

EDWIN JENNY,

Plaintiff,

vs.

CHARLES MATTINGLY,

Defendant.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

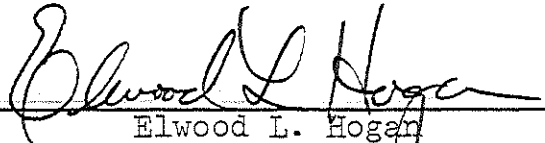
NO. 4852

COUNT ONE

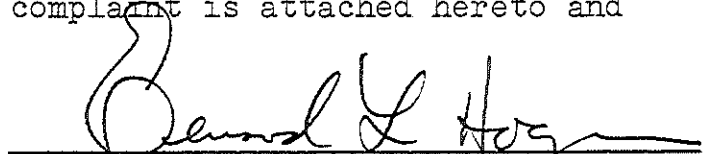
Plaintiff claims of the Defendant THREE HUNDRED TWELVE AND 80/100 (\$312.80) DOLLARS, being the balance due from the Defendant by account, to-wit: February 15, 1960, which sum of money with interest thereon is still unpaid.

COUNT TWO

Plaintiff claims of the Defendant THREE HUNDRED TWELVE AND 80/100 (\$312.80) DOLLARS, being the balance due on account stated between the Plaintiff and the Defendant on, to-wit: February 15, 1960, which sum of money with the interest thereon is still unpaid.


Elwood L. Hogan
Attorney for Plaintiff

An itemized verified statement of the account sued on in Count One of the foregoing complaint is attached hereto and filed herewith.


Elwood L. Hogan
Attorney for Plaintiff

Defendant's Address:

Robertsdale, Alabama

FILED

SEP 1 1961

ALICE L. DUCK, CLERK
REGISTER

EDWIN R. JENNY
2024 HEITMAN STREET
FORT MYERS, FLORIDA

IN ACCOUNT WITH:

Mr. Charles Mattingly
Robertsdale,
Alabama

Balance due for: Two (2) Federal Model 76-A 12 volt sirens
One (1) Federal Model 17 Beacon Ray Light,
12 volts

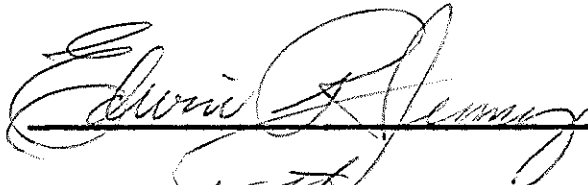
Date: February, 1960

Amount Due: \$312.80

STATE OF FLORIDA

COUNTY OF LEE

Before me, the undersigned notary public in and for said state and county, personally appeared EDWIN R. JENNY who is known to me and who being by me first duly sworn, deposes and says that he is an individual d/b/a EDWIN R. JENNY, 2024 Heitman Street, Fort Myers, Florida, and that the foregoing statement of the account of CHARLES MATTINGLY is true and correct and that the defendant, CHARLES MATTINGLY of Robertsdale, Alabama is justly indebted to the said EDWIN R. JENNY in the amount of THREE HUNDRED TWELVE AND 80/100 (\$312.80) DOLLARS after allowing all rebats, set-offs or counter-claims.



Sworn to and subscribed before me this 15th day of July, 1961.


NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES DEC. 27, 1961

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4852

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon CHARLES MATTINGLY

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

CHARLES MATTINGLY

, Defendant

by EDWIN JENNY

, Plaintiff

Witness my hand this 1st day of September 1961

Alice J. Duck, Clerk

No. 4852 Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

EDWIN JENNY

Plaintiffs

vs.

CHARLES MATTINGLY

Defendants

Summons and Complaint

Filed Sept. 1, 1961

Alice J. Duck Clerk

Hogan & Helt

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

Received In Office

Sept 1, 1961

_____, Sheriff

I have executed this summons

this Sept 24 1961

by leaving a copy with

Charles Mattingly

Sheriff claims 50 miles at

Ten Cents per mile Total \$5.00

TAYLOR WILKINS, Sheriff

BY _____
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Robert Wilkins Deputy Sheriff

Robert Wilkins

EDWIN JENNY,
Plaintiff,
vs.
CHARLES MATTINGLY,
Defendant.

COUNT ONE

Plaintiff claims of the Defendant THREE HUNDRED TWELVE AND 80/100 (\$312.80) DOLLARS, being the balance due from the Defendant by account, to-wit: February 15, 1960, which sum of money with interest thereon is still unpaid.

COUNT TWO

Plaintiff claims of the Defendant THREE HUNDRED TWELVE AND 80/100 (\$312.80) DOLLARS, being the balance due on account stated between the Plaintiff and the Defendant on, to-wit: February 15, 1960, which sum of money with the interest thereon is still unpaid.

