

CECIL G. CHASON
ATTORNEY-AT-LAW
FOLEY, ALABAMA

November 26, 1963

Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed is demurrer in the case of Reynolds
Brothers Lumber Company, Inc., vs J. B. Donaldson,
case # 5781, a copy of which is this day being sent
to the Attorney for the Plaintiff.

Yours very truly,



C. G. Chason

CGC:dc

Encl. 1

REYNOLDS BROTHERS LUMBER COMPANY,
INC., a corporation

PLAINTIFF

VS

J. B. DONALDSON

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

I

The Plaintiff claims of the Defendant Six Hundred Ten and 34/100 (\$610.34) Dollars, due from him on account, to-wit: the 27th day of May 1963, which sum of money, with interest thereon, is still unpaid.

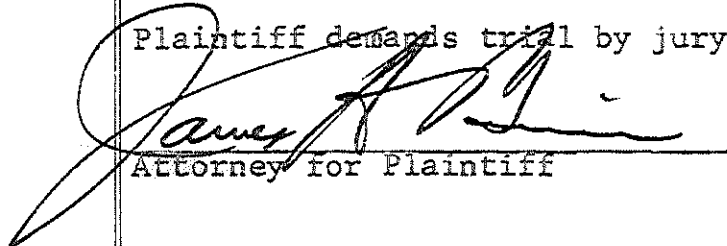
II

The Plaintiff claims of the Defendant Six Hundred Ten and 34/100 (\$610.35) Dollars, due from him on account for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to-wit: the 27th day of May 1963, which sum of money, with interest thereon is still unpaid.


Attorney for Plaintiff

There is attached hereto as Exhibit "A" and made a part hereof, an itemized statement of account verified by affidavit of J. P. Reynolds, a competent witness, sworn to before a Notary Public, which statement shows the amount due on this account as of the 27th day of May 1963, and due at present.

Plaintiff demands trial by jury.


Attorney for Plaintiff

Ed-11-12-63

PLUMBING & ELECTRICAL

STATEMENT

READY MIX CONCRETE
KENTILE
FLOOR COVERING
BRICK

SUPPLIES
HART'S PAINTS - 1322 COLORS
HARDWARE

J. P. and M. S. REYNOLDS
P. O. BOX 855
PHONE WH 3-7291

Reynolds Brothers Lumber Co., Inc.

FOLEY, ALABAMA

DAVENPORT CONSTRUCTION CO.
"DONALDSON JOB"

All Bills MUST Be Paid By 10th			
DATE	INVOICE NO.	DEBITS	CREDITS
			BALANCE FORWARD
			BALANCE
JAN. 8			2,465.75
JAN 9 53 A	7,420	134	2479.81
JAN 9 53 A	7,428	14.05	2482.53
JAN 9 53	7,482	2.72	2501.33
JAN 9 53	7,491	18.80	2564.57
JAN 9 53	7,505	63.24	2570.75
JAN 9 53 A	7,434	6.13	2614.63
JAN 9 53 A	7,471	43.89	2691.83
JAN 9 53 A	7,485	77.20	2808.53
JAN 11 53 A	7,583	116.70	2849.33
JAN 15 53	7,610	40.80	2899.39
JAN 16 53 A	7,621	50.06	2905.78
JAN 16 53 A	7,719	6.39	2997.40
JAN 16 53 A	7,778	91.62	3017.75
JAN 21 53	7,750	20.36	3019.62
JAN 22 53 A	7,756	1.86	3029.15
JAN 22 53	7,821	9.53	3104.30
JAN 22 53	7,818	75.15	3109.31
JAN 25 53	7,885	5.01	3032.11
JAN 25 53	7,485		3035.1
JAN 26 53 A	7,956	2.99	3048.4
JAN 26 53 A	7,964	13.39	3155.
JAN 26 53 A	7,903	106.66	3187.
JAN 29 53 A	7,918	32.26	328.
JAN 30 53	7,974	99.85	3130
JAN 30 53	7,977	82.50	32
JAN 30 53 A	7,969	13.19	32
JAN 30 53 A	8,027		32
JAN 31 53	8,048		32
JAN 31 53 A	8,061		32
JAN 31 53 A	8,077		32
FEB 1 53 A	8,141		32
FEB 1 53 A	8,109		32
FEB 1 53 A	8,132		32
FEB 2 53			32
FEB 4 53			32
FEB 5 53			32

