

JOHN T. SALTER,

Plaintiff,

Vs.

JOHNSON CHEVROLET, INC.
a corporation,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

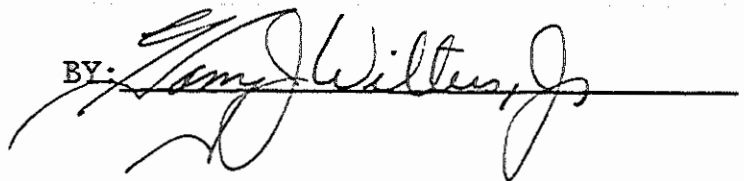
CASE NO.

4973

The Plaintiff claims of the Defendant THREE THOUSAND AND 00/100 DOLLARS (\$3,000.00), damages for deceit in the sale of a 1961, 6-cylinder, Chevrolet, Motor number 9158, and representing to the Plaintiff that the automobile was new and in good operating condition which the Defendant at the time of the sale, knew that the automobile was a used one and not in sound operating condition.

WILTERS & BRANTLEY

BY:



The Defendant's address:

501 St. Joseph Street
Mobile, Alabama

FILED

DEC 14 1961

ALICE J. DUCK, CLERK
REGISTER

SUMMONS AND COMPLAINT

Baldwin Times

THE STATE OF ALABAMA,
BALDWIN COUNTY

No. 4973

CIRCUIT COURT, BALDWIN COUNTY

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon JOHNSON CHEVROLET INC., A CORP.

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

JOHNSON CHEVROLET INC., A CORP., Defendant

by JOHN T. SALTER

Plaintiff

Witness my hand this 14th day of December 19 61

W. J. Duck, Clerk

Exh 12-27-61

1-11
No. 4973 3019

12/15/61

Page _____

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

JOHN T. SALTER

Plaintiffs

vs.

27
JOHNSON CHEVROLET INC., A CORP.

J. Smithwick
General Manager
Defendants

SUMMONS and COMPLAINT

Filed December 14, 1961

Alice J. Duck, Clerk

RECEIVED

DEC 18 1961

SHERIFF'S OFFICE
WILTERS & BRANTLEY
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at _____

RECEIVED IN OFFICE

Dec 18, 1961

Ray L. Bridges, Sheriff

I have executed this summons

this Dec 27, 1961

by leaving a copy with

Johnson Chevrolet
Inc. - a corporation
by service on

J. Smithwick
General Manager

Ray L. Bridges, Sheriff

C. Fitzpatrick, Deputy Sheriff

JOHN T. SALTER,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
vs.)	AT LAW
)	
JOHNSON CHEVROLET, INC.,)	
a corporation,)	
)	
Defendant.)	Case No. 4973

Comes now the defendant in the above styled cause, appearing specially for the sole purposes of the within motion and plea (and not generally), and moves the Court as follows:

MOTION TO QUASH SERVICE

Defendant moves to quash the return of service of summons on the following ground: That the defendant has not been properly served with process in this action as will more particularly appear from affidavits and proof which will be offered upon the hearing of the within motion and plea.

PLEA IN ABATEMENT

Defendant moves to abate this action on the following separate and several grounds:

A. The defendant is a corporation organized and existing under the laws of the State of Alabama and defendant did not, either at the time of the filing of this suit, or at the time of the attempt to serve process upon this defendant, have any office or place of business, or do business by agent, in Baldwin County, Alabama;

B. This Court has not acquired and cannot acquire jurisdiction over the defendant in this action.

INGE, TWITTY & DUFFY

By: 

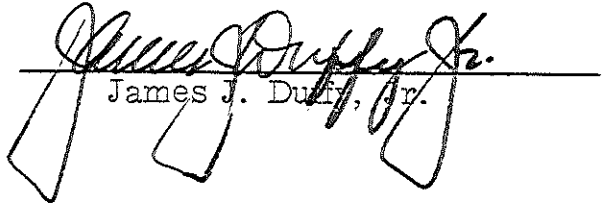
James J. Duffy, Jr.

STATE OF ALABAMA)

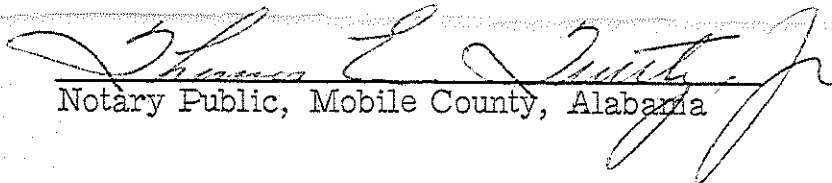
COUNTY OF MOBILE)

Before the undersigned Notary Public in and for said county in said state, personally appeared James J. Duffy, Jr., one of the attorneys for

the defendant in the above entitled cause and who, after having been first duly sworn on oath, deposes and says that the allegations in the foregoing motion and plea are true except as to matters of information and belief, and as to such matters he is informed and believes the same to be true.


James J. Duffy, Jr.


Subscribed and sworn to before
me this 7th day of February, 1962.


Notary Public, Mobile County, Alabama

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

This 7th day of February, 1962.


Attorney for Defendant, Johnson Chevrolet, Inc.

FILED
FEB 8 1962
ALICE L. DICK, CLERK
REGISTER