

41896

FAIRHOPE ICE AND CREAMERY COMPANY, INC. ) IN THE CIRCUIT COURT OF  
PLAINTIFF ) BALDWIN COUNTY, ALABAMA  
-VS- ) AT LAW  
GULF PROPERTIES INC., A CORPORATION )  
d/b/a HOWARD JOHNSON )  
DEFENDANT )

COUNT ONE

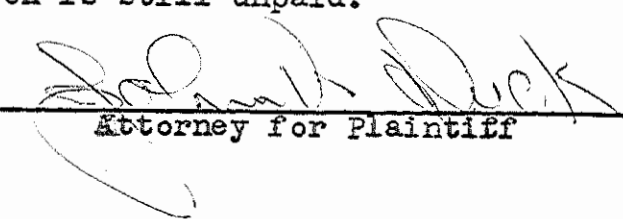
Plaintiff claims of the Defendant the sum of ONE THOUSAND TWELVE and 35/100 (\$1,012.35) DOLLARS, due from it by account from on to-wit: the 1st day of March, 1961, until on to-wit the 19th day of September, 1961, which sum of money with the interest thereon is still unpaid.

COUNT TWO

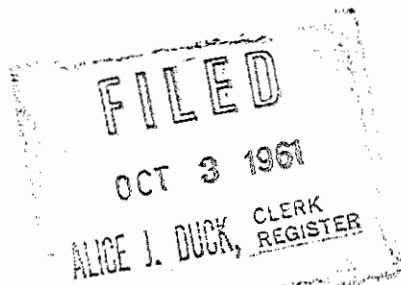
Plaintiff claims of the Defendant the sum of ONE THOUSAND TWELVE and 35/100 (\$1,012.35) DOLLARS, for merchandise, goods and chattles sold by the Plaintiff to the Defendant from on to-wit the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, until on to-wit the 19th day of September, 1961, which sum of money with the interest thereon is still unpaid.

COUNT THREE

Plaintiff claims of the Defendant the sum of ONE THOUSAND TWELVE and 35/100 (\$1,012.35) DOLLARS, on account stated between Plaintiff and Defendant on 19th day of September, 1961, which sum of money with the interest thereon is still unpaid.

  
\_\_\_\_\_  
Attorney for Plaintiff

Defendant may be served at:  
Howard Johnsons, Mobile Bay  
Causeway, Star Route, Daphne, Ala.



SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon GULF PROPERTIES INC., A CORPORATION d/b/a  
HOWARD JOHNSONS

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 GULF PROPERTIES, INC.,  
A CORPORATION d/b/a HOWARD JOHNSONS, Defendant.

by FAIRHOPE ICE AND CREAMERY COMPANY, INC.,

Plaintiff.

Witness my hand this

3

day of

Oct

19 61

W. J. Smith

Clerk

No. 4896

Page \_\_\_\_\_

**THE STATE OF ALABAMA**  
BALDWIN COUNTY

**CIRCUIT COURT**

**FAIRHOPE ICE AND CREAMERY  
COMPANY, INC.**

Plaintiffs

vs.

**GULF PROPERTIES INC., A COR-  
PORATION, d/b/a HOWARD JOHNSONS**

Defendants

**SUMMONS and COMPLAINT**

**FILED**

Filed OCT 3 1961, 19\_\_\_\_

ALICE J. DUCK, CLERK, Clerk  
REGISTER

John V. Duck

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
**May be served at: Mobile Bay  
Causeway, Star Route, Daphne,  
Alabama.**

RECEIVED IN OFFICE

10/3, 1961

\_\_\_\_\_, Sheriff

I have executed this summons

this Oct 4, 1961

by leaving a copy with

Stanley Winn  
Manager  
Paper made out  
incorrect

Sheriff claims 60 miles at

Ten Cents per mile Total \$ 6.00

TAYLOR WILKINS, Sheriff

BY T. W. Barnes  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. L. Barnes Deputy Sheriff

Causeway

FAIRHOPE ICE & CREAMERY  
COMPANY, INC.,

Plaintiff

vs.

GULF PROPERTIES, INC., a  
corporation, d/b/a Howard  
Johnson,

Defendant

I IN THE CIRCUIT COURT  
I  
I OF BALDWIN COUNTY,  
I  
I ALABAMA  
I  
I AT LAW  
I  
I CASE NO. 4896

Comes now Gulf Properties, Inc., a corporation, by and through their attorneys, Hamilton, Denniston, Butler & Riddick, and appearing specially for the purpose of this plea and abatement and for no other purpose, and expressly not submitting to the general jurisdiction of this Honorable Court, pray that the above styled cause be abated as to Gulf Properties, Inc., a corporation, and for grounds therefore, separately and severally say:

ONE

Gulf Properties, Inc., a corporation, is not doing business as Howard Johnson.

TWO

Causeway Howard Johnson's, Inc., a corporation, is the owner and operator of the Howard Johnson Restaurant on the Mobile Bay Causeway, Baldwin County, and is the proper corporate Defendant in the above styled cause.

THREE

Gulf Properties, Inc., a corporation, is not the owner and operator of the Howard Johnson Restaurant on the Mobile Bay Causeway, Baldwin County, Alabama, and is not the debtor of the account sued on in the bill of complaint.

WHEREFORE, GULF PROPERTIES, INC., a corporation, prays

that the summons and complaint served upon S. R. Winn on,  
to-wit, October 4, 1961, in the above styled cause be abated.

HAMILTON, DENNISTON, BUTLER & RIDDICK

By Miller A. Widemire  
Attorneys for Gulf Properties, Inc.  
appearing specially for the purpose  
of this plea and abatement and for  
no other purpose.

STATE OF ALABAMA )  
COUNTY OF MOBILE )

Before me, the undersigned authority, personally appeared  
S. R. Winn, who is known to me, and who being by me first duly  
sworn, deposed and said:

That he is the Treasurer of Causeway Howard Johnson's,  
Inc., a corporation, that as such officer he has personal know-  
ledge of the matters set forth in the foregoing plea and abatement,  
that he has read the foregoing plea and abatement, and that the  
facts stated therein are true and correct.

S. R. Winn  
S. R. Winn

Sworn and subscribed to before me  
this 19th day of October, 1961.

Lillian M. Hendrich  
Notary Public, Mobile County, Alabama.

CERTIFICATE OF SERVICE

I, Miller A. Widemire, attorney for Gulf Properties, Inc.  
in the above styled cause, hereby certify that I served a copy  
of the foregoing plea and abatement upon the Honorable John  
Duck, attorney for the Plaintiff therein, by mailing a copy there-  
of to his office by United States mail, postage prepaid, this  
19th day of October, 1961.

Miller A. Widemire  
Miller A. Widemire

