

LAW OFFICES OF
SIROTE, PERMUTT, FRIEND & FRIEDMAN
BIRMINGHAM, ALABAMA 35203

February 23, 1968

MORRIS K. SIROTE
JAMES L. PERMUTT
E. M. FRIEND, JR.
KARL B. FRIEDMAN
JACK C. HELD
WILLIAM G. WEST, JR.
HAROLD I. APOLINSKY
ROBERT B. RUBIN
JOSEPH S. BLUESTEIN
RICHARD COHN

SECOND FLOOR-FIRST FEDERAL BUILDING
FIRST AVENUE AT 21ST STREET, NORTH
TELEPHONE 252-9831

Clerk
Circuit Court Baldwin County
Bay Minette, Alabama

Attention: Clerk, Circuit Court
Bay Minette, Alabama
Mrs. Alice J. Duck

Re: Mabel Mothershead v.
L.P. Harless Company, Inc.,
a corporation
Case No. 7783

Dear Mrs. Duck:

We are enclosing herewith a demurrer to be
filed in the case of Mabel Mothershead against L.P.
Harless Company. We are sending copy of this demurrer
to Mr. C. Lenoir Thompson, Attorney for the Plaintiff.
Would you please acknowledge receipt of the demurrer and
the filing of same?

Very truly yours,

SIROTE, PERMUTT, FRIEND & FRIEDMAN

By 

JEHlw
Encl.

LAW OFFICES OF
SIROTE, PERMUTT, FRIEND & FRIEDMAN
BIRMINGHAM, ALABAMA 35203

October 25, 1967

MORRIS K. SIROTE
JAMES L. PERMUTT
E. M. FRIEND, JR.
KARL B. FRIEDMAN
JACK E. HELD
WILLIAM G. WEST, JR.
HAROLD I. APOLINSKY
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SECOND FLOOR-FIRST FEDERAL BUILDING
FIRST AVENUE AT 21ST STREET, NORTH
TELEPHONE 252-9831

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

Re: Mabel Mothershead
vs: L. P. Harless Company, Inc.
Circuit Court Case No. 7783

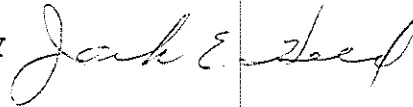
Dear Mrs. Duck:

We are enclosing herewith Plea in Abatement in behalf of the defendant L. P. Harless Company, Inc., in connection with the above case. We would appreciate it if you would file the enclosed Plea. Would you please stamp a copy filed and return it to us. Thanks for your help.

Very truly yours,

SIROTE, PERMUTT, FRIEND & FRIEDMAN

BY



KBF:ah
Encl.

LAW OFFICES OF
SIROTE, PERMUTT, FRIEND & FRIEDMAN
BIRMINGHAM, ALABAMA 35203

MORRIS K. SIROTE
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RICHARD COHN

May 6, 1969

SECOND FLOOR-FIRST FEDERAL BUILDING
FIRST AVENUE AT 21ST STREET, NORTH
TELEPHONE 252-9831

Honorable Alice J. Duck
Circuit Clerk of Baldwin County
Bay Minette, Alabama

Re: Mabel Mothershead vs.
L. P. Harless Co., Inc.
Case No. 7783

Dear Mrs. Duck:

The above case is on the trial docket for the week of Monday, May 12, 1969. We would appreciate it if you would enter a suggestion of bankruptcy for the defendant, L. P. Harless Co., Inc. The company was adjudicated a bankrupt on the 5th day of March, 1968, Case No. 69316. We are sending a copy of this letter to Judge Mashburn and to Mr. Thompson. Thank you for your assistance.

Very truly yours,

SIROTE, PERMUTT, FRIEND & FRIEDMAN

By:

Jack E. Held

JEH:pc

cc: Honorable Telfair J. Mashburn
Baldwin County Court House
Bay Minette, Alabama

cc: Honorable C. LeNoir Thompson
Attorney at Law
Court House Square
Bay Minette, Alabama

FILED

MAY 7 1969

ALICE J. DUCK CLERK
REGISTER

MOBEL MOTHERSHEAD,

Plaintiff,

v.

