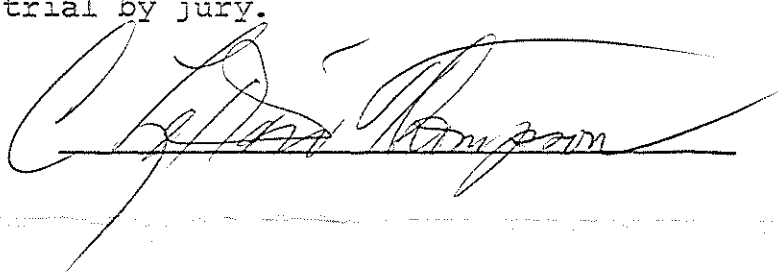
That said complaint fails to allege whether the contract alleged therein is an oral contract or a contract in writing.

THOMPSON & WHITE

BY: 

Attorneys for defendant

Defendant requests trial by jury.



FILED

JAN 23 1961

ALICE J. DUCK, CLERK -
REGISTER

THE STATE OF ALABAMA

CIRCUIT COURT

COUNTY

Term, 19

Moretrench Corp. a corp
No. *4541* VS.
The Pineda Club, Inc

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	10 00
2. Suits for over \$100.00 but less than \$1000 10.00	10 00	2. Ex-Clerk's Fees	7 50
3. Suits for \$1000.00 and over..... 20.00		3. Sheriff's Fees	
4. Suits Detinue, ejectment, etc..... 10.00		4. Ex-Sheriff's Fees	
5. Suits not otherwise provided for..... 10.00		5. Trial Tax	7 00
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	
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	10 00	TOTAL FEES AND COST	22 00
SHERIFF'S FEES:		21.	
23. Serving summons and complaint.....\$ 1.50	1 50	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		TOTAL JUDGMENT	
27. Serving Garnishee-Writ 1.50		TOTAL FEES, COST AND JUDGMENT.....	
28. Serving Sci. Fa. or notice 1.50			
29. Serving subpoenas, each..... .75			
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 <i>(6.0)</i> .10	6 00		
37.			
38.			
Total Sheriff's Fees	7 50		

LAW OFFICES
HOLBERG, TULLY, HODNETTE AND MOBLEY

1107 MILNER BUILDING

P.O. BOX 47

MOBILE, ALABAMA

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
ROBERT E. HODNETTE, JR.
JOHN W. MOBLEY
HERBERT P. FEIDELMAN, JR.

TELEPHONE
HEMLOCK 2-8863

January 9, 1961

Honorable Alice J. Duck, Clerk
Circuit Court
Courthouse
Bay Minette, Alabama

Dear Madam:

We hand you herewith original and one copy of Summons and Complaint of the suit of Moretrench Corporation vs. The Pineda Club, Inc., for filing in the Circuit Court of Baldwin County, Alabama.

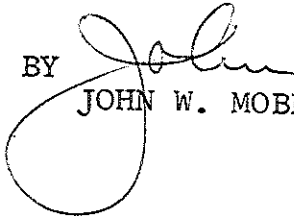
We very much appreciate your services in this matter and should you need anything further or have any questions concerning same, please do not hesitate to advise.

With highest personal regards, we remain

Very truly yours,

HOLBERG, TULLY, HODNETTE & MOBLEY

BY


JOHN W. MOBLEY

JWM/gm
Encl.

STATE OF ALABAMA

COUNTY OF BALDWIN

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon The Pineda Club, Inc., a corporation, to appear within thirty days from service of this process, in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, then and there to answer the complaint of Moretrench Corporation, a corporation.

WITNESS: Alice J. Duck, Clerk of said Court,
this 10 day of January, 1961.

ATTEST:

Alice J. Duck
Clerk

* * * * *

SHERIFF'S RETURN

Received _____ Day of January, 1961, and on the _____ day of January, 1961, I served a copy of the within Complaint and Summons on The Pineda Club, Inc., a corporation, by service on _____.

TAYLOR WILKINS, SHERIFF

BY _____

D.S.