PLUMBING & ELECTRICAL
SUPPLIES
WALLPAPER PAINTS 1522 COLORS
HARDWARE

STATEMENT
J. P. and M. S. REYNOLDS
P. O. BOX 855
PHONE WH 3-7291

READY MIX CONCRETE
KENTILE
FLOOR COVERING
BRICK

Reynolds Brothers Lumber Co., Inc.

FOLEY, ALABAMA

DAVENPORT CONSTRUCTION CO.
"DONALDSON JOB"

All Bills MUST Be Paid By 10th				BALANCE
DATE	INVOICE NO.	DEBITS	CREDITS BALANCE FORWARD	
JAN. 8				2,464.42
JAN 9 53 A	7.420	134		2,465.75
JAN 9 53 A	7.428	14.05		2,479.81
JAN 9 53	7.482	2.72		2,482.53
JAN 9 53	7.491	18.80		2,501.33
JAN 9 53	7.505	63.24		2,564.57
JAN 9 53	7.434	6.13		2,570.7
JAN 9 53 A	7.471	43.88		2,614.6
JAN 9 53 A	7.485	77.20		2,691.8
JAN 11 53 A	7.583	116.70		2,808.5
JAN 15 53	7.610	40.80		2,849.3
JAN 16 53 A	7.621	50.06		2,899.3
JAN 16 53 A	7.719	6.39		2,905.7
JAN 21 53	7.778	91.62		2,997.3
JAN 22 53 A	7.750	20.36		3,017.9
JAN 22 53	7.756	1.86		3,019.7
JAN 22 53	7.821	9.53		3,029.2
JAN 25 53	7.818	75.15		3,104.3
JAN 25 53	7.885	5.01		3,109.3
JAN 26 53 A	7.485			3,114.3
JAN 26 53 A	7.956	2.99		3,117.3
JAN 29 53 A	7.964	13.39		3,130.7
JAN 29 53 A	7.903	106.66		3,237.3
JAN 30 53	7.913	32.26		3,269.5
JAN 30 53	7.974	99.85		3,369.3
JAN 30 53 A	7.977			3,377.3
JAN 30 53 A	7.969	82.50		3,459.8
JAN 31 53	8.027	13.19		3,473.0
JAN 31 53 A				3,486.1
FEB 1 53 A	8.042	12.67		3,498.7
FEB 1 53 A	8.061	10.80		3,509.5
FEB 1 53 A	8.077	2.31		3,511.8
FEB 2 53				3,514.1
FEB 4 53 A	8.141	91.02		3,605.1
FEB 5 53	8.109	13.24		3,618.3
FEB 6 53	8.132	46.35		3,664.6

THANK YOU - WE APPRECIATE YOUR BUSINESS

PLUMBING & ELECTRICAL
SUPPLIES
WARREN'S PAINTS OILS & COLORS
HARDWARE

STATEMENT
J. P. and M. S. REYNOLDS
P. O. BOX 855
PHONE WH 3-7291

READY
FLOOR

Reynolds Brothers Lumber Co.,

FOLEY, ALABAMA

DAVENPORT CONSTRUCTION CO.
"DONALDSON JOINT"

All Bills MUST Be Paid By 10th

DATE	INVOICE NO.	DEBITS	CREDITS
FEB. 6			BALANCE FORWARD
FEB 6 53	8148	295.38	
FEB 6 53	8164	6.03	
FEB 7 53 A	8241	59.17	
FEB 7 53 A	8242	125.39	
FEB 7 53	8205	3.03	
FEB 7 53 A	8240		5.01-
MAY 27 53	1200		50.00-

