

February 6, 1967

Hon. Richard C. Lacey
P. O. Drawer A-J
Fairhope, Alabama 36532

Dear Sir:

Re: Rose E. Thrower
vs: Rosemont, Inc., a Corp.,
Case No. 7213

The demurrer filed in the above styled cause on the 7th day of December, 1966, was overruled on February 6, 1967.

Yours very truly,

Circuit Clerk

AJD/eb

ROSS E. THROWER,)
 Plaintiff,) IN THE CIRCUIT COURT OF
 VS.) BALDWIN COUNTY, ALABAMA,
 ROSEMONT, INC., A Corporation) AT LAW.
 Defendant.) No. 7213

ANSWERS TO INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANT

Comes the Defendant in above styled cause and answers
 the following interrogatories propounded by the Plaintiff:

QUESTION ONE:

Admitted:	October 20, 1965	Charges
10-10-65	Room, to 11-1-65	\$ 99.96
October	Miscellaneous Charges	1.10
November	Room, to 12-1-65	250.00
November	Miscellaneous Charges	7.85
	Beauty Shop	13.00
December	Room, to 1-1-66	250.00
December	Miscellaneous Charges	6.40
Jan. 1966	Room, to 2-1-66	250.00
Jan.	Miscellaneous Charges	5.00
Feb.	Room to 3-1-66	250.00
	Miscellaneous Charges	8.35
	Beauty Shop	12.50
March 1	Room, to 4-1-66	250.00
	Miscellaneous Charges	6.85
April 1	Room, to 5-1-66	250.00
	Miscellaneous Charges	8.30
May 1	Room to 6-1-66	250.00
	Miscellaneous Charges	11.30
June 1	Room to 7-1-66	250.00
	Miscellaneous Charges	16.00
July 1	Room, to 8-1-66	250.00
	Miscellaneous Charges	8.70
Aug. 1	Room, to 9-1-66	250.00
	Miscellaneous Charges	7.50
Sept. 1	Room, through 9-4-66	33.42
	Miscellaneous Charges	.60

QUESTION TWO:

Oct. 22	Payment (R. E. Thrower)	\$ 99.96
Nov. 2	Payment (R. E. Thrower)	256.10
	Payment - Beauty Shop	13.00
Dec. 3	Payment (Gladys Thrower)	82.85
Dec. 18	Payment (Pension & Security)	175.00
Jan. 3	Payment (Gladys Thrower)	81.40
Jan. 22	Payment (Pension & Security)	175.00
Jan. 24	Payment (Gladys Thrower)	22.00
Feb. 4	Payment (Gladys Thrower)	80.00
Feb. 19	Payment (Pensions & Security)	175.00
March 3	Payment (Gladys Thrower)	73.85
March 20	Payment (Pensions & Security)	175.00
April 6	Payment (Gladys Thrower)	81.85
April 19	Payment (Pensions & Security)	175.00
May 4	Payment (Gladys Thrower)	83.30
May 19	Payment (Pensions & Security)	175.00
June 6	Payment (Ross Thrower)	81.30
June 18	Payment (Pensions & Security)	175.00

July 6	Payment (Ross E. Thrower)	\$ 91.00
July 20	Payment (Pensions & Security)	175.00
August 2	Payment (R. E. Thrower)	83.70
August 22	Payment (Pensions & Security)	175.00
Sept. 21	Payment (Pensions & Security)	175.00
Oct. 24	Payment (Pensions & Security)	18.00

QUESTION THREE: Yes, October 15, 1966 refund check to Pensions & Security No. 726, \$151.48, and January 4, 1967, No. 894, \$23.52; totaling \$175.00.

STATE OF ALABAMA

COUNTY OF BALDWIN

Before me, the undersigned Notary Public, personally appeared Paul D. Strickland, Jr., who, being first duly sworn, deposes and says that he is President of Rosemont, Inc. and the answers given to the foregoing interrogatories are true to the best of his information and belief.

Paul D. Strickland, Jr.
Paul D. Strickland, Jr.

Subscribed and sworn to before me this the 20 day of January, 1967.

