

WILLIE MAYE ERNEST
and WALTER C. ERNEST,
partners, doing business
as ERNEST CONSTRUCTION
COMPANY,

Plaintiffs

vs

THE PINEDA CLUB, INC.,
a corporation and WILLIAM
LANGHORN, INC., a corpora-
tion, jointly and severally,

Defendants

X

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4542

Comes the defendant, The Pineda Club, Inc., 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 allege notice to the Pineda
Club, Inc., in accordance with requirements of the Code of Alabama
of 1940 for delivery of materials as a sub-contractor.

-2-

That said complaint fails to allege a legal description
as required under the Code of Alabama of 1940 for a materialman's
lien or mechanic's lien on real property.

-3-

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

THOMPSON & WHITE

BY:

C. L. Davis Thompson
Attorneys for the Pineda Club, Inc.

Defendant requests trial by jury.

C. L. Davis Thompson

FILED

JAN 23 1961

ALICE J. DUCK, CLERK
REGISTER

BK _ P. 186A

WILLIE MAYE ERNEST and WALTER
C. ERNEST, Partners, d/b/a
ERNEST CONSTRUCTION COMPANY, I

Plaintiffs I

VS I

THE PINEDA CLUB, INC., a corp I
& WILLIAM LANGHORN, INC., a
corp., jointly & severally I

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 4542

Defendants

WITHDRAWAL OF APPEARANCE

Come(s) C. LeNoir Thompson, attorney,

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.

FILED

APR 13 1961

ALICE J. DUCK, CLERK
REGISTER

APPEARANCE

Come HAMILTON, DENNISTON, BUTLER & RIDDICK, by _____
Miller A. Widemire, and file this their initial appear-
ance in the above styled cause as counsel for 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.

I hereby certify that I served
a copy of the within upon
Willie Darby, attorney for the
Plaintiffs by handing him a
copy filed in open court
this 13th day of April, 1961.
Miller A. Widemire
attorney

HAMILTON, DENNISTON, BUTLER & RIDDICK

By: Miller A. Widemire

WILLIE MAYE ERNEST	)	IN THE CIRCUIT COURT
and WALTER C. ERNEST,)	
partners, doing business)	
as ERNEST CONSTRUCTION	)	OF BALDWIN COUNTY,
COMPANY,)	
)	
Plaintiffs	)	ALABAMA
)	
vs.)	
	)	AT LAW
THE PINEDA CLUB, INC.,)	
a corporation and WILLIAM)	
LANGHORN, INC., a cor-)	
poration, jointly and)	
severally,)	
)	
Defendants)	

COUNT ONE

Plaintiffs claim of the Defendants the sum of
THREE THOUSAND THREE HUNDRED FIFTY TWO AND 50/100ths
(\$3,352.50) DOLLARS for work and labor done and
materials furnished by the Plaintiffs at the request
of William Langhorn, Inc., on an improvement on
the following described property situated in Baldwin
County, Alabama on Pineda Island, viz:

Commence at a point on the West end of
the North Lane Bridge across the Blakeley
River, and on the center line of the
North Lane of U.S. Highway No. 90;
Thence run North 10 degrees, 56 minutes
East a distance of 108.00 feet to the
North right of way line of U.S. High-
way No. 90 for the point of beginning
of the property herein described; thence
North 79 degrees, 04 minutes West along
said North right of way line a dis-
tance of 1110.58 feet to a point; thence
North 10 degrees, 56 minutes East a
distance of 70.0 feet to a point;
thence North 79 degrees, 04 minutes
West a distance of 51.0 feet to the
East right of way line of Blakeley
Boulevard; thence North 10 degrees,
56 minutes East a distance of 89.99
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 38 feet to a point of curvature of a 25 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;

LESS real property described as follows:

Commence at a point on the West end of the North Lane Bridge across the Blakeley River and on the center line of the North Lane of U.S. Highway No. 90; thence N. 10 degrees 56' 00" E., 108.00 feet to a point on the North right of way line of U.S. Highway No. 90 for a point of beginning; thence N. 79 degrees 04' 00" W., for a distance of 209.30 feet; thence N. 10 degrees 56' 00" E., 200 feet; thence S. 79 degrees 04' 00" E., for a distance of 158.30 feet to a point on the West bank of Blakeley River; thence S. 11 degrees 17' 09" E., for a distance of 216.04 feet to a point on the said North right of way line; thence N. 79 degrees 04' 00" W., for a distance of 30.70 feet to the point of beginning.

which said indebtedness accrued on to-wit the 10th day of August, 1960 and is now due and unpaid.

