

McPHILLIPS MANUFACTURING	:	
COMPANY, INC., a corporation,	:	
Plaintiff,	:	IN THE CIRCUIT COURT OF
	:	BALDWIN COUNTY, ALABAMA
VS:	:	
THE PINEDA CLUB, INC.,	:	AT LAW
a corporation,	:	NO. 4589
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. Jones
Judge

McPHILLIPS MANUFACTURING	:	
COMPANY, INC.,	:	
a corporation,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
VS:	:	AT LAW
	:	
THE PINEDA CLUB, INC.,	:	
a corporation,	:	NO. _____
	:	
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.

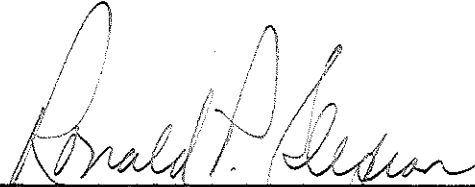
II

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.

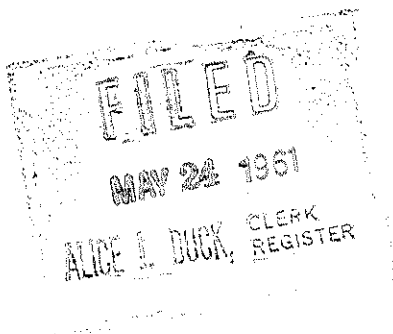
III

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



IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA

McPHILLIPS MANUFACTURING COMPANY,
INC., a corporation,

Plaintiff,

Vs.

THE PINEDA CLUB, INC.,
a corporation,

Defendant.

CASE NO. 4589

JUDGMENT

On this the 3rd day of April, 1961, came the Plaintiff and it appearing that default had been made by the Defendant, proof was had touching the lien claim and the amount of the indebtedness, whereby the Court does find that the Defendant is indebted to the Plaintiff in the amount of \$4,153.57 and that the Plaintiff is entitled to said sum and to a lien upon the property described in the complaint for said amount. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff do have and recover from the Defendant the sum of \$4,153.57 together with costs of this cause and that a lien upon said property described in the Complaint, situated in Baldwin County, Alabama, viz.:

From a point on the center line of the West and of the North bridge across the Blakeley River on U. S. Highway No. 90 run South 79 degrees 04 minutes East 30 feet along the center line of said bridge to a point; thence run North 10 degrees 56 minutes East 108 feet to the point of beginning on the North right-of-way of U. S. Highway No. 90; thence North 79 degrees 04 minutes West along the said North right-of-way line of U. S. Highway No. 90 a distance of 1165 feet to a point; thence North 10 degrees 56 minutes East a distance of 160 feet to a point of curvature; thence along the arc of a circular curve to the right, having a radius of 407,889 feet, an arc distance of 156.341 feet to a point of diverse curvature; thence along the arc of a circular curve to the

left, having a radius of 487.889 feet, an arc distance of 187.004 feet to a point of curvature; thence along the arc of a circular curve to the right having a radius of 25 feet, an arc distance of 39.27 feet to a point of tangency; thence South 79 degrees 04 minutes East, a distance of 687.591 feet to a point of curvature; thence along the arc of a circular curve to the left, having a radius of 25 feet, an arc distance of 39.26 feet to a point; thence South 79 degrees 04 minutes East, a distance of 135.336 feet to a point on the Westerly Shore of Blakeley River, thence South 11 degrees 35 minutes East, a distance of 622.451 feet to the point of beginning

be and the same is hereby established and declared in favor of said Plaintiff for said amount, and the said property is hereby condemned and ordered sold for the satisfaction of this judgment as provided by law.


CIRCUIT JUDGE

VICKERS, RIIS, MURRAY AND CURRAN

ATTORNEYS AT LAW

MERCHANTS NATIONAL BANK BUILDING

MOBILE, ALABAMA

MARION R. VICKERS
ERLING RIIS, JR.
J. MANSON MURRAY
EDWIN J. CURRAN, JR.

