

SUMMONS

STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summons E. R. PATTERSON and VIVIAN G. PATTERSON, 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, Alabama, at the place of holding same by M. S. GATLIN, individually and d/b/a GATLIN LUMBER CO., INC., a corporation, Foley, Alabama.

Witness my hand this the 6th day of September, 1966.

Alice D. Duck
Clerk

* * * * *

COMPLAINT

M. S. GATLIN, individually,	X	
d/b/a GATLIN LUMBER CO., INC.,	X	IN THE CIRCUIT COURT OF
a corporation, Foley, Alabama,	X	BALDWIN COUNTY, ALABAMA
PLAINTIFFS,	X	
VS:	X	AT LAW
E. R. PATTERSON, and VIVIAN G.	X	CASE NO. <u>7164</u>
PATTERSON,	X	
DEFENDANTS.	X	

COUNT I:

The Plaintiffs claim of the Defendants FIFTY THOUSAND & 00/100 DOLLARS (\$50,000.00), due from them by account on, to wit: the 1st day of August, 1966, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The Plaintiffs claim of the Defendants FIFTY THOUSAND & 00/100 DOLLARS (\$50,000.00), due from them on accounts stated between the Plaintiffs and the Defendants on, to wit: the 1st day of August, 1966, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The Plaintiffs claim of the Defendants FIFTY THOUSAND & 00/100 DOLLARS (\$50,000.00), due from them for merchandise, goods and chattels sold by the Plaintiffs to the Defendants on, to wit: 1st day of August, 1966, which sum of money, with interest thereon, is still unpaid.

COUNT IV:

The Plaintiffs claim of the Defendants FIFTY THOUSAND & 00/100 DOLLARS (\$50,000.00), due for money on, to wit: the 1st day of August, 1966, received by the Defendants to the use of the Plaintiffs which sum of money, with interest thereon, is still unpaid.

Defendants' address:
Foley, Alabama

FILED

SEP 6 1966

Alice D. Duck, CLERK REGISTER

M. S. Gatlin
M. S. Gatlin
notice
Lis Pendens/has been filed in this case.

7164

Received 6 day of Sept. 1966
and on 13 day of Sept. 1966

I send a copy of this within 24
on E. R. Patterson & Vivian G. Patterson
By service on E. R. Patterson & Vivian G. Patterson

SUMMONS AND COMPLAINT

M. S. GATLIN, individually and
d/b/a GATLIN LUMBER CO., INC.,
a corporation, Foley, Alabama,

PLAINTIFFS,

VS:

E. R. PATTERSON and VIVIAN G.
PATTERSON,

DEFENDANTS.

Sheriff claims 172 miles at
Ten Cents per mile Total \$ 17.20
TAYLOR WILKINS, Sheriff
J. M. Eastman
DEPUTY SHERIFF

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

M. S. GATLIN, individually,
d/b/a GATLIN LUMBER CO., INC.
a corporation, Foley, Alabama,

PLAINTIFFS,

VS:

E. R. PATTERSON and VIVIAN G.
PATTERSON,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7164

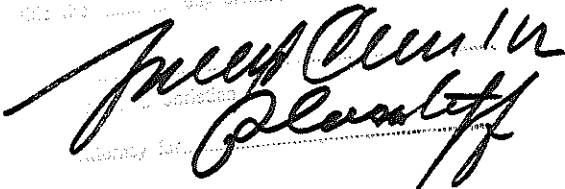
AMENDED COMPLAINT

Comes the Plaintiffs and amends his complaint by striking the words "M. S. GATLIN, individually, d/b/a".

ATTORNEY FOR THE PLAINTIFFS


Forest A. Christian

CERTIFICATE OF SERVICE
I hereby certify that I have this day caused
to be recorded with the Clerk of the Circuit
Court of Baldwin County, Alabama, a true and
correct copy of the within complaint and
amended complaint with separate postage stamps
thereon, and a copy of the same to be placed
in the hands of the Clerk of the Circuit Court
of Baldwin County, Alabama, on this 6th day of
September, 1967.


