

OLIVER H. VAN HORN CO., INC.,)	IN THE CIRCUIT COURT OF
an Alabama corporation,)	
)	BALDWIN COUNTY, ALABAMA
PLAINTIFF,)	
)	
vs)	
)	
MRS. D. D. GRAY, d/b/a FOLEY)	
BLACKSMITH SHOP, Foley, Alabama,)	
)	
DEFENDANT.)	AT LAW, NO. <u>6501</u>


PLEA IN ABATEMENT


Now comes RUTH A. GRAY and shows unto the Court that there was served upon her by the Sheriff of Baldwin County, Alabama, on to-wit: the 15th day of May, 1965, a summons and complaint in a cause in the Circuit Court of Baldwin County, Alabama, wherein OLIVER H. VAN HORN CO., INC., an Alabama corporation, appears as Plaintiff and one MRS. D. D. GRAY, d/b/a FOLEY BLACKSMITH SHOP appears as Defendant.

The said RUTH A. GRAY respectfully shows to the Court that her name is RUTH A. GRAY, which is her legal name.

The said RUTH A. GRAY further shows to the Court that she is not doing business as FOLEY BLACKSMITH SHOP; has never done business as FOLEY BLACKSMITH SHOP; and that the said RUTH A. GRAY is doing business as SOUTH BALDWIN WELDING SHOP.

WHEREFORE, the Defendant, RUTH A. GRAY, prays that this action be abated and it be allowed to go hence with her reasonable cost in her behalf expended.


 JAMES W. HOWELL
 Attorney for Defendant


 RUTH A. GRAY

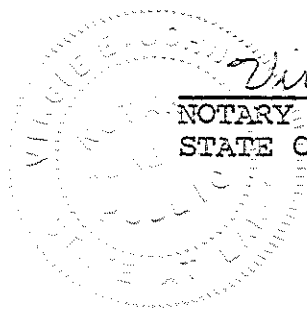
STATE OF ALABAMA)
 COUNTY OF BALDWIN)

Before me, the undersigned Notary Public in and for said State and County, personally appeared RUTH A. GRAY,

who being duly sworn deposes and says that the facts stated
in the foregoing plea in abatement are true and correct.

Ruth A. Gray
RUTH A. GRAY

Subscribed and sworn to before me
on this 18th day of May, 1965.



Virgie E. Johnson
NOTARY PUBLIC
STATE OF ALABAMA AT LARGE

FILED
MAY 20 1965
MADE A COPY HERE
RECEIVED

FOREST A. CHRISTIAN

ATTORNEY AT LAW

P. O. DRAWER 190

AREA CODE 205 - PHONE 943-2201

FOLEY, ALABAMA 36535

November 15, 1965

Hon. Telfair J. Mashburn
Circuit Judge
Bay Minette, Alabama

Re: Oliver H. Van Horn Co., Inc.
An Alabama Corporation,
Vs: Mrs. D. D. Gray, d/b/a Foley
Blacksmith Shop, Foley, Alabama
Case No. 6501

Dear Judge:

Please enter a non-suit in this case. Mrs. Duck should
refund any unused Court costs in this case.

Cordially yours,



FOREST A. CHRISTIAN

cc: James Howell, Esq.
Attorney at Law
Foley, Alabama 36535

SUMMONS

STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summons MRS. D. D. GRAY, d/b/a FOLEY BLACKSMITH SHOP, Foley, Alabama, to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint files in the Circuit Court of Baldwin County, Alabama, at the place of holding same by OLIVER H. VAN HORN CO., INC., an Alabama corporation.

Witness my hand this the 5 day of May, 1965.

Deirdre J. Duck
Clerk

* * * * *

COMPLAINT

OLIVER H. VAN HORN CO., INC,
an Alabama corporation,

PLAINTIFF,

VS:

MRS. D. D. GRAY, d/b/a/ FOLEY
BLACKSMITH SHOP, Foley, Alabama,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The Plaintiff claims of the Defendant TWO HUNDRED FOUR & 34/100 DOLLARS (\$204.34), due from her by account on, to wit: the 18th day of August, 1964, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The Plaintiff claims of the Defendant TWO HUNDRED FOUR & 34/100 DOLLARS (\$204.34), due from her on account stated between the Plaintiff and the Defendant, on to wit: the 18th day of August, 1964, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The Plaintiff claims of the Defendant TWO HUNDRED FOUR & 34/100 DOLLARS (\$204.34), due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to wit: the 18th day of August, 1964, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witnesses, sworn to before a notary public, which shows the amount due on this account as of the 19th day of April, 1965.

Forest A. Christian
Forest A. Christian, Attorney for the Plaintiff

Defendant's address:

P. O. Box 529
Foley, Alabama 36535

EX-5-11-65

257

FILED
MAY 5 1965
ALICE L. DUCK, CLERK
REGISTER

THE STATE OF LOUISIANA

PARISH OF ORLEANS

Before me, the undersigned Notary Public, within and for the Parish and State aforesaid, on this day personally appeared H. W. VAN HORN, JR. known to me who, being by me duly sworn, states on oath that the foregoing and annexed account in favor of Oliver H. Van Horn Co., Inc., Mobile, Ala.

*which is a corporation organized and existing under the laws of the State of Alabama and of which corporation affiant is the authorized Executive Vice-President
Agent, Attorney, President or Secretary

(or) *which is a co-partnership consisting of _____

_____ and of which co-partnership affiant is _____

Member, Agent or Attorney

And which account is against Foley Blacksmith Shop, Foley, Ala.

for the sum of (\$204.34) Two Hundred Four and 34/100 - - - - - Dollars is within the knowledge of affiant, just and true; that it is due and unpaid, and that all just and lawful offsets, payments and credits have been allowed.

Sworn to and subscribed before me, the 19 day of April, A. D., 19 65

258

Notary Public

*ERASE ACCORDING TO FACTS

INVOICE

MECHANIC'S TOOLS
INDUSTRIAL SUPPLIES
POWER TRANSMISSION

OLIVER H. VAN HORN CO., INC.

111 BEAUREGARD STREET
MOBILE, ALA.
HEMLOCK 2.8764

MACHINE TOOLS
AIR & HYDRAULICS
ELECTRIC TOOLS

TERMS:

INVOICE DATE
3/30/65

INVOICE NO.
C 4669

VIA: Delivered 3-30-64

YOUR ORDER NO.
D D Gray

SALESMAN
Fitzgerald

SOLD TO:

SHIP TO:

Foley Blacksmith Shop
P.O.Box 529
Foley, Alabama

QUANTITY ORDERED	DESCRIPTION	QUANTITY SHIPPED	LIST	EXTENSION	DISCOUNT	TOTAL
1	Black & Decker Cat. # 691 Nibbler	1				330.00
			4 % State Tax			13.20
						343.20
	(\$110.00 Down Payment.)					

W. 66-01
SUMMONS

OLIVER H. CAN HORN CO., INC., AN
Alabama corporation,

PLAINTIFF,

VS:

MRS. D. D. GRAY, d/b/a FOLEY
BLACKSMITH SHOP, Foley, Alabama,

DEFENDANT.

Received 5 day of May 1965
and on 11 day of May 1965
I served a copy of the within etc
on Mrs. D. D. Gray

BY SERVICE ON Mrs. D. D. Gray

TAYLOR WILKINS, Sheriff
Jm Eastman D. S.
Foley, Ala

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Jm Eastman
DEPUTY SHERIFF

FILED
MAY 13 1965
AUGIE L. DUCK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA