

S. W. JACOBS	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
VS	X	BAWDWIN COUNTY, ALABAMA
JAMES N. COWART	X	AT LAW NO. 7552
Defendant	X	

AMENDED COMPLAINT

-1-

The plaintiff claims of the defendant the sum of Three Hundred Thirty-two and 20/100 (\$332.20) Dollars which is the balance due on a promissory waive note originally for Six Hundred Twenty-five and 50/100 (\$625.50) Dollars dated October 5, 1965, made by James N. Cowart to the First National Bank of Bay Minette which note has been transferred and assigned by the First National Bank of Bay Minette to the plaintiff, which note is the property of the plaintiff and is still due and unpaid.

-2-

In,by and as a part of the said note, the maker, James N. Cowart agreed to pay all costs of collecting or attempting to collect the said note including a reasonable attorney's fee which amount the plaintiff alleges is Seventy-five (\$75.00) Dollars and which the plaintiff herewith claims.


Attorney for plaintiff

I hereby certify that I have this 17 day of October, 1967, served a copy of the foregoing/amended complaint on Honorable Wilson Hayes, attorney for defendant, by leaving a copy of same in his office.



FILED

OCT 19 1967

ALICE J. BOCK
CLERK
REGISTER

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 7552

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James N. Cowart

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.....

James N. Cowart....., Defendant.....

by S. W. Jacobs.....

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

Witness my hand this 7 day of June 1967

Reid Leuck Clerk

No. 7552

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

S. W. JACOBS

Plaintiffs

vs.

JAMES N. COWART

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
208 Railroad St.
Bay Minette, Alabama

RECEIVED
Received In Office

JUN 8 1967 19.....

TAYLOR WILKINS Sheriff

I have executed this summons

this June 12 1967

by leaving a copy with

Taylor Wilkins Sheriff

W. A. Z. Deputy Sheriff

S. W. JACOBS

PLAINTIFF

VS

JAMES N. COWART

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 7552

Comes now Defendant in the above styled cause and demurrs to Plaintiff's Complaint and assigns the following grounds separately and severally:

I

The complaint does not state a cause of action.

2.

For ought that appears, the note has been paid.

3.

For ought that appears, Plaintiff has no right of action against Defendant.

W. L. Hay
Attorney for Defendant

FILED
JUL 10 1928
BALDWIN COUNTY, ALA.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 10 July 1928 served a copy of the foregoing complaint counsel for all parties to this proceeding by United States Mail, properly addressed, with the costs hereby prepaid.

W. L. Hay

NUMBER: 7552

S. W. JACOBS

PLAINTIFF

VS

JAMES N. COWART

DEFENDANT

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

S. W. JACOBS

PLAINTIFF

VS

JAMES N. COWART

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO: _____

ANSWER

Comes now Defendant in the above styled cause and for answer to the complaint says:

1. The matters alleged therein are untrue.

2. That Plaintiff ought not have and recover of the Defendant for that, on to-wit, October 5, 1965 Plaintiff sold to Defendant an automobile, to-wit a 1959 Ford Station wagon, the consideration for which was the note, the subject of Plaintiff's suit, that Plaintiff made the said note for Defendant and was a party to its making, negotiating the making of the note and debt with the First National Bank of Bay Minette, Alabama; that at the time of the making of the said note, Plaintiff did represent to Defendant that the said automobile was in good running condition; that such representation by Plaintiff was made to induce Defendant to purchase the said automobile from Plaintiff; that the condition of the automobile was a material fact in its purchase and that the representations by Plaintiff were made willfully to deceive Defendant, or recklessly without knowledge, and that Defendant acted upon them by purchasing the said automobile; that subsequent to the purchase of the said automobile, Defendant discovered that the automobile was not in good running condition but was, in fact, in poor running condition; that Defendant called upon Plaintiff many times prior to this suit to repair the said automobile or take back the automobile or take back the automobile in satisfaction of the note and debt and that Plaintiff has wholly failed and refused so to do, and Defendant prays that by reason of such fraud and mis-representation on the part of Plaintiff that he be allowed to go hence without day.