PAY LAST AMOUNT IN THIS COLUMN

THANK YOU — WE APPRECIATE YOUR BUSINESS

PLUMBING & ELECTRICAL SUPPLIES
WADSWORTH & SONS
HARDWARE

STATEMENT

J. P. and M. S. REYNOLDS
P. O. BOX 855
PHONE WH 37291

Reynolds Brothers Lumber Co

FOLEY, ALABAMA

J. B. DONALDSON
JOSEPHINE, ALABAMA

All Bills MUST Be Paid By 10th

DATE	INVOICE NO.	DEBITS	CREDITS
			BALANCE FORWARD
JAN 9 53 A	7.470	24.72	
JAN 22 53	7.736		24.72-
JAN 31 53 A	8.044	1346.73	
B21 53 A	8.619	1.03	
EB27 53	8.677	2.73	
MAR 6	8.859	47.69 ✓	
	8.866	113.40 ✓	
MAR 8 53	8.897	12.22 ✓	
MAR 8 53	8.898	2.24 ✓	
MAR 11 53	8.995	2.02 ✓	
MAR 11 53 A	9.027	39.31 ✓	
MAR 14 53 A	9.127	2.70 ✓	
MAR 14 53 A	9.117		✓39.10-
MAR 16 53 A	9.176	9.12 ✓	
MAR 16 53	2.30		1000.00-
MAR 18 53	9.162	6.70 ✓	
MAR 19 53	2.111	49.44 ✓	
MAR 19 53	2.107	49.44 ✓	
MAR 19 53 A	9.253	121.98 ✓	
MAR 21 53 A	9.292	52 ✓	
MAR 21 53 A	9.303	40.41 ✓	
MAR 28 53 A	9.535	.62	
MAR 28 53	9.460	1.13	
APR 10 53	5.47		454.71-
APR 10 53	5.47		5.13-
APR 20 53	1.78		-75.60-
MAY 6 53	8.85		249.41-

PAY LAST AMOUNT IN THIS COLUMN

THANK YOU - WE APPRECIATE YOUR BUSINESS

AFFIDAVIT

STATE OF ALABAMA)

BALDWIN COUNTY)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared J. P. Reynolds, who being by me first duly sworn, deposes and says: that he is the President of Reynolds Brothers Lumber Company, Inc. that the annexed statement of account of the said Reynolds Brothers Lumber Company, Inc., against J. B. Donaldson, is just, true and correct; that there is now due on said account Six Hundred Ten and 34/100 Dollars (\$610.34) after deducting all credits, set/offs or counterclaims.

Sworn and subscribed before me on this the

16th day of October, 1963.

James A. Quinn
Notary Public, Baldwin County, Alabama

J. P. Reynolds
J. P. Reynolds

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon

J. B. Donaldson

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 -----

J. B. Donaldson

-----, Defendant-----

by -----

Reynolds Brothers Lumber Company, Inc., a corporation, Plaintiff-----

Witness my hand this-----

21

day of-----

Oct

1963

Est - 11-12-63

W. J. Duck

-----, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

Reynolds Brothers Lumber Co.,

Inc., a corporation

Plaintiffs

vs.

J. B. Donaldson

Defendants

Summons and Complaint

Filed _____ 19__

FILED

OCT 21 1963

ALICE L. DICK, CLERK
RECORDED

Clerk

James A. Brice

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

"Josephine" Ala.

Foley, Alabama

Received In Office

Oct 21, 1963

Nov. 6, 1963

Sheriff.

I have executed this summons

this Nov 17, 1963

by leaving a copy with

J. B. Donaldson

Sheriff claims 12 miles at

Ten Cents per mile Total \$ 7.20

TIME OF TRAVELING, STATE

BY Caroline Childers
DEPUTY SHERIFF

James A. Brice
Robert L. Childers

Sheriff.

Deputy Sheriff.