Plaintiffs allege that the above described property is the property of the Defendant, the Pineda Club, Inc.; that said work and labor were done and performed on said improvements on said land, under and by virtue of a contract with William Langhorn, Inc., the agent or contractor of the said owner, the Pineda Club, Inc.; that within four (4) months after the said indebtedness had matured, on to-wit the 9th day of December, 1960, Plaintiffs did file in the office of the Judge of Probate 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 Plaintiffs claim a lien for said amount upon said land and building and improvements situated thereon.

On October 26, 1960, prior to the filing of said lien in the Probate Court of Baldwin County, Alabama the Plaintiff gave notice in writing to the Pineda Club, Inc. that Plaintiff claimed a lien on said property and set forth the amount thereof, for what, and from whom it was owing.

COUNT TWO

Plaintiffs claim of the Defendants the sum of THREE THOUSAND THREE HUNDRED FIFTY TWO AND 50/100ths (\$3,352.50) DOLLARS for work and labor done and materials furnished by the Plaintiffs at the request of William Langhorn, Inc., on an improvement on the following described property situated in Baldwin County, Alabama on Pineda Island, viz:

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North right of way line of U.S. High-
way No. 90 for the point of beginning
of the property herein described; thence
North 79 degrees, 04 minutes West along
said North right of way line a dis-
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North 10 degrees, 56 minutes East a
distance of 70.0 feet to a point;
thence North 79 degrees, 04 minutes
West a distance of 51.0 feet to the
East right of way line of Blakeley
Boulevard; thence North 10 degrees,
56 minutes East a distance of 89.99
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 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. High-
way No. 90, said point bears South 79
degrees, 04 minutes East a distance
of 30.70 feet from the point of begin-
ning; thence, North 79 degrees, 04
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to the point of beginning of the above
described property;

North Lane of U.S. Highway No. 90;
Thence run North 10 degrees, 56 minutes
East a distance of 108.00 feet to the
North right of way line of U.S. High-
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North 79 degrees, 04 minutes West along
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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 radius curve to
the right (which curve has a central
angle of 90 degrees 00 minutes);
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of said curve a distance of 39.27 feet
to a point of tangency on the South
right of way line of Caribbean Boulevard;
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North right of way line of U.S. High-
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of 30.70 feet from the point of begin-
ning; thence, North 79 degrees, 04
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LESS real property described as follows:

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of the North Lane Bridge across the
Blakeley River and on the center
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Highway No. 90; thence N. 10 degrees
56' 00" E., 108.00 feet to a point
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U.S. Highway No. 90 for a point of beginning; thence N. 79 degrees 04' 00" W., for a distance of 209.30 feet; thence N. 10 degrees 56' 00" E., 200 feet; thence S. 79 degrees 04' 00" E., for a distance of 158.30 feet to a point on the West bank of Blakeley River; thence S. 11 degrees 17' 09" E., for a distance of 216.04 feet to a point on the said North right of way line, thence N. 79 degrees 04' 00" W., for a distance of 30.70 feet to the point of beginning.

which said indebtedness accrued on to-wit the 10th day of August, 1960 and is now due and unpaid.

Plaintiffs allege that the above described property is the property of the Defendant, the Pineda Club, Inc.; that said work and labor were done and performed on said improvements on said land, under and by virtue of a contract with William Langhorn, Inc., the agent or contractor of the said owner, the Pineda Club, Inc.; that within four (4) months after the said indebtedness had matured, on to-wit the 9th day of December, 1960, Plaintiffs did file in the office of the Judge of Probate 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 Plaintiffs claim a lien for said amount upon said land and building and improvements situated thereon.