Elwood L. Hogan
Elwood L. Hogan
Attorney for Plaintiff

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Elwood L. Hoga
Elwood L. Hoga
Attorney for Plaintiff

Defendant's Address:

Robertsdale, Alabama

EDWIN R. JENNY
2024 HEITMAN STREET
FORT MYERS, FLORIDA

IN ACCOUNT WITH:

Mr. Charles Mattingly
Robertsdale,
Alabama

Balance due for: Two (2) Federal Model 76-A 12 volt sirens
One (1) Federal Model 17 Beacon Ray Light,
12 volts

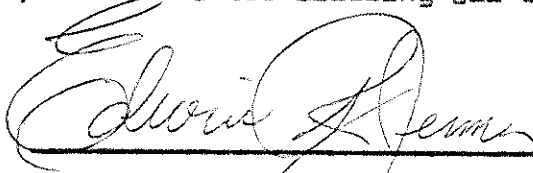
Date: February, 1960

Amount Due: \$312.80

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COUNTY OF LEE

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Seems to and subscribed before me this 15th day of July, 1961.


NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES DEC. 27, 1961

EDWIN JENNY,

Plaintiff,

vs.

CHARLES MATTINGLY,

Defendant.

§ IN THE CIRCUIT COURT

§ OF BALDWIN COUNTY,

§ ALABAMA

§


§ NO. _____

COUNT ONE

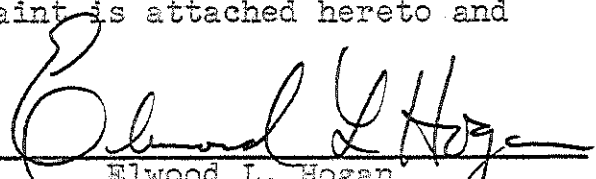
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Elwood L. Hogan
Attorney for Plaintiff

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Elwood L. Hogan
Attorney for Plaintiff

Defendant's Address:

Robertsdale, Alabama

EDWIN R. JENNY
2024 HEITMAN STREET
FORT MYERS, FLORIDA

IN ACCOUNT WITH:

Mr. Charles Mattingly
Robertsdale,
Alabama

Balance due for: Two (2) Federal Model 76-A 12 volt sirens
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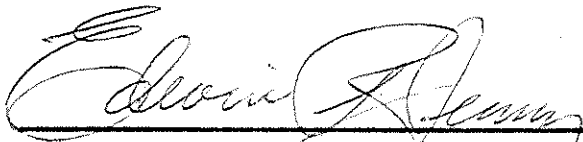
Date: February, 1960

Amount Due: \$312.80

STATE OF FLORIDA

COUNTY OF LEE

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Sworn to and subscribed before me this 15th day of July, 1961.


NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

MY COMMISSION EXPIRES DEC. 27, 1961

EDWIN JENNY,	℥	IN THE CIRCUIT COURT
Plaintiff,	℥	OF BALDWIN COUNTY,
vs.	℥	ALABAMA.
CHARLES MATTINGLY,	℥	
Defendant.	℥	NO. 4852

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

Comes now the Plaintiff in the above styled cause and moves this Honorable Court to set aside the judgment of dismissal rendered on 17th day of January, 1962 and as grounds therefor, assigns the following separately and severally:

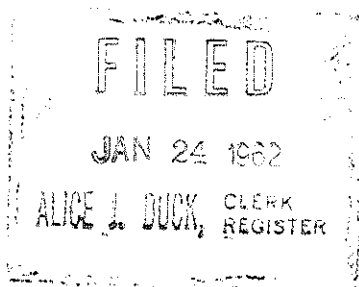
1. That the attorney for the Plaintiff was engaged in the trial of a case in Circuit Court, Criminal Division, Mobile County, Alabama which was set on the docket for 9:30 A.M. on January 17, 1962.

2. That the Plaintiff in said cause is a non-resident of the State of Alabama and was unable to come to the State of Alabama and was unable to be in Baldwin County for business reasons.

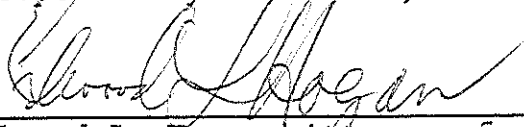
3. That the Plaintiff has a meritorious cause of action and there has been no sworn denial filed by the Defendant to the itemized, verified statement of account attached to the complaint of the Plaintiff.

WHEREFORE, the premises considered and on the grounds alleged herein, your Petitioner moves this Honorable Court to set aside the judgment of dismissal rendered herein and

prays that this cause be reinstated and placed on the docket,
or in the alternative Petitioner prays the judgment of dismissal
be set aside and that a non-suit be entered on motion of the
Plaintiff, and Petitioner prays for such other, further or
different relief, the premises considered.



Respectfully submitted,


Elwood L. Hogan, Attorney for Plaintiff

EDWIN JENNY,

Plaintiff,

VS.

CHARLES MATTINGLY,

Defendant.

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA

NO. 4852

PLEA

Now comes the Defendant in the above styled cause and for pleasto the complaint heretofore filed in said cause and to each count thereof separately and severally says separately and severally:

1. Not guilty.
2. The allegations of the complaint are untrue.


Attorney for Defendant

FILED

OCT 23 1961

ALICE J. DUCK, CLERK
REGISTER