Daley

REYNOLDS BROTHERS LUMBER COMPANY,)
INC., a corporation)

PLAINTIFF)

VS)

J. B. DONALDSON)

DEFENDANT)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. CASE NO. 5781

Comes the Defendant in the above styled cause and demurs to the Bill of Complaint heretofore filed therein and each count thereof separately and severally and as grounds for demurrer shows separately and severally the following:

1. That the Complaint does not state a cause of action.
2. That there is a variance in the Complaint and in the attached itemized statement of account which is made a part thereof.
3. That the account of the Defendant which is attached as an Exhibit to the Bill of Complaint and made a part thereof shows a balance due as of May 6, 1963 of \$25.48, whereas the Bill of Complaint and affidavit show the amount due by the Defendant to be \$610.34.
4. That the Complaint refers to merchandise, goods and chattels to the amount of \$610.34 as being sold by the Plaintiff to the Defendant, whereby the statement of account which is attached thereto shows sales to Davenport Construction Company with the remainder due of \$610.34.


Attorney for Defendant

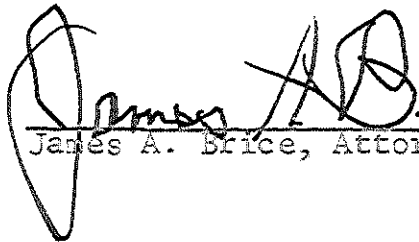
FILED
NOV 29 1963
ALICE L. DICK, CLERK
REGISTER

REYNOLDS BROS. LUMBER CO.,
PLAINTIFF
VS
J. P. DONALDSON,
DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 5781

W I T H D R A W A L

Now comes James A. Brice, attorney of record for Plaintiff in the above styled cause, and with leave had and obtained prior hereto, withdraws as attorney as record for the Plaintiff, this 16th day of September 1964.


James A. Brice, Attorney for Plaintiff

FILED

SEP 22 1964

ALICE L. DICK, CLERK
REGISTER

REYNOLDS BROTHERS LUMBER COMPANY,)
INC., a corporation)

PLAINTIFF)

VS)

J. B. DONALDSON)

DEFENDANT)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 5781


AMENDED COMPLAINT

I

The Plaintiff claims of the Defendant Six Hundred Ten and 34/100 Dollars (\$610.34) due from him on account, to-wit: the 27th day of May 1963, which sum of money, with interest thereon, is still unpaid.

II

The Plaintiff claims of the Defendant Six Hundred Ten and 34/100 Dollars (\$610.35) due from him on account for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to-wit: the 27th day of May 1963, which sum of money, with interest thereon is still unpaid.


Attorney for Plaintiff

I hereby certify that a copy of this amended complaint has been mailed, postage prepaid, to the Attorney of Record for the Defendant, Hon. Cecil G. Chason, this 17 day of April 1964.


Attorney for Plaintiff

FILED

APR 20 1964

ALICE J. DUCK, CLERK
REGISTER

REYNOLDS BROTHERS LUMBER COMPANY,)
INC., a corporation)

PLAINTIFF)

VS)

J. B. DONALDSON)

DEFENDANT)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 5781

MOTION

Comes the Plaintiff in the above styled cause and moves
that the said cause against the Defendant be dismissed.

REYNOLDS BROTHERS LUMBER COMPANY, INC.,
a corporation

FILED

SEP 23 1964

ALICE L. JACK, CLERK
REGISTER

by

J. B. Reynolds (for)

STATE OF ALABAMA
Baldwin
County of Mobile

KNOW ALL MEN BY THESE PRESENTS, That we, Associates Discount Corporation, a
National Surety Corporation
as Principal, and and, as Sureties, are held and firmly bound
unto John Asbell

in the sum of Ten Thousand and No/100 (\$10,000.00) Dollars
for the payment of which well and truly to be made we, jointly and severally, bind ourselves and each of us, our
heirs, executors and administrators. Sealed with our seals and dated this 21st day
of October in the year of our Lord, one thousand, nine hundred and sixty-three

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said
Associates Discount Corporation, a corporation
did, on the 21st day of October, (1) 963, sue out in the Circuit Court
of Baldwin County, Alabama, a writ in detinue, direct to any Sheriff of the State of Alabama, commanding him
to take into his possession the following described property, to-wit:

One (1) 1960 Model Mack Diesel Tractor, Serial No. G 73L T 1899
Motor No. NH 220278478

which said writ was placed in the hands of Baldwin
Sheriff of the County of Mobile, on the 21st day of October, 1963, by taking into his
possession the following described property, to-wit:

One (1) 1960 Model Mack Diesel Tractor, Serial No. G 73L T 1899
Motor No. NH 220278478

and whereas the said John Asbell
defendant in said writ, has failed and neglected, the the space of five days from the execution of said writ, to give
bond and take possession of said property as authorized by law.

