

JOHNNIE GRISWOLD AND OLENE GRISWOLD

PLAINTIFFS

VS

CLAUDE T. CREIGHTON AND CATHERINE
E. CREIGHTON

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW, NO. 4905

ANSWER

Comes now the Defendants, Claude T. Creighton and Catherine E. Creighton, and for answer to the complaint heretofore filed by the Plaintiffs, say:

1) That at the time this action was commenced by the Plaintiffs the said Plaintiffs were indebted to the Defendants in the sum of Two Thousand (\$2,000.00) Dollars for that, on, to-wit: the 15th day of December 1960, as part of the consideration for the execution of the note which is the basis of this law-suit, the Plaintiff, Johnnie Griswold, wilfully misrepresented to the Defendant, Claude T. Creighton, that his milk base allowed by the State of Florida was 83 or 87 gallons of milk per day, when in fact, unknown to the Defendants, the milk base was 63 1/2 gallons of milk per day, and as a proximate result of the said misrepresentation by the said Plaintiff, Johnnie Griswold, the Defendants suffered damages in the loss of income from milk production which was a material part of the consideration for the note which is the basis of this suit, to the extent of Two Thousand (\$2,000.00) Dollars, which sum the Defendants hereby offer to set off against the demands of the Plaintiffs.

2) Defendants claim of the Plaintiffs the sum of Seven Thousand (\$7,000.00) Dollars for that on, to-wit: the 15th day of December 1960, as part of the consideration for the execution of the note which is the basis of this law-suit, the Plaintiff, Johnnie Griswold, wilfully misrepresented to the Defendant, Claude T. Creighton, that his milk base allowed by the State of Florida was 83 or 87 gallons of milk per day, when in fact, unknown to the Defendants, the milk base was 63 1/2 gallons of milk per day, and

as a proximate result of the said misrepresentation by the said Plaintiff, Johnnie Griswold, the Defendants suffered damages in the loss of income from milk production which was a material part of the consideration for the note which is the basis of this suit, to the extent of Seven Thousand (\$7,000.00) Dollars damages to the Defendants, hence this suit.


Attorney for Defendants

Defendants demand trial by jury.

I hereby certify that a copy of this answer and plea in recoupment has been mailed to Wilters, Brantley & Nesbit, Robertsedale, Alabama, postage prepaid.


Attorney for Defendants

FILED

NOV 10 1951

ALICE I. DUCK, CLERK
REGISTER

JOHNNIE GRISWOLD AND
OLENE GRISWOLD

Plaintiffs

VS

CLAUDE T. CREIGHTON AND
CATHERINE E. CREIGHTON,

Defendants

Ø

Ø

Ø

Ø

Ø

Ø

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4905

ANSWER

Comes now the Plaintiffs in the above styled cause and files the following replications to the Defendants' answer and to each plea thereto separately and severally.

1.

The Plaintiffs joint issue with the Defendants pleas one and two.

2.

The Plaintiffs aver that on the 15th day of December, 1960, they sold the Defendants their dairy, which included 41 cows, a barn, 3 milking machines and a milk cooler; that a consideration for this conveyance the Defendants agreed to pay the Plaintiffs the total sum of \$15,000.00. That the Defendants did pay the Plaintiffs the sum of \$13,500.00 and executed the note sued on as security for the balance due. The Plaintiffs further aver that they did not willfully misrepresent their milk base to the Defendants at this time or at any other time. The Plaintiffs further aver that they have never represented their milk base to be any specific amount to the Defendants either prior to the sale, at the sale nor since then. They say further that their milk base was not a material part of the contract nor a material part of the consideration for the note being sued on.

WILTERS, BRANTLEY & NESBIT

BY:

Phillip S. Nesbit
Attorneys for the Plaintiffs

FILED

JAN 11 1962

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY ALABAMA

AT LAW

NO. 4905

JOHNNIE GRISWOLD AND
OLENE GRISWOLD

Plaintiffs

VS

CLAUDE T. CREIGHTON AND
CATHERINE E. CREIGHTON,

Defendants

ANSWER

JAMES A. BRICE
Foley, Alabama
Attorney for the Defendants

WILTERS, BRANTLEY & NESBIT
Robertsdale, Alabama
Attorneys for the Plaintiffs

FILED

JAN 21 1932

ALB. CO. CLERK, REGIST.

JOHNNIE GRISWOLD AND
OLENE GRISWOLD,

Plaintiffs,

Vs.

CLAUDE T. CREIGHTON AND
CATHERINE E. CREIGHTON,

Defendants.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 4905

DEMURRERS

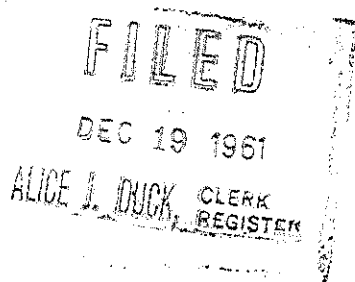
Comes now the Plaintiffs, Johnnie Griswold and Olene Griswold in the above styled cause and demur to the Defendant's answer of set-off and recoupment and to each count thereof separately and assign the following grounds of demurrer:

1. Each count is so vague, indefinite, uncertain and without sufficient statements as to whether the Defendants are pleading as set-off or recoupment, a Breach of Contract, Breach of Warranty, Deceit in Sale of Chattels, Fraud or Failure to Consideration that the Plaintiffs are unable to take issue thereon.

2. Count One does not allege sufficient facts with enough precision to enable the Plaintiffs to know from an inspection of it, against what they are called on to make defense.

3. In the allegation of failure of consideration for the execution of the note which is the basis of this law-suit, the Defendants do not state the entire consideration and the entire act to be done in virtue of the consideration thereof.

4. Allegations of the answer fail to show that the Plaintiffs made the alleged misrepresentation with a knowledge of their being false or that the Defendants relied upon such alleged misrepresentations to their injury.



WILTERS, BRANTLEY & NESBIT

BY: Thypha L. Nesbit
Attorneys for the Plaintiffs

JOHNNIE GRISWOLD AND
OLENE GRISWOLD

Plaintiffs

VS

CLAUDE T. CREIGHTON AND
CATHERINE E. CREIGHTON

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4905

DEMURRERS

Comes now the Plaintiffs, Johnnie Griswold and Loene Griswold in the above styled cause and demur to the Defendant's answer of set-off and recoupment and to each count thereof separately and assign the following grounds of demurrer:

1. Each count is so vague, indefinite, uncertain and without sufficient statements as to whether the Defendants are pleading as set-off or recoupment, a Breach of Contract, Breach of Warranty, Deceit in Sale of Chattels, Fraud or Failure to Consideration that the Plaintiffs are unable to take issue thereon.

2. Count One does not allege sufficient facts with each precision to enable the Plaintiffs to know from an inspection of it, against what they are called on to make defense.

3. In the allegation of failure of consideration for the execution of the note which is the basis of this law-suit, the Defendants do not state the entire consideration and the entire act to be done in virtue of the consideration thereof.

4. Allegations of the answer fail to show that the Plaintiffs made the alleged misrepresentation with a knowledge of their being false or that the Defendants relied upon such alleged misrepresentations to their injury.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit
Attorneys for the Plaintiffs

FILED

NOV 30 1961

ALICE J. DUCK, CLERK
REGISTER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4905

JOHNNIE GRISWOLD AND
OLENE GRISWOLD

Plaintiffs

VS

CLAUDE T. CREIGHTON AND
CATHERINE E. CREIGHTON

Defendants

JAMES A. BRICE
Attorney for the Defendants
Foley, Alabama

FILED

NOV 30 1961

WILLIE J. DUCK, CLERK
WILLIE J. DUCK, CLERK
BRANTLEY & MESBIT
Attorneys for the Plaintiffs
Robertsdale, Alabama

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Claude T. Creighton and Catherine E. Creighton, to appear and plead, answer or demur within thirty days from the service hereto to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, by Johnnie Griswold and Olene Griswold.

Witness my hand this 5 day of Oct, 1961.

Alice J. Duck
Alice J. Duck, Clerk

JOHNNIE GRISWOLD AND OLENE
GRISWOLD

Plaintiffs

VS.

CLAUDE T. CREIGHTON AND CATHERINE
E. CREIGHTON

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

1.

The Plaintiffs claim of the Defendants ONE THOUSAND SIX HUNDRED EIGHTY AND 00/100 DOLLARS (\$1,680.00), balance due on a promissory note made by the Defendants on the 15th day of December, 1960, and payable in twenty-four (24) equal monthly installments, one installment being due and payable on April 15, 1961. The Plaintiffs aver that the Defendants defaulted in the payment of this installment and all subsequent monthly installments and that the whole balance has become due and payable. The Plaintiffs claim interest at the rate of 6% per annum from the 15th day of April, 1961; this being provided for in the terms of said promissory note. The Plaintiffs further aver that the Defendants agreed in said promissory note to pay all expenses including reasonable attorney's fees incurred in collecting the same and the Plaintiffs claim a reasonable attorney's fee in the amount of TWO HUNDRED FIFTY-TWO DOLLARS (\$252.00).

