

MORETRENCH CORPORATION, a
corporation

PLAINTIFF

-VS-

U. S. LAND DEVELOPMENT CORPORATION,
a corporation,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

4739

DEMURRERS

Comes now the defendant in the above styled cause and demurs to the bill of complaint filed herein and assigns the following:

1. That the property description in count one of the Bill of Complaint is vague, indefinite and uncertain.
2. That count one of the Bill of Complaint does not affirmatively show that the debt sued on was for labor and or materials, and does not show that that improvements were made.
3. That Count one of the Bill of Complaint does not show on what lots or parcel of land that the improvements were made.
4. That the property description in Count two of the Bill of Complaint is vague, indefinite and uncertain.
5. That count two of the bill of complaint fails to allege the terms of the written contract.
6. That count two of the bill of complaint fails to affirmatively show that the plaintiff improved the property of the defendant.
7. That Count three of the Bill of complaint fails to allege which lots were improved by the Plaintiff.

FILED

AUG 3, 1961

ALICE L. DUCK, CLERK
REGISTER

John D. Duck
Attorney for Defendant

MORETRENCH CORPORATION, a) IN THE CIRCUIT COURT OF
corporation)
PLAINTIFF) BALDWIN COUNTY, ALABAMA

VS.) AT LAW

U. S. LAND DEVELOPMENT)
CORPORATION, a corporation)
DEFENDANT) CASE NO. _____

COUNT ONE

Plaintiff claims of the Defendant the sum of FOUR THOUSAND EIGHTY-TWO AND 13/100 (\$4,082.13) DOLLARS, for rental on equipment furnished by the Plaintiff to and at the request of the Defendant, U. S. Land Development Corporation for and in connection with the improving of the following described property, viz:

All of the right, title, interest and claim of U. S. Land Development Corporation, its successors and assigns, in and to that certain subdivision known as "Pineda Island", and to each and every lot thereof, according to plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama, and including the buildings and improvements situate thereon, which said subdivision is located on Mobile Bay Causeway, U. S. Highway 90 and 31, Pineda Island, Baldwin County, Alabama;

which said indebtedness accrued on, to-wit, the 27th day of March, 1961, which was for the period of, to-wit, the 10th day of October, 1960 through the 27th day of March, 1961, and which said sum of money, together with interest thereon, is now due and unpaid.

Plaintiff alleges that the above described property is the property of the Defendant, U. S. Land Development Corporation; that said rental on equipment was furnished by the Plaintiff to the Defendant, U. S. Land Development Corporation, under and by virtue of a written contract with the said U. S. Land Development Corporation, incident to the installation of

a sewer system and disposal plant, and in connection with improving the above property and utilized in and on said land of the said U. S. Land Development Corporation, together with the buildings or improvements thereon; that within six (6) months after said indebtedness had matured, and on, to-wit, the 27th day of April, 1961, 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.

COUNT TWO

Plaintiff claims of Defendant the sum of FOUR THOUSAND EIGHTY-TWO AND 13/100 (\$4,082.13) DOLLARS due from said Defendant by account for rental on equipment furnished by Plaintiff to and at the request of the Defendant, under and by virtue of a written contract between the said Plaintiff and the said Defendant, which said equipment was used by Defendant in connection with improving certain real properties owned by Defendant in that certain subdivision known as "Pineda Island" on Mobile Bay Causeway, U. S. Highway 90 and 31, Pineda Island, Baldwin County, Alabama, for and during the period of, to-wit, the 10th day of October, 1960 through the 27th day of March, 1961, which said indebtedness accrued on, to-wit, the 27th day of March, 1961, and which said sum of money, together with the interest thereon, is now due and unpaid.