MAILING ADDRESS:
POST OFFICE BOX 990
HEMLOCK 2-8767

February 3, 1961

Mrs. Alice J. Duck, Register & Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

In re: McPhillips Manufacturing Company, Inc. vs.
The Pineda Club, Inc.

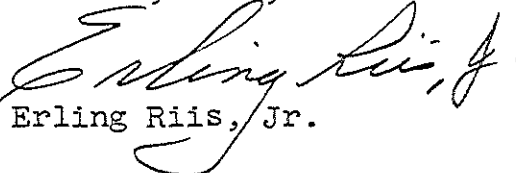
Dear Mrs. Duck:

Attached hereto is a complaint to be filed in the
above noted matter. Will you please see that this
suit is properly filed and that a copy of the com-
plaint and summons is served on the defendant.

Thanking you, we are

Yours very truly,

VICKERS, RIIS, MURRAY AND CURRAN


Erling Riis, Jr.

ER:SJB

Att

Enc

McPHILLIPS MANUFACTURING CO.,	§	IN THE CIRCUIT COURT OF
INC., a corporation,		
Plaintiff,	§	BALDWIN COUNTY, ALABAMA
Vs.	§	Case No. 4589
THE PINEDA CLUB, a corpora-	§	
tion,		
Defendant.	§	

PETITION TO SET ASIDE DEFAULT JUDGMENT

Comes now your Petitioner, The Pineda Club, Inc., by and through their Attorneys, Hamilton, Denniston, Butler & Riddick, and moves the Court to set aside the judgment by default heretofore rendered in this cause and for grounds thereof show unto the Court as follows:

1. The Defendant had employed counsel in Bay Minette to represent it generally in suits involving this Defendant.

2. The Defendant was informed that its counsel was to appear in this case.

3. The Defendant's former counsel failed to appear for the Defendant in this cause.

4. Pending completion of final arrangements for withdrawal of Defendant's former counsel and substitution of Defendant's present counsel, the Plaintiff, on April 4, 1961, took a default judgment against the Defendant.

5. That, as the Court record will show, on April 13, 1961, Defendant's former counsel withdrew his representation and the Defendant's present counsel, Hamilton, Denniston, Butler & Riddick, appeared on the Defendant's behalf.

6. That the Defendant first learned that Defendant's former counsel had not appeared in this cause and that default judgment was taken against the Defendant through investigation of the Court's records in the Clerk's office on April 13, 1961 by the Defendant's present counsel of record.

7. That the Plaintiff's claim herein arises from being a sub-contractor of William Langhorne, Inc. or of Bateman Construction Company, Inc. in furnishing supplies and materials to said contractors in construction of certain improvements located on the Defendant's property described in the complaint, all as appears upon the face of Exhibit A attached hereto.

8. That said general contractors, William Langhorne, Inc. and/or Bateman Construction Company, Inc. are not made parties to this suit.

9. That said general contractors are necessary and essential parties to a lien suit against the owners of the property as is required by Title 33, Section 56, Code of Alabama (1940).

10. That this motion is made within thirty days of the entry of said default judgment.

WHEREFORE, Defendant moves the Court to set aside said judgment by default, allowing Defendant a reasonable time to plead, answer or demur.

FILED

APR 19 1961

MADE J. DUCK, CLERK
REGISTER

HAMILTON, DENNISTON, BUTLER & RIDDICK

By Miller A. W. Sidemire
Attorneys for Defendant

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority, personally appeared Stanley Winn, who first being duly sworn, on oath deposes and says that he is the duly authorized agent of The Pineda Club, Inc., to make this affidavit, that he has been informed, and on such information does believe, and upon such information and belief does say that the matters and facts set forth in the foregoing petition to set aside default judgment are true and correct to the best of his information, belief and knowledge.

Stanley Winn
Stanley Winn

Sworn and subscribed to before
me this 17th day of April, 1961

W. H. Newbach
Notary Public, Mobile County, Alabama

STATEMENT



McPHILLIPS MANUFACTURING CO., INC.

