

JOHN L. WOODYARD)
Plaintiff)
VS)
R. H. VANCE, JUSTICE OF)
THE PEACE, BEAT 14,)
Defendant)

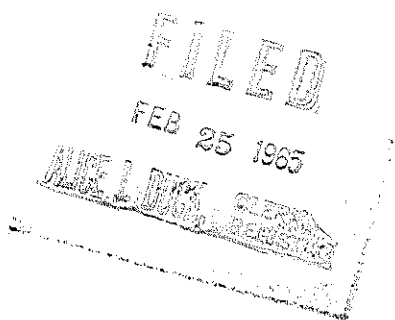
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

NO. 6369

Comes the defendant R. H. Vance by his attorney and demurs to the bill of complaint heretofore filed in this cause and for grounds of demurrer assigns separate and severally each of the following:

1. The complaint does not state a cause of action.
2. The complaint does not state a cause of action against the defendant R. H. Vance.
3. From aught that appears the motion to set aside the judgment was filed after the expiration of the term.
4. The averments of the complaint are mere conclusions of the pleader without averments of facts.
5. The complaint is not legally sworn to.

Arthur C. Epperson
Attorney for the Defendant



JOHN L. WOODYARD,	)	
	)	
PLAINTIFF	)	IN THE CIRCUIT COURT OF
	)	
VS	)	BALDWIN COUNTY, ALABAMA
	)	
R. H. VANCE, JUSTICE OF THE	)	AT LAW
PEACE, BEAT 14,	)	
	)	
DEFENDANT	)	

MS 6369

TO THE HONORABLE TELFAIR J. MASHBURN, Judge of the 28th Judicial Circuit:

Comes the Plaintiff in the above styled cause and respectfully shows unto this Honorable Court as follows:

1. That heretofore on, to-wit, the 31st day of December, 1964, a Summons and Complaint was served upon him wherein Rufus Dean was the Plaintiff and John S. Woodyard was the Defendant, claiming damages in the amount of \$99.48, which Summons and Complaint was returnable to the Justice Court of R. H. Vance, Justice of the Peace, Beat 14, Foley, Alabama.

2. That on to-wit, the 2nd day of January, 1965, judgment was rendered against John S. Woodyard by the said R. H. Vance, Justice of the Peace, Beat 14.

3. That a motion to set the judgment aside on the grounds that it was rendered before the expiration of three days after service in violation of the provisions of Section 396 of Title 13 of the Recompiled Code of the State of Alabama of 1958 was filed by the Plaintiff herein and was denied by the said R. H. Vance, Justice of the Peace.

4. That Section 396 of Title 13 of the Recompiled Code of 1958 of the State of Alabama provides..."that no judgment may be rendered until the expiration of three days after execution of the Bill of Complaint by service on the Defendant", and Section 12 of Title One of the Recompiled Code of the State of Alabama of 1958 provides that the day of service shall not count in the computation of days within which judgment could be rendered.

5. That the judgment rendered against the said John S. Woodyard having been rendered in violation of law, is void.



Attorney for Plaintiff

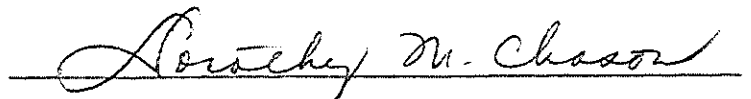
STATE OF ALABAMA

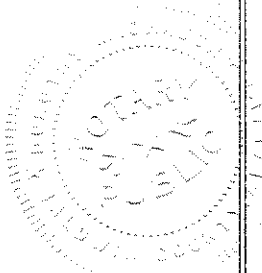
BALDWIN COUNTY

Before me, Dorothy M. Chason, a Notary Public in and for said County in said State, personally appeared C. G. CHASON, who is known to me, and who after being by me first duly and legally sworn, deposes and says under oath that the matters and facts alleged in the foregoing petition are true and correct to the best of his knowledge, information and belief.


C. G. CHASON

Sworn to and subscribed before me on this the 22nd day of January, 1965.



FILED

JAN 25 1965

AUD. L. DICK, CLERK
REGISTERED

SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 6369

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon R. H. Vance Justice of The Peace , Beat 14

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.....
R. H. Vance, Justice of the Peace, Beat 14..... Defendant.....

by John L. Woodyard..... Plaintiff.....

Witness my hand this 25 day of January 19 65

EX-1-28-65

Amos J. Duck Clerk

No. 6369.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

JOHN L. WOODYARD

Plaintiffs

vs.

R. H. VANCE, JUSTICE OF THE PEACE

BEAT 14

Defendants

SUMMONS AND COMPLAINT

Filed 1-25 19 65

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
Received In Office

19.....

TAYLOR WILKINS Sheriff

I have executed this summons

this Jan 28 19 65

by leaving a copy with

R. H. Vance

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS Sheriff
BY C. C. DEPUTY SHERIFF

Taylor Wilkins Sheriff
Carleton Deane Deputy Sheriff

Foley