

ELBERT M. RHODES

Plaintiff

vs

J. I. BROWN

Defendant

X

X

X

X

X

IN THE CIRCUIT COURT OF


BALDWIN COUNTY, ALABAMA

AT LAW NO. 8119


Comes the defendant in the above styled cause and demurs to the complaint filed in said cause and to each count thereof separately and severally as follows:

1. Count one of said complaint fails to state a cause of action.

2. Count two of said complaint fails to state a cause of action.


Attorney for defendant.

I hereby certify that I have this 30 day of May, 1968, served a copy of the foregoing demurrers on Honorable Harry J. Wilters, attorney for the plaintiff by depositing copy of same in the U. S. mail, postage prepaid, properly addressed to his office in Bay Minette, Alabama.


Attorney for defendant.

FILED

MAY 31 1968

ALICE J. BUCK CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons J. I. Brown, to appear within thirty days from the service of this writ in the Circuit Court to be held for said County at the place of holding the same, then and there to answer the Complaint of Elbert M. Rhodes.

Witness my hand, this the 1st day of May, 1968.

Alice J. Duck
Clerk,

ELBERT M. RHODES,

Plaintiff,

vs.

J. I. BROWN,

Defendant.

X

X

X

X

X

1.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8119

The Plaintiff claims of the Defendant the sum of FIVE HUNDRED DOLLARS (\$500.00), due from him by account on the 28th day of February, 1968, which sum of money, with the interest thereon is still unpaid.

2.

The Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), damages for the false representation of the sale of the Defendant's stock in Brown's Building Supply, Inc., a Corporation, wherein the Defendant represented to the Plaintiff that the Corporation had on hand certain stocks and materials and accounts receivable, when in fact the Corporation did not have even approximately the amount represented by the Defendant, all of which

he had knowledge.

WILTERS & BRANTLEY

BY: *Harry J. Wilters Jr.*

Soley, Ala.

FILED

MAY 1 1968

ALICE J. DUCK CLERK
REGISTER

24-5-13-68

Goley

Received 2 day of May 1968
and on 13 day of May 1968
served a copy of the within I & C
J. I. Brown
service on Above

TAYLOR WILKINS, Sheriff

By J. M. Easton D. S.
Goley, W.

TAYLOR WILKINS, SHERIFF OF BALDWIN COUNTY, ALABAMA

COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR SERVING 1 PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$ 7.20

PROCESS(ES) OR A TOTAL OF \$ 8.20

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8119

ELBERT M. RHODES,

Plaintiff,

vs.

J. I. BROWN,

Defendant.

SUMMONS & COMPLAINT

WILTERS & BRANTLEY
Attorneys at Law
Bay Minette, Alabama

FILED

MAY 1 1968

ALICE J. DUCK CLERK
REGISTER

ELBERT M. RHODES)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA
)
VS)
) CASE NO. 8119
J. I. BROWN)
)
) DEFENDANT)

Comes now the Plaintiff in the above styled cause and shows unto the Court as follows:

1. The Plaintiff obtained a judgment in this court on the 5th day of February, 1969, in the sum of FIVE HUNDRED (\$500.00) DOLLARS against J. I. Brown; said judgment remains unpaid and unsatisfied. Ten years has elapsed since the issuance of said judgment. Execution was issued in this case on February 28, 1969, and was returned on the 1st day of February, 1974, "no property found".

WHEREFORE, Plaintiff prays that a Writ of Scire Facias issue out of this Court requiring the Defendant to show cause, if any he has, within thirty days after service of such writ, why said judgment should not be in all things revived and execution issued on the same, and upon the hearing of this Petition, if any legal reason be shown why said judgment should not be revived, an order reviving the same entered with provisions for execution.

FILED

FEB 23 1979

EUNICE B. BLACKMON CIRCUIT
 CLERK

T. M. Brantley
T. M. Brantley

P.O. Box 968

Bay Minette, Alabama 36507

Attorney for the Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, the undersigned authority,
in and for said county and state, T. M. Brantley, who being
by me first duly sworn, doth depose and say that the statements
contained in the foregoing Petition are true and correct.

T. M. Brantley
T. M. Brantley

Subscribed and sworn to before me on this the 23rd day of
February, 1979.

Chas. D. Fischer
Notary Public

ORDER

Upon consideration of the foregoing Petition, it is
ORDERED that a Writ of Scire Facias issue by the Clerk of this
Court to the said J. I. Brown in the manner and form as
provided by law.

W. L. Hay
CIRCUIT JUDGE

FILED

FEB 23 1979

EUNICE B. BLANKENHORN
CLERK

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
BALDWIN COUNTY) BALDWIN COUNTY, ALABAMA
TO THE SHERIFF OF SAID COUNTY-GREETING:

You are hereby commanded to forthwith serve the within writ personally on each of the following named defendants:

J. I. Brown.

Witness my hand this the 23 day of July, 1979.

Eunice B. Blackmon
Clerk of the Circuit Court of Baldwin
County, Alabama.

ELBERT M. RHODES) IN THE CIRCUIT COURT OF
PLAINTIFF) BALDWIN COUNTY, ALABAMA

VS)

J. I. BROWN)
Goley, Al. DEFENDANT)

FILED

FEB 23 1979

TO: J. I. BROWN:

EUNICE B. BLACKMON CIRCUIT
CLERK

You will take notice that Plaintiff in the above entitled cause has filed a petition in the Circuit Court of Baldwin County, Alabama, to revive a judgment rendered on February 5, 1969, against you in said Court in cause No. 8119, for the sum of \$500.00 and costs of suit.

Now, therefore, you are hereby notified to show cause, if any you have, why said judgment should not be revived against you within thirty days after the date of service hereof.

Witness my hand this the 23 day of July, 1979.

Eunice B. Blackmon
Clerk of the Circuit Court of Baldwin
County, Alabama.

Filed in Office 2-23, 1979.

Executed by serving a copy of the within on _____

1979.

Sheriff of Baldwin County, Alabama

BY: _____

Deputy Sheriff

RECEIVED

FEB 26 1979

THOMAS H. BENTON
SHERIFF

8119

Robert M. Rhodes

vs.

J. L. Brown

FILED

FEB 23 1979

EUNICE B. BLACKMON
CLERK

Received 26 day of Feb 1979
and on 28 day of Feb 1979
I served a copy of the within 8 + Rhodes
on J. L. Brown

By service on

J. L. Brown

THOMAS H. BENTON, SHERIFF
BY J. L. Brown D. S.

W285-113

874-889