

ATTORNEY AT LAW
FAIRHOPE, ALABAMA 36532

January 11, 1968

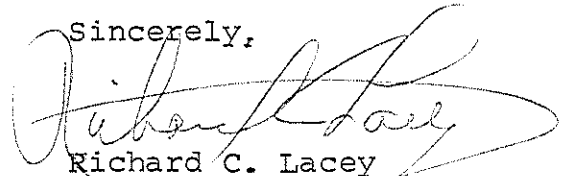
Honorable Alice J. Duck
Circuit Clerk
Court House
Bay Minette, Alabama

Re: James H. Grayson
vs:
Charles Summersell Case No. 7490

Dear Mrs. Duck:

I am enclosing Mr. Charles Summersell's check in the amount of \$347.75 in payment in full judgement rendered in subject case. You will note that the check is made in favor of Mr. James Grayson and the First Mortgage Company of Mobile, the mortgagee. I am also enclosing Mr. Summersell's check in the amount of \$27.65 for Court cost in subject case.
Thank you.

Sincerely,



Richard C. Lacey

RCL/np
Encl: checks
c/c: Honorable Kenneth Cooper
Attorney at Law
Bay Minette, Ala.

First Mortgage Company
Mobile, Ala.

no. 7490

Grayson vs Summrell

JURY LIST - DECEMBER 4, 1967 TERM - BALDWIN COUNTY

- ~~1. Anderson, Evar, Civil Service, Elberta~~
- ~~2. Aylin, E. Mack, International Paper, Bay Minette~~
- ~~3. Booth, Robert E., Laborer, Fairhope~~
- ~~4. Cowline, W. B., Farmer, Robertsdale~~
- ~~5. Dwork, Joseph, Jr., Salesman, Belforest~~
- ~~6. Dyer, Ted, Mechanic, Fairhope~~
- ~~7. Ellison, W. V., Farmer, Robertsdale~~
- ~~8. Fackler, Paul W., Mechanic, Loxley~~
- ~~9. Frank, George, Farmer, Elberta~~
- ~~10. Gibbs, Floyd, Grocery Store, Bay Minette~~
- ~~11. Godwin, Dewey C., Mechanic, Bay Minette~~
- ~~12. Good, John, Jr., Farmer, Elberta~~
- ~~13. Hawkins, Ernest B., Public Accountant, Foley~~
- ~~14. Hodges, Willie Lee, Sawmill, Bay Minette~~
- ~~15. Hoffman, Winfred C., Govt Emp., Bay Minette~~
- ~~16. Kelly, W. Marvin, Bank, Bay Minette~~
- ~~17. King, Vernon, Farmer, Robertsdale~~
- ~~18. Lager, J. E., Salesman, Foley~~
- ~~19. Lehman, Harold, Farmer, Summerdale~~
- ~~20. Lindsey, Walter M., Abstractor, Bay Minette~~
- ~~21. Lipscomb, Wilmer, Farmer, Magnolia Springs~~
- ~~22. Manning, Wesley W., Civil Service, Foley~~
- ~~23. Meszaros, Michael A., Retired, Elberta~~
- ~~24. Morse, Wilson W., Civil Service, Foley~~
- ~~25. Oswell, Charles, Timber & Oil, Spanish Fort - Daphne~~
- ~~26. Palmer, James J., Farmer, Robertsdale~~
- ~~27. Peterson, Morris Sidney, Farmer, Gateswood~~
- ~~28. Roberts, Howard, Civil Service, Stapleton~~
- ~~29. Salac, Tommy, Farmer, Robertsdale~~
- ~~30. Schroeder, Walter, Painter, Elberta~~
- ~~31. Smith, Orrie, Sr., Brookley Field, Daphne~~
- ~~32. Steele, Clyde Madison, Merchant, Bay Minette~~
- ~~33. Stephens, W. Henry, Millman, Stockton~~
- ~~34. Survant, Ray H., Civil Service, Lillian~~
- ~~35. Trawick, Emma D., Stapleton~~
- ~~36. Williamson, Huston, Civil Service, Elberta~~
- ~~37. Wright, Justice D., Forester, Stapleton~~
- ~~38. Capps, Curtis, Merchant, Bay Minette~~
- ~~39. Brantley, Emory, Contractor, Bay Minette~~
- ~~40. Dean, Earl, Newport, Rabon Rt., Bay Minette~~
- ~~41. Powell, Burley, Laborer, Bay Minette~~

P XXXX

D XXXX

43
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Attorney at Law

FAIRHOPE, ALABAMA 36532

May 10, 1967

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

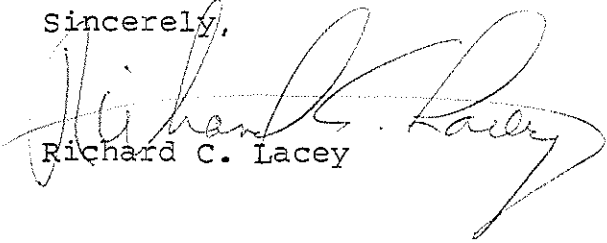
Re: James H. Grayson
Margie Jan Grayson
Vs.
Charles Summersell
Case no. 7490

Dear Mrs. Duck:

Please find enclosed demurrers filed in subject action.

Thank you.

Sincerely,


Richard C. Lacey

ARL:mw

SUMMONS AND COMPLAINT

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

NO. _____

_____ TERM, 1967

TO ANY SHERIFF OF THE STATE OF ALABAMA; GREETINGS:

You are hereby commanded to summon Charles Summersell, of Daphne, Alabama, 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 said Charles Summersell by James H. Grayson and Margie Jan Grayson, Plaintiffs.

Witness my hand this 24th day of April, 1967.

Alice J. Duck, CLERK.

JAMES H. GRAYSON and
MARGIE JAN GRAYSON,

Plaintiffs,

Vs.

CHARLES SUMMERSELL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 7498

COUNT ONE:

The Plaintiffs claim of the Defendant Nine Hundred Fifty (\$950.00) Dollars, damages for breach of warranty in the construction of an asphalt driveway pavement, located at 513 Spanish Main Drive, Lot 57, Unit 4, Spanish Fort Estates, Spanish Fort, Alabama, by him to the Plaintiffs, on the 8th day of April, 1965, which the Defendant warranted the said driveway would be 10 feet in width, that the base material would consist of sand and clay according to standard paving specification, 4 inches thick, and that the surfacing material would consist of asphalt 2 inches in thickness, when in fact the said driveway was less than 2 inches in thickness and the sand and gravel was less than 4 inches in thickness and not of the quality used for such asphalt pavement purposes, and as result of breach of said warranties the said driveway became cracked, and unsatisfactory, hence this suit.

Defendant's Address:
Daphne, Alabama

Kenneth Cooper
ATTORNEY FOR PLAINTIFFS

NOT A SHUV COPY
FILED IN CIVIL DIVISION

APR 24 1967

FILED

7490

James H. Grayson

Margie Jan Grayson

Plaintiffs

vs -

Charles Summersell

Defendant

FILED

APR 24 1967

Alice A. Duck, CLERK
RECEIVED

H. Cooper -

Received 25 day of April 1967

and on 29 day of April 1967

I served a copy of the within

on Charles Summersell

By service on above Defendant

TAYLOR WILKINS, Sheriff

By R. Randall D. S.

Sheriff claims 54 miles at

160 Cents per mile Total \$ 5.40

TAYLOR WILKINS, Sheriff

By R. Randall
DEPUTY SHERIFF

We the jury find for the Plaintiffs in the
amount of \$475.00 less 127.22

Loisley Manning
Foreman

JAMES H. GRAYSON and)	IN THE CIRCUIT COURT OF
MARGIE JAN GRAYSON,)	BALDWIN COUNTY, ALABAMA
Plaintiffs,)	AT LAW
VS.)	CASE NO. 7490
CHARLES SUMMERSELL,)	
Defendant.)	

Comes the Defendant in the above styled cause and assigns the following demurrer to each count thereof separately and severally.

COUNT ONE:

That said Complaint fails to state a cause of action.

COUNT TWO:

That said Complaint fails to allege the time and place where the allege breach of warranty occurred.

COUNT THREE:

That said Complaint fails to allege an agreement upon which the allege breach of warranty arose.

COUNT FOUR:

That said Complaint is vague and indefinite.

COUNT FIVE:

That said Complaint fails to allege breach of any agreement between the Plaintiffs and Defendant.

COUNT SIX:

That said Complaint fails to allege that said asphalt driveway pavement was not properly constructed.


ATTORNEY FOR DEFENDANT

Defendant respectfully requests a trial by jury.


ATTORNEY FOR DEFENDANT



CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10th day of May, 1967, served a copy of the foregoing demurrer on counsel for all parties to this proceeding by mailing the same by United States mail, properly addressed, and first class postage prepaid.

Richard K. Lacey