

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Alabama

STATE OF ALABAMA

Baldwin County

IN THE JUSTICE COURT OF

LANIER P. ANGLE

To Any Lawful Officer of Said County, Greetings:

Summon M.L.Johnson

to appear before me on or before the 16th day of January 1968, next, at my office

in Fairhope (360 Boone Lane) Baldwin County, Alabama, to answer the complaint of

J.M.Ponder, d/b/a Ponder Company, Fairhope, Alabama

and then and there make a return of this summons.

Issued the 6th day of January 1968

[Signature]
Lanier P. Angle

Justice of the Peace

COMPLAINT

J.M.Ponder, d/b/a

Ponder Company,

Fairhope, Alabama

Plaintiff

VS.

M.L.Johnson

Highway 51,

Daphne, Alabama

Defendant

Count 1

The Plaintiff claims of the Defendant the sum of Twenty and 28/100 Dollars due from said Defendant by account as at April 24, 1967, which sum of money with the interest thereon is still unpaid.

Count 2

The Plaintiff claims of the Defendant the sum of Twenty and 28/100 Dollars due from said Defendant on account stated between Plaintiff and Defendant on, to-wit, the 24th day of April, 1967, which sum of money with the interest thereon is still unpaid

Count 3

The Plaintiff claims of the Defendant the sum of Twenty and 28/100 Dollars due from within named Defendant for merchandise, goods and chattels sold by Plaintiff to Defendant and ^{not} for work and labor done for the Defendant at his request by the Plaintiff, as at 4/24/67, which sum of money with the interest thereon is still unpaid.

This suit is filed on an itemized and verified account which will be offered in evidence at trial thereof.

[Signature]
J.M.Ponder, d/b/a Ponder Company Plaintiff ~~xxxxxx~~

Executed by personal service and notice
of Garnishment

M.L. Johnson
Daphne

this 11 day of Jan 1968
Ray Randall
By Ray Randall D. Constable

No. _____

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STATE OF ALABAMA
Baldwin County

In the Justice Court of

LANIER P. ANGLE

Term, 19____

SUMMONS AND COMPLAINT

J.M. Ponder, d/b/a

Ponder Company,

Fairhope, Alabama

Plaintiff

Vs.

M.L. Johnson,

Highway 31,

Daphne, Alabama.

Defendant

The Defendant is hereby notified that
Writ of Garnishment has been served on

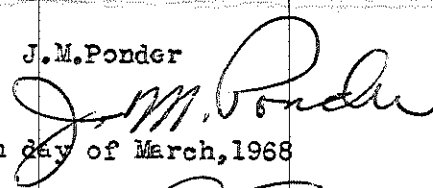
J. P.

Location: _____

NAME Mr. M. L. Johnson
Highway 31,
ADDRESS Daphne Ala. R.F.D.

CREDIT
DATA

BUTANE ACCT.

DATE	REFERENCE	CHARGES	CREDITS	BALANCE	PICK-UP
1967					
				BALANCE FORWARD	30 .00
JAN 3	207.32		10.00 -	10.00 -	10.00 -
JAN 26	1899.31 11/28/67	23.92		13.92 *	13.92
FEB 3	209.15		9.76 -	4.16 *	4.16
FEB 24	1910.43	23.92		28.08 *	28.08
MAR 2	210.61		15.00 -	13.08 *	13.08
MAR 3	210.68		2.16 -	10.92 *	10.92
APR 3	212.08		10.92 -	.00 *	
APR 24	1918.21 12-31-67	20.28		20.28 *	20.28
JUL 31	.00	.20		20.48 *	20.48
AUG 28	.00	.20		20.68 *	20.68
NOV 30	.00	.21		20.89 *	
I, J.M. Ponder, d/b/a Ponder Company, Fairhope, Alabama, hereby certify that within account is true, correct and complete after all claims or set offs due and that the balance thereof is unpaid, as at date of this verification.					
Sworn to and subscribed before me this the 12th day of March, 1968				J.M. Ponder	
					
					
				Lanier P. Angle	
				Justice of the Peace,	
				Fairhope, Alabama.	

sent letter
12-5-67

Mr. James P. Anger
BIRMINGHAM

NAME Mr. M.L. Johnson

ADDRESS Highway 31 Daphne, Ala. R.F.D.

