

MRS. NELL HUFF and
MRS. PAULINE HUFF MCGILL

Plaintiffs

vs

E. D. BYRD

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5273

The plaintiff claims of the defendant the sum of One Hundred Sixteen and 23/100 Dollars (\$116.23) being the balance due and unpaid of a promissory waive note in the amount of \$223.39 drawn by the defendant on to-wit, June 1, 1955, payable to John H. Huff, now deceased and said promissory waive note not being paid at maturity by the said E. D. Byrd, said plaintiffs, being the sole heirs of the said John H. Huff, deceased, claim the balance due on said promissory waive note in the amount of \$116.23 with interest thereon from August 10, 1957, to date.

The plaintiffs claim of said defendant a reasonable attorney fee as provided in the said promissory waive note.

THOMPSON & WHITE

BY:

Attorneys for plaintiffs.

FILED
NOV 26 1962
ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon E. D. BYRD

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, State of Alabama, at Bay Minette, against -----

E. D. BYRD

-----, Defendant-----

by Mrs. Nell Huff and Mrs. Pauline Huff McGill

-----, Plaintiff-----

Witness my hand this 26 day of Nov 1962

84-11-28-62

Beckman, Clerk

No. 5373

Page _____

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

MRS. NELL HUFF and

MRS. PAULINE HUFF MCGILL

Plaintiffs

vs.

E. D. BYRD

Defendants

Summons and Complaint

FILED

Filed _____ 19__

NOV 26 1962

Alice J. Duck, CLERK
REGISTER

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Perdido, Alabama

Received In Office

11/26, 1962

Sheriff.

I have executed this summons

this Nov. 28 1962

by leaving a copy with

E D Byrd

Sheriff claims 26 miles at

Ten Cents per mile Total \$ 2.60

TAYLOR WILKINS, Sheriff

BY

W. A. Zallert
DEPUTY SHERIFF

Taylor Wilkins

Sheriff.

W. A. Zallert

Deputy Sheriff.

Perdido

MRS. NELL HUFF, and
MRS. PAULINE HUFF McGIEL,

Plaintiff,

Vs

E. D. BYRD,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

No. 5373

DEMURRER

Comes now the defendant, E. D. Byrd, and files the following separate and several demurrers to each and every Count, separately and severally, of the complaint heretofiled in this cause.

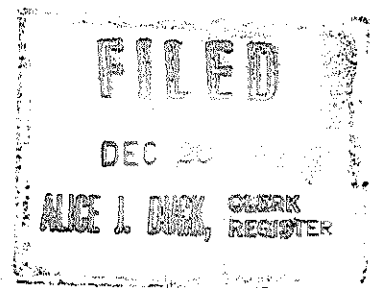
1. The complaint, nor any count thereof, do not state a cause of action.
2. The complaint, nor any count thereof, does not allege that alleged note is due and payable.
3. The complaint, nor any count thereof, fails to allege what date the alleged promissory note was payable.
4. Neither the complaint, nor any count thereof, allege with sufficient certainty the right of the plaintiffs to maintain this action.
5. Neither the complaint, nor any count thereof, allege the maturity date of the alleged note.

Kenneth Cooper
Attorney for Defendant

Defendant demands a trial by jury in this cause of action.

Kenneth Cooper
Attorney for Defendant

Plaintiff's Attorney of Record:
Hon C. Lenoir Thompson
Bay Minette, Alabama



JURY LIST - MARCH 9, 1964.

