

JOHN V. DUCK
ATTORNEY AT LAW
P. O. BOX Y
FAIRHOPE, ALABAMA 36532

February 20, 1967

Mrs. Alice J. Duck
Clerk of the Circuit Court
P. O. Box 239
Bay Minette, Alabama

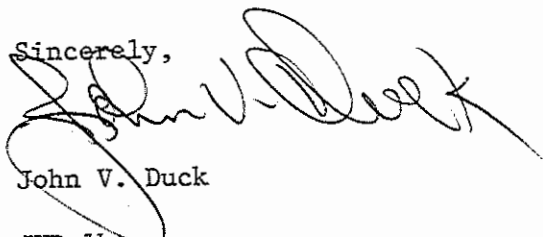
Re: ABC Fence Industries
vs. John S. Ewing, Jr.
Civil No. 7069

Dear Mrs. Duck:

Please have captioned case dismissed as being settled between parties.

Enclosed is check in the amount of \$21.50 to cover court costs.

Sincerely,


John V. Duck

JVD:lh

Encls.

cc: Honorable Ernest M. Bailey
Attorney for Defendant
Fairhope, Alabama

ABC FENCE INDUSTRIES, A Co-
Partnership composed of
R. H. SHELL, JACK W. THOMAS
and W. M. SHELL,

Plaintiff,

vs

JOHN S. EWING, JR.,

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 7069

D E M U R R E R

Comes the Defendant and demurs to Count One of the
Complaint and assigns the following separate and several grounds
of demurrer, viz:

1. That said count does not state a cause of action.
2. That said count is vague and indefinite.
3. That said count does not set forth the contract
for which damages are claimed.

Ernest M. Bailey
Ernest M. Bailey,
Attorney for Defendant

For the trial of this
cause the Defendant demands a
trial by jury.

Ernest M. Bailey

FILED
SEP 18 1966
MADE & DUBB, CLERK
RECORDED

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO: 7069

abc fence industries, a co-
partnership composed of
R. H. SHELL, JACK W. THOMAS
and W. M. SHELL,

Plaintiff,

vs

JOHN S. EWING, JR.

Defendant

ABC FENCE INDUSTRIES, a Co-)
Partnership composed of)
R. H. SHELL, JACK W. THOMAS)
and W. M. SHELL,)

Plaintiff,)

vs.)

JOHN S. EWING, JR.,)

Defendant.)

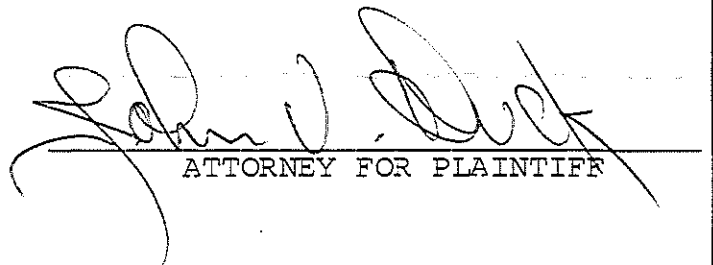
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

76-7069

COUNT ONE

Plaintiff claims of the Defendant the sum of FIVE HUNDRED THIRTY-NINE AND NO/100 (\$539.00) DOLLARS damages for the breach of the written contract entered into by him on the 17th day of March, 1966, wherein the Plaintiff was to install one hundred seventy-four feet (174) of chain link fence with Forest Green solid panelweave with two (2) corner posts, one (1) tie on and 32 feet of chain across back of property of the Defendant, and the Plaintiff avers that the fence was installed, and that all but approximately 30 feet of the panelweave was installed and the Defendant stopped the Plaintiff and fails and refuses to allow the Plaintiff to complete the said work.

The Plaintiff says that although he has complied with all of the provisions on his part and stands ready, willing and able to perform the balance of the contract, the Defendant has failed to comply with the following provisions of the contract, viz: that the Defendant fails and refuses to allow the Plaintiff to complete the said job and pay the Plaintiff the stated amount under the contract.


ATTORNEY FOR PLAINTIFF

Executed 8-16-66
Lester Williams-Sherk
by Ray Randall - AS

FILED
JUL 20 1966
JUL 20 1966
JUL 20 1966

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 SummonJOHN S. EWING, JR.

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.....

.....JOHN S. EWING, JR., Defendant.....

byABC FENCE INDUSTRIES

....., Plaintiff.....

Witness my hand this.....20.....day of.....July.....1966.....

.....*Alvise French*..... Clerk

No. 7069

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ABC FENCE INDUSTRIES,

Plaintiffs

vs.

JOHN S. EWING, JR.

Defendants

SUMMONS AND COMPLAINT

Filed 7-7-66 1966

Richard R. Duck Clerk

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

(Montrose)

Defendant lives at

Winding Brook
Montrose, Alabama

Received In Office
JUL 20 1966

TAYLOR WILKINS 19.....

SHERIFF

....., Sheriff

I have executed this summons

this Aug 16 1966

by leaving a copy with

John S. Ewing Jr.

Montrose

5-5

5-5

Ray Radall

Taylor Wilkins Sheriff

Ray Radall Deputy Sheriff