DIAL EE 8-1681 FOOT OF LAWRENCE ST. P. O. BOX 169
MOBILE, ALABAMA

- WILLIAM LANGHORNE, INC.
- STAR ROUT 1
- DAPHNE, ALABAMA
-

JAN 28 1947

PLEASE RETURN THIS STUB WITH YOUR CHECK

DATE	REFERENCE		CHARGES	CREDITS	BALANCE
	ORDER NO.	INV NO.			
BALANCE FORWARDED					4,253.57
EXHIBIT A					

INTEREST AT 8% PER ANNUM WILL BE CHARGED ON DELINQUENT ACCOUNTS

McPHILLIPS MFG. CO., INC.
MOBILE, ALABAMA

IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA

McPHILLIPS MANUFACTURING COMPANY,
INC., a corporation,

Plaintiff,

Vs.

CASE NO. 4589

THE PINEDA CLUB, INC.,
a corporation,

Defendant.

JUDGMENT

On this the 3rd day of April, 1961, came the Plaintiff and it appearing that default had been made by the Defendant, proof was had touching the lien claim and the amount of the indebtedness, whereby the Court does find that the Defendant is indebted to the Plaintiff in the amount of \$4,153.57 and that the Plaintiff is entitled to said sum and to a lien upon the property described in the complaint for said amount. It is, therefore,

ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff do have and recover from the Defendant the sum of \$4,153.57 together with costs of this cause and that a lien upon said property described in the Complaint, situated in Baldwin County, Alabama, viz.:

From a point on the center line of the West end of the North bridge across the Blakeley River on U. S. Highway No. 90 run South 79 degrees 04 minutes East 30 feet along the center line of said bridge to a point; thence run North 10 degrees 56 minutes East 108 feet to the point of beginning on the North right-of-way of U. S. Highway No. 90; thence North 79 degrees 04 minutes West along the said North right-of-way line of U. S. Highway No. 90 a distance of 1165 feet to a point; thence North 10 degrees 56 minutes East a distance of 160 feet to a point of curvature; thence along the arc of a circular curve to the right, having a radius of 407,889 feet, an arc distance of 156.341 feet to a point of diverse curvature; thence along the arc of a circular curve to the

left, having a radius of 487.889 feet, an arc distance of 187.004 feet to a point of curvature; thence along the arc of a circular curve to the right having a radius of 25 feet, an arc distance of 39.27 feet to a point of tangency; thence South 79 degrees 04 minutes East, a distance of 687.591 feet to a point of curvature; thence along the arc of a circular curve to the left, having a radius of 25 feet, an arc distance of 39.26 feet to a point; thence South 79 degrees 04 minutes East, a distance of 135.336 feet to a point on the Westerly Shore of Blakeley River, thence South 11 degrees 35 minutes East, a distance of 622.451 feet to the point of beginning

be and the same is hereby established and declared in favor of said Plaintiff for said amount, and the said property is hereby condemned and ordered sold for the satisfaction of this judgment as provided by law.

Robert M. Green

CIRCUIT JUDGE

IN THE CIRCUIT COURT FOR THE TWENTY-EIGHTH JUDICIAL CIRCUIT
OF ALABAMA

McPHILLIPS MANUFACTURING COMPANY,
INC., a corporation,

Plaintiff,

vs.

THE PINEDA CLUB, INC.,
a corporation,

Defendant.

CASE NO. 4589

COMPLAINT

Plaintiff claims of the Defendant the sum of,
to-wit, \$4,127.09 plus interest thereon, for materials
and supplies furnished by the Plaintiff at the request
of the agent of Defendant on a building or improvement
on the following described property situated in Baldwin
County, Alabama, viz.:

From a point on the center line of the West end
of the North bridge across the Blakeley River on
U. S. Highway No. 90 run South 79 degrees 04
minutes East 30 feet along the center line of said
bridge to a point; thence run North 10 degrees 56
minutes East 108 feet to the point of beginning
on the North right-of-way of U. S. Highway No. 90;
thence North 79 degrees 04 minutes West along the
said North right-of-way line of U. S. Highway No.
90 a distance of 1165 feet to a point; thence
North 10 degrees 56 minutes East a distance of
160 feet to a point of curvature; thence along
the arc of a circular curve to the right, having
a radius of 407.889 feet, an arc distance of
156.341 feet to a point of diverse curvature;
thence along the arc of a circular curve to the
left, having a radius of 487.889 feet, an arc
distance of 187.004 feet to a point of curvature;
thence along the arc of a circular curve to the
right having a radius of 25 feet, an arc distance
of 39.27 feet to a point of tangency; thence
South 79 degrees 04 minutes East, a distance of
687.591 feet to a point of curvature; thence along
the arc of a circular curve to the left, having a
radius of 25 feet, an arc distance of 39.26 feet
to a point; thence South 79 degrees 04 minutes
East, a distance of 135.336 feet to a point on
the Westerly Shore of Blakeley River, thence
South 11 degrees 35 minutes East, a distance of
622.451 feet to the point of beginning.

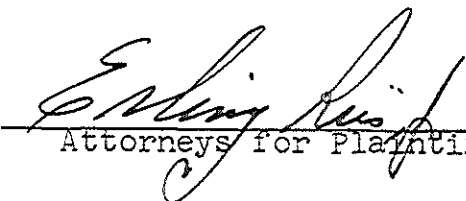
which said indebtedness accrued on, to-wit, the 14th day of September 1960, and is still due and unpaid.

Plaintiff alleges that the above described property is the property of THE PINEDA CLUB, INC., a corporation, the Defendant in this cause; that said materials and supplies were furnished and used on the above described premises under and by virtue of a contract with the agent of the Defendant; and that within six months after the said indebtedness had matured, on to-wit, the 25th day of January, 1961, Plaintiff did file in the office of the Judge of Probate of Baldwin County, Alabama, a verified statement as required by law, which is attached hereto and made a part hereof.

WHEREFORE, Plaintiff claims a lien for said amount upon said land and buildings and improvements situated thereon.

VICKERS, RIIS, MURRAY AND CURRAN

By:


Attorneys for Plaintiff

I certify that this instrument was filed on

JAN 25 1961 8:00 AM

and that no tax was collected. Recorded in expt lien
 Book 5
 Page 475 - 16 K. R. Stewart
 Judge of Probate
 By W

STATE OF ALABAMA,
COUNTY OF MOBILE.

McPHILLIPS MANUFACTURING COMPANY, INC. files this statement in writing, verified by the oath of JAMES R. DRUHAN who has personal knowledge of the facts herein set forth that said McPhillips Manufacturing Company, Inc. claims a lien upon the property situated in the County of Baldwin, State of Alabama and described on Exhibit A which is attached hereto and made a part hereof as though fully set out herein.

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, to-wit, \$4,127.09 with interest from, to-wit, September 14, 1960, for materials furnished and used in the construction of a building located on said property.

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

McPHILLIPS MANUFACTURING COMPANY, INC.

By

JAMES R. DRUHAN

STATE OF ALABAMA,
COUNTY OF MOBILE.

Before me, Louis C. Moody, a Notary Public
in and for the County of Mobile, State of Alabama, personally
appeared JAMES R. DRUHAN, who, being duly sworn, deposes and
says:

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.

JAMES R. DRUHAN

Subscribed and sworn to
before me this the 13
day of January, 1961.

