EUNICE TOMEI and PHIL TOMEI, Plaintiffs,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
WILFRED E. DANEKAS, Defendant.	)	AT LAW
	)	NO. 5421

ANSWERS TO INTERROGATORIES OF DEFENDANT

Comes now PHIL TOMEI, and in response to the interrogatories propounded by the Defendant as to each of said interrogatories as respectively set forth and numbered, answers as follows:

1. Yes.
2. Yes.
3. Yes.
4. Yes.
5. Yes.
6. Yes.
7. No.
8. Cash - lawful money of the United States.
9. I don't know where prepared. Signed at 711 Bay Esplande, Clearwater Beach, Florida.
10. Roselle E. Danekas.
11. Present when Roselle E. Danekas signed it.
12. Only Roselle E. Danekas.
13. No.
14. None.
15. Cash - lawful money of the United States.
16. I do not know.
17. Roselle E. Danekas.

Phil Tomei

PHIL TOMEI

SWORN TO and subscribed before me

this 17th day of February, A.D., 1964.

Notary Public

Notary Public, State of Florida at Large
My Commission expires August 6, 1968

FILED
FEB 24 1964
ALICE J. DUCK, CLERK
REGISTER

EUNICE TOMEI AND PHIL TOMEI,	)	
Plaintiffs	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA
WILFRED E. DANEKAS,	)	AT LAW
Defendant	)	NO. 542

INTERROGATORIES

Comes now the Defendant in the above styled cause and propounds the following interrogatories to the Plaintiff, Eunice Tomei:

1. Is your name Eunice Tomei?
2. With reference to the note described in Count one of the Complaint in this case, were you present when this note was signed?
3. Did you see Wilfred E. Danekas sign the note?
4. Was Roselle E. Danekas present?
5. Did you see Roselle E. Danekas sign the note?
6. Was Wilfred Danekas present?
7. Have you made an attempt to collect the note described in Count one of the complaint from Roselle E. Danekas?
8. What consideration did you and Phil Tomei give for the note described in Count one?
9. Where was the note described in Count one prepared and signed?
10. Who prepared the note?
11. With reference to the note described in Count two of the Complaint, were you present when this note was signed?
12. Did you see Wilfred E. Danekas and Roselle E. Danekas sign the note?
13. Were they together when they signed the note described in Count two?
14. What payments have you received in payment of the note described in Count two?
15. What consideration was given for the note described in Count two?
16. Where was said note prepared?
17. Who prepared the note?

Comes now the Defendant in the above styled cause and propounds the following interrogatories to the Plaintiff, Phil Tomei:

1. Is your name Phil Tomei?
2. With reference to the note described in Count one of the Complaint in this case, were you present when this note was signed?
3. Did you see Wilfred E. Danekas sign the note?

4. Was Roselle E. Danekas present?

5. Did you see Roselle E. Danekas sign the note?

6. Was Wilfred Danekas present?

7. Have you made an attempt to collect the note described in Count one of the complaint form Roselle E. Danekas?

8. What consideration did you and Eunice Tomei give for the note described in Count one?

9. Where was the note described in Count one prepared and signed?

10. Who prepared the note?

11. With reference to the note described in Count two of the Complaint, were you present when this note was signed?

12. Did you see Wilfred E. Danekas and Roselle E. Danekas sign the note?

13. Were they together when they signed the note described in Count two?

14. What payments have you received in payment of the note described in Count two?

15. What consideration was given for the note described in Count two?

16. Where was said note prepared?

17. Who prepared the note?

WILTERS, BRANTLEY & NESBIT

BY: Phyllis S. Nesbit

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned authority, Phyllis S. Nesbit, who being by me first duly sworn, deposes and says that she is one of the attorneys of record for the Defendant in the above entitled cause, and that the answer to the above and foregoing interrogatories, if well and truly made, will be material evidence for the Defendant on a trial of this cause.

Phyllis S. Nesbit

Sworn to and subscribed before me this 9 day of January, 1964.

Eunice B. Blackmon
Notary Public,

FILED

JAN 9 1964

ALICE I. DUCK, CLERK
REGISTER

5421

Eunice Tomei +
Phil Tomei

vs.

Wilfred E. Danekas

Received 15 day of Jan 1964
and on 16 day of Jan 64
I served a copy of the within Interrog.
on John Burke

By service on

TAYLOR WILKINS, Sheriff
By Gerald C. Dunn D.
R. Coal

Sheriff claims 50 miles at
Ten Cents per mile Total $ 5.00
TAYLOR WILKINS, Sheriff
BY DEPUTY SHERIFF.