CERTIFICATE OF SERVICE

I do hereby certify that on this 12 day of Oct 1967 I have caused to be filed in the Circuit Court for Baldwin County, Alabama, for the use of all parties to this proceeding by mail, postage by United States Mail, properly addressed, with first class postage prepaid.

Walter Hays
Attorney for Defendant

FILED

OCT 18 1967

VOL

64 PAGE 462

ALICE D. RICH CLERK

7552

NUMBER:

S. W. JACOBS

PLAINTIFF

VS

JAMES N. COWART

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

ANSWER

FILED

OCT 18 1967

CLERK
REGISTER

S. W. JACOBS	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
JAMES N. COWART	X	AT LAW NO. 7552
Defendant	X	

AMENDED COMPLAINT

-1-

The plaintiff claims of the defendant the sum of Three Hundred Thirty-two and 20/100 (\$332.20) Dollars which is the balance due on a promissory waive note originally for Six Hundred Twenty-five and 50/100 (\$625.50) Dollars dated October 5, 1965, made by James N. Cowart to the First National Bank of Bay Minette which note has been transferred and assigned by the First National Bank of Bay Minette to the plaintiff, which note is the property of the plaintiff and is still due and unpaid.

-2-

In,by and as a part of the said note, the maker, James N. Cowart agreed to pay all costs of collecting or attempting to collect the said note including a reasonable attorney's fee which amount the plaintiff alleges is Seventy-five (\$75.00) Dollars and which the plaintiff herewith claims.

Attorney for plaintiff

I hereby certify that I have this _____ day of October, 1967, served a copy of the foregoing amended complaint on Honorable Wilson Hayes, attorney for defendant, by leaving a copy of same in his office.

625.50
 332.20
 293.30 (325)
 27
 43
 18
 53
 43
 24 25
 8
 276.00

S. W. JACOBS

PLAINTIFF

VS

JAMES N. COWART

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO: _____

ANSWER

Comes now Defendant in the above styled cause and for answer to the complaint says:

1. The matters alleged therein are untrue.

2. That Plaintiff ought not have and recover of the Defendant for that, on to-wit, October 5, 1965 Plaintiff sold to Defendant an automobile, to-wit a 1959 Ford Station wagon, the consideration for which was the note, the subject of Plaintiff's suit, that Plaintiff made the said note for Defendant and was a party to its making, negotiating the making of the note and debt with the First National Bank of Bay Minette, Alabama; that at the time of the making of the said note, Plaintiff did represent to Defendant that the said automobile was in good running condition; that such representation by Plaintiff was made to induce Defendant to purchase the said automobile from Plaintiff; that the condition of the automobile was a material fact in its purchase and that the representations by Plaintiff were made willfully to deceive Defendant, or recklessly without knowledge, and that Defendant acted upon them by purchasing the said automobile; that subsequent to the purchase of the said automobile, Defendant discovered that the automobile was not in good running condition but was, in fact, in poor running condition; that Defendant called upon Plaintiff many times prior to this suit to repair the said automobile or take back the automobile or take back the automobile in satisfaction of the note and debt and that Plaintiff has wholly failed and refused so to do, and Defendant prays that by reason of such fraud and mis-representation on the part of Plaintiff that he be allowed to go hence without day.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17 day of Oct 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, with first class postage prepaid.

W. H. Hay
Attorney for Defendant

Went through registered with first class postage being
added to the proceeding by mailing the same by United States
mail. I received a copy of the foregoing pleading on counsel for me
I do hereby certify that I have on this 17 day of _____

CERTIFICATE OF SERVICE

day.