On October 26, 1960, prior to the filing of said lien in the Probate Court of Baldwin County, Alabama the Plaintiff gave notice in writing to the Pineda Club, Inc. that Plaintiff claimed a

lien on said property and set forth the amount thereof, for what, and from whom it was owing.

Plaintiff further alleges that William Langhorn, Inc., a corporation, is and was organized by the Pineda Club, Inc., and that William Langhorn, Inc. and the Pineda Club, Inc. are a single business entity and that William Langhorn, Inc. requested Plaintiffs to furnish and drive pile on said property as the agent and alter ego of the Pineda Club, Inc.

WILLIS C. DARBY, JR.
ATTORNEY FOR PLAINTIFFS

Defendant may be served at:

The Pineda Club, Inc.
Pineda Island
Baldwin County, Alabama

And the Defendant
William Langhorn, Inc.
may be served by service
on:

Mr. Stanley Martin
c/o Pineda Club, Inc.
Baldwin County, Alabama

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4542

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

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon

William Langhorn Inc

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 -----

William Langhorn, Inc -----, Defendant.

by Willie Maye Ernest et als -----

-----, Plaintiff.

Witness my hand this 3rd day of May 1961

Willie Maye Ernest -----, Clerk

No. 4542 Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

WILLIE MAE ERNEST et als

Plaintiffs

vs.

THE PINEDA CLUB INC., A CORP and

WILLIAM LANGHORN, INC., A CORP

Defendants

Summons and Complaint

Filed 1-10-61 1961

Alice J. Duck Clerk

To be served on:
Mr. J. M. Williams Jr
1201 Bell Bld.
Montgomery, Ala

Plaintiff's Attorney

Defendant's Attorney

864

Defendant lives at

MAY 5 1961

M. S. BUTLER, Sheriff

Received In Office

May 4
Taylor Wilkins
Sheriff.

I have executed this summons

this 5-8 1961
by leaving a copy with

Mr. J. M. Williams Jr

The Sheriff claims 2

miles at 10c per mile for a total

of \$ 20

M. S. Butler, Sheriff
Montgomery County, Ala.

M. S. Butler
Sheriff.

Roscoe
Deputy Sheriff.

VINCENT F. KILBORN

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

TELEPHONE HEMLOCK 2-2635

CABLE ADDRESS: VEEKAY

VINCENT F. KILBORN

MICHAEL J. SALMON

BENJAMIN H. KILBORN

WILLIS C. DARBY, JR.

ABRAHAM A. MITCHELL

January 9, 1961

Clerk, Circuit Court
Courthouse
Baldwin County
Bay Minette, Alabama

Dear Sir:

Please file the enclosed suit and two copies
in the Circuit Court of Baldwin County, Civil
Division.

Thank you.

Sincerely,

Willis C. Darby, Jr.
WILLIS C. DARBY, JR.

WCD:lc

VINCENT F. KILBORN

LAWYER

FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

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CABLE ADDRESS: VEEKAY

VINCENT F. KILBORN

MICHAEL J. SALMON

BENJAMIN H. KILBORN

WILLIS C. DARBY, JR.

ABRAHAM A. MITCHELL

August 23, 1961

The Clerk,
Circuit Court of Baldwin County
Courthouse
Bay Minette, Alabama

Dear Sir:

re: Willie Maye Ernest, et al v. The
Pineda Club, Inc., and William Langhorn,
Inc., - Case No. 4542.

It is our understanding that William Langhorn, Inc., was served shortly after May 1, 1961, by service on J.M. Williams, Jr., 1201 Bell Building, Montgomery, Alabama. In the event William Langhorn, Inc., was served we would appreciate your having the Court enter a default judgment against William Langhorn, Inc., and informing us of the entry of the judgment.

