

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Edmund R. Cimino, 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 C. B. S. Dress Company, Inc., a Corporation.

Witness my hand this the 5 day of Oct., 1961.

Alice J. Duck
Alice J. Duck, Clerk

C. B. S. DRESS COMPANY, INC.,
a Corporation,

Plaintiff

VS

EDMUND R. CIMINO, individually
and EDMUND R. CIMINO d/b/a THE
SMART SHOP and EDMUND R. CIMINO
d/b/a THE TOWN AND COUNTRY SHOPS

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4906

1.

The Plaintiff claims of the Defendant the sum of NINE HUNDRED THIRTY-EIGHT and 14/100 DOLLARS (\$938.14), due from him by account on the 14th day of July, 1961, which sum of money with the interest thereon, is still unpaid.

2.

The Plaintiff claims of the Defendant the sum of NINE HUNDRED THIRTY-EIGHT and 14/100 DOLLARS (\$938.14), due from him by account on, to-wit, July 14, 1961, 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.

WILTERS, BRANTLEY & NESBIT

BY: Charles S. Nesbit

Attorneys for the Plaintiff

FILED

OCT 5 1961

ALICE J. DUCK, CLERK
REGISTER

180

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Defendant

FILED
OCT 5 1964
ALICE J. DUCK, CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT
Attorneys at Law
Robertsdale, Alabama

Received 5 day of Oct 1964
and on 6 day of Oct 1964
I served a copy of the within Agc
on Edmund R. Cimino
By service on _____

TAYLOR WILKINS, Sheriff
By W. B. Zeller D. S.
6 m'

United Mercantile Agencies, Inc.

UNITED BUILDING

LOUISVILLE 2, KY.

County of HENDERSON

State of KENTUCKY

} SS.

Before me, Mary Elizabeth Wells a Notary Public duly commissioned
and sworn in and for the above state and county, this day personally appeared Ernestine Seitz
to me well known, who being by me first duly sworn says that;

- *1. He is an individual trading as _____
*2. That he and _____ are partners trading as _____
*3. That ^She is treasurer of C.B.S. SALES CORPORATION of Henderson, Kentucky
a corporation incorporated under the laws of the State of Kentucky and that the foregoing account
in favor of C.B.S. SALES CORPORATION and against Town & Country Shops, Farmhope, Ala.
Smart Shop, Bay Minette, Ala.
showing a balance and amount due of 938.71 with _____ interest from the
_____ day of _____ 1961, until paid, is within his knowledge just true and correct; that
it is justly and truly due and unpaid; that all just and lawful offsets, credits, discounts and payments have been
allowed and the said amount is due after said allowance and exclusive of all set-offs and just grounds of defense;
that the goods in said accounts were sold and delivered as therein charged and on said last named day said
amount became due and payment thereof was demanded and no part of same has been paid.

Sworn to and subscribed before me this 20 day of September 1961

Mary Elizabeth Wells

Notary Public.

*Use paragraph covering.

My commission expires May 10, 1965

C. B. S. DRESS COMPANY, INC.,
A Corporation,

Plaintiff,

Vs

EDMUND R. CIMINO, Individually,

and EDMUND R. CIMINO, d/b/a THE

SMART SHOP, Et Al.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

Case No. 4906

DEMURRER

Comes now the Defendants in the above styled cause, and for answer to the Complaint heretofore filed in this cause, and to each and every count thereof, separately and severally, says as follows:

1.

The allegations of the Complaint fail to state a cause of Action.

2.

The allegations of the Complaint are conclusions of the pleader.

3.

The itemized statement of account attached to the original Bill of Complaint fail to show that the account is due and payable

4

The itemized statement of account attached to the original Bill of Complaint fail to show when the account became due and payable.

5.

The allegations of the Complaint fail to show how Edmund R. Cimino as an individual is responsible for the alleged debts

6.

The Bill of Complaint fails to show whether the account due is payable from The Smart Shop or The Town and Country Shops.

Kenneth Cooper
Attorney for Defendant.

Defendant demands a trial

by jury in this cause.

Kenneth Cooper
Attorney for Defendant.

FILED

NOV 21 1961

ALICE J. DUCK, CLERK
REGISTER