Gas Aut

Given to
Mr. Anger
with duplicate ledger
card.

Post Office Box
Behind Alabama Service Station
Highway 31

CREDIT
DATA

DATE	1964	REFERENCE	CHARGES	CREDITS	BALANCE	PICK-UP
					BALANCE FORWARD	
MAR 28		1723.23	17.16		17.16 *	17.16 1
APR 4		151.70		14.04 -	3.12 *	3.12 2
APR 30		.00		3.12 -	.00 *	.00 3
MAY 28		1514.22	17.16		17.16 *	17.16 4
OCT 4		182.45		17.16 -	.00 *	.00 5
MAR 5		191.64		10.00 -	10.00 -	10.00 - 6
MAR 19		192.84		4.04 -	14.04 -	14.04 - 7
MAR 21		1847.17	14.04		.00 *	.00 8
APR 5		193.88		9.04 -	9.04 -	9.04 - 9
MAY 18		196.03		5.00 -	14.04 -	14.04 - 10
MAY 20		1859.22	14.04		.00 *	.00 11
AUG 4		199.64		10.00 -	10.00 -	10.00 - 12
SEP 6		201.22		7.16 -	17.16 -	17.16 - 13
SEP 27		1874.35	17.16		.00 *	.00 14
JAN 3	1967	207.32		10.00 -	10.00 -	10.00 - 15
FEB 26		1990.71	23.92		13.92 *	13.92 16
FEB 3		209.15		9.76 -	4.16 *	4.16 17
FEB 24		1915.43	23.92		28.08 *	28.08 18
MAR 2		210.61		15.00 -	13.08 *	13.08 19
MAR 3		210.53		2.15 -	10.92 *	10.92 20
APR 3		212.08		10.92 -	.00 *	.00 21
MAR 4		1918.21	20.28		20.28 *	20.28 22
MAR 31		.00	S.C. 20		20.48 *	20.48 23
MAR 28		.00	20		20.68 *	20.68 24
NOV 30		.00	SC 21		20.89 *	20.89 25

A 1899-31

PONDER CO.

FAIRHOPE, ALA. 36532

PHONE WA 8-9241

Modern Well Drilling Equipment — Water Well & Pumps

SALES INSTALLATIONS SERVICE

"Serving the Eastern Shore"

(YOUR SATISFACTION IS OUR BEST ADVERTISEMENT)

Fairhope, Ala. 36532,

-198

Sold to

Address

[illegible]

202227-3

DUPLICATE

A 1847-17

PONDER CO.

P. O. BOX 96

FAIRHOPE, ALA. 36532

PHONE WA 8-9241

BUTANE — PLUMBING — ELECTRICAL

Modern Well Drilling Equipment — Water Well & Pumps

SALES INSTALLATIONS SERVICE

"Serving the Eastern Shore"

(YOUR SATISFACTION IS OUR BEST ADVERTISEMENT)

Fairhope, Ala. 36532,

196

Sold to

Address

75 gal. butane	16	50
17	16	
	17	11
1/2 paid on this 30 days butane per gal. 13.50 ST 5.44 14.04 Wheel discounts 6 weeks 3' 5.44 ST 10.00 15.44		

202227-3

DUPLICATE

A 1859-22

PONDER CO.

FAIRHOPE, ALA. 36532

PHONE WA 8-9241

BUTANE — PLUMBING — ELECTRICAL

Modern Well Drilling Equipment — Water Well & Pumps

SALES INSTALLATIONS SERVICE

"Serving the Southern Shore"

(YOUR SATISFACTION IS OUR BEST ADVERTISEMENT)

Fairhope, Ala. 36532,

1964

Address

[illegible]

202227-3

DUPLICATE

FOR QUALITY ALWAYS CALL

A 1874-35

P. O. BOX 96

PONDER CO.

