

W. L. OGDEN, PLAINTIFF,

VS

ADAM FRISHKORN, C. PETEET,
AND CHARLES C. STYRON,
DEFENDANTS.

IN CIRCUIT COURT OF
BALDWIN COUNTY, ALA.

L A W S I D E .

Plaintiff claims of the defendants the sum of \$500.00 damages for the breach of the condition of an attachment bond made by the defendants on the 21st day of October, 1915, payable to the plaintiff in the sum of \$532.72, and which bond was filed with the clerk of this Honorable Court and in this Honorable Court, and which said bond contained the condition that if the said Adam Frishkorn shall prosecute said attachment to effect, and to pay to the said W. L. Ogden all such damages as he may sustain by the wrongful or vexatious suing out thereof, then the above obligation to be void, otherwise to remain in full force and effect; and plaintiff alleges that the said condition of the said bond was broken in that the said Adam Frishkorn failed to prosecute said attachment to effect and to pay to the plaintiff such damages he sustained by the wrongul or vexatious suing out of said attachment, all to the damage of the plaintiff as above stated.

Chas. Hacc
and
Gordon Edington
ATTORNEYS FOR PLAINTIFF.

Plaintiff demands a trial by jury of the above said cause.

Chas. Hacc
and
Gordon Edington
ATTORNEYS FOR PLAINTIFF.

The State of Alabama
Baldwin County

No.

Circuit Court

Spring Term, 19*18*

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

Adam Frisk Korn
vs. Petek and Charles C.
Styren

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

the Defendant *5* by *W. L. Ogden* Plaintiff

Witness my hand this *19th* day of *April* 19*18*

T. W. Rimmer Clerk.

Complaint

Plaintiff Versus

The plaintiff claims of the defendant

Dollars due by

Plaintiff's Attorney.

1st Original

RECORDED

No.

State of Alabama
Baldwin County

CIRCUIT COURT

W. L. Adger

vs. Plaintiffs

Adam Frisk Korn

et al

Defendants

Summons and Complaint

Filed Apr 19th 1918

T. W. Richmond Clerk.

Defendant lives at

Leban H. Lee

London O. Eddington

Plaintiff's Attorney

Defendant's Attorney

Times Print—Bay Minette.

Received in office

April 20 1918
O. E. Eubanks Sheriff

I have executed this Writ

this May 7 1918
by leaving a copy of the within summons and com-
plaint with

Adam Frisk Korn
Claude Petet

Charles Styrkorn
returned not
found out of the
State

O. E. Eubanks Sheriff.

Deputy Sheriff.

W. L. Ogden, Plaintiff,

vs.

Adam Frishkorn, C. Peteet,

and Chas. C. Styron, Defendants.)

In Circuit Court of Baldwin County.

Law Side.

Now comes, Adam Frishkorn, C. Peteet and Chas. C. Styron, defendants in the above entitled cause and sets down and assigns the following grounds of demurrer to the complaint in said cause, towit:

1. said complaint does not set out a cause of action.
 2. Said complaint fails to state what damages if any he suffered by the failure of the defendant Adam Friskorn to prosecute his cause and suit to effect, if he did so fail so to do as alleged in the complaint in this cause and fails to allege with sufficient certainty or particularity said damages.
 3. Said complaint purports to sue on certain conditions of a bond for attachment and fails to set out the conditions of said bond alleged to have been broken and fails to set out in hec verba any part of said bond, sued on in this cause of action and fails to allege with sufficient certainty or particularity how or when said condition of said bond was broken.
 4. said complaint alleges that the said Adam Friskorn failed to prosecute his said suit of attachment for which said bond was given in this honorable court, but fails to say wherein and how the said Adam Friskorn did so fail to prosecute his said suit of attachment under said bond referred in the complaint in this cause of action and said cause of action is not set forth with reasonable certainty or particularity.
 5. said complaint purports to claim certain damages, towit in amount of \$532.72 by reason of the said Adam Friskorn's suing out a wrongful and vexatious attachment against the said Ogden in said Circuit court and fails to state wherein said suing out of said attachment was vexatious and wrongful and fails to allege the same with sufficient certainty or particularity.
- Wherefore for want of a sufficient declaration in this behalf defendants prays judgment and that the plaintiff may be barred from having and maintaining his aforesaid action them etc.

J. G. Jenkins

Attorney for Defendants

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RECORDED

Filed 6-1-1918
T. W. Rickman
Clerk