

L. B. GUESS,)
Plaintiff,)
vs.)
C. B. PERRY,)
Defendant.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
No. 6444

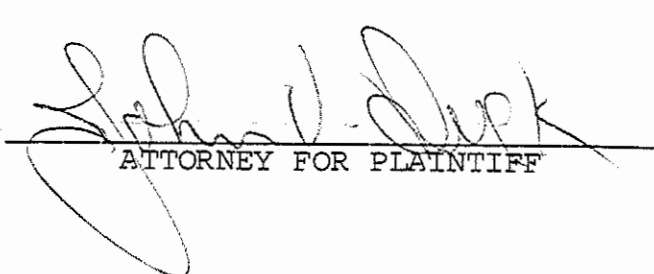
COUNT ONE

Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS as damages for a breach of warranty in the sale of the following personal property, to-wit:

The business known as the GATEWAY HOTEL AND RESTUARANT with all good will, assets, and items of equipment or chattel property more particularly described and listed in the attached list marked "Schedule A" and signed as being correct by all parties hereto,

by the Defendant to the Plaintiff, on the 17th day of November, 1964, which the Defendant warranted that the said business and property was free from all debts and obligations when in fact there was a tax lien pending on the said property at the time of sale.

The Defendant further guaranteed the peaceful possession and further stated he would warrant and defend the enjoyment and use of the said chattel property to the Plaintiff, and that subsequent to the time of the Bill of Sale, the Defendant assigned the mortgage and note covering the same, and the Plaintiff now avers that he is being harassed, that part of the fixtures and equipment have been attached by the assignee of the Defendant, all to his damage, as aforesaid, hence this suit.


ATTORNEY FOR PLAINTIFF

The Plaintiff respectfully demands
a Jury to try this cause.


ATTORNEY FOR PLAINTIFF

FILED

APR 16 1965

ALICE L. DICK, CLERK
REGISTER

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 C. B. PERRY

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.....

C. B. PERRY....., Defendant.....

by L. B. GUESS.....

..... Plaintiff.....

Witness my hand this 16 day of April 1965

EX-5-8-65 Price Clerk

No. 10494

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

L. B. GUESS

Plaintiffs

vs.

C. B. PERRY

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

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Clerk

Alice L. Duck CLERK
REGISTER

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Magnolia Springs, Alabama, and
can be served on the week-ends

Received In Office

April 16 1965

Sheriff

I have executed this summons

this 8th of April 1965

by leaving a copy with

C.B. Perry

Sheriff claims 84 miles at

Ten Cents per mile Total \$ 8.40

TAYLOR WILKINS, Sheriff

BY Jim Eastburn
DEPUTY SHERIFF

Taylor Wilkins Sheriff

Jim Eastburn Deputy Sheriff
Magnolia Springs

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DEMURRER

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

1. That the Complaint does not state a cause of action.
2. That the Complaint is vague, indefinite and uncertain.
3. That the Complaint is prolix.

4. That for aught that appears Plaintiff was in default in the payment of the mortgage and note referred to in the Complaint.

5. That the grounds under which the fixtures and equipment were attached are not set out.

6. That the Complaint does not correctly allege the wording of the warranty.

7. That for aught that appears in the Complaint the attachment of the fixtures and equipment shows a lawful claim.

Attorney for Defendant