

259

SHERMAN INDUSTRIES INC.  
d/b/a SHERMAN READY MIX  
CONCRETE COMPANY,

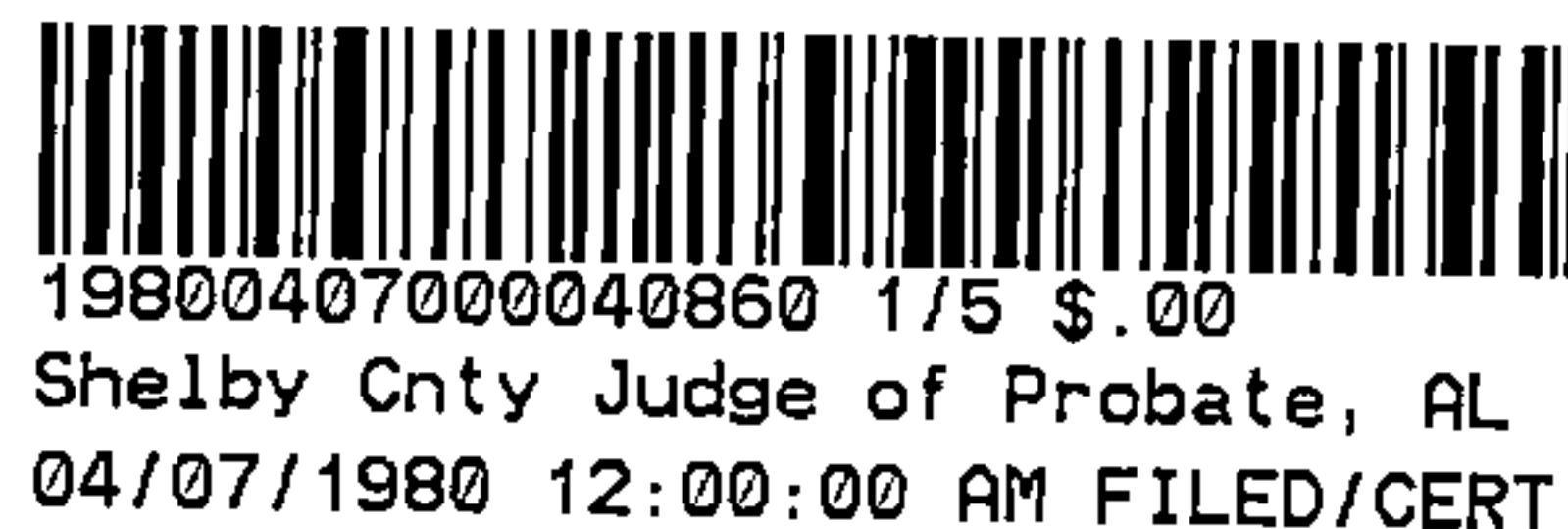
Plaintiff,

Vs.

JAN/SAN PRECISION HOMES,  
INCORPORATED, and x, y,  
and z, the person or  
persons and/or corporation  
or corporations who owe  
Plaintiff money,

Defendants.

) IN THE CIRCUIT COURT OF  
)  
) THE TENTH JUDICIAL CIRCUIT  
)  
) OF ALABAMA FOR SHELBY COUNTY  
)  
) IN EQUITY  
)  
) CASE NO.



S U M M O N S

To Any Sheriff or any person authorized by Rule 4 (a) (3)  
of the Alabama Rules of Civil Procedure to effect service  
in the State of Alabama:

You are hereby commanded to serve this summons and a  
copy of the Bill of Complaint in this action upon respon-  
dent Jan/San Precision Homes Incorporated.

Each respondent is required to serve a copy of a writ-  
ten answer to the complaint upon Samuel Johnston, attorney  
for the complainant whose address is 423 Frank Nelson Build-  
ing, Birmingham, Alabama, 35203, within thirty (30) days  
after service of this summons excluding the day of service  
of the summons and to file the original of said written an-  
swer with the Register of this Court at the time of service  
of the answer upon the attorney of record for the complain-  
ant or within a reasonable time thereafter. If any respon-  
dent fails to do so, a judgment by default may be entered  
against that respondent for the relief complained of in the  
Bill of Complaint.

Register of the Circuit Court  
Tenth Judicial Circuit of Alabama  
For Shelby County  
Shelby County Court House  
Columbiana, Alabama

Serve On:

Jan/San Precision Homes Incorporated  
P. O. Box 1189  
Alabaster, Alabama

TRUSTEE IN BANKRUPTCY  
M.Charles Sterne  
831 Frank Nelson Bldg.  
Birmingham, Alabama 35203

BOOK 35 PAGE 635

Samuel Johnston

d/a/b SHERMAN READY MIX  
CONCRETE COMPANY,

Plaintiff,

Vs.

JAN/SAN PRECISION HOMES,  
INCORPORATED, and x, y,  
and z, the person or  
persons and or corporation  
or corporations who owe  
Plaintiff money,

Defendants.

THE TENTH JUDICIAL CIRCUIT  
OF ALABAMA FOR SHELBY COUNTY  
IN EQUITY  
CASE NO.



19800407000040860 2/5 \$.00  
Shelby Cnty Judge of Probate, AL  
04/07/1980 12:00:00 AM FILED/CERT

BILL OF COMPLAINT

To the Honorable Judges of said Court in Equity sitting,  
comes now your complainants and respectfully shows unto your  
Honors as follows:

1. Sherman Industries Incorporated is a corporation  
authorized to do business in the State of Alabama, having  
its principal place of office at 400 Pelham Industrial Park  
Road, Pelham, Alabama.

2. The respondent, Jan/San Precision Homes Incorporated  
is a corporation authorized to do business in the State  
of Alabama, having as its mailing address P. O. Box 1189,  
Alabaster, Alabama.

3. Complainant claims of the respondent, Jan/San Precision  
Homes, Incorporated, the sum of \$7442.64, with Interest.  
From October 8, 1979, through October 20, 1979,  
complainant furnished materials used and incorporated in  
the improvements erected on the following properties situated  
in Shelby County, Alabama, to wit:

(a) Property located in Port South Subdivision,  
Alabaster, Alabama: Lot Number 67.

Amount of materials supplied on or about  
October 20, 1979 - \$3266.92.

(b) Property located in Port South Subdivision,  
Alabaster, Alabama: Lot Number 68.

Amount of materials supplied on or about  
October 19, 1979 - \$1910.12  
October 20, 1979 - \$ 271.36

Legal Lots 66, 67, 68, according to the survey of the Third  
Sector, Port South, as recorded in Map Book 2, Page 110  
in the probate office of Shelby County Ala.



negotiated Lot 5, Block 5, and Lot 8 Block 6 according to the survey of meadow bank as recorded in map book 7 page 98 in the Probate Office of Shelby County, Ala.

(c) Property located in Port South Subdivision, Alabaster, Alabama: Lot Number 66  
Amount of materials supplied on or about October 22, 1979, \$432.64.

(d) Property located in Meadowlark Subdivision, Alabaster, Alabama: Lot #5-5 Ls -6  
Amount of materials supplied on or about October 8, 1979, \$476.16

(e) Property located in Meadowlark Subdivision, Alabaster, Alabama: Lot #8-6.  
Amount of materials supplied on or about October 8, 1979, \$1085.44.

4. Complainants aver that the materials were furnished and supplied by virtue of a contract between the complainant and the respondent. The last item of said work, labor and material was furnished on October 20, 1979. Items of materials and fixtures supplied by complainant to respondent, Jan/San Precision Homes, Inc. have become a part of the permanent improvements located on the above described real estate and have contributed to the value thereof. Said real estate was caused to increase in value by the construction and installation of said materials, supplies and fixtures provided by the complainant at the request of the respondent, Jan/San Precision Homes, Incorporated.

5. Complainants aver that there is due for said materials and supplies the sum of \$7442.64 with Interest from October 20, 1979, which sum of money is due and unpaid.

6. Complainants aver that at the time of the furnishing of materials, supplies and fixtures as aforesaid, the respondent, Jan/San Precision Homes, Incorporated was owner and/or had an interest in the above described real estate.

7. Complainants aver that on to wit, the 30th day of April, 1980, complainants did file in the office of the Probate Judge of Shelby County, the County in which said property is located, a Statement of Lien, which Statement was recorded in Real Volume 4, Page 556, 557, 558, 559, & 560.



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Shelby Cnty Judge of Probate, AL  
04/07/1980 12:00:00 AM FILED/CERT



WHEREFORE, PREMISES CONSIDERED, complainants pray that this Honorable Court will take jurisdiction in this Case and issue process directed to the respondent, Jan/San Precision Homes, Incorporated, making and requiring them to appear and answer to this Bill of Complaint in the manner required by law, and upon failure to do so, that they shall suffer a decree pro confesso herein. Complainant prays further that upon a final hearing of this cause, this Honorable Court will order, adjudge and decree as follows:

(a) That a judgment be rendered in the name of the Complainants against the respondent, Jan/San Precision Homes, Incorporated in the amount of \$7442.64 with Interest from October 20, 1979.

(b) That a mechanic and materialman's lien be fixed on the property described herein and upon the improvements thereon, and that said lien be declared a lien superior to any interest or title of the respondents, Jan/San Precision Homes, Incorporated.

(c) That the above described real property, together with the improvements thereon, be condemned to satisfy said judgment as may be rendered in favor of the complainants and said real estate and improvements be ordered sold for payment of said judgment unless the lien prayed for here be discharged by the payment of such sums as may be decreed by this Court to be due and owing to the complainants.

(d) Complainants pray for such other, further and different relief to which in equity and in good conscience they may be entitled.

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1980 APR -7 PM 2:30

*Thomas P. Snowden, Jr.*  
JUDGE OF PROBATE



19800407000040860 4/5 \$ .00  
Shelby Cnty Judge of Probate, AL  
04/07/1980 12:00:00 AM FILED/CERT

Respectfully Submitted,

*Samuel Johnston*  
Samuel Johnston  
Attorney for Complainant  
423 Frank Nelson Building  
Birmingham, Alabama 35203

Complainant's Address:  
400 Pelham Industrial Park Road  
Pelham, Alabama 35124

Respondent's Address  
P. O. Box 1189  
Alabaster, Alabama

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Rec. 6.00  
Ind. 1.00  
7.00



STATE OF ALABAMA )

SHELBY COUNTY )

FULL SATISFACTION OF RECORDED LIEN  
OF THE NORTH SHELBY COUNTY  
FIRE AND EMERGENCY MEDICAL DISTRICT

KNOW ALL MEN BY THESE PRESENTS, that, the undersigned  
North Shelby County Fire and Emergency Medical District,  
acknowledges full payment of the indebtedness covered by a  
lien on the following property situated in Shelby County:

Lot 46, according to the survey of Wagon Trace,  
as recorded in Map Book 6, page 140, in the Probate  
Office of Shelby County, Alabama.  
Lien recorded in book 004, page 446.

IN WITNESS WHEREOF, the president of the North Shelby  
County Fire and Emergency Medical District, L. Stephen Wright,  
Jr., has caused these presents to be executed this 7<sup>th</sup> day  
of April 1980.

STATE OF ALABAMA )

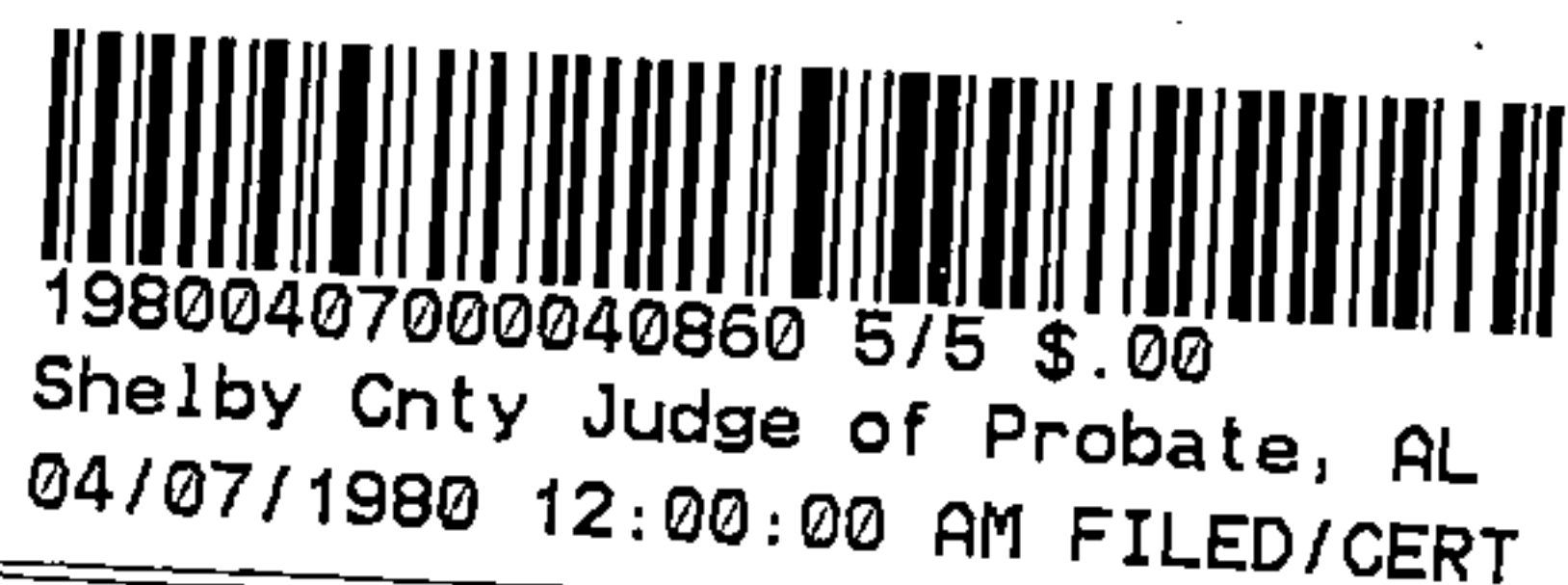
JEFFERSON COUNTY )

STATE OF ALA. SHELBY CO.  
I CERTIFY THIS  
INSTRUMENT WAS FILED

1980 APR -8 AM 8:46

James A. Snowdon, Jr.  
JUDGE OF PROBATE

L. Stephen Wright, Jr.  
President of The North  
Shelby County Fire and  
Emergency Medical District



CORPORATE ACKNOWLEDGMENT

I, the undersigned, Notary Public, in and for said County  
in said State, hereby certify that L. Stephen Wright, Jr., whose  
name as president of The North Shelby County Fire and Emergency  
Medical District, a public corporation is signed to the foregoing  
instrument, and who is known to me, acknowledged before me on this  
day that, being informed of the contents of the instrument, he, as  
such officer and with full authority, executed the same voluntarily  
for and as the act of said corporation.

Given under my hand and official seal, this 7 day of  
April, 1980.

Linda L. Landbeck  
Notary Public

Account # 330146

North Shelby County Fire and Emergency Medical District  
P. O. Box 441  
Pelham, Alabama 35124

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