Serve
John Burke

No. 543!
Eunice Sommers
vs.
Wilfred Sanchez

JURY LIST - MAY 31, 1965

1. Anacker, Walter R., Farmer, Fairhope
2. Beaty, Raymond, Laborer, Fairhope
3. Beck, John, Mechanic, Foley
4. Broughton, Joe N., Merchant, Cross Roads
5. Brynn, Vernon A., Farmer, Elberta
6. Carlisle, H.C., Newport, Bay Minette
7. Carlisle, Otis A., Newport, Bay Minette
8. Corley, Horace W., Brookley Field, Bay Minette
9. Crook, Prince, Laborer, Bay Minette
10. Drinkard, Everette E., Farmer, Bay Minette
11. Dusek, Frank J., Jr., Civil Service, Lillian
12. Ebert, Charles J., Jr., Ins. Agt., Foley
13. Emmons, Floyd, Post Office Clerk, Bay Minette
14. Fell, Frank, Mechanic, Elberta
15. Fell, Neal J., Farmer, Lillian
16. Frank, George, Farmer, Elberta
17. Gilbert, B.B., Mechanic, Bay Minette
18. Gilbert, Jimmy, Insurance, Robertsdale
19. Hall, Gerald B., Jr., Newport, Bay Minette
20. Hall, Origen, Club Operator, Bay Minette
21. Hamilton, Percy, Town of Bay Minette, Bay Minette
22. Harrison, Joseph M., Farmer, Fairhope
23. Henderson, James M., Farmer, Fairhope
24. Hobbs, William G., Merchant, Bay Minette
25. Hodges, Willie Lee, Sawmill, Bay Minette
26. Homes, Pierce E., Electrician, Stockton
27. Keuler, Albert, Salesman, Loxley
28. Keuler, Jake W., Farmer, Loxley
29. King, Horace E., Farmer, Mag. Spgs.
30. McCarthy, James G., Merchant, Bay Minette
31. Meszaros, Michael A., Retired, Elberta
32. Morse, Wilson W., Civil Service, Foley
33. Nix, B. Coles, Ag. Teacher, Foley
34. Palmer, James J., Farmer, Robertsdale
35. Pridgen, J. Phillip, Farm Adm., Bay Minette
36. Ryan, Robert, Newport, Bay Minette
37. Seaburn, James, Farmer, Foley
38. Sirmon, Gordon, Farmer, Daphne
39. Stimpson, Carl, Clay Products, Fairhope
40. Toler, Johnnie C., Electrician, Foley
41. Trawick, Walter, Laborer, Bay Minette
42. Underwood, Hilary H., Farmer, Foley
43. Vasut, Charles F., T.V. Repair, Robertsdale
44. Weekley, Willard A., Newport, Bay Minette
45. Wilson, John R., Auto. Dealer, Bay Minette
46. Young, William Berton, Post Office, Bay Minette
47. Mikkelson, Roy, Farmer, Summerdale
48. Stuart, Harold, Cleaners, Bay Minette

48
12
36

P XXXXX XXXXX XXXXX XXX

D XXXX XXXXX XXXXX XX

EUNICE TOMEI and PHIL TOMEI, Plaintiffs,	)	IN THE CIRCUIT COURT OF
-vs-	)	BALDWIN COUNTY, ALABAMA
WILFRED E. DANEKAS, Defendant.	)	AT LAW NO. 5421

ANSWERS TO INTERROGATORIES OF DEFENDANT

Comes now EUNICE TOMEI, and in response to the interrogatories propounded by the Defendant as to each of said interrogatories as respectively set forth and numbered, answers as follows:

1. Yes.
2. Yes.
3. Yes.
4. Yes.
5. Yes.
6. Yes.
7. No.
8. Cash - lawful money of the United States.
9. Don't know where made but signed at 711 Bay Esplande, Clearwater Beach, Florida.
10. Roselle Danekas.
11. I was present when Roselle Danekas signed it.
12. I saw Roselle E. Danekas sign it.
13. No.
14. None.
15. Cash - lawful money of the United States.
16. I don't know.
17. Roselle E. Danekas.

Eunice Tomei
EUNICE TOMEI

SWORN TO and subscribed before me this 17th day of February, 1964.

Notary Public

Notary Public, State of Florida at Large
My Commission Expires August 6, 1965

FILED
FEB 24 1964
ALICE J. DUNN, CLERK
REGISTER

ATTACHMENT

THE STATE OF ALABAMA,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, John P. Beebe, as Attorney of Record for Eunice Tomei and Phil Tomei,

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that

Wilfred E. Danekas

is justly indebted to the Plaintiff~~s Eunice Tomei and Phil Tomei~~

in the sum of ~~Twenty Seven Hundred Eighty & 94/100 ($2780.94)~~ Dollars, and ~~John P. Beebe, as aforesaid,~~ having made affidavit ~~and given bond~~ as required by law, in such cases, you are hereby commanded to attach so much of the estate of

~~Wilfred E. Danekas~~

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to futher proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said County, on _____ Monday of _____ 19_____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 5 day of ~~August~~ A. D., 19 63.

Alice J. Duck Clerk.

EUNICE TOMEI and PHIL TOMEI,	)	
Plaintiffs,	)	IN THE CIRCUIT COURT OF
Vs.	)	BALDWIN COUNTY, ALABAMA
WILFRED E. DANEKAS,	)	AT LAW
Defendant,	)	NO. _____

Comes now the Defendant in the above styled cause and demurrers to the Plaintiff's Complaint and to each count thereof and assigns the following ground.

1. The Complaint fails to state a cause of action.

WILTERS, BRANTLEY & NESBIT

BY: Phyllis S. Nesbit
Attorneys for Defendant

Defendant demands trial by Jury.

WILTERS, BRANTLEY & NESBIT

BY: Phyllis S. Nesbit
Attorneys for Defendant

FILED
JAN 17 1963
ALICE I. DUCK, CLERK
REGISTER

No. 5421

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Eunice Tomei and
Phil Tomei

Plaintiff

Vs.

Wilfred E. Danekas

Defendant

DEMURRER

Wilters, Brantley & Nesbit
Robertsdale, Alabama
Attorneys for Defendant

John Beebe
Attorney for Plaintiff

FILED

JAN 17 1963

ALICE J. DUCK, CLERK
REGISTER

STATE OF ALABAMA)
) TO ANY SHERIFF OF THE STATE OF ALABAMA:
BALDWIN COUNTY)

You are hereby commanded to summon WILFRED E. DANEKAS to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County, at the place of holding the same, then and there to answer the complaint of EUNICE TOMEI and PHIL TOMEI.

Witness my hand, this the 3 day of January, 1963.

Clerk

- - - - - - - - -

EUNICE TOMEI and PHIL TOMEI, Plaintiffs,	)	IN THE CIRCUIT COURT OF
vs	)	BALDWIN COUNTY, ALABAMA
WILFRED E. DANEKAS, Defendant.	)	AT LAW NO. _____

COUNT ONE

The Plaintiffs claim of the Defendant the sum of ONE THOUSAND EIGHT HUNDRED SEVENTY FIVE & 94/100 ($1,875.94) DOLLARS, balance due by promissory note made by him on the 6th day of June, 1958, and payable on the 6th day of June, 1962, with interest thereon at five (5%) per annum. The Plaintiffs allege that in and by said note the Defendant agreed to pay all cost of collecting the said note, including a reasonable attorney's fee, and the Plaintiffs claim of the Defendant the further and additional sum of THREE HUNDRED FIFTY & No/100 ($350.00) DOLLARS, as a reasonable attorneys fee in the premises.

COUNT TWO

The Plaintiffs claim of the Defendant the further and additional sum of FIVE HUNDRED FIFTY FIVE & No/100 ($555.00) Dollars, due by promissory note made by him on the 1st day of December, 1960, and payable on the 1st day of December, 1961, with interest thereon at five (5%) per annum.

Attorney for Plaintiffs

Ex-1-7-63

70.5421

Eunice Tomei and
Phil Tomei
vs.
Wilfred E. Danekas

Received 3 day of Jan 16
and on 7 day of Jan
served a copy of the within D & C
on Wilfred E. Danekas
By service on
TAYLOR WILKINS, Sheriff
By
R'dale

Sheriff claims 5.0 miles at
Ten Cents per mile Total $ 5.00
TAYLOR WILKINS, Sheriff
BY
DEPUTY SHERIFF

FILED
AUG 1 1968
ALICE I. DUCK
CLERK
REGISTER

Deft's address:
1½ mi. east of R'dale
in trailer at Museum

EUNICE TOMEI and PHIL TOMEI,	)	IN THE CIRCUIT COURT OF
Plaintiffs,	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
WILFRED E. DANEKAS,	)	NO._____
Defendant.	)	

1.

Comes now the defendant, Wilfred E. Danekas, and for answer to Count 1 of the said complaint says that the note upon which the action was founded, was not executed by him, or by any one authorized to bind him in the premises; and he makes oath that this plea is true.