Notary Public, Mobile County, Alabama

FILED
FEB 6 1961

DATE: 10/10/1964

EXHIBIT A

From a point on the center line of the West and of the North bridge across the Blakeley River on U. S. Highway No. 90 run South 79 degrees 04 minutes East 30 feet along the center line of said bridge to a point; thence run North 10 degrees 56 minutes East 108 feet to the point of beginning on the North right-of-way of U. S. Highway No. 90; thence North 79 degrees 04 minutes West along the said North right-of-way line of U. S. Highway No. 90 a distance of 1165 feet to a point; thence North 10 degrees 56 minutes East a distance of 160 feet to a point of curvature; thence along the arc of a circular curve to the right, having a radius of 407.889 feet, an arc distance of 156.341 feet to a point of diverse curvature; thence along the arc of a circular curve to the left, having a radius of 487.889 feet, an arc distance of 187.004 feet to a point of curvature; thence along the arc of a circular curve to the right having a radius of 25 feet, an arc distance of 39.27 feet to a point of tangency; thence South 79 degrees 04 minutes East, a distance of 687.591 feet to a point of curvature; thence along the arc of a circular curve to the left, having a radius of 25 feet, an arc distance of 39.26 feet to a point; thence South 79 degrees 04 minutes East, a distance of 135.336 feet to a point on the Westerly Shore of Blakeley River, thence South 11 degrees 35 minutes East, a distance of 622.451 feet to the point of beginning.

005
PAC 476

Handwritten notes:
S. 79° 04' E 30' ft
N 10° 56' E 108' ft
N 79° 04' W 1165' ft
N 10° 56' E 160' ft
R 407.889' 156.341' ft
L 487.889' 187.004' ft
R 25' 39.27' ft
S 79° 04' E 687.591' ft
L 25' 39.26' ft
S 79° 04' E 135.336' ft
S 11° 35' E 622.451' ft

WITNESSED
FEB 9 1967
WITNESSED

EXHIBIT A

From a point on the center line of the West end of the North bridge across the Blakely River on U. S. Highway No. 90 run South 79 degrees 04 minutes East 30 feet along the center line of said bridge to a point; thence run North 10 degrees 56 minutes East 108 feet to the point of beginning on the North right-of-way of U. S. Highway No. 90; thence North 79 degrees 04 minutes West along the said North right-of-way line of U. S. Highway No. 90 a distance of 1105 feet to a point; thence North 10 degrees 56 minutes East a distance of 160 feet to a point of curvature; thence along the arc of a circular curve to the right, having a radius of 407.889 feet, an arc distance of 156.341 feet to a point of diverse curvature; thence along the arc of a circular curve to the left, having a radius of 487.889 feet, an arc distance of 187.004 feet to a point of curvature; thence along the arc of a circular curve to the right having a radius of 25 feet, an arc distance of 39.27 feet to a point of tangency; thence South 79 degrees 04 minutes East, a distance of 687.591 feet to a point of curvature; thence along the arc of a circular curve to the left, having a radius of 25 feet, an arc distance of 39.26 feet to a point; thence South 79 degrees 04 minutes East, a distance of 135.336 feet to a point on the Westerly Shore of Blakely River, thence South 11 degrees 35 minutes East, a distance of 622.451 feet to the point of beginning.

Alone

Pl 2000
 Richard, Reilly, Murray
 & Curran
 Architects and Engineers
 Seattle, Wash.

FILED
 FEB 6 1961
 ANGEL J. DUCK, clerk

McPHILLIPS MANUFACTURING CO.,
INC., a corporation

Plaintiff

VS

THE PINEDA CLUB, INC., a
corporation

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. 4589

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.



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 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 _____,
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. Widemire

FILED
APR 13 1960
ALICE J. DUCK, Clerk

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4589

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon The Pineda Club, Inc. a Corp.

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., Defendant.

by McPhillips Manufacturing Co., Inc. a Corp.

, Plaintiff.

Witness my hand this 6th day of February 19 61.

Alice J. Suck, Clerk

No. 4589

Page

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

MCPHILLIPS MFG. CO., INC. A CORP.

Plaintiffs

vs.

THE PINEDA CLUB, INC. A CORP.

Defendants

Summons and Complaint

Filed Feb. 6, 1961 19

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

2/6, 1961

Sheriff.

I have executed this summons

this 10 Feb 1961
by leaving a copy with

Stanley Quinn for
Pineda Club, Inc.

Sheriff claims

60 miles at

10 Cents per mile Total \$ 6.00
TAYLOR WILKINS, Sheriff

BY

James
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

W.O. Garner

Deputy Sheriff.

Causeway