

LLOYD E. MASTERS,

PLAINTIFF,

-VS-

FREDERICK W. SMITH,

DEFENDANT.

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

No. 4927

COUNT ONE

The Plaintiff claims of the Defendant Five Thousand and No/100 Dollars (\$5,000.00), damages for deceit in the sale of furniture, fixtures, stock in trade, food, tables, chairs, piano, and other personal property, located upon property leased by one James W. Rountree to the Plaintiff on the Mobile Bay Causeway, Baldwin County, Alabama, the Defendant representing to the Plaintiff that he was the owner of said property, which the Defendant at the time of the sale, knew he did not own, but was in fact the property of the said James W. Rountree.

COUNT TWO

The Plaintiff claims of the Defendant Two Thousand and No/100 Dollars (\$2,000.00) for money on the 6th day of October, received by the Defendant to the use of the Plaintiff, which sum of money together with the interest thereon, is still due and unpaid.


LLOYD E. MASTERS, Plaintiff

Attorney for Plaintiff:
Groves C. Hillard
305 Staples-Pake Building
Mobile, Alabama.

Defendant may be served at:
307 Plaza Hotel
168 St. Francis Street
Mobile, Alabama

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 4926

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

Fredrick W. Smith

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

Fredrick W. Smith

, Defendant

by

Lloyd E Masters

, Plaintiff

Witness my hand this

30

day of

October

19 61

Clerk

Ex-11-2-61

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No. 4927

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THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

LLOYD E. MASTERS

Plaintiffs

vs.

25
FREDRICK W. SMITH

Defendants

SUMMONS and COMPLAINT

Filed 10-26-61, 19

Alice J. Duck, Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

10/30, 1961

, Sheriff

I have executed this summons

this November 2, 1961

by leaving a copy with

Frederick W. Smith

Ray L. Bridger Sheriff

R. Rogers Deputy Sheriff

LLOYD E. MASTERS,	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
FREDERICK W. SMITH	X	AT LAW NO. 4927
Defendant	X	

Comes the defendant in the above styled cause and for demurrer to the complaint filed in said cause and to each count thereof and each phase of each count thereof separately and severally shows unto this Honorable Court as follows:

In regard to Count One of said complaint:

-1-

That for aught alleged the pleading is the conclusion of the pleader in that the said plaintiff fails to allege a competent description of the personal property alleged to be the property of James W. Rountree.

-2-

That for aught alleged plaintiff fails to allege the contract of sale or set out same.

-3-

That for aught alleged the plaintiff failsto allege whether said contract was in writing and attach a copy of said contract sued upon.

-4-

That for aught alleged said plaintiff fails to allege whether said contract was an oral contract of sale or was in writing and set out the terms of said contract.

In regard to Count Two of said complaint:

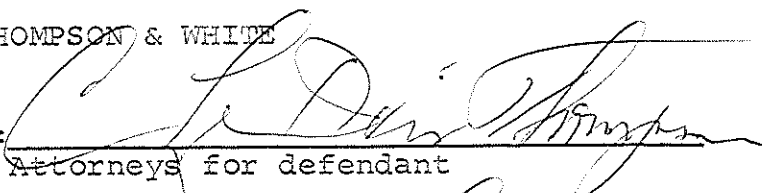
-5-

That for aught alleged plaintiff fails to state a cause of action.

-6-

For aught alleged plaintiff failsto allege who or what person paid the defendant the sum of \$2,000.00

THOMPSON & WHITE

BY: 
Attorneys for defendant

Defendant respectfully demands trial by jury.


Attorneys for defendant.

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FILED
DEC 14 1961
ALICE J. DUCK, CLERK
REGISTER