COUNT THREE

Plaintiff claims of the Defendant the sum of FOUR THOUSAND EIGHTY-TWO AND 13/100 (\$4,082.13) DOLLARS for this:

That on the 4th day of October, 1960 the Plaintiff, Moretrench Corporation, and the Defendant, U. S. Land Development Corporation, entered into a certain written agreement, wherein certain equipment, consisting of a header and discharge pipe, well points, MD Jet Well, jet hose and necessary fittings, were furnished by the Plaintiff to and at the request of the Defendant, incident to the installation of a sewer system and disposal plant, and in connection with improving the real property of the Defendant, being lots situate in the subdivision known as "Pineda Island" on Mobile Bay Causeway, U. S. Highway 90 and 31, Pineda Island, Baldwin County, Alabama, and was utilized in and on said land; that said indebtedness of FOUR THOUSAND EIGHTY-TWO AND 13/100 (\$4,082.13) DOLLARS accrued on, to-wit, the 27th day of March, 1961, which was for the period of, the 10th day of October, 1960 through the 27th day of March, 1961, and which said sum of money, together with interest thereon is now due and unpaid.

COUNT FOUR

Plaintiff claims of Defendant FOUR THOUSAND EIGHTY-TWO AND 13/100 (\$4,082.13) DOLLARS due by written contract made by Defendant on, to-wit, the 4th day of October, 1961, which contract is in default and which sum of money with the interest thereon is due and unpaid.

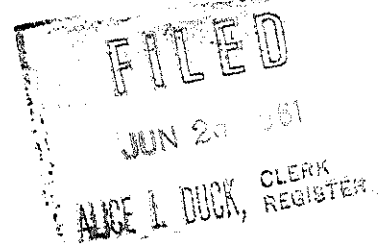
HOLBERG, TULLY, HODNETTE & MOBLEY
Attorneys for Plaintiff

BY


MEMBER APPEARING

Defendant may be served:

U. S. Land Development Corporation
Star Route 3
Daphne, Alabama



STATE OF ALABAMA

COUNTY OF MOBILE

MORETRENCH CORPORATION, a corporation, P. O. Box 122, Mobile, Alabama, files this statement in writing, verified by the oath of DUMOND F. CHALKER, who has personal knowledge of the facts herein set forth:

That the said Moretrench Corporation claims a lien upon the following property, situate, lying and being in the County of Baldwin, State of Alabama, to-wit:-

All of the right, title, interest and claim of U. S. Land Development Corporation, its successors and assigns, in and to that certain subdivision known as "Pineda Island", and to each and every lot thereof, according to plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama, and including the buildings and improvements situate thereon, which said subdivision is located on Mobile Bay Causeway, U. S. Highway 90 and 31, Pineda Island, Baldwin County, Alabama.

The lien is claimed, separately and severally, as to both the buildings and improvements thereon, and the said land.

The said lien is claimed to secure an indebtedness of Four Thousand Eighty-two and 13/100 (\$4,082.13) Dollars, with interest, from to-wit, the 5th day of October, 1960, for rental on equipment furnished to and at the request of U. S. Land Development Corporation, a corporation, for the period of, to-wit, the 5th day of October, 1960 through the 24th day of March, 1961, under and pursuant to that certain written Agreement between the said Moretrench Corporation and the said U. S. Land Development Corporation, dated October 4, 1960; that said equipment was used by the said U. S. Land Development Corporation in the erection of an improvement on said land, consisting of the installation of a sewer system and disposal plant on said land; and that above-said amount, after all just credits have been given, remains due and unpaid.

*Recorded in Ex + True
Book 006, pgs 31-32*

The name of the owner or proprietor of said property
is U. S. Land Development Corporation, a corporation.

MORETRENCH CORPORATION, a corporation

By Dumond F. Chalker
Dumond F. Chalker
District Engineer

STATE OF ALABAMA

COUNTY OF MOBILE

Before me, JOHN N. MOBLEY, a Notary
Public in and for the State of Alabama at Large, personally
appeared Dumond F. Chalker, who is known to me, and who, being
by me first duly sworn, did on his oath depose and say:

That he has personal knowledge of the facts set forth
in the foregoing statement of lien, that the same are true and
correct to the best of his knowledge and belief, and that he has
the authority to act for and on behalf of the said Moretrench
Corporation, a corporation.

Dumond F. Chalker
Affiant

Sworn and subscribed to before me this 26th day of
April, 1961.