FAIRHOPE, ALA. 36532

PHONE WA 8-9241

BUTANE — PLUMBING — ELECTRICAL

Modern Well Drilling Equipment — Water Well & Pumps

SALES INSTALLATIONS SERVICE

"Serving the Eastern Shore"

(YOUR SATISFACTION IS OUR BEST ADVERTISEMENT)

Fairhope, Ala. 36532, 7-5-

196

Sold to

Address

75 gals Butane	19 50
ST	78
	30 28
I Paid Within 30	
Days deduct on per	
gas	
16 50	
ST 64	
12.16	
This	
I have per	
P.H.	
9 2.10.00	
3.06	

202227-3

DUPLICATE

FOR QUALITY ALWAYS CALL

A 1910-43

PONDER CO.

P. O. BOX 96

FAIRHOPE, ALA. 36532

PHONE WA 8-9241

BUTANE — PLUMBING — ELECTRICAL

Modern Well Drilling Equipment — Water Well & Pumps

SALES INSTALLATIONS SERVICE

"Serving the Eastern Shore"

(YOUR SATISFACTION IS OUR BEST ADVERTISEMENT)

6-2-24-67

Fairhope, Ala. 36532, 1-21

1967

Sold to

M. J. Johnson

Address

Spanish Fort

100 gal Butane		23.00
		42
		82.342
Dest.		
1st Paid nothing 30		
2nd Paid nothing 40		
3rd Paid		
19.00		
76		
19.76		
Thank you		

202227-3

DUPLICATE

A 1918-21

PONDER CO.

FAIRHOPE, ALA. 36532

PHONE WA 8-9241

Modern Well Drilling Equipment — Water Well & Pumps

SALES INSTALLATIONS SERVICE

"Serving the Eastern Shore"

(YOUR SATISFACTION IS OUR BEST ADVERTISEMENT)

Fairhope, Ala. 36532.

196.

Sold to

Address

[illegible]

202227-3

DUPLICATE

M.L.JOHNSON,APPELLANT

VS

J.M.PONDER,d/b/a PONDER
COMPANY,APPELLEE

IN THE CIRCUIT COURT OF

BALDWIN COUNTY,ALABAMA.

ON APPEAL FROM JUSTICE COURT OF
LANIER P.ANGLE,PRECINCT 10,
FAIRHOPE,ALABAMA.

JUSTICE'S STATEMENT

On the complaint of J.M.Ponder,d/b/a Ponder Company,Fairhope,Alabama against M.L.Johnson issued the 6th day of January,1968 for debt in amount of \$20.28;service of summons and complaint on Mr.Johnson obtained on the 11th day of January,1968 and the case was set for trial on the 16th day of January,1968,and continued at the request of the defendant to 12th day of March,1968. During this period Mr.and Mrs Johnson appeared to enter a general denial to the averments of the complaint; and produced receipts from Ponder Company showing certain payments,all dated in C.Y.1967. After such appearance by the defendant and following his plea to join issue in this Court on the aforesaid complaint,a plea to abate the suit in this Court was filed on March 5,1968,and same was denied on the 7th day of March,1968.

At 9:00 A.M.on March 12,1968,plaintiff and defendant appeared for trial of the cause. Mr Ponder entered his itemized and verified account which showed the amount of \$20.28 due and unpaid from the defendant,Mr.Johnson. Mr.Ponder testified that invoice of the company,#A1899-31 dated in the month of November,1966 for butane gas delivered to Mr.Johnson in said month was not posted to Mr.Johnson's account until January 26,1967;that it was the policy of his and similar companies to defer posting until discount period expired on butane deliveries. Accordingly,payments made by Mr.Johnson appear on the account record as antedating the date of the charges thereon.