Sincerely,

Willis C. Darby, Jr.
WILLIS C. DARBY, JR.,

WCD:gs

Note:

WILLIE MAYE ERNEST	)	IN THE CIRCUIT COURT
and WALTER C. ERNEST,)	
partners, doing business)	
as ERNEST CONSTRUCTION)	OF BALDWIN COUNTY,
COMPANY,)	
)	
Plaintiffs)	ALABAMA
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vs.)	
)	AT LAW
THE PINEDA CLUB, INC.,)	<i>no. 4542</i>
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LANGHORN, INC., a cor-)	
poration, jointly and)	
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Defendants)	

COUNT ONE

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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 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 593 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;

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On October 26, 1960, prior to the filing of said lien in the Probate Court of Baldwin County, Alabama the Plaintiff gave notice in writing to the Pineda Club, Inc. that Plaintiff claimed a lien on said property and set forth the amount thereof, for what, and from whom it was owing.

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East a distance of 30 feet to a point
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WILLIS C. DARBY, JR.
ATTORNEY FOR PLAINTIFFS

Defendant may be served at:

The Pineda Club, Inc.
Pineda Island
Baldwin County, Alabama

And the Defendant
William Langhorn, Inc.
may be served by service
on:

Mr. Stanley Martin
c/o Pineda Club, Inc.
Baldwin County, Alabama

STATE OF ALABAMA
COUNTY OF BALDWIN

WILLIE MAYE ERNEST and WALTER C. ERNEST, partners,
doing business as ERNEST CONSTRUCTION COMPANY file this
statement in writing, verified by the oath of WALTER C.
ERNEST, who has personal knowledge of the facts herein
set forth:

That said WILLIE MAYE ERNEST and WALTER C. ERNEST,
partners, doing business as ERNEST CONSTRUCTION COMPANY
claim a lien upon the following property, situated in
Baldwin County, Alabama on Pineda Island, to-wit:

Commence at a point on the West end of
the North Lane Bridge across the Blakeley
River, and on the center line of the
North Lane of U. S. Highway No. 90;
Thence run North 10 degrees, 56 minutes
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distance of 70.0 feet to a point;
thence North 79 degrees, 04 minutes
West a distance of 51.0 feet to the
East right of way line of Blakeley
Boulevard; thence North 10 degrees,
56 minutes East a distance of 89.99
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 cur-
vature of a 25 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,

STATE OF ALABAMA,
BALDWIN COUNTY
I certify that this instrument was filed on
DEC 9 1960 8:22 AM
and that no tax was collected. Recorded in
Book 5
Page 453-55
By W. R. Pleasant
Judge of Probate

EX-005 16454

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;

LESS real property described as follows:

Commence at a point on the West end of the North Lane Bridge across the Blakeley River and on the center line of the North Lane of U. S. Highway No. 90; thence N. 10 degrees 56' 00" E., 108.00 feet to a point on the North right of way line of U. S. Highway No. 90 for a point of beginning; thence N. 79 degrees 04' 00" W., for a distance of 209.30 feet; thence N. 10 degrees 56' 00" E., 200 feet; thence S. 79 degrees 04' 00" E., for a distance of 158.30 feet to a point on the West bank of Blakeley River; thence S. 11 degrees 17' 09" E., for a distance of 216.04 feet to a point on the said North right of way line; thence N. 79 degrees 04' 00" W., for a distance of 30.70 feet to the point of beginning.

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 THREE THOUSAND FIFTY-TWO AND 50/100THS (\$3,352.50) DOLLARS with interest, from, to-wit, the 17th day of August, 1960, due from William Langhorn, Inc. for furnishing and driving piles as directed.

The name of the owner or proprietor of the said property is THE PINEDA CLUB, INC.

Walter C. Ernest
CLAIMANT

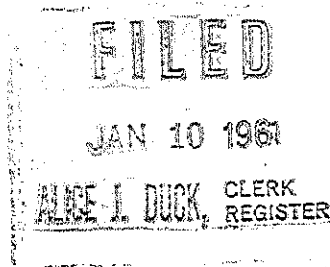
Before me, Francis East, a Notary Public in and for the County of Mobile, State of Alabama, personally appeared Walter C. Ernest, who being duly

sworn, doth depose and say: That he has personal know-
ledge 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.

