

LEE R. WATSON

PLAINTIFF

VS

STATE BANK OF ELBERTA, an Alabama
bank corporation, Elberta, Alabama

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, No. 5355

ADDITIONAL DEMURRERS

Comes now the Defendant, by its Attorney, and files the following additional demurrers to Counts Three and Four of the complaint heretofore filed in this cause, and for grounds therefore assigns the following, separately and severally:

3. For aught that appears there is no showing of the amount or amounts of monies Plaintiff had on deposit in his account.

4. For aught that appears there is no showing of how much, if any, money Defendant paid out of Plaintiff's account.

5. For aught that appears there is not set out the dates or amounts of forged checks, if any.

6. For aught that appears the Plaintiff does not set out where he attempted to obtain any credit or where he was refused any credit.

7. For aught that appears Plaintiff does not set out who caused him great physical and mental pain and suffering.

8. For aught that appears Plaintiff does not set forth any expenses or purposes for which said expenses were incurred, or that expenses were incurred as a result of any acts of the Defendant.

9. For aught that appears Plaintiff fails to show what person, if any, forged checks or presented same to the Defendant for payment.

10. For aught that appears Plaintiff fails to show in what way his social standing has suffered.

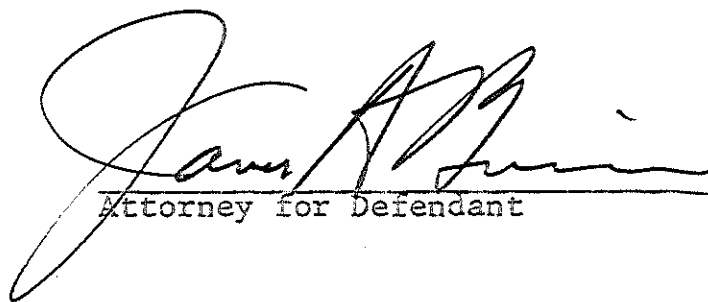
11. For aught that appears Plaintiff fails to show how his business reputation for honesty and integrity was impaired by virtue of Defendant's wantonly failing to make available to Plaintiff after demand, monies which he had in checking account with Defendant.

12. No facts are alleged on which the release sought can be granted.

13. It is vague, indefinite and uncertain in that it does not allege with sufficient certainty when the Defendant converted property or money belonging to the Plaintiff.

14. It is vague, indefinite and uncertain in that it alleges the conversion by the Defendant of monies during the period of time from January 15, 1962 to January 26, 1962, but does not allege the date or dates on which the monies were converted by the Defendant.

FILED
DEC 17 1962
CLERK
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


Attorney for Defendant

LEE R. WATSON,

PLAINTIFF

VS

STATE BANK OF ELBERTA, an
Alabama Bank Corporation,
Elberta, Alabama

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 5353-

DEMURRER

Comes now the defendant, by its attorney, and demurs to
Count III and Count IV of the Complaint heretofore filed in this
cause, and for grounds therefor assigns the following, separately
and severally:

1. For that no cause of action is stated.
2. For that the Complaint fails to state a cause of action.

James A. [Signature]
Attorney for Defendant

FILED

NOV 15 1962

ALICE I. DUCK, CLERK
REGISTER

SUMMONS

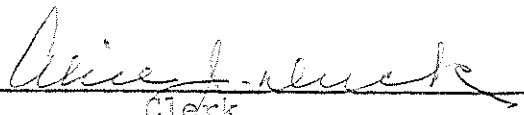
THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon the STATE BANK OF ELBERTA, an Alabama Bank corporation, Elberta, Alabama, 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, Alabama, at the place of holding same by LEE R. WATSON.

Witness my hand this the day of November, 1962.


Clerk

* * * * *

COMPLAINT

LEE R. WATSON,)	
)	
PLAINTIFF)	
)	IN THE CIRCUIT COURT OF
VS.)	
)	BALDWIN COUNTY, ALABAMA
STATE BANK OF ELBERTA, an)	
Alabama bank corporation,)	AT LAW
Elberta, Alabama)	
)	
DEFENDANT)	

COUNT I

The Plaintiff claims of the Defendant ONE HUNDRED TEN AND 00/100 (\$110.00) DOLLARS, due from it for money between the 15th day of January, 1962 and the 26th day of January, 1962, received by the Defendant to the use of the Plaintiff, which sum of money, with interest thereon, is still unpaid.

