

LAW OFFICES OF  
J. TERRY REYNOLDS, JR.  
AND  
WILLIAM R. LAUTEN  
ATTORNEYS AT LAW  
605-6 FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

HEMLOCK 3-3661

June 20, 1961

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

Re: Modern Industries, Inc.  
Vs: The Pineda Club, Inc.

4735

Dear Mrs. Duck:

I enclose herewith the original and one copy of the complaint in the above styled cause. Will you please file these for us? Please serve the defendant by service on Honorable Robert L. Byrd, Jr., 709 Merchants National Bank Building, Mobile, Alabama.

Will you please call me (or my secretary, Mrs. Hill), collect, at HE 3-3662, upon the filing of this paper, so that I can be sure that it has been filed on time?

Thanking you for this and for your many past courtesies,

I am

Yours very truly,

  
WILLIAM R. LAUTEN

WRL:mh  
Encl. 2

P.S.: We have been granted permission by the Referee in Bankruptcy to proceed in the State Court.

WRL

MODERN INDUSTRIES, INC.,  
a corporation,

Plaintiff,

VS.

THE PINEDA CLUB, INC.,

Defendant.

( IN THE CIRCUIT COURT OF  
)  
( BALDWIN COUNTY, ALABAMA,

) AT LAW.  
)

( NO. \_\_\_\_\_  
)  
(  
)

COUNT ONE

Plaintiff claims of the Defendant the sum of THREE THOUSAND FIFTY-NINE AND 60/100 (\$3,059.60) DOLLARS, due from it by account on, to-wit, the 22nd day of December, 1960, which sum of money, with the interest thereon, is still due and unpaid.

COUNT TWO

Plaintiff claims of the Defendant the sum of THREE THOUSAND FIFTY-NINE AND 60/100 (\$3,059.60) DOLLARS, due from it by account stated between the Plaintiff and the Defendant on, to-wit, December 22, 1960, which sum of money, with the interest thereon, is still due and unpaid.

COUNT THREE

Plaintiff claims of the Defendant the sum of THREE THOUSAND FIFTY-NINE AND 60/100 (\$3,059.60) DOLLARS, due from it for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to-wit, the 22nd day of December, 1960, which sum of money, with the interest thereon, is still due and unpaid.

COUNT FOUR

Plaintiff claims of the Defendant the sum of THREE THOUSAND FIFTY-NINE AND 60/100 (\$3,059.60) DOLLARS, due from it for work and labor done for the Defendant by the Plaintiff /to, to-wit, the 22nd day of December, 1960, at the request of the Defendant, which sum of money, with the interest thereon, is still due and unpaid.

FILED

JUN 21 1961

ALICE J. DUCK, CLERK  
REGISTER

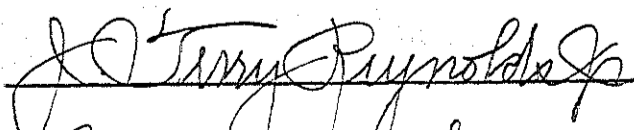
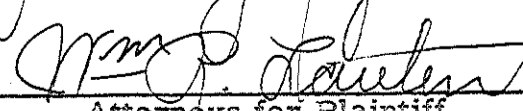
COUNT FIVE

Plaintiff claims of the Defendant the sum of THREE THOUSAND FIFTY-NINE AND 60/100 (\$3,059.60) DOLLARS, due from it by account from, to-wit, the 25th day of July, 1960, to, to-wit, the 22nd day of December, 1960, which sum of money, with the interest thereon, is past due and unpaid. Plaintiff avers that said account represents building material and labor furnished by the Plaintiff under a contract with the Defendant which was furnished for and which was used in the improvement or repair of certain real estate of the Defendant, situate, lying and being in Baldwin County, Alabama, described as follows, viz:

That property located in Baldwin County, Alabama, on the Mobile Bay Causeway that is bounded on the South by U.S. Highway 90, on the West by Blakeley Boulevard, on the North by Caribbean Boulevard, and on the East by the Blakeley River, being more particularly described in a deed from U.S. Land Development Corporation to The Pineda Club, Inc., recorded in Deed Book 289, at page 147 of the records in the office of the Probate Judge of Baldwin County, Alabama.

WITH THE EXCEPTION of a portion 240 feet along U. S. Highway 90 from Blakeley River that is specifically excepted, more particularly described in the correction deed recorded in Deed Book 291, commencing at page 499, of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

As provided for mechanics and materialmen by law, Plaintiff claims a lien on the buildings and improvements on the above described land, the land on which said buildings are situated, and on said land in addition to the land on which the buildings and improvements are situated. Plaintiff further avers that on, to-wit, the 19th day of June, 1961, the Plaintiff filed in the Office of the Judge of Probate of Baldwin County, Alabama, a claim of lien, a true copy of which is attached hereto and marked Exhibit One and made a part hereof. Wherefore, the Plaintiff prays that said lien may be established upon said property and that the same may be condemned to be sold for the purpose of satisfying said demand and lien, together with the interest thereon.