Walter B. Smith

Subscribed and sworn to before me
this 8 day of December, 1960.

Francis Hart
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA



REC 005 MAR 1961

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4542

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon THE PINEDA CLUB, INC. A CORP., & WILLIAM LANGHORN,
INC., A CORPORATION, JOINTLY AND SEVERALLY

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 CORP.
& WILLIAM LANGHORN, INC. A CORP., JOINTLY & SEVERALLY, Defendant

by WILLIE MAYE ERNEST & WALTER C. ERNEST, PARTNERS, d/b/a ERNEST CONSTRUCTION CO.
Plaintiff

Witness my hand this 10 day of January 1961

Alice J. Duck, Clerk

No. 4542

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

WILLIE MAYE ERNEST & WALTER C. ERNEST

Partners, d/b/a ERNEST CONSTRUCTION CO.
Plaintiffs

vs.

THE PINEDA CLUB, INC. A CORP. &
WILLIAM LANGHORN, INC. A CORP. JOINTLY
& SEVERALLY

Defendants

Summons and Complaint

Filed January 10, 1961

Alice J. Duck

Clerk

WILLIS C. DARBY, JR.

1st National Bank Plaintiff's Attorney
Mobile, Ala.

Defendant's Attorney

Defendant lives at

Received In Office

1/10, 1961

Sheriff.

I have executed this summons

this 11 Jan 1961

by leaving a copy with

the Pineda Club
Stanley Quinn
(William Langhorn
not found)

Sheriff claims: 6.0 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY Garner
DEPUTY SHERIFF

Taylor Wilkins
W.O. Garner
Sheriff.

Deputy Sheriff.

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

WILLIE MAYE ERNEST & WALTER C. ERNEST

Partners, d/b/a ERNEST CONSTRUCTION CO.

Plaintiffs

vs.

THE PINEDA CLUB, INC. A CORP. &
WILLIAM LANGHORN, INC. A CORP. JOINTLY
& SEVERALLY

Defendants

Summons and Complaint

Filed January 10, 1961

Alice J. Duck Clerk

WILLIS C. DARBY, JR.

1st National Bank Plaintiff's Attorney
Mobile, Ala.

Defendant's Attorney

Defendant lives at

Received In Office

1/10, 1961

Sheriff.

I have executed this summons

this 11 Jan 1961
by leaving a copy withThe Pineda Club
Stanley Winger
William Langhorn
not found

Sheriff claims: 60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY W. O. Garner
DEPUTY SHERIFFTaylor Wilkins Sheriff.
W. O. Garner Deputy Sheriff.

Causeway

WILLIE MAYE ERNEST and	:	
WALTER C. ERNEST, partners	:	
doing business as ERNEST	:	IN THE CIRCUIT COURT OF
CONSTRUCTION COMPANY,	:	
	:	BALDWIN COUNTY, ALABAMA
Plaintiff,	:	
	:	AT LAW
VS:	:	
	:	
THE PINEDA CLUB, INC.,	:	NO. 4542
a corporation,	:	
	:	
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 for further order of this court.

Robert M. Byrd
Judge

FILED
JUN 3 1951
ALICE J. DUCK, CLERK
REGISTER

WILLIE MAYE ERNEST and	:	
WALTER C. ERNEST, partners	:	IN THE CIRCUIT COURT OF
doing business as ERNEST	:	
CONSTRUCTION COMPANY,	:	BALDWIN COUNTY, ALABAMA
	:	
Plaintiffs	:	AT LAW
	:	
VS:	:	
	:	NO. _____
THE PINEDA CLUB, INC.,	:	
a corporation,	:	
	:	
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

FILED
MAY 23 1961
ALICE J. DUCK, CLERK
REGISTER

VINCENT F. KILBORN
LAWYER
FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA

TELEPHONE HEMLOCK 2-2635

CABLE ADDRESS: VEEKAY

VINCENT F. KILBORN
MICHAEL J. SALMON
BENJAMIN H. KILBORN
WILLIS C. DARBY, JR.
ABRAHAM A. MITCHELL

May 1st, 1961

Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Sir:

re: Willie Maye Ernest et al v.
The Pineda Club, Inc., et al
Case No. 4542

We enclose herewith two copies of the complaint in the above entitled case. William Langhorn, Inc., a corporation, may be served by service on Mr. J.M. Williams, Jr., 1201 Bell Building, Montgomery, Alabama.

