

ROY T. LEMON,	X	
	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	
	X	BALDWIN COUNTY, ALABAMA
Vs.	X	
	X	AT LAW
S. M. ADAMS, INC., A	X	
corporation, and	X	
CLARENCE CROOK,	X	CASE NO. <u>6172</u>
	X	
Defendants.	X	

Comes now the Defendants, S. M. Adams, Inc., a corporation, and Clarence Crook, and file the following pleas to the Plaintiff's Complaint and to each and every court thereof, separately and severally:

1.

Not guilty.

2.

The timber cut was cut with the consent of the Plaintiff.

3.

The Defendants entered on the property of the Plaintiff with his consent.

4.

The Defendants were given permission to enter upon the property of the Plaintiff by his servant, agent or employee who was acting within the line and scope of his authority.

5.

The Defendants entered on the property of the Plaintiff under the permission and consent of the Plaintiff or others acting under his authority and direction.

6.

The Defendants cut the timber of the Plaintiff under the consent of the Plaintiff's servant, agent or employee who was then and there acting within the line and scope of his employment.

7.

The Defendants cut the timber of the Plaintiff under the consent of the Plaintiff or others acting under his authority or direction.

WILTERS & BRANTLEY

BY:

Robert M Brantley
Attorney for Defendants

FILED

JUN 11 1984

ALICE I. DUCK, CLERK
REGISTER

ROY T. LEMON,)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
VS.)	AT LAW
S. M. ADAMS, INC., A corporation, and)	CASE NO. <u>6072</u>
CLARENCE CROOK,)	
Defendants)	

BILL OF COMPLAINT

COUNT ONE

The Plaintiff claims of the Defendants ONE THOUSAND DOLLARS (\$1,000.00) for a trespass by the Defendants, acting by and through their servants, agents or employees, who were acting within the line and scope of their authority as such agents, servants or employees on the following tract of land situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

belonging to and in the possession of the Plaintiff and for cutting the timber thereon on or about, to-wit, October 25, 1963.

COUNT TWO

The Plaintiff claims of the Defendants ONE THOUSAND DOLLARS (\$1,000.00) damages for a trespass by the Defendants, or others by Defendants' authority and direction, on the following tract of land situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

belonging to and in the possession of the Plaintiff and for cutting the timber thereon, on or about, to-wit, October 25, 1963.

COUNT THREE

The Plaintiff claims of the Defendants ONE THOUSAND DOLLARS (\$1,000.00) for wrongfully taking or wrongfully causing to be wrongfully taken by their agents, servants or employees, while act-

ing within the line and scope of their authority, on or about, to-wit, October 25, 1963, the following goods and chattels, the property of the Plaintiff, to-wit, Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees.

COUNT FOUR

The Plaintiff claims of the Defendants the sum of FIVE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$5,840.00) for this, that on or about, to-wit, October 25, 1963, the Defendants, acting by and through their servants, agents or employees, acting within the line and scope of their authority as such servants, agents or employees, did enter upon the following described property, situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

and did willfully and knowingly cut therefrom Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees, without the consent of the owner of said premises, and the Plaintiff avers that at the time of the cutting of the said Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees, Plaintiff had the legal title to and was in possession of said premises.

COUNT FIVE

The Plaintiff claims of S. M. ADAMS, INC., a corporation, ONE THOUSAND DOLLARS (\$1,000.00) for a trespass by the S. M. ADAMS, INC., a corporation, acting by and through their servants, agents or employees, who were acting within the line and scope of their authority as such agents, servants or employees on the following tract of land situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

belonging to and in the possession of the Plaintiff and for cutting the timber thereon on or about, to-wit, October 25, 1963.

COUNT SIX

The Plaintiff claims of S. M. ADAMS, INC., a corporation, ONE THOUSAND DOLLARS (\$1,000.00) damages for a trespass by S. M. ADAMS, INC., a corporation, or others by authority and direction of S. M. ADAMS, INC., a corporation, on the following tract of land situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

belonging to and in the possession of the Plaintiff and for cutting the timber thereon on or about, to-wit, October 25, 1963.

