

FONE MINDER CO., INC., a
corporation

Plaintiff

vs

ROBERT M. STINE

Defendant

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 5382

-1-

The plaintiff claims of the defendant the sum of Three Hundred Ninety-nine and 51/100 Dollars (\$399.51) being the balance due and unpaid of a note in the amount of \$416.88, drawn by the defendant on the 16th day of May, 1962, payable to the Merchants National Bank, Mobile, Alabama, said note being endorsed by the plaintiff herein and said note not being paid at maturity by the said defendant, said note was charged to the account of the endorser, Fone-Minder Co., Inc., plaintiff in this case by the said Merchants National Bank of Mobile, whereas said note in the amount of \$399.51 with interest thereon is still unpaid.

-2-

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

THOMPSON & WHITE

BY:

Attorneys for plaintiff.

FILED

NOV 28 1962

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 5382

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Robert M. Stine

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 _____

Robert M. Stine, Defendant....

by Fone Minder Co., Inc., a corporation

_____, Plaintiff....

Witness my hand this 28 day of Nov. 1962

Exp-12-6-62

W. J. Duck, Clerk

No. 5382

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

FONE MINDER CO., INC., a
corporation

Plaintiffs

vs.

ROBERT M. STINE

F'hope

Defendants

SUMMONS and COMPLAINT

FILED

Filed _____

NOV 28

1962

, 19 _____

ALICE J. DUCK

CLERK
REGISTER

, Clerk

Thompson & White

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Greeno Road
Fairhope, Alabama

RECEIVED IN OFFICE

11/28, 19 *62*

, Sheriff

I have executed this summons

this *11th* day of *Dec.*, 19 *62*
by leaving a copy with

Robert M. Stine

Sheriff claims *70* miles or

Ten Cents per mile Total \$ *7.00*

TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

Taylor Wilkins Sheriff

Fred Seibert Deputy Sheriff

F'hope

CASE NO. 5382

210

induced to make the note, upon which the action was founded, by the false and fraudulent representations of J. R. Wood, who was employed by the Plaintiff and acting as its agent in the line and scope of his employment, represented to the Defendant that Southern Bell Telephone Company, a corporation, who owned the telephone equipment used by the Defendant allowed the "Ansa-Fone" to be attached to its equipment when, in fact, Southern Bell Telephone Company, a corporation, does not allow "Ansa-Fone" to be used upon its equipment rendering said "Ansa-Fone" completely useless to the Defendant.

FIFTH:

For further plea and by way of recoupment, the defendant, Robert H. Stine, claims of the Plaintiff the sum of ONE HUNDRED FIFTY and no/100 (\$150.00) Dollars, damages for a breach of warranty in the sale of an item of electrical equipment known as an "Ansa-Fone" by the Plaintiff, through its agent J. R. Wood, to the Defendant on the 16th day of May, 1962 which the Plaintiff, through its agent J. R. Wood, warranted to the Defendant that the "Ansa-Fone" would receive any messages over a telephone located at the Defendant's place of business and permanently store said messages in the device for transmittal to the Defendant; Plaintiff through its agent J. R. Wood further warranted that said "Ansa-Fone" would transmit messages for the Defendant to anyone calling in to Defendant's place of business over the telephone; Plaintiff, through its agent J. R. Wood, further warranted that said "Ansa-Fone" would increase Defendant's public relations and would be an asset to Defendant's business, when in fact the Defendant dictated messages into the "Ansa-Fone" which were never transmitted to individuals calling over the telephone to Defendant's place of business when said "Ansa-Fone" was out of order on numerous occasions, resulting in lost fees for professional services that would have been rendered by the Defendant; and when in fact, said "Ansa-Fone" failed to transmit messages dictated into it by various individuals who

called over the telephone to Defendant's place of business thereby resulting in lost fees for professional services when said "Ansa-Phone" was a detriment to the business of the Defendant resulting in irreparable harm and injury to Defendant's public relations, all to the damages of such Defendant in the above sum hence this suit.

BAILEY & LACEY

BY: Richard L. Lacey
ATTORNEYS FOR DEFENDANT

Defendant demands trial by Jury.

Richard L. Lacey
Attorney for Defendant

FILED

DEC 18 1962

ALICE L. DUCK, CLERK
REGISTER

FONE MINDER CO., INC., a
Corporation,

Plaintiff

Vs.

ROBERT M. STINE,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 5382

Bailey & Lacey
Attorneys at Law
P.O. Box 161
Fairhope, Alabama

PHONE MINDER CO., INC., a	X	
Corporation,		
	X	IN THE CIRCUIT COURT OF
Plaintiff		
	X	BALDWIN COUNTY, ALABAMA
vs		
	X	AT LAW
ROBERT M. STINE		NO. _____
	X	
Defendant		
	X	

Comes the plaintiff in the above styled cause and moves to strike the following counts of the answer filed in said cause and as grounds for said motion shows as follows:

-1-

Plaintiff moves to strike count two of said answer in that said count is not a proper plea.

-2-

Plaintiff moves to strike count two of said answer in that said pleading is prolix, irrelevant or frivolous.

-3-

Plaintiff moves to strike count two of said answer in that said pleading is not a proper plea to a suit on a note.

-4-

Plaintiff moves to strike count three of said answer in that said count is not a proper plea.

-5-

Plaintiff moves to strike count three of said answer in that said pleading is prolix, irrelevant or frivolous.

-6-

Plaintiff moves to strike count three of said answer in that said count is not a proper plea to a suit on a note.

-7-

Plaintiff moves to strike count four of said answer in that said count is not a proper plea.

-8-

Plaintiff moves to strike count four of said answer in that said pleading is prolix, irrelevant or frivolous.

-9-

Plaintiff moves to strike count four of said answer in that said count is not a proper plea to a suit on a note.

-10-

Plaintiff moves to strike count five of said answer in that said

count is not a proper plea.

-11-

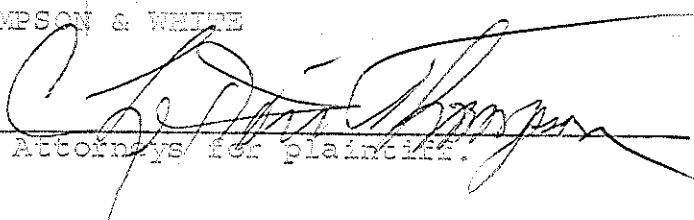
Plaintiff moves to strike count five of said answer in that said pleading is prolix, irrelevant or frivolous.

-12-

Plaintiff moves to strike count five of said answer in that said count is not a proper plea in recoupment.

THOMPSON & WHITE

BY:


Attorneys for plaintiff.

FILED

JAN 3 1963

ALICE I. DUCK, CLERK
REGISTER