Thank you for your cooperation in this matter.

Sincerely,

Willis C. Darby, Jr.
WILLIS C. DARBY, JR.,

WCD:gs

ENC. Two copies of Complaint.

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4542

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

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon THE PINEDA CLUB, INC. A CORP., & WILLIAM LANGHORN,

INC., A CORPORATION, JOINTLY AND SEVERALLY

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 CORP.

& WILLIAM LANGHORN, INC. A CORP., JOINTLY & SEVERALLY-----, Defendant-----

by WILLIE MAYE ERNEST & WALTER C. ERNEST, PARTNERS, d/b/a ERNEST CONSTRUCTION CO.

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

Witness my hand this 10----- day of January----- 1961

Miss J. Duck-----, Clerk

WILLIE MAYE ERNEST	)	IN THE CIRCUIT COURT
and WALTER C. ERNEST,)	
partners, doing business)	
as ERNEST CONSTRUCTION	)	OF BALDWIN COUNTY,
COMPANY,)	
)	
Plaintiffs	)	ALABAMA
)	
vs.)	
	)	AT LAW
THE PINEDA CLUB, INC.,	)	<i>W. 4542</i>
a corporation and WILLIAM)	
LANGHORN, INC., a cor-)	
poration, jointly and)	
severally,)	
)	
Defendants)	

COUNT ONE

Plaintiffs claim of the Defendants the sum of
 THREE THOUSAND THREE HUNDRED FIFTY TWO AND 50/100ths
 (\$3,352.50) DOLLARS for work and labor done and
 materials furnished by the Plaintiffs at the request
 of William Langhorn, Inc., on an improvement on
 the following described property situated in Baldwin
 County, Alabama on Pineda Island, viz:

Commence at a point on the West end of
 the North Lane Bridge across the Blakeley
 River, and on the center line of the
 North Lane of U.S. Highway No. 90;
 Thence run North 10 degrees, 56 minutes
 East a distance of 108.00 feet to the
 North right of way line of U.S. High-
 way No. 90 for the point of beginning
 of the property herein described; thence
 North 79 degrees, 04 minutes West along
 said North right of way line a dis-
 tance of 1110.58 feet to a point; thence
 North 10 degrees, 56 minutes East a
 distance of 70.0 feet to a point;
 thence North 79 degrees, 04 minutes
 West a distance of 51.0 feet to the
 East right of way line of Blakeley
 Boulevard; thence North 10 degrees,
 56 minutes East a distance of 89.99
 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 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;

LESS real property described as follows:

Commence at a point on the West end of the North Lane Bridge across the Blakeley River and on the center line of the North Lane of U.S. Highway No. 90; thence N. 10 degrees 56' 00" E., 108.00 feet to a point on the North right of way line of U.S. Highway No. 90 for a point of beginning; thence N. 79 degrees 04' 00" W., for a distance of 209.30 feet; thence N. 10 degrees 56' 00" E., 200 feet; thence S. 79 degrees 04' 00" E., for a distance of 159.30 feet to a point on the West bank of Blakeley River; thence S. 11 degrees 17' 09" E., for a distance of 216.04 feet to a point on the said North right of way line; thence N. 79 degrees 04' 00" W., for a distance of 30.70 feet to the point of beginning.

which said indebtedness accrued on to-wit the 10th day of August, 1960 and is now due and unpaid.

