

# ORIGINAL

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Merrill S. Ard, 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 Monsanto Company, a Corporation.

Witness my hand, this the 22 day of Jan., 1969.

Alice J. Duck  
Alice J. Duck, Clerk

MONSANTO COMPANY, a  
Corporation,

Plaintiff,

vs.

MERRIL S. ARD,

Defendant.

X

X

X

X

X

X

1.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2532

The Plaintiff claims of the Defendant the sum of TWO THOUSAND ONE HUNDRED SEVENTEEN AND 35/100 (\$2,117.35) DOLLARS, due from him by account on October 2, 1968, which sum of money with the interest thereon is still unpaid.

2.

The Plaintiff claims of the Defendant the sum of TWO THOUSAND ONE HUNDRED SEVENTEEN AND 35/100 (\$2,117.35) DOLLARS, due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant during a period from March of 1967 through September of 1967, which sum of money, with the interest thereon, is still unpaid.

This suit is filed on an itemized, verified statement

of the account, which is attached hereto and made a part thereof.

WILTERS & BRANTLEY

BY:

*Harry J. Wilters, Jr.*

The Defendant's address is:

Robertsdale, Alabama

FILED

JAN 22 1969

ALICE J. DUCK CLERK  
REGISTER

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. \_\_\_\_\_

MONSANTO COMPANY, a  
Corporation,

Plaintiff,

vs.

MERRIL S. ARD,

Defendant.

SUMMONS AND COMPLAINT

WILTERS & BRANTLEY  
Attorneys at Law  
Bay Minette, Alabama

IMPORTANT: Read over slowly. Fill out very carefully. Attach itemized statement in triplicate showing each debit and credit supported by triplicate invoices of each debit. Do not strike out, change or add to except where indicated.

STATE OF MISSOURI  
COUNTY OF ST. LOUIS 63166

Before me, the undersigned authority, on this day personally appeared W. Fred DuBois,  
known to me, who being duly sworn, upon oath deposes and says that he is Fin. Services Mgr.  
and duly authorized agent of (Position held)

MONSANTO COMPANY

(Trade name or name of company)

A corporation duly incorporated and existing under the laws of the State of DELAWARE  
a partnership consisting of \_\_\_\_\_

Owned and operated by \_\_\_\_\_, a sole trader,  
residing in the County of ST. LOUIS 63166, State of MISSOURI, and that as  
such he makes this affidavit: that he is familiar with the books of said corporation, partnership, or Sole  
(Leave only one)

Trader; that the attached account against MERRIL S. ARD, Robertsdale, Ala., constituting this  
cause of action, is taken from original books of entry, and is just and true within the knowledge of this  
affiant; that all just and lawful offsets, payments and credits have been allowed and that the sum of  
Three thousand six hundred seventeen and 75/100 Dollars (\$ 3617.75), with interest  
thereon at the legal rate from the \_\_\_\_\_ next following the date or dates thereof is due,  
owing and unpaid.

W. Fred DuBois

(Affiant)

Subscribed and sworn to before me this 31 day of

July

A. D. 19 68

(SEAL)

Evelyn Henley   
Notary Public in and for the County and State first  
hereinbefore written.

My commission expires 11-16 A. D. 19 71

VOL 61 PAGE 617 EVERLYN HENLEY

Notary must PRINT name hereon.

## STATEMENT

**Monsanto**  
C O M P A N Y

800 NORTH LINDBERGH BLVD.  
ST. LOUIS, MISSOURI 63166

MERRIL S. ARD  
P. O. BOX 315  
ROBERTSDALE, ALABAMA

LEDGER NO.	MO.	DAY	YEAR
023232-310-5	7	19	68

**IMPORTANT:** IF PURCHASES AND PAYMENTS MADE NEAR THIS STATEMENT DATE ARE NOT REFLECTED, THEY WILL APPEAR ON THE NEXT MONTH'S STATEMENT. ANY DIFFERENCES SHOULD BE REPORTED PROMPTLY. ANY PAYMENTS ON THIS ACCOUNT SHOULD BE DIRECTED TO THE LOCK BOX SHOWN ON OUR INVOICES.

✓	DATE	REFERENCE	*TRANS-ACTION	DEBITS		CREDITS	BALANCE
	2 68	S/C		105 24		12 50	
	5 68	S/C		23 70			
	4 68	S/C		23 70			
	3 68	S/C		23 70			
	2 67	104144		360 00✓			
	4 67	104791		55 00✓			
	4 67	104784		8 96✓			
	4 67	104792		2 80✓			
	4 67	155043		183 30✓			
	4 67	105000		232 70✓			
	3 67	104537		8 00✓			
	3 67	104527		8 00✓			
	3 67	104480		9 00✓			
	3 67	104712		6 00✓			
	4 67	104782		232 50✓			
	4 67	104924		61 20✓			
	3 67	104710		7 00✓			
	4 67	155001		17 90✓			
	3 67	104479		209 25✓			
	3 67	104571		646 50✓			
	3 67	104572		28 00✓			
						(con't)	

