

Served 6 day of Dec 18 1967
Served a copy of the writ D & C
Mattingly & Butgerit
Const. Co.
service on Roy Butgerit
Vice Pres. L. J. Hays
By Roy Randall D. S.

Served 6 day of Dec 18 1967
Served a copy of the writ D & C
Roy Butgerit
service on Roy Butgerit
L. J. Hays
TAYLOR WILKINS
By Roy Randall D. S.

Sheriff's claim 140
Ten Cents per mile Total 14.00
TAYLOR WILKINS, Sheriff
By Roy Randall
DEPUTY SHERIFF

7889
Freeman Equipment
Inc. a corp.
Plt.
240.
Mattingly & Butgerit
Construction Co.
supt.
I anticipate Am.
Old Country Club.

E. G. Rickaby
ATTY

FREEMAN EQUIPMENT, INC.,
A Corporation,

Plaintiff,

VS.

MATTINGLY & BUTGEREIT CON-
STRUCTION CO., INC., a Corp-
oration, and ROY BUTGEREIT,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

MOTION TO STRIKE ROY BUTGEREIT, DEFENDANT

Comes the Plaintiff in the above styled cause and moves
to strike ROY BUTGEREIT as party Defendant to this cause.


ATTORNEY FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

Roy Butgerite This is to certify that I have this day served counsel for the
opposing party in the foregoing matter by depositing in the United States mail a copy of same in an
envelope addressed to the above named party at the address
addressed.
This 9 day of Jan 1968


Attorney for Plaintiff
P. O. Box 471, Fairhope, Ala. 36525

FILED

JAN 9 1968

ALICE J. DUCK CLERK
REGISTER

CODE 205
Telephone: 928-8836

LAW OFFICES

Mailing Address
P.O. BOX 471

E. G. RICKARBY
35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

December 2, 1967

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: Freeman Equipment Company
Vs: Mattingly & Butgereit
File: 67-294

7889

Enclosed find Summons & Complaint in the above styled cause, together with itemized and verified statement of account, and check for \$25.00 Court Costs.

Please hand same to Sheriff, and oblige.

Thank-you.

Yours very truly,



jlb
Encls.
12-22-67

STATE OF ALABAMA,
COUNTY OF BALDWIN.

CIRCUIT COURT, BALDWIN COUNTY,
NO. _____ TERM, 1967.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are Hereby Commanded to Summon MATTINGLY & BUTGEREIT CONSTRUCTION CO., INC., a Corporation, and ROY BUTGEREIT, 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 MATTINGLY & BUTGEREIT CONSTRUCTION CO., INC., a Corporation, and ROY BUTGEREIT, Defendants, by FREEMAN EQUIPMENT, INC., a Corporation, Plaintiff.

WITNESS my hand this 6th day of December, 1967.

Alice J. Luck Clerk.

FREEMAN EQUIPMENT, INC., A
Corporation,

Plaintiff,

VS.

MATTINGLY & BUTGEREIT CONSTRUCTION
CO., INC., A Corporation, and ROY
BUTGEREIT,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW.

7889

C O M P L A I N T

Count I.

The Plaintiff claims of the Defendants FIVE HUNDRED FIFTY-SEVEN AND 66/100 (\$557.66) DOLLARS due from them by account, on, to-wit, the 1st day of December, 1966, which sum of money with the interest thereon is still unpaid. The account sued on is evidenced by an itemized and verified statement filed herewith.

Count II.

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED FIFTY-SEVEN AND 66/100 (\$557.66) DOLLARS due from them by account stated between

Cont'd, Summons & Complaint:
Freeman Equipment vs. Mattingly & Butgereit.

the Plaintiff and the Defendant on, to-wit, the 1st day of December, 1966, which sum of money with the interest thereon is still unpaid.

Count III.

The Plaintiff claims of the Defendants the sum of FIVE HUNDRED FIFTY-SEVEN AND 66/100 (\$557.66) DOLLARS due from them for merchandise, goods and chattels sold by the Plaintiff to the Defendant between the 24 day of November, 1966, and the 1st day of December, 1966, which sum of money with the interest thereon is still unpaid.


E. G. RICKABY, Attorney for
Plaintiff.

Mr. Butgereit is the president of the Corporation, and we are suing him individually.

FILED

DEC 6 1967

ALICE J. DUCK CLERK
REGISTER

COUNTY OF Mobile

8G-188 (13743)

STATE OF Alabama

Be it remembered, that on this 31st day of October
A. D., 19 67, personally appeared before me, the undersigned authority,
D. B. Freeman

known to me
who being duly sworn, upon his oath stated that he is President
of Freeman Equipment, Inc.

{ a corporation organized and doing business under the laws of the State of Alabama
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of

a sole trader doing business as
and that as such he makes this affidavit; that he is familiar with the books and business of
said Freeman Equipment, Inc.; that the attached account against
Mattingly & Butgereit of

is just and correct, within the knowledge of this affiant, that the items thereon stated and com-
posing the said account were sold and delivered to said Mattingly & Butgereit

at { its } special instance and request, that credit has been duly given for all payments and
{ their }
{ his }

just and lawful offsets to which said account is entitled as thereon stated, and that the balance
thereof, amounting to the sum of _____ Dollars
(\$ _____) with interest from November 8 19 66 is justly due and
remains unpaid.

D. B. Freeman X

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Alabama
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

J. Tyler
Notary Public

County of Mobile State of Alabama
My commission expires 11/14 A. D. 19 70

FREEMAN EQUIPMENT, INC.,
A Corporation,

Plaintiff,

VS.

MATTINGLY & BUTGEREIT CON-
STRUCTION CO., INC., a Corp-
oration, and ROY BUTGEREIT,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

No. 7889

MOTION TO STRIKE ROY BUTGEREIT, DEFENDANT

Comes the Plaintiff in the above styled cause and moves
to strike ROY BUTGEREIT as party Defendant to this cause.

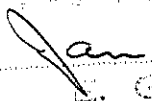

ATTORNEY FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

Roy Butgerite

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 return address and postage thereon duly
addressed.

This 9th day of Jan 1968


E. E. RICHARD

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

FILED

JAN 9 1968

ALICE J. DUCK CLERK
REGISTER

Our File No. 67-294

Your File No.

LAW OFFICES

E. G. RICKARBY

35 SOUTH SECTION STREET
FAIRHOPE, ALABAMA 36532

CODE 205
Telephone: 928-9836

Mailing Address
P. O. BOX 471

January 8, 1968

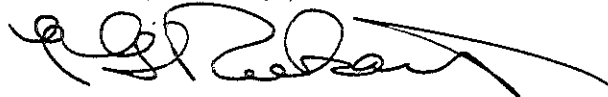
Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Dear Mrs. Duck:

Inre: Freeman Equipment Co.
Vs: Mattingly & Butgereit

Enclosed find Motion to Strike Roy Butgereit, Defendant, in the
above styled cause. Please process and oblige.

Yours very truly,



EGR/jlb

Encl.

cc: Mr. Richard C. Lacey
P. O. Drawer A-J
Fairhope, Alabama 36532

1-19-68

6-5-76
38.03.62
587.62
595.20

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