L.P. HARLESS COMPANY,
INC., a corporation,

Defendant,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

CASE NO. 7783

DEMURRERS OF DEFENDANT

Comes the defendant, L.P. Harless Company, Inc.,
a corporation, and demurs to the complaint heretofore filed
and to each and every count thereof, separately and severally,
and does assign the following grounds:

1. The allegations are mere conclusions of the
pleader.
2. For that no cause of action is stated.
3. The allegations are vague, indefinite and
uncertain.

SIROTE, PERMUTT, FRIEND & FRIEDMAN

By *Jack E. Nease*
Attorneys for Defendant

FILED

FEB 26 1968

CERTIFICATE OF SERVICE

ALICE J. DUCK

I HEREBY CERTIFY THAT I HAVE ON THIS
REGISTER

23 day of February
1968, 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.

Jack E. Nease

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 Summon L. P. Harless Co., 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.....

L. P. Harless Co., Inc., a corporation, Defendant.....

by Mabel Mothershead

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

Witness my hand this 12 day of Oct 1967

Alice D. Hark Clerk

24-10-12-67

No. 7283

Page.....

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

MABEL MOTHERSHEAD

Plaintiffs

vs.

L. P. HARLESS CO., INC.,
a corporation

Defendants

SUMMONS AND COMPLAINT

FILED

Filed 19.....

OCT 12 1967

Clerk

Alice J. Duck CLERK
REGISTER

Serve Luther Sparks
L. P. Harless Co., Inc.
2627 South Seventh Ave.
Birmingham 3, Alabama

C. L. Thompson
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED

Received In Office

OCT 12 1967

TAYLOR WILKINS

SHERIFF

1967

Executed on this day of October 1967
by leaving a copy with

Luther Sparks
agt.

of said co

MELVIN BAILEY, Sheriff
Jefferson County, Alabama

By H. E. Moore

Melvin Bailey, Sheriff of
Jefferson County, Alabama

claims \$1.50 each for serving
1 process(es) and \$1.00
travel on each of
1 process(es) for a total of
\$2.50

H. E. Moore Sheriff

..... Sheriff

..... Deputy Sheriff

MABEL MOTHERSHEAD,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
vs.)	
)	
L. P. HARLESS COMPANY,)	
INC., a corporation,)	CASE NO. 7783
)	
Defendant.)	

PLEA IN ABATEMENT

Comes the defendant, L. P. Harless Company, Inc., a corporation, and appearing specially and solely for the purpose of filing this Plea in Abatement, and for no other purpose, shows unto the Court the following which is assigned, separately and severally, to each count of the Complaint in this said cause:

1. That this Honorable Court is without jurisdiction of this cause of action in that L. P. Harless Company, Inc., at the time of the filing of said suit, was and is domiciled in Jefferson County, Alabama, with its principal place of business in Jefferson County, Alabama, and that it was not doing business in Baldwin County, Alabama.

2. That at the time said suit was commenced and at the time said cause of action allegedly arose, the defendant was a bona fide resident of the County of Jefferson, State of Alabama, and did not do business in Baldwin County, Alabama.

WHEREFORE, defendant says that the Circuit Court of Baldwin County, Alabama, is without jurisdiction of said suit and said cause of action and that the venue thereof is improperly laid in Baldwin County, Alabama, and further defendant prays that said action and said suit be abated by the Court and further that this Court not take further jurisdiction

of this cause.

L. P. HARLESS COMPANY, INC., a
Corporation,

By Luther S. Sparks
Its President

STATE OF ALABAMA,)

JEFFERSON COUNTY.)

I, the undersigned, a Notary Public, in and
for said County in said State, hereby certify that Luther S.
Sparks, whose name as President of L. P. Harless Company,
Inc., a corporation, is signed to the foregoing instrument,
and who is known to me, acknowledged before me on this day
that, being informed of the contents of the said instrument,
he, as such officer and with full authority, executed the
same voluntarily for and as the act of said corporation on
the day the same bears date.

Given under my hand and official seal, this
the ____ day of October, 1967.

Harriet C. Eddins
Notary Public

My Commission Expires: 1-1-68

FILED

OCT 24 1967

NOTARY PUBLIC, ALABAMA