Plaintiffs allege that the above described property is the property of the Defendant, the Pineda Club, Inc.; that said work and labor were done and performed on said improvements on said land, under and by virtue of a contract with William Langhorn, Inc., the agent or contractor of the said owner, the Pineda Club, Inc.; that within four (4) months after the said indebtedness had matured, on to-wit the 9th day of December, 1960, Plaintiffs did file in the office of the Judge of Probate 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 Plaintiffs claim a lien for said amount upon said land and building and improvements situated thereon.

On October 26, 1960, prior to the filing of said lien in the Probate Court of Baldwin County, Alabama the Plaintiff gave notice in writing to the Pineda Club, Inc. that Plaintiff claimed a lien on said property and set forth the amount thereof, for what, and from whom it was owing.

COUNT TWO

Plaintiffs claim of the Defendants the sum of THREE THOUSAND THREE HUNDRED FIFTY TWO AND 50/100ths (\$3,352.50) DOLLARS for work and labor done and materials furnished by the Plaintiffs at the request of William Langhorn, Inc., on an improvement on the following described property situated in Baldwin County, Alabama on Pineda Island, viz:

Commence at a point on the West end of the North Lane Bridge across the Blakeley River, and on the center line of the

North Lane of U.S. Highway No. 90;
Thence run North 10 degrees, 56 minutes
East a distance of 108.00 feet to the
North right of way line of U.S. High-
way No. 90 for the point of beginning
of the property herein described; thence
North 79 degrees, 04 minutes West along
said North right of way line a dis-
tance of 1110.58 feet to a point; thence
North 10 degrees, 56 minutes East a
distance of 70.0 feet to a point;
thence North 79 degrees, 04 minutes
West a distance of 51.0 feet to the
East right of way line of Blakeley
Boulevard; thence North 10 degrees,
56 minutes East a distance of 89.99
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 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. High-
way No. 90, said point bears South 79
degrees, 04 minutes East a distance
of 30.70 feet from the point of begin-
ning; thence, North 79 degrees, 04
minutes West a distance of 30.70 feet
to the point of beginning of the above
described property;

LESS real property described as follows:

Commence at a point on the West end
of the North Lane Bridge across the
Blakeley River and on the center
line of the North Lane of U.S.
Highway No. 90; thence N. 10 degrees
56' 00" E., 108.00 feet to a point
on the North right of way line of

U.S. Highway No. 90 for a point of beginning; thence N. 79 degrees 04' 00" W., for a distance of 209.30 feet; thence N. 10 degrees 56' 00" E., 200 feet; thence S. 79 degrees 04' 00" E., for a distance of 158.30 feet to a point on the West bank of Blakeley River; thence S. 11 degrees 17' 09" E., for a distance of 216.04 feet to a point on the said North right of way line, thence N. 79 degrees 04' 00" W., for a distance of 30.70 feet to the point of beginning.


which said indebtedness accrued on to-wit the 10th day of August, 1960 and is now due and unpaid.

Plaintiffs allege that the above described property is the property of the Defendant, the Pineda Club, Inc.; that said work and labor were done and performed on said improvements on said land, under and by virtue of a contract with William Langhorn, Inc., the agent or contractor of the said owner, the Pineda Club, Inc.; that within four (4) months after the said indebtedness had matured, on to-wit the 9th day of December, 1960, Plaintiffs did file in the office of the Judge of Probate 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 Plaintiffs claim a lien for said amount upon said land and building and improvements situated thereon.

On October 26, 1960, prior to the filing of said lien in the Probate Court of Baldwin County, Alabama the Plaintiff gave notice in writing to the Pineda Club, Inc. that Plaintiff claimed a

lien on said property and set forth the amount thereof, for what, and from whom it was owing.

Plaintiff further alleges that William Langhorn, Inc., a corporation, is and was organized by the Pineda Club, Inc., and that William Langhorn, Inc. and the Pineda Club, Inc. are a single business entity and that William Langhorn, Inc. requested Plaintiffs to furnish and drive pile on said property as the agent and alter ego of the Pineda Club, Inc.


