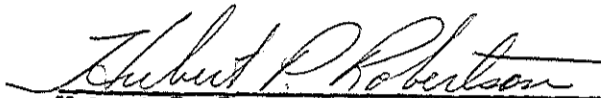




STATE OF ALABAMA

COUNTY OF MOBILE

I hereby certify that I have served a copy of the foregoing motion upon the Defendant, John Gordy, by depositing same in the U. S. Mail, postage prepaid, addressed to the Honorable Harry J. Wilters, Jr., Attorney of Record for the Defendant and his office in Bay Minette, Alabama.



---

Hubert P. Robertson  
Attorney for Plaintiff

PHONES:  
DAY WA 8-2369  
NIGHT WA 8-8849

SALES  
&  
SERVICE

*EXHIBIT "A"* CRAFT COMPANY, INC.

PLUMBING - ELECTRICAL - APPLIANCES  
HEATING & AIR CONDITIONING

P. O. BOX 265  
DAPHNE, ALABAMA

Mr. John Gordy  
Daphne, Alabama

ITEMIZED STATEMENT OF ACCOUNT

August 15, 1962	Invoice No. 5255	\$283.80
	Balance Due -	<u>\$283.80</u>

STATE OF ALABAMA)

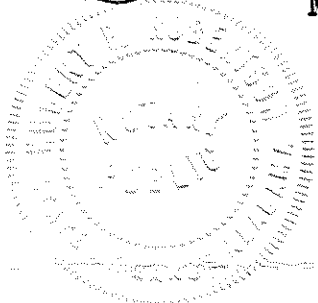
COUNTY OF MOBILE)

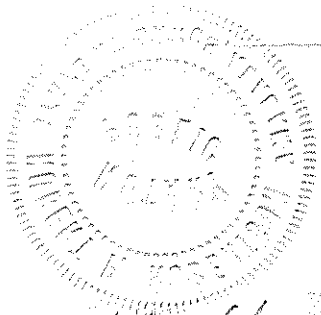
Before me, the undersigned authority, personally appeared this day, Irvin P. Craft, President of Craft Company, Inc., who, being by me first duly sworn, deposes and says on his oath that he has personal knowledge of the itemized Statement of Account against John Gordy, shown above, and that the same is true and correct after all allowances and credits have been allowed against the account of the said John Gordy.

Irvin P. Craft  
Irvin P. Craft, President  
Craft Company, Inc.

Subscribed and sworn to before me  
this 27th day of November, 1962.

Hubert P. Robertson  
Notary Public





We the jury find for the defendant.

JOHN W. ...

James R. ...

Foreman

... the ... of ...

... of ...

... of ...

... of ...

...

...

...

...

CRAFT COMPANY, INC.,	)	IN THE CIRCUIT COURT OF
a corporation,	)	BALDWIN COUNTY, ALABAMA
Plaintiff,	)	
VS.	)	
JOHN GORDY,	)	
Defendant.	)	CASE NO. _____

COUNT ONE

Plaintiff claims of the defendant TWO HUNDRED EIGHTY THREE AND 80/100ths (\$283.80) DOLLARS due from him by account on, to-wit, August 15, 1962, which sum of money, with the interest thereon, is still unpaid.

An itemized statement of the account sued on, verified by the affidavit of a competent witness, is attached hereto as Exhibit "A", and made a part hereof.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

BY: Hubert P. Robertson  
 Hubert P. Robertson, Attorney for  
 Plaintiff

Defendant may be served at:  
 Daphne, Alabama

**FILED**  
 NOV 28 1962  
 ALICE J. JONES

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5377

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon John Gordy

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 John Gordy

Defendant.

by Craft Company, Inc., A Corp

Plaintiff.

Witness my hand this 28 day of November 19 62

Eaf-12-7-62

Alvin J. Duck, Clerk

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

CRAFT COMPANY, INC., A CORP

Plaintiffs

vs.

JOHN GORDY

2050 Sumner St. Daphne  
(Postoffice)

Defendants

SUMMONS and COMPLAINT

Filed 11-28-19 62

Alice J. Duck, Clerk

Hubert Robertson  
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

11/28, 1962

Sheriff

I have executed this summons

this 7th day of Dec, 1962

by leaving a copy with

John Gordy

Sherriff claims 54 miles at

Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

Taylor Wilkins  
Sheriff

Fred Seibert  
Deputy Sheriff

Japhes

CRAFT COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

JOHN GORDY,

Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 5377

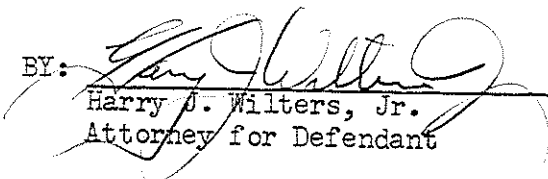
COUNT ONE

Comes now the Defendant in the above styled cause and for answer to  
the Plaintiff Complaint ~~sayin~~ <sup>sayin</sup>:

1.