Mr.Johnson,on direct examination,failed and refused to produce his receipts for payments made in 1966 and stated that he would not do so if this Court passed the case to enable him to return to his home and get such receipts. Under the circumstances of the billing by Ponder Company,the production of such receipts is essential to Mr.Johnson's defense of payment,since further,Mr.Johnson did not deny receiving the butane gas billed by Ponder Company. Mr Johnson allowed Mr.Ponder to submit the account in evidence without objection.

Judgment for the plaintiff and against the defendant was entered by preponderance of plaintiff's evidence in this case.

Defendant then gave notice of appeal and has since provided bond therefor.

Done this the 22nd day of March,1968.


Lanier P. Angle

JUSTICE COURT

Precinct 10

Fairhope, Alabama

LANIER P. ANGLE

March 22, 1968

Mrs Alice J. Duck, Clerk
Circuit Court of Baldwin County,
Bay Minette, Alabama 36507

Re: J.M. Ponder, d/b/a
Ponder Company
Vs M.L. Johnson

Dear Mrs Duck:

Herewith are documents to perfect appeal to Circuit Court by M.L. Johnson, Appellant, from judgment for the plaintiff and against the defendant in this Court:

- (1) Appeal Bond(\$100.00)
- (2) Justice's Statement
- (3) Itemized and verified Account
- (4) Photocopy Ledger Account of M.L. Johnson maintained by Ponder Co.
- (5) Invoices of Ponder Company:
No. A-1899-31; A-1847-17; A-1859-22; A-1874-35; A-1910-43; A-1918-21
- (6) Summons and Complaint, Case No. 5756, and Memorandum of Service by Sheriff's Office, on Defendant Johnson.

Yours very truly,



Lanier P. Angle

Note:

Required Notice to Appellee for service on Mr. Ponder is also forwarded this date to Sheriff's Office for such service and return thereof.

STATE OF ALABAMA

Baldwin County

KNOW ALL MEN BY THESE PRESENTS:

That ~~we~~ I, M. L. Johnson and H.H. Harrison and Alma Johnson
 are held and firmly bound unto J. M. Ponder, d/b/a Ponder Company
 in the sum of One Hundred (\$100.00) ----- DOLLARS,
 for the payment of which, well and truly to be made, we bind ourselves, and each of us, our and each of
 our heirs, executors and administrators, jointly and severally. But upon condition, that if the above
 bound M. L. Johnson shall prosecute to effect an appeal by him taken this day
 to the next term of the Circuit Court of Baldwin from a judgment
 rendered against him in favor of said J. M. Ponder, d/b/a Ponder Company
 by Lanier P. Angle, a Justice of the Peace for said County, for the
 sum of Twenty and 28/100 (\$20.28) ----- Dollars, debt
 in said appeal, shall pay such judgment, both as costs as may be rendered against him by the said
Lanier P. Angle and/or Circuit Court of Baldwin County, then in either
 of said events, this obligation to be void, otherwise to remain in full force and effect.

Given under our hands and seals, this the 20th day of March 1968

Approved:

M. L. Johnson (L. S.)
H. H. Harrison (L. S.)
Alma Johnson (L. S.)
Lanier P. Angle J.P.

No. _____ Page _____

THE STATE OF ALABAMA
Baldwin County

APPEAL BOND

JUSTICE COURT OF

Plaintiff

Defendant

Filed this _____ day of _____ 19____

J. M. PONDER, d/b/a
PONDER COMPANY

Plaintiff

vs

M. L. JOHNSON

Defendant

IN THE JUSTICE COURT OF

LANIER P. ANGLE, BEAT

10, BALDWIN COUNTY, ALABAMA

comes the defendant in the above entitled cause
and gives notice of this, his appeal to the Circuit Court
of Baldwin County from the judgment rendered in favor of
the plaintiff in the above styled cause and also gives
notice of his appeal from the ruling of the said Justice
of the Peace arbitrarily denying the plea to the venue in
said cause without setting same down for hearing.


Attorney for defendant

Copy of said Notice of Appeal to the Justice of the
Peace and a copy to the Circuit Court of Baldwin County.

FILED

MAR 13 1968

ALICE J. DUCK CLERK
REGISTER