Attorney for Defendant

NUMBER:

PLAINTIFF
JAMES N. COWART
DEFENDANT
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

ANSWER

representing condition; that such representation by plaintiff was
represent to Defendant that the said automobile was in good
at the time of the making of the said note, plaintiff did
deal with the First National Bank of Bay Minette, Alabama; first
a bank to its making, negotiating the making of the note and
said that plaintiff made the said note for Defendant and was
consideration for which was the note, the subject of plaintiff's
Defendant an automobile, to-wit a 1922 Ford Station Wagon, the
Defendant for that on to-wit, October 2, 1922 plaintiff said to
S. That plaintiff ought not have and recover of the
I. The matters alleged therein are untrue.
answer to the complaint says:

Comes now Defendant in the above styled cause and "or

ANSWER

DEFENDANT

JAMES N. COWART

VS

PLAINTIFF

NO:

ALTA

BALDWIN COUNTY, ALABAMA

J. N. JACOBS

IN THE CIRCUIT COURT OF

WRIT OF DISCOVERY

S. W. JACOBS

X

Plaintiff

X

IN THE CIRCUIT COURT OF

X

vs

BALDWIN COUNTY, ALABAMA

X

JAMES N. COWART

AT LAW

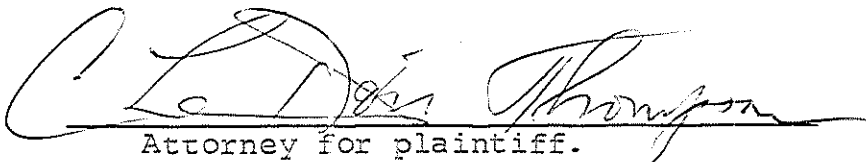
NO. 7552

X

Defendant

X

The plaintiff herein having recovered on the 20th day of October, 1967, a judgment against the defendant in the above styled cause for the sum of Three Hundred Thirty-two and no/100 (\$332.00) Dollars and costs in the sum of \$_____ and such execution having been returned endorsed by the Sheriff of Baldwin County, Alabama, "no property found", the plaintiff now requests in writing that the Clerk of this Court will issue a notice to the above named defendant requiring him, within thirty days from the service of such notice, to file in this cause, a statement in writing, under oath, of all of his assets of every kind, character and description and wheresoever located as provided by Code 1940, Title 7, Section 903.


Attorney for plaintiff.

FILED

AUG 8 1968

ALICE J. DUCK CLERK
REGISTER

NOTICE TO DEFENDANT

S. W. JACOBS

Plaintiff

vs

JAMES N. COWART

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 7552

TO: JAMES N. COWART:

Take notice that upon the written request of C. LeNoir Thompson, ~~attorney for the plaintiff~~, filed in this Court in this cause, you are commanded to file in this court within thirty days from the service of this notice a statement in writing, under oath, of all your assets, including money, choses in action, notes, bonds and accounts, and all other property, real, personal or mixed or any interest therein, including wages due or payable, with a detailed description of same, the location and reasonable value of each item thereof, together with a detailed list or statement of any and all liens and mortgages or incumbrances thereon showing the amounts due upon each, and the owner or holder of such liens, incumbrances or mortgages.

Be governed accordingly.

Dated this 8 day of Aug, 1968.

Reid A. Leach
Clerk of the Circuit Court, Baldwin
County, Alabama

STATE OF ALABAMA

COUNTY OF BALDWIN

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

TO ANY SHERIFF OF THE STATE OF ALABAMA -- GREETING:

YOU ARE HEREBY COMMANDED to serve a copy of the above notice upon James N. Cowart and make due return thereon, according to law.

Witness my hand this the 8 day of Aug, 1968.

Reid A. Leach
Clerk, Circuit Court of Baldwin County,
Alabama.

248-8-68

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70. 7552

Received 8 day of Aug 1968
on 16 day of Aug 1968
served a copy of the within Notice
James N. Cowart
service on _____

TAYLOR WILKINS, Sheriff
By W. A. Albert D.S.

TAYLOR WILKINS, SHERIFF OF BALDWIN
COUNTY, ALABAMA, CLAIM \$1.50 EACH
FOR SERVING 1 PROCESS(E)S AND
TRAVEL EXPENSE ON EACH OF \$ 0
PROCESS(E)S OR A TOTAL OF \$ 1.50

ALICE J. DUCK CLERK
REGISTER

FILED
AUG 8 1968

S. W. Jacobs
vs
James N. Cowart