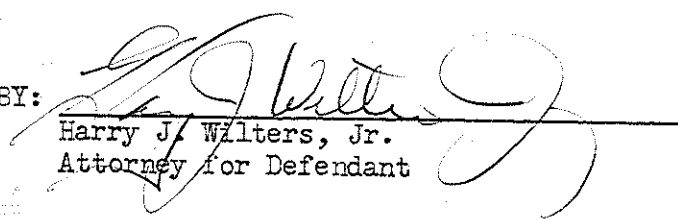
That he is not guilty of the matter alleged therein.

WILTERS, BRANTLEY & NESBIT

BY:   
Harry J. Wilters, Jr.  
Attorney for Defendant

The Defendant demands a trial by Jury.

WILTERS, BRANTLEY & NESBIT

BY:   
Harry J. Wilters, Jr.  
Attorney for Defendant





CRAFT COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

JOHN GORDY,

Defendant.

Y  
Y  
Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
CASE NO. 5377

MOTION TO STRIKE

Comes now the Defendant in the above styled cause and files the following Motion to Strike the Plaintiff's Motion for Judgment filed in this cause on the 1st day of March 1963, and for grounds for said motion shows unto the Court as follows:

1.

Said motion is without foundation.

2.

Assuming all allegations in said Motion for Judgment to be true, the Plaintiff is not entitled to the relief he seeks by his motion.

WILTERS, BRANTLEY & NESBIT

BY: *Ray J. Walters*  
Attorney for Defendant

FILED  
MAR 6 1963  
ALICE I. DUCK, CLERK  
REGISTER

CRAFT COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

JOHN GORDY,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5377

Comes now the Defendant in the above styled cause and amends his pleas heretofore filed in this cause and files the following pleas to the Plaintiff's Complaint and to each and every count thereof, separately and severally:

1.

Not guilty.

2.

For further answer to this Complaint, the Defendant says that the money sued for is for repairs and replacements made on an air conditioner installed in the home of the Defendant by the Plaintiff. That at the time this air conditioner was installed, the Plaintiff impliedly warranted that the air conditioner was built in a workmanlike manner and installed in a workmanlike manner. Defendant says further that within less than a year after this air conditioner was installed, it ceased to function and the repairs and replacements made by Craft Company were made to put this air conditioner back in working order. The Defendant avers that the aforesaid repairs were necessary because this air conditioner was not installed in a workmanlike manner, hence, he owes the Plaintiff nothing.

3.

For further answer to this Complaint, the Defendant says that the money sued for is for repairs and replacements made on an air conditioner installed in the home of the Defendant by the Plaintiff. That at the time this air conditioner was installed, the Plaintiff impliedly warranted that the air conditioner was built in an workmanlike manner and installed in a workmanlike

manner. Defendant says further that within less than a year after this air conditioner was installed, the air conditioner ceased to function, and the repairs and replacements made by Craft Company were made to put this air conditioner back in working order. The Defendant avers that the aforesaid repairs were necessary because the workmanship in the air conditioner was faulty, hence, he owes the Plaintiff nothing.

4.

For further answer to this Complaint, the Defendant says that the Plaintiff agreed to install a 1961 air conditioner in the home of the Defendant and instead installed a 1960 air conditioner, hence, the Plaintiff should not recover in this suit.

WILTERS, BRANTLEY & NESBIT

BY: 

**FILED**  
MAR 14 1963  
ALICE L. DICK, CLERK  
REGISTERED

CRAFT COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

JOHN GORDY,

Defendant.

X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 5377

DEMURRER

Comes now the Defendant in the above styled cause and files the following demurs to the Plaintiff's Motion for Judgment heretofore filed in this cause on to-wit: March 1, 1963, and for grounds therefor says:

1.

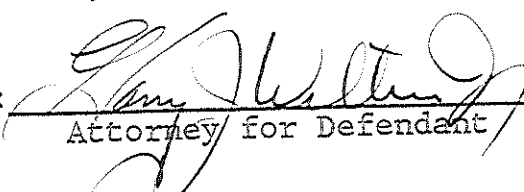
The allegations of said motion are insufficient to grant the Plaintiff the relief he seeks.

