

B & C PRODUCE, a partnership
composed of W. E. BRACKINS AND
ALVA CLARK,

PLAINTIFF

VS.

JACK DENNY,

DEFENDANT

§
IN THE CIRCUIT COURT OF
§
BALDWIN COUNTY, ALABAMA
§
AT LAW
§
CASE NO. 8170
§
§

Comes now the Defendant in the above styled cause and for amended answer to the complaint filed in this cause pleads in short by consent the general issue, payment and offset.

For further answer Defendant files herewith a third party action against W. E. Brackins, individually and as a partner doing business as B & S Produce Company and claims of the said B & S Produce Company and the Plaintiff, W. E. Brackins the sum of \$5,799.15 due by account on the 14th day of August, 1967, which sum of money with the interest thereon is still unpaid.

Third party Plaintiff further avers that on said occasion and prior thereto the Defendant, Jack Denny, and the Defendant, Kenneth Rose were operating as a partnership known as Rose and Denny; that as a part and parcel of the partnership affairs of Rose and Denny certain farm produce were sold to third party defendant, W. E. Brackins, individually and as a partner doing business as B & S Produce Company; that the said B & S Produce Company and W. E. Brackins, Individually, were indebted to Kenneth Rose and Jack Denny in the amount of \$5,799.15; that the said W. E. Brackins entered into a partnership arrangement with plaintiff, Alva Clark from whom third party defendant Jack Denny purchased certain farm produce during the year 1967 and against whom on, to-wit, June 14, 1967, defendant Jack Denny in this proceeding, and Defendant Kenneth Rose, in Case No. 8171, offset the sum of \$5,799.15 from the account at that time stated. Third party Plaintiff therefore claims of third party Defendant the sum of \$5,799.15 for account stated on to-wit, the 14th day of August, 1967.

Filed: August 5, 1970

Defendant's motion
Judge

HUGH M. CAFFEY, JR., ATTORNEY
FOR JACK DENNY

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B & C PRODUCE, a partnership
composed of W. E. BRACKINS AND
ALVA CLARK,

PLAINTIFF

VS.

JACK DENNY,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
CASE NO. 8170

Comes now Jack Denny the person named as Defendant in the
above styled cause and for answer to the complaint filed in this
cause says as follows:

1. Not Guilty.
2. The allegations of said complaint are untrue.
3. Defendant for further answer to the complaint alleges
that prior to the institution of said suit the account sued upon
was paid in full by off-setting mutual accounts and that there is
no balance due as alleged.

Hugh M. Caffey, Jr.
HUGH M. CAFFEY, JR., ATTORNEY
FOR JACK DENNY

Defendant requests a trial by jury.

Hugh M. Caffey, Jr.
HUGH M. CAFFEY, JR., ATTORNEY
FOR JACK DENNY

FILED

OCT 9 1969

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA

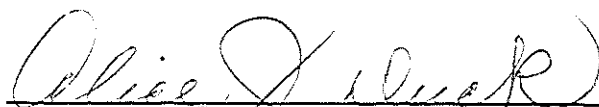
IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JACK DENNY 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 same, then and there to answer the Complaint of B & C PRODUCE, a partnership composed of W. E. BRACKINS and ALVA CLARK.

Witness my hand this 10th day of June, 1968.


Clerk

B & C PRODUCE, a partnership
composed of W. E. BRACKINS and
ALVA CLARK,

Plaintiff,

vs.

JACK DENNY,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

8170

The Plaintiff claims of the Defendant the sum of Three Thousand Three Hundred Nineteen Dollars and Sixty Cents (\$3,319.60) due from him by account on the 14th day of June, 1967, which sum of money, with the interest thereon, is still unpaid.

CHASON, STONE & CHASON

By:


Attorneys for Plaintiff

FILED

JUN 10 1968

ALICE J. CLARK

CLERK
REGISTER

1 VOL

65 PAGE 65

2,619.60

Jack Denny can be
served at
McMurphy Potato Shed
Atmore, Ala.

RECEIVED

JUN 10 1968

WALTER WILKINS
SHERIFF

Executed this 15th day
June 19 68 by serving
a copy of the within.

on Jack Denny
Mr. Byrnes

Alton Keller, Deputy

Sheriff's Claims...6.4...
miles in executing this
Summons...at 10c per

8170

B & C PRODUCE, a partnership
composed of W. E. BRACKINS,
and ALVA CLARK,

Plaintiff,

vs.

