

ORIGINAL

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jesse Carl Hall (as contracting sub-contractor), S.M.S., Inc., (as prime contractor), Home Indemnity Company of New York, (as bonding company) 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 John T. Rountree.

WITNESS my hand this 27 day of Nov, 1968.

Alfred M. Muck

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JOHN T. ROUNTREE	X	
Plaintiff	X	IN THE CIRCUIT COURT OF
vs	X	BALDWIN COUNTY, ALABAMA
JESSE CARL HALL (as contracting sub-contractor); S.M.S., INC., (as prime contractor) and HOME INDEMNITY COMPANY OF NEW YORK (as bonding company)	X	AT LAW NO. 8453
Defendants	X	

-1-

The plaintiff claims of the defendants Nine Hundred Ninety-five and 50/100 (\$995.50) Dollars due from them by account on June 1, 1968, which sum of money with interest thereon is still unpaid.

-2-

The plaintiff claims of the defendants Nine Hundred Ninety-five and 50/100 (\$995.50) Dollars damages for the breach of an agreement entered into by them on January 17, 1968, in substance as follows:

The said John T. Rountree leased 1-International dump truck 8 cu. yd. at \$5.00 per hour and 1-Massey Ferguson Diesel farm tractor, 1965 model with attachment and accessories at \$4.50 an hour for use on Projects I-10-1(28)44 and I-65-1(78)30 in Baldwin County and the plaintiff says that although he has complied with all of the provisions on his part, the defendants have failed to comply with the following provisions thereof to pay Nine Hundred Ninety-five and 50/100 (\$995.50) Dollars.

  
Attorney for plaintiff.

The defendants may be served as follows:

Jesse Carl Hall  
943 E. 16th Avenue  
Tuscaloosa, Alabama

S.M.S., Inc. by serving  
Honorable Fred S. Ball, Jr. or Honorable Richard A. Ball  
200 St. Lawrence Street  
Montgomery, Alabama 36104

Home Indemnity Company of New York by serving  
Superintendent of Insurance  
Montgomery, Alabama

**FILED**

NOV 27 1968

**ALICE J. DUCK** CLERK  
REGISTER

776

RECEIVED IN OFFICE  
DEC 3 1968  
M. S. BUTLER, Sheriff

EXECUTED BY SERVING A  
COPY OF THE WITHIN

Full Bail as  
adj. for S. M. S. Inc.

This the 3 day of Dec. 1968  
M. S. BUTLER  
Sheriff Montgomery County

By W. J. Walker  
Deputy Sheriff

Sub: Return inside

M. S. Butler, Sheriff of Montgomery  
County, Alabama, Claim \$1.50 each for  
serving 1 process(es) and \$1.00  
travel expense on each of 1  
process(es) or a total of 2.50

W. J. Walker Deputy Sheriff

ORIGINAL

NO. 8453

John Roundtree

vs  
Jesse Carl Hall  
et al

RECEIVED  
99072-27056  
SHERIFF  
TUSCALOOSA COUNTY, ALA.

C. L. T.

RECEIVED

DEC 2 1968

WILLIAMS  
SHERIFF

EXECUTED BY SERVING A  
COPY OF THE WITHIN

With Mary Smith  
as agent for  
Dept. of Insurance  
St. of Ala.

This the 4 day of Dec. 1968  
M. S. BUTLER  
Sheriff Montgomery County  
By W. J. Moore  
Deputy Sheriff

Executed this 11 day of Dec. 1968  
by handing a copy of the within to

Jessie Carl Hall  
NATHAN CHISM, Sheriff  
Tuscaloosa Co. Ala.  
By Nathan Chism

347

STATE OF ALABAMA

DEPARTMENT OF INSURANCE

I, the undersigned as <sup>Deputy</sup> Superintendent of Insurance for the State of Alabama,  
hereby certify that on the 4th day of December, 1968, I sent  
by registered mail in an envelope as follows:

Home Indemnity Company  
59 Maiden Lane  
New York, New York 10008

REGISTERED MAIL  
RETURN RECEIPT REQUESTED

bearing sufficient prepaid postage, a copy of a summons and complaint served upon  
me by the Sheriff of Montgomery County, Alabama, in a cause styled as follows:

John T. Rountree, Plaintiff

in the Circuit Court of Baldwin County

VERSUS

Jesse Carl Hall and

Home Indemnity Company of New York, Defendant

(Name of Court)

And that on the 10th day of December, 1968, I received  
the return card showing receipt by the designated addressee of said envelope on  
the 6th day of December, 1968.

Witness my hand and official seal this the 12th day of December,  
1968.

Joe R. Darden  
Deputy SUPERINTENDENT OF INSURANCE

JOHN T. ROUNTREE

Plaintiff


vs

JESSE CARL HALL (as contracting  
sub-contractor); S.M.S., INC.,  
(as prime contractor) and  
HOME INDEMNITY COMPANY OF  
NEW YORK (as bonding company)

Defendants

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 8453

Comes the plaintiff, John T. Rountree, and moves to  
dismiss with prejudice the complaint heretofore filed in  
said cause, the costs being paid by defendant S.M.S., Inc.

  
Attorney for plaintiff.

FILED

JAN 28 1969

ALICE J. DUCK CLERK  
REGISTER

\* \* \* \* \*

STATE OF ALABAMA  
BALDWIN COUNTY

JOHN T. ROUNTREE

Plaintiff

vs

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 8453

JESSE CARL HALL (as contract-  
ing sub-contractor); S.M.S.,  
INC., (as prime contractor)  
and HOME INDEMNITY COMPANY  
OF NEW YORK (as bonding  
company)

Defendants

-1-

The plaintiff, John T. Rountree, never submitted unto me a Statement of Account, but instead, rendered Statement of Account to S.M.S., Inc. S.M.S., Inc. notified Jesse Carl Hall that they were deducting the amount of \$995.50 claimed by John T. Rountree and were paying same in their November Accounts Payable.

-2-

Since the account has been paid in full and back-charged to my accrued credits payable from S.M.S., Inc., I move that this case be set aside as having been paid in

full  
**FILED**

JAN 8 1969

ALICE J. DUCK CLERK  
REGISTER

Jesse Carl Hall - 1-7-69.  
Jesse Carl Hall