  
  
Attorneys for Plaintiff

Defendant may be served by service on:  
Honorable Robert L. Byrd, Jr.  
Trustee in Bankruptcy for The Pineda Club, Inc.  
709 Merchants National Bank Building  
Mobile, Alabama

LAW OFFICES

J. Terry Reynolds, Jr.  
AND  
William R. Lauten  
1ST NAT'L BANK BLDG.  
MOBILE, ALA.

FILED

JUN 21 1961

ALICE J. DUCK, CLERK  
REGISTRAR

EXHIBIT ONE

STATEMENT OF LIEN

STATE OF ALABAMA )  
 )  
COUNTY OF MOBILE )

Modern Industries, Inc., a corporation, files this statement in writing, verified by the oath of Leo A. Dekle, its President, who has personal knowledge of the facts herein set forth:

That the said Modern Industries, Inc., a corporation, claims a lien upon the following described real property, situated in Baldwin County, Alabama, to-wit:

That property located in Baldwin County, Alabama, on the Mobile Bay Causeway that is bounded on the South by U.S. Highway 90, on the West by Blakeley Boulevard, on the North by Caribbean Boulevard, and on the East by the Blakeley River, being more particularly described in a deed from U.S. Land Development Corporation to The Pineda Club, Inc., recorded in Deed Book 289, at page 147 of the records in the Office of the Probate Judge of Baldwin County, Alabama.

WITH THE EXCEPTION of a portion 240 feet along U. S. Highway 90 from Blakeley River that is specifically excepted, more particularly described in the correction deed recorded in Deed Book 291, commencing at page 499, of the records in the Office of the Judge of Probate of Baldwin County, Alabama.

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-NINE AND 60/100 (\$3,059.60) DOLLARS, with the interest thereon, from, to-wit, December 22, 1960. Said amount represents the balance due the Claimant for work and labor in supervising the completion of the construction of two (2) swimming pools upon the land described hereinabove and in furnishing material, fixtures and machinery in the improvement of the land and in beautifying the same and by virtue of a contract with the owner.

The name of the owner of said property is The Pineda Club, Inc., a corporation.

MODERN INDUSTRIES, INC., a  
corporation,

Claimant.

By: S/ Leo A. Dekle  
Its President

LAW OFFICES  
J. Terry Reynolds, Jr.  
AND  
William R. Lauten  
1ST NAT'L BANK BLDG.  
MOBILE, ALA.

FILED

JUN 21 1961

ALICE J. DUCK, CLERK  
REGISTER

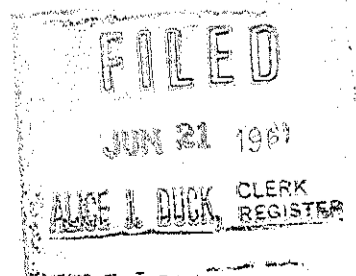
STATE OF ALABAMA )  
 )  
COUNTY OF MOBILE )

Before me, Miriam G. Hill, a notary public in and for said County in said State, personally appeared Leo A. Dekle, who, being by me first duly sworn, deposes and says that he is the President of Modern Industries, Inc., a corporation, the claimant, that he has personal knowledge of the facts set forth in the foregoing statement of lien, and that the same are true and correct.

S/ Leo A. Dekle  
Affiant

Subscribed and sworn to before me  
t his 16th day of June, 1961.

S/ Miriam G. Hill  
Notary Public, Mobile County, Alabama.



SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No. 4735

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon The Pineda Club, 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

The Pineda Club, Inc.

, Defendant

by Modern Industries, Inc. A Corp.

, Plaintiff

Witness my hand this 21 day of June 1961

Alfred J. Luck, Clerk

No. 4735

Page

The State of Alabama

Baldwin County

CIRCUIT COURT

MODERN INDUSTRIES, INC

A CORPORATION

Plaintiffs

vs.

THE PINA CLUB, INC

Defendants

Summons and Complaint

Filed 6-21 19 61

Alice J. Duck

Clerk

RECEIVED

JUN 22 1961

SHERIFF'S OFFICE

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

June 22 19 61  
Ray L. Bridges Sheriff

I have executed this summons

this June 26 19 61  
by leaving a copy with

Herbert Byrd,  
attorney

Ray L. Bridges Sheriff

R. R. Rogers Deputy Sheriff

MODERN INDUSTRIES, INC.,	:	IN THE CIRCUIT COURT OF
a corporation	:	
Plaintiff	:	BALDWIN COUNTY, ALABAMA
VS:	:	AT LAW
THE PINEDA CLUB, INC.,	:	NO. 4735
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 are now pending and the bankruptcy proceedings are still pending 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.

*Robert M. Steen*  
 Judge

7/12/61

FILED  
 JUL 12 1961  
 ALICE J. DICK, CLERK  
 REGISTER

MODERN INDUSTRIES, INC.,	:	IN THE CIRCUIT COURT OF
a corporation	:	
	:	BALDWIN COUNTY, ALABAMA
Plaintiff,	:	
	:	AT LAW
VS:	:	
	:	NO. 4735
THE PINEDA CLUB, INC.,	:	
	:	
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.

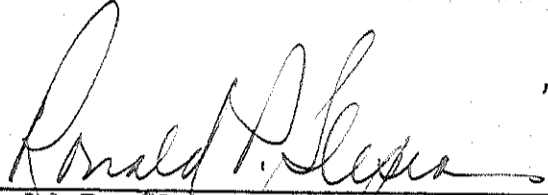
### II

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 since the time of filing the bankruptcy petition and the appointment of your Petitioner as Trustee and at the present time, the captioned lawsuit 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

JUL 12 1961

ALICE J. DUCK, CLERK  
REGISTER