

**IN THE CIRCUIT COURT OF MARSHALL COUNTY, ALABAMA
GUNTERSVILLE DIVISION**

KEITH A. KUBERT, an individual;)
BRENDA C. KUBERT, an individual,)

Plaintiffs,)

vs.)

Civil Action No.: CV-04-244

TOBYE SCHEER, an individual;)
STEELE & ASSOCIATES-CENTURY 21)
REALTY, a corporation; JOANN SMITH,)
an individual; THE PREMIER AGENCY-)
CENTURY 21 REALTY, a corporation;)
ADOBE, INC. a/k/a AMERISPEC HOME)
INSPECTION SERVICE, a corporation;)
LARRY W. HARDEN, an individual;)
MARSHA S. HARDEN, an individual.)

Defendants.)


MOTION TO COMPEL

Come now the defendants designated in plaintiff's complaint as "Toby Scheer and Steele & Associates-Century 21 Realty" and move this court for an order compelling plaintiffs to respond to discovery requests. As grounds for this Motion, defendants states as follows:

1. Plaintiffs were served with Interrogatories and a Request for Production on or about July 19, 2004, responses to which were due on or about August 18, 2004.
2. Plaintiffs did not respond in a timely manner.
3. On August 20, 2004, counsel for defendants sent a letter to counsel for plaintiffs requesting responses be provided. A copy of said correspondence is attached hereto as Exhibit A.
4. As of the date of the filing of this Motion, counsel for defendants has not received answers to interrogatories or responses to the request for production, nor has plaintiffs' attorney contacted the undersigned regarding same.

WHEREFORE counsel for defendants designated in plaintiff's complaint as "Toby Scheer and Steele & Associates-Century 21 Realty" move this Court for an order compelling plaintiffs to respond to their initial discovery requests.

Respectfully submitted,



P. Scott Arnston (ARN006)
Attorney for Defendants Toby Scheer and
Steele & Associates-Century 21 Realty

Of Counsel:
LANIER FORD SHAVER & PAYNE P.C.
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CERTIFICATE OF SERVICE

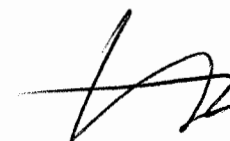
I hereby certify that I have served the foregoing upon the following counsel of record by placing a copy of same in the United States mail, postage prepaid, on this the 31st day of August, 2004 addressed as follows:

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August 20, 2004

Ms. Elisa S. Rives
ELISA S. RIVES LLC
2208 Ringold Street
Suite 103
Guntersville, Alabama 35976

Re: Kubert v. Tobby Scheer, et al
Civil Action No.: CV-04-244

Dear Ms. Rives:

Please be reminded that answers to interrogatories and responses to requests for production served upon your client are now past due. Please contact me within the next seven (7) days to advise when I can expect to receive discovery responses.

Thank you for your attention to this matter.

Sincerely,



P. Scott Arnston

PSA/jal

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