JACK DENNY,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

* * * * *

SUMMONS AND COMPLAINT

* * * * *

FILED

JUN 10 1968

CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. Box 120
BAY MINETTE, ALABAMA

For the Plaintiff

\$2,619.60

Plus Interest at 6%
C. Hunt Jr.
Foreman

B & C PRODUCE, a partnership	Ø	
composed of W. E. BRACKINS AND	Ø	IN THE CIRCUIT COURT OF
ALVA CLARK,	Ø	BALDWIN COUNTY, ALABAMA
	Ø	AT LAW
PLAINTIFF	Ø	
VS.	Ø	CASE NO. 8170
JACK DENNY,	Ø	
	Ø	
DEFENDANT	Ø	

B & C PRODUCE, a partnership	Ø	
composed of W. E. BRACKINS AND	Ø	IN THE CIRCUIT COURT OF
ALVA CLARK,	Ø	BALDWIN COUNTY, ALABAMA
	Ø	AT LAW
PLAINTIFF	Ø	
VS.	Ø	CASE NO. 8171
KENNETH ROSE,	Ø	
	Ø	
DEFENDANT	Ø	

The foregoing causes having been consolidated for trial by consent and stipulation of the parties and the request for a trial by jury having been withdrawn, said consolidated actions came on to be heard in Bay Minette, Alabama on August 5, 1970. The Defendants having pleaded in short by consent and having further filed third party actions against W. E. Brackins and issue having been joined and the court having heard testimony presented in open court is of the opinion that the Plaintiff in each of the above captioned cases is not entitled to recover of either of the Defendants by virtue of defendants' pleas in short by consent.

It is therefore ORDERED, ADJUDGED and DECREED by the Court that the Defendant, Jack Denny, in Case No. 8170, and that the Defendant, Kenneth Rose, in Case No. 8171, go hence and recover of the Plaintiff, B & C Produce, a partnership composed of W. E. Brackins and Alva Clark, their individual costs in this behalf expended, for which let execution issue.

On the consolidated hearing of these causes, the Court having considered and understood the third party action filed by each Defendant wherein each defendant as third party plaintiffs claim the sum of \$5,799.15, as an indebtedness due by W. E.

Brackins to Kenneth Rose and Jack Denny, formerly a partnership composed of Rose and Denny, and the Court having further understood that the consolidated claims by B & C Produce in each of the above cases in the aggregate amount of \$5,099.15, which sum should be off-set from the total indebtedness of \$5,799.15, found to be due by W. E. Brackins as third party defendant to Jack Denny and Kenneth Rose, jointly, and as former partners doing business as Rose and Denny.

It is accordingly ORDERED and ADJUDGED by the Court that third party plaintiffs Kenneth Rose and Jack Denny jointly have and recover of the third party defendant, W. E. Brackins, the sum of \$700.00, found by the Court to be the difference between the indebtedness due in each of the above captioned consolidated cases and the amount found by the Court to be due by W. E. Brackins to Jack Denny and Kenneth Rose as aforesaid.

It is further ORDERED that a copy of this judgment be duly enrolled by the Clerk of this Court in each of the above captioned cases and that upon payment by W. E. Brackins of the sum of \$700.00 jointly to Jack Denny and Kenneth Rose, and upon the further payment of the costs of these proceedings this matter will be finally adjudicated and settled, for the payment of all of which let execution issue.

Done this the 30th day of November, 1970.

J. Clair H. Mashburn
TELEAIR J. MASHBURN, CIRCUIT JUDGE

HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

P. O. BOX 867

BREWTON, ALABAMA 36426

December 5, 1970

ASSOCIATE
KIRTLLEY W. BROWN

AREA CODE 205
PHONE 867-6041

Mrs. Alice J. Duck
Circuit Clerk
Bay Minette, Alabama

Re: B & C Produce Co.
vs.
Rose - case #8171

B & C Produce Co.
vs.
Denny - case #8170

Dear Mrs. Duck:

Thank you you for forwarding a copy of the judgment in the consolidated cases referred to above. You will note that costs were taxed to W. E. Brackins and Alva Clark rather than to the defendants. It would be in order for your returned cost bill to be presented to Norborne Stone as attorney for Brackins and Clark or directly to W. E. Brackins of 117 Alice Street, Foley, Alabama.

I enclose a certificate of judgment which I ask that you sign and place with the Judge D'Olive for recording. A note is appended to the certificate for the guidance of the recording clerk.

With best regards, I am,

Yours very truly,


Hugh M. Caffey, Jr.

HMC, JR./swc
Encl:

HUGH M. CAFFEY, JR.

ATTORNEY AT LAW

BREWTON, ALABAMA 36426

AREA CODE 205
PHONE 867-6041

October 8, 1969

P. O. BOX 867

Mrs. Alice Duck
Register, Circuit Court
Bay Minette, Alabama

RE: B & C Produce vs.
Jack Denny and
B & C Produce vs.
Kenneth Rose

Dear Mrs. Duck:

I am enclosing answers in the referenced cases which I ask that you please file. A copy of these answers have been forwarded to Mr. Norborne Stone.

With best regards, I am,

Yours very truly,


Hugh M. Caffey, Jr.

HMC JR./mca

Enclosures

B & C PRODUCE v. JACK DENNY

#8170

EUNICE, I checked w/ Sheriff's office
& they said that if you would return
the execution in the above case to them,
they would forward it to the
Essex County Sheriff. Thanks

Ebi

Done 6-9-70

B & C PRODUCE, a partnership composed of W. E. BRACKINS AND ALVA CLARK,	⌘	IN THE CIRCUIT COURT OF
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PLAINTIFF	⌘	AT LAW
VS.	⌘	CASE NO. 8170
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Done this the 30th day of November, 1970.

Telfair J. Mashburn
TELF AIR J. MASHBURN, CIRCUIT JUDGE