2.

The Plaintiff's Motion for Judgment is without foundation; said motion fails to allege sufficient grounds on which to base a judgment.

WILTERS, BRANTLEY & NESBIT

BY:

  
Attorney for Defendant

FILED  
MAR 6 1963  
ALICE L. DUCK, CLERK  
REGISTER

CRAFT COMPANY, INC.,  
a corporation,  
  
Plaintiff,

vs.

JOHN GORDY,  
  
Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

CASE NO. 5377

Comes now the Plaintiff in the above styled cause and amends the complaint heretofore filed by adding thereto Count Two and Count Three:

COUNT TWO

Plaintiff claims of the Defendant Two Hundred Eighty Three and 80/100ths (\$283.80) Dollars due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on the 25th day of July, 1962, which sum of money, with the interest thereon, is still unpaid.

COUNT THREE

The Plaintiff claims of the Defendant the sum of Two Hundred Eighty Three and 80/100ths (\$283.80) Dollars due from him for work and labor done for the defendant by the plaintiff on the 17th day of July, 1962 and the 25th day of July, 1962, at his request, which sum of money, with the interest thereon, is still unpaid.

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

By: Hubert P. Robertson  
Hubert P. Robertson  
Attorney for Plaintiff

STATE OF ALABAMA

COUNTY OF MOBILE

I hereby certify that I have served a copy of the foregoing amendment by depositing the same in the United States Mails, postage prepaid, addressed to the Honorable Harry J. Wilters, Jr., of the law firm of Wilters, Brantley and Nesbit, Attorney of record for the defendant, at his office in Bay Minette, Alabama.

**FILED**  
MAY 8-63  
ALICE J. DUCK, CLERK  
RECEIVED

Hubert P. Robertson  
Hubert P. Robertson, Attorney for Plaintiff

CRAFT COMPANY, INC.,	⌘	
a corporation,		
	⌘	
Plaintiff,		IN THE CIRCUIT COURT OF
	⌘	
Vs.		BALDWIN COUNTY, ALABAMA
	⌘	
JOHN GORDY,		AT LAW
	⌘	
Defendant.		CASE NO. 5377

Comes now the Defendant in the above styled cause and amends his pleas heretofore filed in this cause to read as follows:

1.

Not guilty.

2.

For further answer to this Complaint, the Defendant says that the money sued for is for repairs and replacements made on an air conditioner installed in the home of the Defendant by the Plaintiff. That at the time this air conditioner was installed, the Plaintiff impliedly warranted that the air conditioner was built in a workmanlike manner and installed in a workmanlike manner. Defendant says further that within less than a year after this air conditioner was installed, it ceased to function and the repairs and replacements made by Craft Company were made to put this air conditioner back in working order. The Defendant avers that the aforesaid repairs were necessary because this air conditioner was not installed in a workmanlike manner, hence, he owes the Plaintiff nothing.

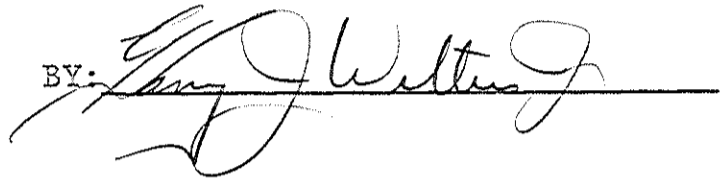
3.

For further answer to this Complaint, the Defendant says that the money sued for is for repairs and replacements made on an air conditioner installed in the home of the Defendant by the Plaintiff. That at the time this air conditioner was installed, the Plaintiff impliedly warranted that the air conditioner was built in an workmanlike manner and installed in a workmanlike manner. Defendant says further that within less than a year after this air conditioner was installed, the air conditioner ceased to function,

and the repairs and replacements made by Craft Company were made to put this air conditioner back in working order. The Defendant avers that the aforesaid repairs were necessary because the workmanship in the air conditioner was faulty, hence, he owes the Plaintiff nothing.

WILTERS, BRANTLEY & NESBIT

BY:



FILED

MAR 7, 1963

ALICE L. DUCK, CLERK  
REGISTER



5377

CRAFT COMPANY, INC.,  
a corporation,

Plaintiff,

Vs.

JOHN GORDY,

Defendant.