Now is the said Associates Discount Corporation, a corporation

upon his failing in said suit, shall deliver the said property to the defendant within thirty days after judgment,
and pay damages for the detention of the property and costs of suit, then this obligation to be void, otherwise
to remain in full force and effect.

ASSOCIATES DISCOUNT CORPORATION

BY: [Signature] (Seal)
Its Office Manager

NATIONAL SURETY CORPORATION (Seal)
BY: [Signature] (Seal)
Its Attorney in Fact

Taken and approved this the 28th day of Oct, 1963

[Signature]
Sheriff, Mobile County, Alabama
Baldwin

NATIONAL SURETY CORPORATION

A Member of The FUND Insurance Companies

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that NATIONAL SURETY CORPORATION, a Corporation duly organized and existing under the laws of the State of New York, and having its principal office in the City of New York, New York, and its home office in the City and County of San Francisco, California, (hereinafter called the Corporation), has made, constituted and appointed, and does by these presents make, constitute and appoint

D. E. LUDLOW, P. F. BEVILLE AND E. S. JENKINS
JOINTLY OR SEVERALLY

of MOBILE and State of ALABAMA
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed ONE MILLION (\$1,000,000.00) DOLLARS

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises.

IN WITNESS WHEREOF, NATIONAL SURETY CORPORATION has caused these presents to be signed by its Vice President, attested by its Assistant Secretary, and its corporate seal to be hereto affixed this 2nd day of November A.D., 1962

NATIONAL SURETY CORPORATION

By C. A. KEPPLER

Vice President

[Seal]

ATTEST: H. L. JOHNSON
Assistant Secretary

STATE OF NEW YORK
COUNTY OF NEW YORK

ss.:

On this 2nd day of November A.D., 1962, before me personally came C. A. KEPPLER to me known, who, being by me duly sworn, did depose and say, that he is Vice President of NATIONAL SURETY CORPORATION, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order. And said C. A. KEPPLER further said that he is acquainted with H. L. JOHNSON and knows him to be an Assistant Secretary of said Corporation; and that he executed the above instrument.

GEORGE SCHULMAN

Notary Public

STATE OF NEW YORK
COUNTY OF NEW YORK

ss.:

I, H. L. JOHNSON, Assistant Secretary of NATIONAL SURETY CORPORATION, do hereby certify that the following is a full, true and correct copy of Article VIII of the By-laws of the NATIONAL SURETY CORPORATION adopted on the 25th day of October, 1955, and now in full force and effect, to wit:

ARTICLE VIII

Appointment and Authority of Resident Assistant Secretaries, and Attorneys-in-Fact and Agents to Accept Legal Process and Make Appearances.

"SECTION 30. APPOINTMENT. The President, any Vice President or any other person authorized by the Board of Directors, the Chairman of the Board of Directors, the President or any Vice President, may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation.

"SECTION 31. AUTHORITY. The authority of such Resident Assistant Secretaries, Attorneys-in-Fact, and Agents shall be as prescribed in the instrument evidencing their appointment, and any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of NATIONAL SURETY CORPORATION, this 2nd day of November, 1962

H. L. JOHNSON

Assistant Secretary of
NATIONAL SURETY CORPORATION

[Corporate Seal]

STATE OF GEORGIA
COUNTY OF FULTON

ss.:

I, R. R. SWANSON, Resident Assistant Secretary of NATIONAL SURETY CORPORATION, a corporation of the State of New York, do hereby certify that the above and foregoing is a full, true and correct copy of the original power of attorney issued by said Corporation and that I have compared same with the original and that it is a correct transcript therefrom and of the whole of the original. Said power of attorney is in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of ATLANTA, this 21st day of October, 1963

R. R. Swanson
Resident Assistant Secretary