COUNT II

The Plaintiff claims of the Defendant TWO HUNDRED FORTY AND 00/100 (\$240.00) DOLLARS, due from it for money between the 15th day of January, 1962, and the 26th day of January, 1962, received by the Defendant to the use of the Plaintiff, which sum of money, with interest thereon, is still unpaid.

COUNT III

The Plaintiff claims of the Defendant TWO THOUSAND FIVE HUNDRED AND 00/100 (\$2,500.00) DOLLARS damages, for on, to wit, between the 15th day of January, 1962, and the 26th day of January, 1962, the Plaintiff had on deposit monies to his account in the Defendant's bank, which the Defendant negligently paid out of Plaintiff's account on forged checks and without Plaintiff's authority, order or approval and against his will, all of which has caused Plaintiff great damages, mental anguish, great loss of credit, loss of social standing, great insult, contumely, and his business reputation for honesty and integrity was greatly impaired. The Plaintiff was unable to obtain any credit, endured great physical and mental pain and suffering, and it has cost him great expense, all of which Plaintiff lost as a proximate cause of the Defendant wrongfully paying out of his account monies which were not authorized by Plaintiff. Plaintiff avers that all of said damages to him were proximately caused by the wrongful conduct of the Defendant.

COUNT IV

The Plaintiff claims of the Defendant TWO THOUSAND FIVE HUNDRED AND 00/100 (\$2,500.00) DOLLARS for damages for maliciously and wantonly failing to make available to Plaintiff, after demand, monies which he had in a checking account deposited in said State Bank of Elberta, Elberta, Alabama, all to his great damage as afore-said, all of which caused Plaintiff great damages, mental anguish, great loss of credit, loss of social standing, great insult, contumely, and his business reputation for honesty and integrity was greatly impaired. Plaintiff was unable to obtain any credit, and endured great physical and mental pain and suffering and it has cost him great expense, all of which Plaintiff lost as a proximate cause of the Defendant wrongfully paying out of his account monies which

were not authorized by Plaintiff. Plaintiff avers that all of said damages to him were proximately caused by the wrongful conduct of the Defendant.

July 14/62

Attorney for Plaintiff
Forest A. Christian
Foley, Alabama

Telephone - WH 3-2201

*Plaintiff Demands
Trial By Jury.
July 14/62
Attorney for Plaintiff.*

Ed. 11-2-62

FILED

NOV 1 1962

ALICE J. DUCK, CLERK
REGISTER.

70.5353-

Received 1 day of Nov 1962
and on 2 day of Nov 1962
I served a copy of the within R. & C.
on State Bank of Elberta
By service on Lorrell R. King

TAYLOR WILKINS, Sheriff

(D. Deborah D. S.)

Elberta

Sheriff claims 36 miles at

Ten Cents per mile Total \$ 3.60

TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

SUMMONS AND COMPLAINT

LEE R. WATSON,

PLAINTIFF

VS.

STATE BANK OF ELBERTA, an
Alabama bank corporation,
Elberta, Alabama

DEFENDANT

FILED

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ALICE J. DUCK,

CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA
P. O. DRAWER 190

February 9, 1963

Hon. H. M. Hall
Judge of Circuit Court
Bay Minette, Alabama

Re: Lee R. Watson
Vs: State Bank of Elberta

Attention: Mrs. Alice J. Duck

jury 5355

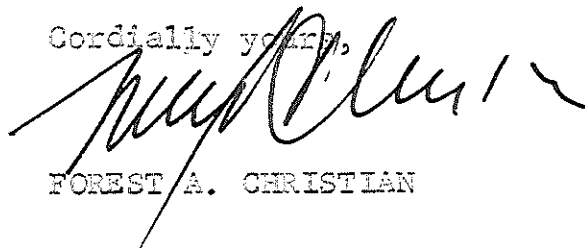
Dear Judge Hall:

Enclosed, the clerk will find a check in blank to pay the court costs in the case mentioned above.

Since the parties have reached a settlement, you may enter on the docket sheet that this case has been settled between the parties and the court costs paid.

It seems that the defendant wishes to note that the case was dismissed with prejudice and this is agreed to, but an order such as given above will take care of this.

Cordially yours,



FOREST A. CHRISTIAN