FILED

JAN 23 1967

CLERK
JAN 23 1967

Richard C. Lacy
NOTARY PUBLIC

ROSS E. THROWER,

Plaintiff,

VS.

ROSEMONT, INC., A Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 7213

DEMURRERS TO DEFENDANT'S PLEAS

Comes the Plaintiff and offers the following demurrers to the Defendant's Pleas Two and Three, and assigns these demurrers separately and severally to each plea and, as grounds for said demurrers, says:

ONE:


The Defendant does not comply with the statutory plea of payments set-out in Title 7, Section 233, Paragraph 38 of the Code of Alabama, in alleging that the payment was made before the action was commenced. The Plaintiff demurs to Plea Three and assigns as grounds for said demurrer the following:

TWO:

Said Plea does not state what the law requires.

THREE:

Said Plea does not show the fact, which makes this law applicable to our case.



Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this pleading by depositing in the United States Mail a copy of same in an envelope with adequate postage prepaid thereon and properly addressed.

This 16 day of Feb, 1967

E. G. RICKABY


Attorney for
P. O. Box 471, Fairhope, Ala. 36532

FILED
FEB 17 1967
CLERK OF COURT
BALDWIN COUNTY, ALA.

ROSS E. THROWER,
Plaintiff,
VS.
ROSEMONT, INC., A Corporation,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.
CASE NO. 7213

DEMURRERS TO DEFENDANT'S PLEAS

Comes the Plaintiff and offers the following demurrers to the Defendant's Pleas Two and Three, and assigns these demurrers separately and severally to each plea and, as grounds for said demurrers, says:

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TWO :

Said Plea does not state what the law requires.

THREE:

Said Plea does not show the fact, which makes this law applicable to our case.

Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that I have this day caused counsel for the opposing party in the foregoing matter, with a copy of this pleading by depositing in the United States Mail a copy of same in an envelope with adequate postage prepaid thereon and properly addressed.

This 16 day of Feb 1967
A. C. McQuay

Page 1
Date 10/10/1964
From [illegible]
To [illegible]
Subject [illegible]

Attorney for
P.O. Box 471, Fairhope, Ala. 36532

FILED
FEB 17 1962
COMMUNICATIONS SECTION
U.S. DEPARTMENT OF JUSTICE

February 4, 1967

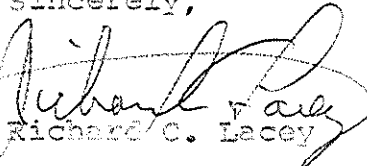
Honorable Telfair J. Mashburn
Circuit Judge
Bay Minette Courthouse
Bay Minette, Alabama

Re: Ross E. Thrower Vs.
Rosemont, Inc.
Case No. 7213

Dear Judge Mashburn:

I am asking Mrs. Duck by copy of this letter to place subject file containing my demurrers filed to complaint before you for submission. Mr. Rickarby agreed to this rather than oral arguement if it is acceptable with you.

Sincerely,


Richard C. Lacey

RCL:rw

CC: Mrs. Alice Duck ✓
Circuit Clerk
Bay Minette, Ala.

E. G. Rickarby
Attorney at Law
Fairhope, Alabama

ROSS E. THROWER, Ø
Plaintiff, Ø IN THE CIRCUIT COURT OF
VS. Ø BALDWIN COUNTY, ALABAMA,
ROSEMONT, INC., A Corporation, Ø AT LAW.
Defendant. Ø

INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANT

Comes the Plaintiff and propounds the foloowing Inter-
rogatories to the Defendant:

QUESTION ONE: What were the dates and amounts of the charges made by the Defendant for services rendered to Mrs. Gladys Thrower from the 20th of October, 1965, through the 3rd of September, 1966?

QUESTION TWO: Please give amounts of all payments made on the account for services rendered to Mrs. Thrower, as above stated, giving the dates, amounts and from whom all payments were received.

QUESTION THREE: Did you make any refunds of any payments made on this account to the State of Alabama or the Department of Pension & Security? If so, please give dates and amounts of said refunds.

STATE OF ALABAMA,
COUNTY OF BALDWIN.