John W. Mobley
NOTARY PUBLIC, STATE OF ALABAMA AT LARGE

HOLBERG, TULLY, HODNETTE & MOBLEY
Attorneys for Moretrench Corporation

By John W. Mobley
JOHN W. MOBLEY

STATE OF ALABAMA

COUNTY OF BALDWIN

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon U. S. Land Development Corporation, 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 24 day of June, 1961.

ATTEST:

Alice J. Duck
Clerk

Exp. 6-27-62

SHERIFF'S RETURN

Received ____ Day of June, 1961, and on the ____ day of June, 1961, I served a copy of the within Complaint and Summons on U. S. Land Development Corporation, a corporation, by service on

TAYLOR WILKINS, SHERIFF

BY _____ D.S.

NO. 4739

Moretrench Corporation
vs

U.S. Land Development Corp.

Sheriff claims 70 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Barnes
DEPUTY SHERIFF

Received _____ day of _____
and on 27 day of June 1961
I served a copy of the within
on Wendell Bruce Manager
U.S. Land Development Corp.
By service on _____

TAYLOR WILKINS, Sheriff
By W. L. Barnes D.S.
T. Hoops

FILED

JUN 26 1961

ALICE J. DUCK, CLERK
REGISTER

Depts. Address
Daphne, Ala
Star Rt. 3.

LAW OFFICES
HOLBERG, TULLY AND HODNETTE
1107 MILNER BUILDING
P. O. BOX 47
MOBILE, ALABAMA

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
ROBERT E. HODNETTE, JR.
HERBERT P. FEIBELMAN, JR.
A. NEIL HUGGENS

TELEPHONE
HEMLOCK 2-8863

August 1, 1962

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

RE: Civil Case No. 4739
Moretrench vs. U. S. Land

Dear Mrs. Duck:

This pursues your letter of July 24, 1962. In that letter, you stated that we could take a Default Judgment in the above case on the next pleading day, being August 21, 1962. I should appreciate if you would cause this matter to be put on the Docket for that day; and we will be present. If there is anything which you can see from the Docket sheet which would stand in the way of our taking a Default Judgment at that time, I should certainly appreciate your letting us know.

With best personal regards, I am

Very truly yours,

HOLBERG, TULLY & HODNETTE


Herbert P. Feibelman, Jr.

HPF:pk

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. FEIBELMAN, JR.

TELEPHONE
HEMLOCK 2-8863

June 22, 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. U. S. Land Development Corporation, a corporation, 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



JOHN W. MOBLEY

JWM/gm
Encl.

JOHN V. DUCK

ATTORNEY AT LAW

FAIRHOPE, ALABAMA

June 8, 1962

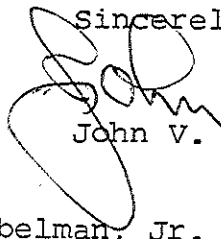
Mrs. Alice J. Duck
Clerk, Circuit Court
Bay Minette, Alabama

Inre: Civil Case No. 4739
Moretrench V. U.S. Land

Dear Mrs. Duck:

I am withdrawing from the above styled case and would appreciate it if you would attach this letter to the docket sheet.

Sincerely,


John V. Duck

JVD/ems

CC: Honorable Herbert P. Feibelman, Jr.
Attorney at Law
1107 Milner Building
Mobile, Alabama

D S

LAW OFFICES
HOLBERG, TULLY AND HODNETTE
1107 MILNER BUILDING
P. O. BOX 47
MOBILE, ALABAMA

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
ROBERT E. HODNETTE, JR.
HERBERT P. FEIBELMAN, JR.
A. NEIL HUGGENS

TELEPHONE
HEMLOCK 2-8863

May 10, 1962

Attention: Judge Hall

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

Re: Moretrench Corporation, a corporation, Plaintiff vs.
U. S. Land Development Corporation, a corporation,
Defendant, Case Number 4739, at Law

Dear Mrs. Duck:

This letter follows my conversation with you of May 9, 1962. As I stated to you, I am afraid that this case has more or less gotten lost in the shuffle of our office, it having been Mr. Mobley's case before he left this firm. I apologize to you, the Judge, and opposing counsel for any inconvenience or delay which may have been caused by our inattention hereto. It is my understanding that the Demurrers filed by Mr. Duck have not been ruled on by the Court although they have been set on several occasions. I should very much appreciate it if you would ask Judge Hall to either take such Demurrers under submission and rule upon them or rule upon them from the bench on your next motion docket without our being present to argue. I am sure that Mr. Duck will inform me of the Court's ruling.

Thanking you again for your usual splendid cooperation, I am,

Very sincerely yours,

HOLBERG, TULLY & HODNETTE

Herbert P. Feibelman
Herbert P. Feibelman, Jr.

r

cc. Mr. John D. Duck

LAW OFFICES
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1107 MILNER BUILDING
P.O. BOX 47
MOBILE, ALABAMA

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ALBERT J. TULLY
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HERBERT R. FEIBELMAN, JR.
A. NEIL HUGGENS

TELEPHONE
HEMLOCK 2-8863

August
22nd,
1962.

Hon. Hubert M. Hall
Circuit Judge
Baldwin County Court House
Bay Minette, Alabama

RE: Civil Case No: 4739
Moretrench -v- U. S. Land

Dear Judge Hall:

The above case was set August 21, 1962, at which time we were to prove our damages for a judgment nil dicit and also to have established a lien evidenced by statement of lien filed on April 27, 1961, in the office of the Judge of Probate of Baldwin County, Alabama. Since Mr. G. R. Callender had already arrived in Bay Minette from Tampa, Florida, it was suggested by Mrs. Alice Duck that we take Mr. Callender's testimony before your court reporter and further that I submit a suggested docket sheet entry for judgment in this matter. I respectfully submit for Your Honor's consideration the following:

It is CONSIDERED, ORDERED and ADJUDGED by the Court that the Plaintiff have and recover of the Defendant the sum of Four Thousand Five Hundred Thirty-One and 16/100 (\$4,531.16) Dollars. And it is further considered, ordered and adjudged by the Court that a lien be and the same is hereby declared and established in favor of the Plaintiff for rental on equipment furnished Defendant and used by Defendant in erecting buildings and improvements of which Defendant is the owner or proprietor, same being situated upon that certain subdivision known as "Pineda Island", and to each and every lot thereof, according to plat thereof recorded in the office of the Probate Judge of Baldwin County, Alabama, including the buildings and improvements situated thereon, which said subdivision is located on Mobile Bay Causeway, U.S. Highway 90 and 31, Pineda Island, Baldwin County, Alabama.

Done this the ____ day of _____, 1962.

Respectfully submitted,

HOLBERG, TULLY & HODNETTE



LAW OFFICES
HOLBERG, TULLY AND HODNETTE
1107 MILNER BUILDING
P.O. BOX 47
MOBILE, ALABAMA

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A. NEIL HUGGENS

TELEPHONE
HEMLOCK 2-8863

October
11th,
1962.

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

RE: Civil Case No: 4739
Moretrench -v- U. S. Lands

Dear Mrs. Duck:

On August 28, 1962, a judgment was entered in the above-case in the amount of \$4,531.16, of which I have a copy. However, the judgment does not mention whether or not our lien that had been previously filed and which our complaint asks the Court to establish, was established by the judgment of the Court. As you will note from my letter to Judge Hall in which I set out a suggested docket sheet entry I mentioned this lien.

I would appreciate your advising if our lien filed was established by this judgment.

With best regards, I am

Sincerely,

HOLBERG, TULLY & HODNETTE

BY: 
A. Neil Hudgens

A
N
H
/
sk

LAW OFFICES
HOLBERG, TULLY AND HODNETTE
1107 MILNER BUILDING
P. O. BOX 47
MOBILE, ALABAMA

TELEPHONE
HEMLOCK 2-8863

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HOLBERG, TULLY & HODNETTE

BY:


A. Neil Hudgens

A
N
H
/
sk

Phone

Moretrench

4739

vs.

U.S. Land

-

and

Please ~~keep~~
continue

H.

Ferbelmen ally