WILTERS, BRANTLEY & NESBIT

BY:

Phillip S. Nesbit
Attorneys for the Plaintiffs

FILED

OCT 5 1961

ALICE J. DUCK, CLERK
REGISTER

*Defendants maybe
served at Elberta, Ala.*

We the jury find
for the defendant
Roy C. Stephens
Foreman

(see grand
charge 705)

Received 5 day of Oct 1961
and on 12 day of Oct 1961
I served a copy of the within A.C.
on Claude T. Creighton
Catherine E. Creighton
By service on _____

TAYLOR WILKINS, Sheriff

By Alberto

Sheriff claims 16.80 miles at
Ten Cents per mile Total \$ 16.80
TAYLOR WILKINS, Sheriff
BY DEPUTY SHERIFF

IN THE CIRCUIT COURT OF
BALIWIN COUNTY, ALABAMA

AT LAW

NO. 4905

JOHNNIE GRISWOLD AND OLENE
GRISWOLD

Plaintiffs

VS

CLAUDE T. CREIGHTON AND
CATHERINE E. CREIGHTON

Defendants

FILED

OCT 5 1961

ALICE J. DUCK, CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT
Attorneys at Law
Robertsdale, Alabama

JURY LIST - SPRING SESSION - MARCH 12, 1962

1. Christnacht, Leroy, Civil Service, Lillian
2. Cabaniss, Ray, Newport, Bay Minette
3. Byrd, Carl, Civil Service, Stapleton
4. Bryars, Rudolph M., Brookley Field, Bay Minette
5. Bryhn, Vernon A., Farmer, Elberta
6. Beasley, Wilson C., Merchant, Bay Minette
7. Bishop, Clarence, Farmer, Fairhope
8. Bloxham, Walter, Farmer, Fairhope
9. Brock, L.B., Farmer, Robertsedale
10. Gilbert, B.B., Mechanic, Bay Minette
11. Good, Joe, Farmer, Elberta
12. Crook, Prince, Laborer, Bay Minette
13. Guenther, Paul O., Civil Service, Foley
14. Gullledge, Carl, REA, Robertsedale
15. Akers, Radna W., Insurance, Bay Minette
16. Martin, Albert D., Newspaper, Bay Minette
17. Coleman, John E., Farmer, Bay Minette
18. Corley, Marace, W., Brookley Field, Bay Minette
19. Epperson, Edwin, Civil Service, Foley
20. Erdmann, Rudolph C., Plumber, Mag. Spgs.
21. Fell, Russell, Civil Service, Lillian
22. Hill, Robert, Merchant, Loxley
23. Jaye, James J., Farmer, Rabon
24. Jordan, Green, Merchant, Bay Minette
25. Kane, James, Farmer, Loxley
26. Keenan, Ruben A., Oil Dealer, Robertsedale
27. Keuler, Albert, Salesman, Loxley
28. King, Horace, E., Farmer, Mag. Spgs.
29. King, Vernon, Farmer, Robertsedale
30. Stucki, Alfred, Locker Plant Mgr., Elberta
31. Styron, Irby L., Plant Forman, Robertsedale
32. Moorer, Douglas, Clerk, Bay Minette
33. Moyer, Roy, Druggist, Fairhope
34. Nelson, J.L., Jr., Laborer, Fairhope
35. Nelson, Harry, Post Office, Bay Minette
36. Milton, Ovdrecka, Farmer, Robertsedale
37. Palmer, James J., Farmer, Robertsedale
38. Rhodes, Elbert M., Farmer, Summendale
39. Roberts, Raymond C., Farmer, Foley
40. Roley, Charlie N., Farmer, Perdido
41. Schrieber, Bill, Carpenter, Foley
42. Stephens, Ray, Banker, Bay Minette
43. Seibert, Fred, Jr., Farmer, Elberta
44. Stewart, Frank, State Emp., Gulf Shores
45. Stuart, Derrill, Contractor, Bay Minette
46. Lamberth, Jack Ogal, Farmer, Bay Minette
47. Strickland, Marvin, Laborer, Bay Minette
48. McDaniel, Schuler, Farmer, Robertsedale
49. Corte, Albert, Farmer, Belforest

P XXXXX XXXX

D XXXXX XXXXX

49
6
43
12
27
29

10
9