FILED

MAR 7 1963

ALICE J. DUCK, CLERK  
REGISTER

*Created by John K...*

JURY LIST - MARCH 11, 1963

- ~~1. Bishop, Woodrow, Farmer, Fairhope~~
- ~~2. Bodenhamer, O.L., Contractor, Foley~~
- 3. Bornholt, Roy H., Farmer, Elberta
- ~~4. Brown, Wesley, Farmer, Perdido~~
- ~~5. Childress, Calvin, Farmer, Summerdale~~
- ~~6. Coley, Luke Mc., Fisherman, Gulf Shores~~
- ~~7. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores~~
- ~~8. Dubose, Jim, Civil Service, Foley~~
- ~~9. Early, L.J., Timber & Lumber, Foley~~
- 10. Hastings, Donald E., Farmer, Rosinton
- 11. Hobbs, Tom, Farmer, Rosinton
- ~~12. Hortman, Charles W., Baker, Foley~~
- ~~13. Howell, Elvin, Farmer, Bay Minette~~
- 14. Evans, John G., Farmer, Foley
- 15. Ellison, W.V., Farmer, Robertsdale
- ~~16. Gill, James, Brookley Field, Robertsdale~~
- ~~17. Kriss, Phillip, Farmer, Silverhill~~
- ~~18. Lazzari, Joe, Farmer, Daphne~~
- ~~19. Lee, Cecil E., Farmer, Gateswood~~
- ~~20. Little, Fred, State Emp., Bay Minette~~
- ~~21. Lovell, M.A. Jr, Farmer, Loxley~~
- 22. Mikkelsen, Robert, Savings & Loan, Robertsdale
- ~~23. Moravac, Edward P., Farmer, Robertsdale~~
- 24. Nitteberg, Harry, Carpenter, Robertsdale
- 25. Nix, Ellis, Feed Mill, Silverhill
- 26. Teem, Kenneth, Linesman, Foley
- ~~27. Parker, Sim M., Farmer, Bon Secourt~~
- ~~28. Patterson, Elbert, Salesman, Fairhope~~
- ~~29. Phillips, Otis, Farmer, Little River~~
- 30. Powers, James, Farmer, Summerdale
- ~~31. Pucky, Charlie, Farmer, Rosinton~~
- 32. Sellars, James R., Chemstrand, Robertsdale
- ~~33. Simmons, Martin, Brookley Field, Bay Minette~~
- ~~34. Slaughter, Ashton B., Timberman, Tensaw~~
- ~~35. Peterson, Morris Sidney, Farmer, Gateswood~~
- ~~36. Jansen, Claude A., Mfg., Fairhope~~
- ~~37. Anderson, Evar, Civil Service, Elberta~~
- 38. Weston, Harold, Clerk, Fairhope
- ~~39. Weeks, Hugh, Farmer, Mag. Spgs.,~~
- ~~40. White, Harold, Trk, Driver, Foley~~
- 41. Whitten, Lewis S., Electrician, Fairhope
- ~~42. Stuckey, Whit Nelson, Millman, Bay Minette~~
- ~~43. Langston, Shelby, Brookley Field, Bay Minette~~
- ~~44. Brown, Twin E., Reserve Fleet, Bay Minette~~
- ~~45. Hand, Charles G., Jr, Brookley Field, Bay Minette~~
- ~~46. ... .. Clerk, Bay Minette~~
- ~~47. ... .. Clerk, Bay Minette~~
- 48. Murray, Wendel A., Production, Bay Minette
- ~~49. Davison, T.O., Jr., Merchant, Bay Minette~~

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PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

LAWYERS AND PROCTORS

VAN ANTWERP BUILDING

P. O. BOX 935

MOBILE 5, ALABAMA

PALMER PILLANS  
W. DEWITT REAMS  
JOHN H. TAPPAN  
GEORGE F. WOOD  
BONNERRAE H. ROBERTS  
RICHARD W. VOLLMER, JR.

ABRAM L. PHILIPS, JR.  
FRED W. KILLION, JR.  
HUBERT P. ROBERTSON

CABLE ADDRESS: PTAH  
TELEPHONE 432-3644

November 27, 1962

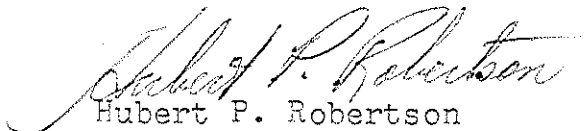
The Hon. Alice J. Duck, Circuit Clerk  
Baldwin County Court House  
Bay Minette, Alabama

Re: Craft Company, Inc. vs.  
John Gordy

Dear Mrs. Duck:

Enclosed herewith is complaint in the above captioned matter, which I would appreciate your filing for me. I would appreciate your notifying me of the filing date and case number assigned to it.

Very truly yours,

  
Hubert P. Robertson

HPR:hn

Enclosure