COUNT SEVEN

The Plaintiff claims of S. M. ADAMS, INC., a corporation ONE THOUSAND DOLLARS (\$1,000.00) for wrongfully taking or causing to be wrongfully taken by their agents, servants or employees, while acting within the line and scope of their authority, on or about, to-wit, October 25, 1963, the following goods and chattels, the property of the Plaintiff, to-wit, Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees.

COUNT EIGHT

The Plaintiff claims of S. M. ADAMS, INC., a corporation, the sum of FIVE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$5,840.00) for this, that on or about, to-wit, October 25, 1963, S. M. ADAMS, INC., a corporation, acting by and through their servants, agents or employees, acting within the line and scope of their authority as such servants, agents or employees, did enter upon the following described property, situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

and did willfully and knowingly cut therefrom Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees, without the consent of the owner of said premises, and the Plaintiff avers that at the

time of the cutting of the said Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees, Plaintiff had the legal title to and was in possession of said premises.

COUNT NINE

The Plaintiff claims of CLARENCE CROOK ONE THOUSAND DOLLARS (\$1,000.00) for a trespass by CLARENCE CROOK, acting by and through his servants, agents or employees, who were acting within the line and scope of their authority as such agents, servants or employees on the following tract of land situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

belonging to and in the possession of the Plaintiff and for cutting the timber thereon on or about, to-wit, October 25, 1963.

COUNT TEN

The Plaintiff claims of CLARENCE CROOK ONE THOUSAND DOLLARS (\$1,000.00) damages for a trespass by CLARENCE CROOK, or others by CLARENCE CROOK'S authority and direction, on the following tract of land situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less.

belonging to and in the possession of the Plaintiff and for cutting the timber thereon, on or about, to-wit, October 25, 1963.

COUNT ELEVEN

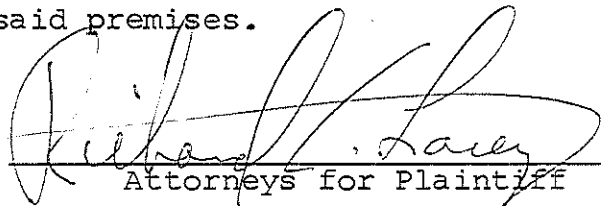
The Plaintiff claims of CLARENCE CROOK ONE THOUSAND DOLLARS (\$1,000.00) for wrongfully taking or causing to be wrongfully taken by his agents, servants or employees, while acting within the line and scope of their authority, on or about, to-wit, October 25, 1963, the following goods and chattels, the property of the Plaintiff, to-wit, Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees.

COUNT TWELVE

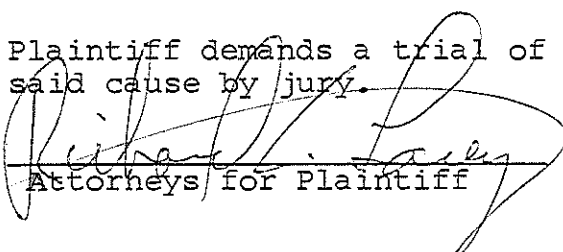
The Plaintiff claims of CLARENCE CROOK the sum of FIVE THOUSAND EIGHT HUNDRED FORTY DOLLARS (\$5,840.00) for this, that on or about, to-wit, October 25, 1963, CLARENCE CROOK, acting by and through his servants, agents or employees, acting within the line and scope of their authority as such servants, agents or employees, did enter upon the following described property, situated in Baldwin County, Alabama, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) Section 20, Township 5 South, Range 2 East, containing forty (40) acres, and the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section 21, Township 5 South, Range 2 East, containing forty (40) acres, more or less,

and did willfully and knowingly cut therefrom Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees, without the consent of the owner of said premises, and the Plaintiff avers that at the time of the cutting of the said Two Hundred Forty-One (241) oak trees and Fifty-One (51) pine trees, Plaintiff had the legal title to and was in possession of said premises.


Attorneys for Plaintiff

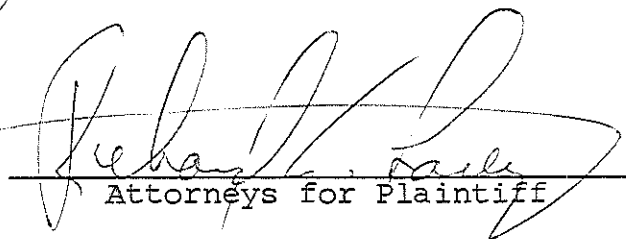
Plaintiff demands a trial of said cause by jury.


Attorneys for Plaintiff

FILED

MAY 22 1964

ALICE L. DUCK, CLERK
REGISTER


Attorneys for Plaintiff

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon S. M. ADAMS, INC., and CLARENCE CROOK

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.....

.....S. M. ADAMS, INC., and CLARENCE CROOK..... Defendant.....

by

ROY T. LEMON

Plaintiff.....

Witness my hand this.....22.....day of.....May.....1964

Alfred J. Luck..... Clerk

64-5-22-64
64-5-26-64

No. 6092

Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

ROY T. LEMON

Plaintiffs

vs.

S. M. ADAMS, INC., and

CLARENCE CROOK

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

MAY 26 1964

RECEIVED

MAY 26 1964

SHERIFF'S OFFICE

DUCK AND LACEY

Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Bay Minette, Alabama

Received In Office

19.....

Sheriff

I have executed this summons

this May 22 1964

by leaving a copy with

Clarence Crook

Received 26 Day of May 1964

and on 26 Day of May 1964

I served a Copy of the within on

on S. M. Adams Inc.

Clerk

by service on

Mrs. Blascovich
Office mgr.
RAY D. BRIDGES, Sheriff

Sheriff claims By W. A. Wilkins D. S.

miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

by

DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. A. Wilkins Deputy Sheriff

D. Vill

INSTRUCTIONS

SENDER:

Write (or type) message, pull out yellow sheet, mail the other two.

RECIPIENT:

Write your reply at bottom, mail back white sheet and keep the pink.

NCR

Form 87 - New England Business Service, Inc., Townsend, Mass.

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

F
R
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M

JOHN V. DUCK & RICHARD C. LACEY
Attorneys At Law
319 Magnolia Avenue
FAIRHOPE, ALABAMA

SUBJECT:

Roy T. Lemon Vs. S. M. ADAMS, INC.,
and CLARENCE CROOK

DATE:

May 20, 1964

Message - Reply

FOLD

THIS IS NCR (NO CARBON REQUIRED) PAPER.

{ JUST TYPE (OR WRITE) ON ORIGINAL. YOUR IMPRESSION
WILL AUTOMATICALLY APPEAR ON COPIES BENEATH.

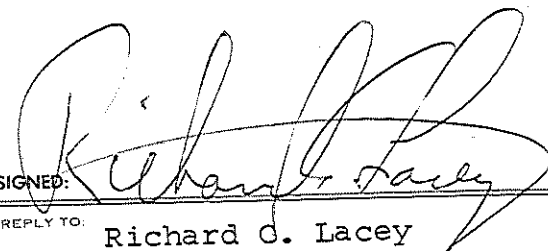
Form 87 - New England Business Service, Inc., Townsend, Mass.

Dear Mrs. Duck:

Enclosed are Summons and Complaint on the above. Please file
and have served.

Sincerely yours,

SIGNED:



DATE OF REPLY:

REPLY TO:

Richard C. Lacey

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS

RECIPIENT: WRITE REPLY. RETURN WHITE TO SENDER. KEEP THIS PINK COPY.

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