FORM 271 REV. 4-65

\* TRANSACTION CODE: 1 INVOICE - 2 DEBIT MEMO - 3 CREDIT MEMO - 4 CASH - 5 VOUCHER - 6 JOURNAL ENTRY - 7 BALANCE FORWARD

61 PAGE 618



**Monsanto**  
C O M P A N Y

800 NORTH LINDBERGH BLVD.  
ST. LOUIS, MISSOURI 63166

# STATEMENT

Merril S. Ard

LEDGER NO.	MO.	DAY	YEAR
023232-310-5			

**IMPORTANT:** IF PURCHASES AND PAYMENTS MADE NEAR THIS STATEMENT DATE ARE NOT REFLECTED, THEY WILL APPEAR ON THE NEXT MONTH'S STATEMENT. ANY DIFFERENCES SHOULD BE REPORTED PROMPTLY. ANY PAYMENTS ON THIS ACCOUNT SHOULD BE DIRECTED TO THE LOCK BOX SHOWN ON OUR INVOICES.

✓	DATE	REFERENCE	*TRANS-ACTION	DEBITS		CREDITS		BALANCE
	4	67	155044	14	10✓			
	4	67	104783	75	50✓			
	3	67	104558	8	00✓			
	3	67	104536	184	00✓			
	3	67	104526	182	50✓			
	3	67	104711	148	50✓			
	3	67	104557	184	00✓			
	3	67	104709	232	50✓			
	5	67	155336	55	00✓			
	9	67	239102	258	00✓			
	9	67	239103	12	00✓			
	6	68	S/c	23	70			
								\$3617 75

FORM 271 REV. 4-65

\* TRANSACTION CODE: 1 INVOICE - 2 DEBIT MEMO - 3 CREDIT MEMO - 4 CASH - 5 VOUCHER - 6 JOURNAL ENTRY - 7 BALANCE FORWARD

618 A

PRODUCT CLASS		023 232 310 5		0		001200	
EQUIP REF-161		FERTAL 8 ARD		% DISCOUNT AVAILABLE UNTIL 20TH OF MONTH FOLLOWING SALE		TOTAL AMOUNT TO BE PAID WITH CASH SHOWN BELOW	
P.O. BOX 315 BALDWIN CITY LOXLEY ALA		ROBERTSCALE ALABAMA				DOLLARS CENTS	
SOLD BY		CUSTOMER		TERMS OF SALE		TOTAL AMOUNT	
DESCRIPTION OF PRODUCTS		QUANTIFIED ANALYSIS BY MONSANTO CO., ST. LOUIS, MO.		QUANTITY		PRICE & UNIT	
		N AVAIL SOL N P2 C K2 O				AMOUNT	
Equipment Rental				1.00		2.00 12.00	
All also 239102							
STATION COPY		INVOICE NUMBER 239103		DATE 9/11/67		TOTAL 12.00	
						DELINQUENT ACCOUNTS WILL BE ASSESSED A SERVICE CHARGE	

8532

Monsanto Co.  
a long. Pity.

vs.

Merrill J. Ard  
Weyt

Received 23 day of Jan 19 69  
and on 30 day of Jan 19 69  
served a copy of the within OK  
in Merrill J. Ard  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By W. A. Zolbert D. S.

Robertsdale

TAYLOR WILKINS, SHERIFF OF BALDWIN

COUNTY, ALABAMA, CLAIM \$1.50 EACH

FOR SERVING 1.50 PROCESS(ES) AND

TRAVEL EXPENSE ON EACH OF \$5.00

PROCESS(ES) OR A TOTAL OF \$6.50

FILED

JAN 22 1969

ALICE J. DUCK

CLERK  
REGISTER

ORIGINAL


Winters & Brantley

MONSANTO COMPANY, a Corporation,    X   IN THE CIRCUIT COURT OF  
  X   Plaintiff,   X   BALDWIN COUNTY, ALABAMA  
  X  
  X               AT LAW  
MERRIL S. ARD,                           X  
  X               CASE NO.   8532  
  X  
  X               Defendant.   X

DEMURRER

Comes now the Defendant in the above-styled cause, by his attorney, Kenneth Cooper, Esquire, and demurs to the complaint heretofore filed in this cause, and to each and every count thereof, separately and severally, and assigns as grounds therefor the following, to-wit:

1. The complaint is vague.
2. The complaint is uncertain.
3. The complaint does not state a legal cause of action.
4. There is a variance between Count 1 and Count 2 of the complaint.
5. There is a variance in the amount claimed by Counts 1 and 2 of the complaint and the itemized, verified statement attached thereto.

  
ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing DEMURRER to Wilters, Brantley and Nesbit, Attorneys At Law, Bay Minette, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 26 day of February, 1969.

  
ATTORNEY FOR DEFENDANT

FILED

FEB 27 1969

ALICE J. DUCK

CLERK  
REGISTER