Plaintiff

FILED

SEP 11 1967

ALICE J. BROWN CLERK
REGISTER

Filed 9-11-67
Alice J. Brown
Clerk

M. S. GATLIN, Individually,
D/B/A GATLIN LUMBER CO., INC.,
a corporation, Foley, Alabama,

PLAINTIFFS,

VS.

E. R. PATTERSON and VIVIAN G.
PATTERSON,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW


CASE NO. 7164

DEMURRER

Comes the Defendants in the above styled cause and files
the following Demurrer to the Plaintiffs' Complaint:

1.

The Complainant does not state a cause of action.



James W. Howell
Attorney for Defendants

FILED

OCT 2 - 1967

CERTIFICATE OF SERVICE

I do hereby certify that I have on this the 22nd
day of September, 1967, served a
copy of the foregoing pleading on counsel for all parties
to this proceeding by mailing the same by United States
Mail, properly addressed, and first class postage prepaid.



ALICE J. DUCK CLERK
REGISTER

STATEMENT

JAMES W. HOWELL
ATTORNEY AT LAW
FOLEY, ALABAMA 36535

POST OFFICE BOX 206

AREA CODE 205-943-3602

September 30, 1967

Mrs. Alice Duck
Circuit Clerk
Bay Minette, Alabama

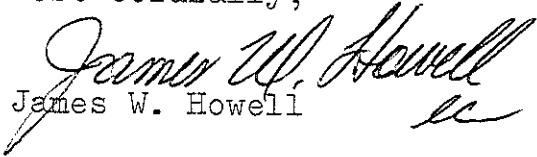
~~RE: Gatlin vs. Patterson Case No. 7164~~

Dear Mrs. Duck:

Please enter the enclosed Demurrer in the above referenced case.

Thank you very much.

Most cordially,


James W. Howell

JWH:ec
enc:

STATEMENT

JAMES W. HOWELL
ATTORNEY AT LAW
FOLEY, ALABAMA 36535

POST OFFICE BOX 206

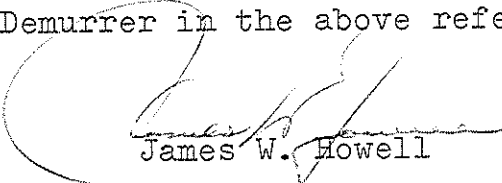
AREA CODE 205-943-3602

October 6, 1966

Hon. Telefair Mashburn
Circuit Judge
Bay Minette, Alabama

RE: Gatlin vs. Patterson

Enclosed please find ^{the} ~~find~~ Demurrer in the above referenced case.


James W. Howell

JWH:ec
enc:

M. S. GATLIN, individually,
d/b/a GATLIN LUMBER CO., INC.
a corporation, Foley, Alabama,

PLAINTIFFS

VS.

E. R. PATTERSON and VIVIAN G.
PATTERSON

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA


AT LAW

CASE NO. 7164

*** DEMURRER ***

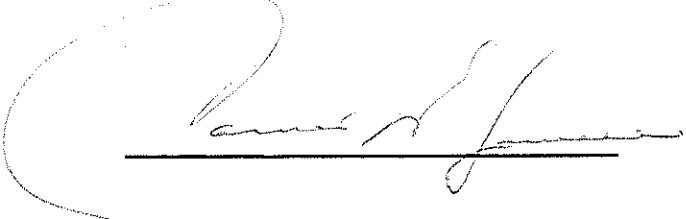
Comes the Defendants, E. R. PATTERSON and VIVIAN G. PATTERSON,
in the above styled case and demurs to the Plaintiffs complaint,
and to each count thereof separately and assigns the following
grounds of demurrer:

1. It does not affirmatively appear in what capacity Plaintiff sues.
2. It does not apprise defendant against whom he is expected to defend.
3. It affirmatively appears in the complaint that Gatlin Lumber Co., Inc. is a separate legal entity and must sue in its own name.
4. It affirmatively appears on the face of the complaint that Gatlin Lumber Co., Inc. is a separate legal entity and that an individual cannot legally act or do business as a legal corporation.


James W. Howell

Attorney for Defendant

I hereby certify that a copy has been mailed this date, October 6, 1966 to Forest A. Christian, Attorney for Complainant in this case.


FILED
OCT 18 1966
CLERK
REGISTER