Before me, the undersigned Notary Public, personally appeared E. G. RICKARBY, who, being first duly sworn, deposes and says that the answers hereto will be material testimony for the Plaintiff in this cause.

Affiant further states that he is Attorney of Record for the Plaintiff in this cause.

Affiant.

Subscribed and sworn to before me this the 13 day of

Oct, 1966.

Notary Public, Baldwin County,
Alabama.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 11-13-2009 BY 60322
[REDACTED]

No. 7213

Received 14 day of Oct. 1966
and on 18 day of Oct. 1966

I served a copy of the within &c & return

on Rosemont, Inc.

Montreal

By service on Mr. F. E. Greene

Administrator

TAYLOR WILKINS, Sheriff

By Roy Randall D. S.

Ross E. Shower

vs.

Rosemont, Inc.
a corp.

Sherriff charges 55

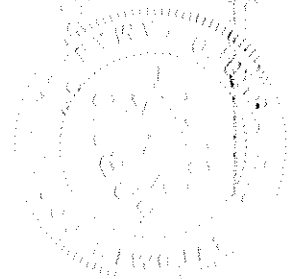
Law Costs per mile 5.50

TAYLOR WILKINS, Sheriff

By Roy Randall
DEPUTY SHERIFF

1. Sum. & Complaint
2. Interrogatories

E. H. Beckwith
Atty



P. O. DRAWER A-J

RICHARD C. LACEY

TELEPHONE 928-2373

Attorney at Law

FAIRHOPE, ALABAMA 36532

February 15, 1967

Mrs. Alice Duck
Circuit Clerk
Bay Minette Courthouse
Bay Minette, Alabama

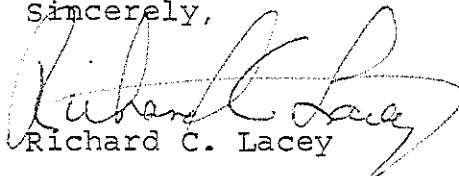
Re: Ross E. Thrower Vs.
Rosemont, Inc.

Dear Mrs. Duck:

Please file the enclosed answers to subject suit.

Thank you.

Sincerely,



Richard C. Lacey

RCL:mw

Encl.

P. O. DRAWER A-J

RICHARD C. LACEY

TELEPHONE 928-2373

Attorney at Law

FAIRHOPE, ALABAMA 36532

December 6, 1966

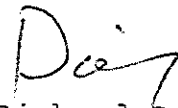
Mrs. Alice Duck
Circuit Clerk
Baldwin County Courthouse
Bay Minette, Alabama

Re: Ross E. Thrower vs. Rosemont, Inc.

Dear Mrs. Duck:

Please file demurrers in subject cause.

Sincerely,

A handwritten signature in dark ink, appearing to read 'R. Lacey', is written over the typed name.

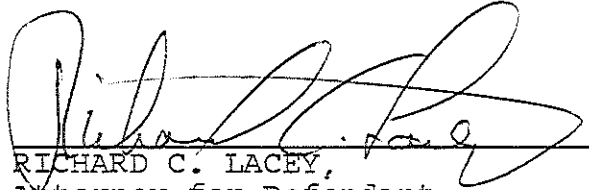
Richard C. Lacey

RCL:pc
Encl.

ROSS E. THROWER,) IN THE CIRCUIT COURT OF
Plaintiff) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
ROSEMONT, INC., A CORPORATION,) CASE NO. 7213
Defendant)

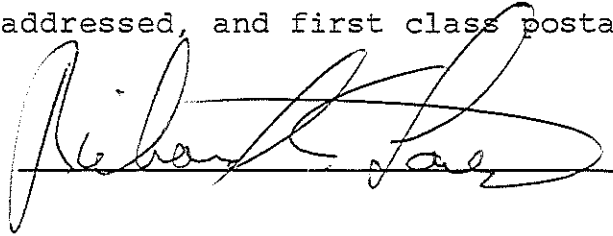
COMES NOW the Defendant in above styled cause and for answer to each count thereof saith:

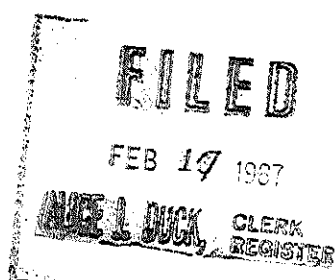
1. Not guilty.
2. That the Defendant has paid to the account of the Plaintiff the sum of ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00).
3. That Defendant paid the sum of ONE HUNDRED SEVENTY-FIVE DOLLARS (\$175.00) deposited with the Defendant by the Plaintiff to the Department of Pensions and Security, State of Alabama, as required by law.


RICHARD C. LACEY,
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 15th day of February, 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.





STATE OF ALABAMA,
COUNTY OF BALDWIN.

CIRCUIT COURT, BALDWIN COUNTY,
NO. _____ TERM, 1966.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon ROSEMONT, INC., a Corporation, 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 ROSEMONT, INC., a Corporation, Defendant, by ROSS E. THROWER, Plaintiff.

WITNESS MY hand this 13 day of Oct, 1966.

Alvin L. Duck Clerk.

ROSS E. THROWER,	Ø	
Plaintiff,	Ø	IN THE CIRCUIT COURT OF
VS.	Ø	BALDWIN COUNTY, ALABAMA,
ROSEMONT, INC., A Corporation,	Ø	AT LAW.
Defendant.	Ø	7213

C O M P L A I N T


Count I.

The Plaintiff claims of the Defendant ONE HUNDRED SEVENTY-FIVE AND NO/100 (\$175.00) DOLLARS due from it by account, on, to-wit, the 20th day of November, 1965, which sum of money is still unpaid.

Count II.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED SEVENTY-FIVE AND NO/100 (\$175.00) DOLLARS for that on, to-wit, the 2nd day of November, 1965, the Plaintiff deposited with the Defendant the sum of ONE HUNDRED SEVENTY-FIVE AND NO/100 (\$175.00) DOLLARS as security for the payment of the lodging and nursing care of Mrs. Gladys Thrower at ROSEMONT, INC., for the month of November, 1965, and that the Defendant, on or about the 20th day of December, 1965, did received from the Pension and Security Department, payment for the lodging and nursing care of Mrs. Gladys Thrower and has refused to reimburse the Plaintiff

for this guaranty so deposited, Wherefore, the Plaintiff
sues.



E. G. RICKABY, Attorney for
Plaintiff.

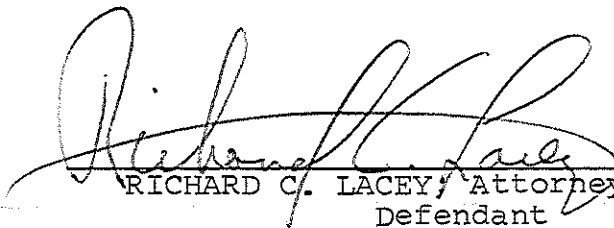
FILED
OCT 13 1931
ALAN H. HAY, CLERK
CLERK OF COURT, REGISTER

ROSS E. THROWER,)	IN THE CIRCUIT COURT OF
)	
PLAINTIFF)	BALDWIN COUNTY, ALABAMA
)	
VS.)	AT LAW
)	
ROSEMONT, INC., A CORPORATION,)	CASE NO. _____
)	
DEFENDANT)	

DEMURRER

COMES NOW the Defendant in the above styled cause, ROSEMONT, INC., an Alabama corporation, and demurs to the Plaintiff's Complaint filed herein and each count thereof, separately and severally, and for separate and several grounds of demurrer, sets down and assigns, separately and severally, the following:

1. That it does not state facts sufficient to constitute a cause of action against this Defendant.
2. For that it does not affirmatively appear that the Defendant has not paid the Plaintiff.
3. For that it is vague, indefinite and uncertain, in that it does not apprise the Defendant with sufficient certainty what the Defendant owes the Plaintiff.
4. For that said count is duplicitous.
5. For that it does not affirmatively appear from the complaint that the Defendant owes the Plaintiff a sum certain.


 RICHARD C. LACEY, Attorney for
 Defendant

FILED

DEC 7 1966

AUGUST 1, 1966 CLERK
 AUGUST 1, 1966 REGISTER