

BAY MINETTE ROOFING and SHEET METAL, INC., a Corporation,)	
)	
Plaintiff,)	IN THE CIRCUIT COURT OF
VS.)	BALDWIN COUNTY, ALABAMA
)	
PRICHARD CONCRETE COMPANY, INC., a Corporation,)	AT LAW
)	
Defendant.)	CASE NO. 6526

DEFENDANT'S PLEA IN ABATEMENT

Comes now the defendant, Prichard Concrete Company, Inc., a corporation, and appearing specially and solely for the purpose of filing the following Plea in Abatement, and for no other purpose, pleads in abatement to the complaint filed in this cause and to each count thereof separately and severally as follows:

(1) That this honorable court is without jurisdiction of the cause of action sued on in that the above named defendant is a domestic corporation organized and existing under the laws of the state of Alabama with its principal offices in Mobile County, Alabama, and does not do business by agent or otherwise in Baldwin County, Alabama.

(2) The defendant says that it cannot be sued in Baldwin County, Alabama, that the Circuit Court of Baldwin County, Alabama, has no jurisdiction of the cause of action made the basis of this suit, that the defendant was served with the complaint at its offices located in the city of Prichard, Mobile County, Alabama, that the work and labor claimed to be performed in the plaintiff's complaint was not performed in Baldwin County, Alabama.

Allan C. Thomas
Allan C. Thomas
President, Prichard Concrete Company, Inc.

DUCK AND LACEY
Attorneys at Law

FILED
JUN 28-65
MADE 1000

003

State of Alabama)
County of Mobile)

Before me, the undersigned authority in and for said state and county, personally appeared Allan C. Thomas as President of Prichard Concrete Company, Inc., a corporation, and who is known to me, and who upon being first duly sworn, on oath, deposes and says that the facts stated in the foregoing are true and correct.

Allan C. Thomas.

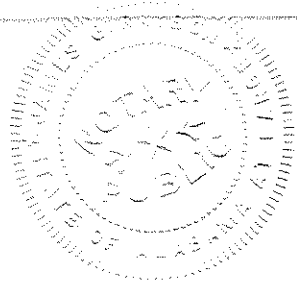
Allan C. Thomas, President
Prichard Concrete Company, Inc.

Subscribed and sworn to before

me this 21 day of June , 1965.

James H. Ragbar

Notary Public, Mobile County, Alabama



FILED

JUN 23 1965

NOTARY PUBLIC
MOBILE COUNTY, ALABAMA

JOHN V. DUCK
RICHARD C. LACEY

DUCK & LACEY
Attorneys at Law
FAIRHOPE, ALABAMA

319 MAGNOLIA AVENUE
P. O. BOX 296
TELEPHONE 928-2191

June 25, 1965

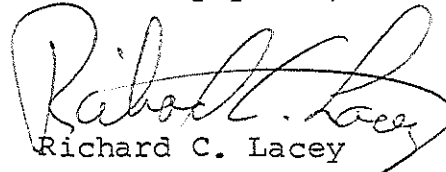
Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

RE: Bay Minette Roofing and Sheet Metal, Inc.
Vs.
Prichard Concrete Company, Inc.
AND
Bay Minette Roofing and Sheet Metal, Inc.
Vs.
Raybon Brothers, Inc.

Dear Mrs. Duck:

Enclosed is the original and one copy of the Plea in Abatement
on each of the above. Please file.

Sincerely yours,


Richard C. Lacey

Encl.

RCL:W

STATE OF ALABAMA)
*
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Prichard Concrete Company, Inc., a Corporation, to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of Bay Minette Roofing and Sheet Metal, Inc., a Corporation.

WITNESS my hand this 16th day of May, 1965.

Alice J. Duck
Clerk

* * * * *

BAY MINETTE ROOFING and SHEET
METAL, INC., a Corporation,

Plaintiff,

VS.

PRICHARD CONCRETE COMPANY,
INC., a Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

6526

C O M P L A I N T

COUNT ONE

The plaintiff claims of the defendant Six Thousand Seven Hundred Thirty-nine and 63/100 Dollars (\$6,739.63) due from it by account on the 10th day of October, 1964, which sum of money, with the interest thereon, is still unpaid.

COUNT TWO

The plaintiff claims of the defendant Six Thousand Seven Hundred Thirty-nine and 63/100 Dollars (\$6,739.63) for merchandise, goods and chattels sold by the plaintiff to the defendant on the 10th day of October, 1964, which sum of money, with the interest thereof, is still unpaid.

COUNT THREE

The plaintiff claims of the defendant Six Thousand Seven Hundred Thirty-nine and 63/100 Dollars (\$6,739.63) for work and labor done for the defendant by the plaintiff on the 10th day of October, 1964, at the defendant's request, which sum of money with the interest thereon, is still unpaid.

001

X R O
Attorney For Plaintiff

6739
6
40434
3
1212
6739
#7151

FILED
MAY 27 1965
ALICE J. DUCK, CLERK
REGISTER

m CASE NO. 6526

2827

BAY MINETTE ROOFING & SHEET
METAL, INC., A Corp.,

E Plaintiff,

vs:

PRICHARD CONCRETE COMPANY, INC.,
A Corporation,

Defendant.

FILED: May 21, 1965.
Alice J. Duck, Clerk.

REC'D SHERIFF DEPT.
MOBILE COUNTY, ALA.

MAY 20 6 27 PM '65

BY

James R. Owen, Atty.

Received 25 day of May 1965
and on 1 day of June 1965
I served a copy of the within Prichard Concrete Co.
on Prichard Concrete Co.

By service on J R Prichard

J R Prichard
TAYLOR WILKINS, Sheriff
By W E Owens