2.

Comes now the defendant, Wilfred E. Danekas, and for answer to Count 2 of the said complaint says that he has paid the debt, or demand for the recovery of which this suit was brought, before this action was commenced.

x Wilfred E. Danekas
Defendant

WILTERS, BRANTLEY & NESBIT

BY: Phyllis S. Nesbit
Attorneys for Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Phyllis S. Nesbit, a Notary Public, in and for said County, in said State, personally appeared Wilfred E. Danekas, who, being known to me, and by me first duly sworn, deposes and says on oath: That he is the Defendant in the above entitled cause and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

x Wilfred E. Danekas

Sworn to and subscribed before me, this the 6th day of March, 1963.

Phyllis S. Nesbit
Notary Public, State of Alabama at Large

FILED
MAR 6 63
ALICE L. DUNN, CLERK
REGISTER

No. 5421

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

EUNICE TOMEI and PHIL TOMEI

Plaintiffs

Vs.

WILFRED E. BANEKAS

Defendant

Answer

~~SUMMONS AND COMPLAINT~~

John Beebe

Robertsdale, Alabama

Attorney for the Plaintiff

FILED

MAR 7 - 69

CLERK
REGISTER

Wilters, Brantley & Nesbit
Box 555
Robertsdale, Alabama

Attorneys for the Defendant

5421

STATE OF ALABAMA

BALDWIN COUNTY

Before me Alice J. Derek, Clerk, Circuit Court in and for said County in said State, personally appeared John P. Beebe, who being duly sworn on oath deposes and says: That he is the attorney of record for Eunice Tomei and Phil Tomei, Plaintiffs, and that Wilfred E. Damekas, Defendant, is justly indebted to the said Eunice Tomei and Phil Tomei in the sum of Twenty Seven Hundred Eighty & 94/100 Dollars, which said amount is justly due after allowing all just offsets and discounts, and that the said Wilfred E. Danekas, the Defendant, now resides out of the State of Alabama, and that this attachment is not sued out for the purpose of vexing or harassing the Defendant or other improper motive.

John P. Beebe

Subscribed and sworn to before me on this the 5 day of Autust, 1963.

Alice J. Derek

ATTACHMENT

THE STATE OF ALABAMA,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, John P. Beebe, as Attorney of Record for Eunice Tomei and Phil Tomei,

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that Wilfred E. Danekas

is justly indebted to the Plaintiff s Eunice Tomei and Phil Tomei

in the sum of Twenty Seven Hundred Eighty & 94/100 ($2780.94) Dollars, and John P. Beebe, as aforesaid, having made affidavit ~~and given bond~~ as required by law, in such cases, you are hereby commanded to attach so much of the estate of Wilfred E. Danekas

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to futher proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said County, on _____ Monday of _____ 19____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 15th day of August A. D., 19 63.

Alice J. Duck Clerk.

I hereby accept service of the within attachment this 5th day of August, 1963.

Wilson Harper
Atty

No. 5421

ATTACHMENT

Eunice Vomei

Vs. } ATTACHMENT

Wilfred E. Vanelas

Issued FILED, 19

Alice Roth

ALICE J. DUCK, CLERK
REGISTER

EUNICE TOMEI AND PHIL TOMEI	)	
PLAINTIFFS	)	IN THE CIRCUIT COURT OF
VS	)	BALDWIN COUNTY, ALABAMA
WINFRED E. DANEKAS	)	AT LAW
DEFENDANT	)	NO. 5421

TO THE HONORABLE JUDGE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

Comes now the Defendant in the above styled cause and moved the Court to compel, by order, the Plaintiffs to produce, before the trial, the following papers or documents in their possession or power, which are necessary and material to the trial of said cause and containing evidence pertinent to the issues of said trial, to-wit:

1. Promissory note dated June 6, 1958, in the amount of $1,875.94 made to the order of Eunice Tomei and Phil Tomei by Roselle E. Danekas and Wilfred E. Danekas.

2. Promissory note dated December 1, 1960, in the amount of $500.00 made to the order of Eunice Tomei and Phil Tomei by Roselle E. Danekas and Wilfred E. Danekas.

WILTERS, BRANTLEY AND NESBIT

Phyllis S. Nesbit

Attorneys for the Defendant

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Eunice B. Blackmon, a Notary Public, in and for said County, in said state, personally appeared Phyllis S. Nesbit, known to me, who being duly sworn, deposes and says that she is one of the attorneys of record for the defendant in the foregoing cause, and as such has knowledge of the facts set out in the foregoing motion; that the documents therein described contain evidence pertinent to the issues in this cause and that they are necessary and material to a proper disposition of this cause.

Phyllis S. Nesbit

Sworn to and subscribed before me this 9 day of January, 1963.

Eunice B. Blackmon

FILED
JAN 1964
ALICE I. DUCK, CLERK
REGISTER

TO JOHN P. BEEBE, Attorney for the Plaintiffs:

Please take notice that the above and foregoing motion will be called to the attention of the Judge of the Circuit Court of Baldwin County, Alabama, on the 30 day of January, 1964.

Presented to the undersigned Judge on 10 day of January, 1964.

Hubert M. Hall

Circuit Judge

EUNICE TOMEI and PHIL TOMEI, Plaintiffs,	)	IN THE CIRCUIT COURT OF
vs	)	BALDWIN COUNTY, ALABAMA
WILFRED E. DANEKAS, Defendant.	)	AT LAW No. 5421

Come the Plaintiffs in the above styled cause, and by consent of the Court first had and obtained, amends the complaint heretofore filed by adding the following counts:

COUNT THREE

The Plaintiffs claim of the Defendant EIGHTEEN HUNDRED ($1800.00) DOLLARS, due by promissory note made by him on the 6th day of June, 1958, and payable on the 6th day of June, 1962, with interest thereon.

Plaintiffs aver that the Defendant is entitled to a credit on the said note in the amount of TWO HUNDRED NINETY & 22/100 ($290.22) DOLLARS.

Plaintiffs further aver that as a part of the consideration for said note, and which said note provides that the Defendant would pay all costs of collecting said note, including a reasonable attorney's fee, and the Plaintiffs claim of the Defendant the further and additional sum of THREE HUNDRED FIFTY ($350.00) DOLLARS, as a reasonable attorney's fee in the premises.

COUNT FOUR

The Plaintiffs claim of the Defendant FIVE HUNDRED ($500.00) DOLLARS, due by promissory note made by him on the 1st day of December, 1960, and payable on the 1st day of December, 1961, with interest thereon.

John P. Burke
Attorney for Plaintiffs

I, John P. Beebe, do hereby certify that I have on this the 27th day of October, 1964, sent a true copy of the foregoing amendment to the complaint filed in said cause, by mailing a copy of same to Wilters, Brantley & Nesbit, Attorneys for Defendant, Robertsdale, Alabama, postage prepaid.

John P. Beebe
Attorney for Plaintiffs

5421

We, the jury find in favor of the plaintiffs on Count Three for $875.94 and fix a reasonable attorneys fee of $300.00; and we find for the plaintiffs on Count 4 and fix the amount at $555.00

Foreman
J. Gladys Griffin

EUNICE TOMEI and PHIL TOMEI,	)	IN THE CIRCUIT COURT OF
Plaintiffs,	)	BALDWIN COUNTY, ALABAMA
vs	)	AT LAW
WILFRED E. DANEKAS,	)	NO. 5421
Defendant	)	

3.

Comes now the Defendant, Wilfred E. Danekas, and for answer to Count 3 of the amended complaint says that the note upon which the action was founded, was not executed by him, or by any one authorized to bind him in the premises; and he makes oath that this plea is true.

4.

Comes now the Defendant, Wilfred E. Danekas, and for answer to Count 4 of the amended complaint says that he has paid the debt, or demand for the recovery of which this suit was brought, before this action was commenced.

Wilfred E. Danekas
Defendant

WILTERS, BRANTLEY & NESBIT

By: _____
Attorneys for Defendant

STATE OF ILLINOIS

LEE COUNTY

Before me, William D. Wilkinson, a Notary Public, in and for said said County, in said State, personally appeared Wilfred E. Danekas, who, being known to me, and by me first duly sworn, deposes and says on oath; that he is the Defendant in the above entitled cause and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

Wilfred E. Danekas

Sworn to and subscribed before me, this the 1st day of February 1965.

William D. Wilkinson
Notary Public
My Commission Expires Dec. 1967

FILED
FEB 4 1965
ALICE L. BUCK, CLERK
RICHMOND

No. 5421

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

EUNICE TOMEI and PHIL TOMEI

Plaintiffs

vs

WILFRED E. DANEKAS

Defendant

ANSWER

JOHN P. BEEBE
Robertsdale, Alabama

Plaintiff's Attorney

WILTERS, BRANTLEY & MESBIT
Box 555
Robertsdale, Alabama

Defendant's Attorneys