WILLIS C. DARBY, JR.
ATTORNEY FOR PLAINTIFFS

Defendant may be served at:

The Pineda Club, Inc.
Pineda Island
Baldwin County, Alabama

And the Defendant
William Langhorn, Inc.
may be served by service
on:

Mr. Stanley Martin
c/o Pineda Club, Inc.
Baldwin County, Alabama

STATE OF ALABAMA
COUNTY OF BALDWIN

WILLIE MAYE ERNEST and WALTER C. ERNEST, partners,
doing business as ERNEST CONSTRUCTION COMPANY file this
statement in writing, verified by the oath of WALTER C.
ERNEST, who has personal knowledge of the facts herein
set forth:

That said WILLIE MAYE ERNEST and WALTER C. ERNEST,
partners, doing business as ERNEST CONSTRUCTION COMPANY
claim a lien upon the following property, situated in
Baldwin County, Alabama on Pineda Island, to-wit:

Commence at a point on the West end of
the North Lane Bridge across the Blakeley
River, and on the center line of the
North Lane of U. S. Highway No. 90;
Thence run North 10 degrees, 56 minutes
East a distance of 108.00 feet to the
North right of way line of U. S. High-
way No. 90 for the point of beginning
of the property herein described; thence
North 79 degrees, 04 minutes West along
said North right of way line a dis-
tance of 1110.58 feet to a point; thence
North 10 degrees, 56 minutes East a
distance of 70.0 feet to a point;
thence North 79 degrees, 04 minutes
West a distance of 51.0 feet to the
East right of way line of Blakeley
Boulevard; thence North 10 degrees,
56 minutes East a distance of 89.99
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 cur-
vature of a 25 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,

STATE OF ALABAMA,
BALDWIN COUNTY

I certify that this instrument was filed on

DEC 9 1960 7:40 AM

and that no tax was collected. Recorded in

Book 5

Page 453-55

By

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;

LESS real property described as follows:

Commence at a point on the West end of the North Lane Bridge across the Blakeley River and on the center line of the North Lane of U. S. Highway No. 90; thence N. 10 degrees 56' 00" E., 108.00 feet to a point on the North right of way line of U. S. Highway No. 90 for a point of beginning; thence N. 7 degrees 04' 00" W., for a distance of 209.30 feet; thence N. 10 degrees 56' 00" E., 200 feet; thence S. 79 degrees 04' 00" E., for a distance of 158.30 feet to a point on the West bank of Blakeley River; thence S. 11 degrees 17' 09" E., for a distance of 216.04 feet to a point on the said North right of way line; thence N. 79 degrees 04' 00" W., for a distance of 30.70 feet to the point of beginning.

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 THREE THOUSAND FIFTY-TWO AND 50/100THS (\$3,352.50) DOLLARS with interest, from, to-wit, the 17th day of August, 1960, due from William Langhorn, Inc. for furnishing and driving piles as directed.

The name of the owner or proprietor of the said property is THE PINEDA CLUB, INC.

Walter C. Ernest
CLAIMANT

Before me, Francis East, a Notary Public in and for the County of Mobile, State of Alabama, personally appeared Walter C. Ernest, who being duly

sworn, doth depose and say: That he has personal know-
ledge 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.

Walter B. Smith

Subscribed and sworn to before me
this 8 day of December, 1960.

Frances Hart
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

FILED

JAN 10 1961

ALICE J. DUCK, CLERK & REGISTER

REC 035
MAR 15 1961

Bay Minette, Ala., 5-4- 1961
To the Sheriff of Montgomery County, Montgomery, Alabama
I enclose herewith St C to be served on
Mr. J. M. Williams, Jr. at
1201 Bell Bl., Montgomery, Ala.

Please serve and return as early as possible.

Saylor Wilkins

Sheriff Baldwin County, Alabama

(If not found in your county please advise promptly giving information as to present location if possible)

\$ 3,352.50 = amt due Aug 10 - 1960
212.33 = int. for 1 yr $\frac{1}{2}$ months
\$ 3,564.83 = Total Amt. of Judgment.