1. Beck, Charles C., Businessman, Lillian
2. Blalock, Greene C., Carpenter, Fairhope
3. Bloch, Herman, Farmer, Elberta
4. Malone, T.E., Merchant, Fairhope
5. Mason, Jimmy, Salesman, Fairhope
6. Mosley, Rufus, Farmer, Stapleton
7. Eslava, Clarence, Farmer, Mag. Spgs.
8. Haden, James T., Salesman, Robertsedale
9. Quinley, Wilburn, Farmer, Bay Minette
10. Rhodes, Charles R., Farmer, Foley
11. Rhodes, Larkin T., Jr., Farmer, Bay Minette
12. Rieben, Ray, Paper Mill, Bay Minette
13. Roberson, Mutt, Laborer, Robertsedale
14. Lazzari, Anglo, Farmer, Belforest
15. Lazzari, Joe, Jr., Farmer, Belforest
16. Lazzari, John, Farmer, Belforest
17. Lager, J.E., Salesman, Foley
18. Little, W.F., Mgr. Bell Tele. Commercial, Spanish Fort
19. Robinson, Dale L., Ins. Agt., Foley
20. Sanders, E. Frank, Banker, Foley
21. Andress, Herbert E., Farmer, Foley
22. Dickey, O.L., Butcher, Robertsedale
23. Crosby, James W., Bookkeeper, Foley
24. Arnould, M.L., Floor Finisher, Robertsedale
25. Barton, John, Jr., Newport, Bay Minette
26. Thompson, Albert M., Merchant, Bay Minette
27. Wenzel, Emmett O., Merchant, Gulf Shores
28. Woodward, C.H., Merchant, Fairhope
29. Wright, Justice D., Forester, Stapleton
30. Boan, Jessie Forest, Farmer, Stapleton
31. Bung, Floyd, Merchant, Fairhope
32. Oblak, John, Jr., Farmer, Silverhill
33. Leiterman, Nick, Civil Service, Elberta
34. Smith, Clinton, Defense Worker, Bay Minette
35. Suddith, Jack, Officer Manager, Bay Minette
36. Bosby, Eugene, Construction Worker, Fairhope
37. Bryant, Nathan, Clerk, Fairhope
38. Denton, Alphonse, Carpenter, Fairhope
39. Lamar, Reuben, Laborer, Foley
40. McReynolds, Leon, Labor Worker, Bay Minette
41. Moore, Jessie, Court House, Bay Minette
42. Wilson, Frank E., Brookley Field, Daphne
43. Tullos, Abe, Brookley Field, Fairhope

P XXXXX

D XXXXX X

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MRS NELL HUFF and MRS)
PAULINE HUFF MCGILL,)
Plaintiffs,)
Vs)
E. D. BYRD,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 5373

DEMURRER

Comes now the Defendant, E. D. Byrd, and files the following separate and several demurrers to each and every count, separately and severally, to the complaint heretofore filed in this cause:

1. Neither the AMENDED COMPLAINT, nor any count thereof, do not state a cause of action.
2. Neither the complaint, nor any count thereof, does not allege with certainty when any payments were paid on the alleged promissory note.
3. Neither the complaint, nor any count thereof, allege with certainty when the said note became due.
4. Neither the complaint, nor any count thereof allege with certainty when interest on the said note becomes payable.
5. The complaint is vague, uncertain and indefinite.
6. The instrument upon which this suit is based is not adequately described with certainty.
7. The plaintiffs do not attach a copy of the alleged promissory note to the bill of complaint.


Attorney for Defendant

ATTORNEY OF RECORD FOR PLAINTIFFS:
HonC. Lenoir Thompson
Attorney at Law
Bay Minette, Alabama

FILED

FEB 8 1963

ALICE J. DUCK, CLERK
REGISTER

MRS NELL HUFF and MRS)
PAULINE HUFF MCGILL,)
Plaintiffs,)
Vs)
E. D. BYRD,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Case No. 5373

ANSWER

Comes now the Defendant in abovestyled cause, and files this, is answer, to the Amened Complaint heretofore filed in this cause, and to each and every count thereof, separately and severally:

ONE:

The defendant, for answer to the Complaint, and to each and every count thereof, separately and severally, saith that he is not guilty of the matters alleged therein.

TWO:

The general issue.

Kenneth Cooper

Attorney of Record for Plaintiffs:
Hon C. Lenoir Thompson
Attorney at Law
Bay Minette, Alabama

FILED

JUN 10 1933

ALICE J. DOW, CLERK
REGISTER

AMENDED COMPLAINT

MRS. NELL HUFF and
MRS. PAULINE HUFF McGill

Plaintiffs

vs

E. D. BYRD

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5373

The plaintiff claims of the defendant the sum of One Hundred Sixteen and 23/100 Dollars (\$116.23) being the balance due and unpaid of a promissory waive note, to-wit: a contract under seal, in the amount of \$223.39 drawn by the defendant on to-wit:, June 1, 1955, and due and payable to John H. Huff, (now deceased) on September 1, 1955; and said promissory waive note not being paid at maturity by the said E. D. Byrd, said plaintiffs, (being the sole heirs of the said John H. Huff, deceased,) claim the balance due on said promissory waive note in the amount of \$116.23 with interest thereon from August 10, 1957, to date.

The plaintiffs claim of said defendant a reasonable attorney fee as provided in the said promissory waive note.

THOMPSON & WHITE

BY:

Leif Thompson
Attorneys for plaintiffs

FILED

JAN 25 1963

ALICE J. DUCK, CLERK
REGISTER

We hereby acknowledge receipt of Plaintiff's
B 11623 Plus interest & attorney
Fees of 35⁰⁰