

JAMES A. BRICE
Plaintiff

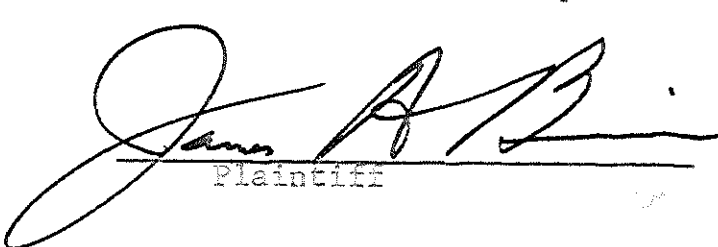
VS.

VIRGIE E. JOHNSON
Defendant

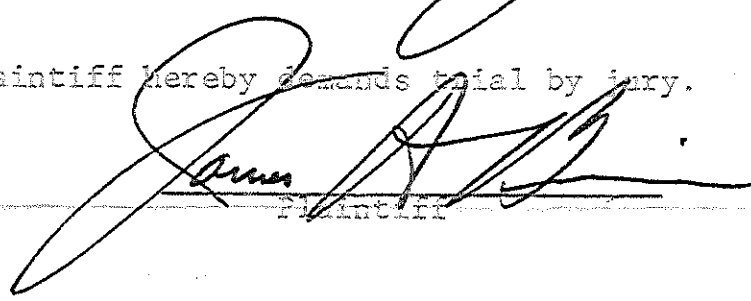
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW, No. 6296

C O M P L A I N T

The plaintiff claims of the defendant Three Thousand Three Hundred & NO/100 (\$3,300.00) Dollars for money on the 12th day of May, 1964 received by the defendant to the use of the plaintiff which sum of money, with the interest thereon, is still unpaid.


Plaintiff

The plaintiff hereby demands trial by jury.


Plaintiff

FILED

NOV 21 1964

ALICE J. DICK, CLERK

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 Virgie E. Johnson

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.....

.....Virgie E. Johnson....., Defendant.....

byJames A. Brice.....

....., Plaintiff.....

Witness my hand this.....11.....day of.....Nov.....1964

.....Virgie E. Johnson....., Clerk

EX-11-13-64

No. 6796

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JAMES A. BRICE

Plaintiffs

vs.

VIRGIE E. JOHNSON

Defendants

SUMMONS AND COMPLAINT

Filed **FILED** 19.....

Nov 11 - 1964

Clerk

JAMES L. DUCK, CLERK
RECEIVED

Plaintiff's Attorney

Defendant's Attorney

works
Defendant lives at
W. Laurel Ave.
Foley, Ala.

Received In Office

11/14 1964

Sheriff

I have executed this summons

this 11/13 1964

by leaving a copy with

Virgie E. Johnson

Sheriff claims 72 miles at

Ten Cents per mile Total \$ 7.20

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins Sheriff

Charles L. Duck Deputy Sheriff

Doley

JAMES A. BRICE,
PLAINTIFF,

vs.

VIRGIE E. JOHNSON,
DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW, NO. 6296

The motion of the defendant, VIRGIE E. JOHNSON, in the above action at law coming on to be heard before the undersigned Judge presiding at the hearing of said action, the matter having been duly considered, the undersigned Judge is of the opinion that the motion should be granted. It is, therefore,

ORDERED, ADJUDGED AND DECREED:

1. That the motion made by the said Defendant, VIRGIE E. JOHNSON, in the cause, and filed herein on the _____ day of December, 1964, sufficiently asserts and the proof shows an equitable right or defense, the decision of which should dispose of this action and which cannot be disposed of on the law side of the court.

2. That the motion be, and the same is hereby granted.

3. That the said action of JAMES A. BRICE vs. VIRGIE E. JOHNSON be, and the same is hereby transferred from the law side of the court to the equity side of the court, and to be docketed and proceeded with in the manner and form provided by statute and the rules of equity.

Dated this 17th day of December, 1964.

J. L. J. M. M. M.
Circuit Judge
28th Judicial District

JAMES A. BRICE,	)	IN THE CIRCUIT COURT OF
	)	
PLAINTIFF,	)	BALDWIN COUNTY, ALABAMA
	)	
VS	)	
	)	
VIRGIE E. JOHNSON,	)	
	)	
DEFENDANT.	)	AT LAW, NO. 6296

Now comes VIRGIE E. JOHNSON, the Defendant in the above styled cause, and alleges that she has an equitable defense to said action which cannot be disposed of in the law side of the Court and which depends upon the assertion of an equitable right by said claimant. The said VIRGIE E. JOHNSON avers and shows that the substance of her equitable defense is as follows:

That the money had and received referred to in Plaintiff's complaint were the joint funds of JAMES A. BRICE, Plaintiff, and Plaintiff's wife, MAURINE M. BRICE;

That the money upon which this complaint is based was kept in a joint checking account with the State Bank of Elberta, Elberta, Alabama;

That Plaintiff's wife, MAURINE M. BRICE, assumed control over said money and has continued to do so;

That Plaintiff had full knowledge of his wife's acts and further that Plaintiff ratified same;

That Defendant has at no time had said money unto herself;

That the right and interest in and to said money are those of husband and wife determinable in a court of equitable jurisdiction; and

That the sole purpose of Plaintiff's suit is to visit vexation and harassment upon Defendant; that transfer of this suit to equity will preclude a multiplicity of suits.

WHEREFORE, the said Defendant files in this cause this written motion and moves the Court to make and enter an

appropriate order transferring this cause from the law side
of the Court to the equity side of the Court.

Virgie E. Johnson
Defendant

STATE OF ALABAMA)
COUNTY OF BALDWIN)

Personally appeared before me, a Notary Public in
and for said State and County, Virgie E. Johnson, who being
by me first duly sworn, deposes and says that the facts
contained in the foregoing motion are true and correct.

Virgie E. Johnson

Subscribed and sworn to before me
this 8th day of December, 1964.

[Signature]
Notary Public
Baldwin County, Alabama

[Signature]
James W. Howell
Attorney for Defendant

FILED
DEC 7 1964
ALICE L. DUCK, CLERK
REGISTER