

MONSANTO COMPANY,	X	
A Corporation,	X	IN THE CIRCUIT COURT OF
Plaintiff,	X	BALDWIN COUNTY, ALABAMA
vs.	X	AT LAW CASE NO. 8576
EDNA WHATLEY,	X	
Administratrix of the Estate	X	
of Otis Irwin, Deceased,	X	
Defendant.	X	

PLEA IN ABATEMENT

Comes now the Defendant in the above styled cause, by her attorneys, and appearing specially for the purpose of filing this Plea and for no other different object or purpose, and respectfully represents and shows unto this Honorable Court as follows:

That this cause was originally instituted in this Court on the 19th day of February, 1969, against Otis Irwin, and prior to the service upon the said Otis Irwin of the Summons and Complaint he departed this life on, to-wit: the 21st day of February, 1969; that on the 5th day of March, 1969, this Defendant was duly appointed as Administratrix of the Estate of Otis Irwin, deceased, by the Judge of Probate of Baldwin County, Alabama, Letters of Administration were issued to her and the same are still in force and effect. That this Defendant has given notice to creditors as required by law and on the 17th day of March, 1969, the Plaintiff in this cause filed its claim in the Probate Court of Baldwin County, Alabama, against the Estate of Otis Irwin, deceased, in the amount of Six Thousand Nine Hundred Eighty and 32/100 Dollars (\$6,980.32), the exact amount claimed in the Complaint in this cause. That subsequent to the filing of said claim and on, to-wit, the 19th day of March, 1969, the Plaintiff filed a motion in this

cause that the same be revived against this Defendant and an order was entered by this Court on March 20, 1969, granting said motion that subsequent thereto a copy of the motion, order and original Summons and Complaint together with a Summons addressed to this Defendant were served on this Defendant by the Sheriff of Baldwin County, Alabama. That the time allowed by law for the filing of claims against the Estate of Otis Irwin, deceased, has not expired, there has been no denial of the claim of the Plaintiff in the Probate Court of Baldwin County, Alabama, and the Plaintiff has elected to pursue its claim against the Estate of the said Otis Irwin in the Probate Court of Baldwin County, Alabama.

WHEREFORE this Defendant alleges that this cause against her should be abated.

Respectfully submitted,

CHASON, STONE & CHASON

BY: 

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority, personally appeared Norborne C. Stone, Jr., who is known to me and who, after being by me first duly and legally sworn, did depose and say under oath as follows:


That he is one of the attorneys for the Defendant in the above styled cause and the facts alleged in the foregoing Plea in Abatement are true and correct.


Norborne C. Stone, Jr.

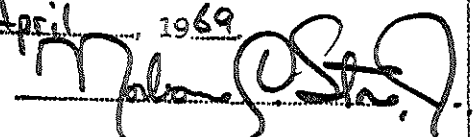
CERTIFICATE OF SERVICE

Sworn to and subscribed before me

this 4th day of April,
1969.


Notary Public, Baldwin County, Alabama

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 4 day of April, 1969.



#8576

Nausanto

v.

Edna Whalley, As Adm'x.

Plea in Abatement

FILED

APR 4 1969

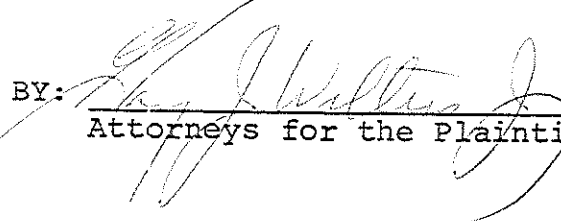
ALICE J. DUCK CLERK
REGISTER

MONSANTO COMPANY, a	X	
Corporation,		
	X	IN THE CIRCUIT COURT OF
Plaintiff,		
	X	BALDWIN COUNTY, ALABAMA
vs.		
	X	AT LAW
OTIS IRWIN,		
	X	CASE NO. 8576
Defendant.		
	X	

Comes now the Plaintiff in the above styled cause and shown unto the Court that on the 19th day of February, 1969, it commenced the above styled cause by filing a Summons and Complaint with the Clerk of the Court, and that prior to service upon the defendant, he passed away a resident of Baldwin County, Alabama, on the 21st day of February, 1969; and that on the 5th day of March, 1969, Edna Whatley was duly appointed Administratrix of the estate by the Judge of Probate, Baldwin County, Alabama.

Plaintiff prays that Your Honor will issue an order making the said Edna Whatley as Administratrix of the Estate of Otis Irwin, deceased, a party Defendant to this action, and that this cause be revived against her as the Administratrix of the estate of Otis Irwin, deceased; further that she be required, within thirty days from the service of this writ, to appear 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.

WILTERS & BRANTLEY

BY: 
Attorneys for the Plaintiff

FILED

MAR 19 1969

ALICE J. BRYN CLERK
RECORDED

ORDER

It having been suggested to the Court that the Defendant, Otis Irwin, departed this life on the 21st day of February, 1969, a resident of Baldwin County, Alabama, and further that Edna Whatley was duly appointed Administratrix of the decedent's estate, it is, therefore, ORDERED that the Clerk of the Circuit Court of Baldwin County, Alabama, issue a summons to the said Edna Whatley, Administratrix of the estate of Otis Irwin, deceased, to appear within thirty days after 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.

FILED

Done this the 20th day of March, 1969.

MAR 20 1969

ALICE J. DUCK CLERK
REGISTER

Julian J. MacArthur
Circuit Judge,

STATE OF ALABAMA

BALDWIN COUNTY

TO EDNA WHATLEY, ADMINISTRATRIX OF THE ESTATE OF OTIS IRWIN,
DECEASED:

You are hereby commanded to appear within thirty days after the service of this writ and the attached complaint 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 20 day of March, 1969.

Alice J. Duck
Alice J. Duck, Clerk

HARRY J. WILTERS, JR.
TOLBERT M. BRANTLEY

LAW OFFICES OF
WILTERS & BRANTLEY
P. O. BOX 968
BAY MINETTE, ALABAMA 36507

PHONE
BAY MINETTE 937-5533

January 6, 1972

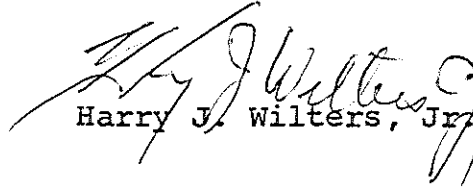
Mrs. Eunice Blackmon
Circuit Clerk
Bay Minette, Alabama

Re: Monsanto Company vs Edna Whatley, Adm. of the Estate of Otis
Irwin, deceased, Case #8576

Dear Mrs. Blackmon:

Please issue an alias execution in the above styled
cause.

Yours truly,


Harry J. Wilters, Jr.

HJWj/agp

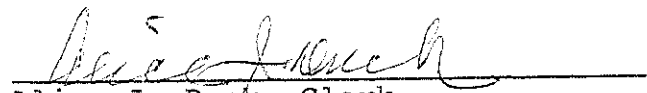
STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Otis Irwin, 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 19 day of Feb, 1969.


Alice J. Duck, Clerk

MONSANTO COMPANY, a Corporation,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	BALDWIN COUNTY, ALABAMA
OTIS IRWIN,	X	AT LAW
Defendant.	X	CASE NO. <u>8576</u>
	X	
	1.	

The Plaintiff claims of the Defendant the sum of SIX THOUSAND NINE HUNDRED EIGHTY AND 32/100 (\$6,980.32) DOLLARS, due from him by account on September 12, 1967, which sum of money with the interest thereon is still unpaid.

2.

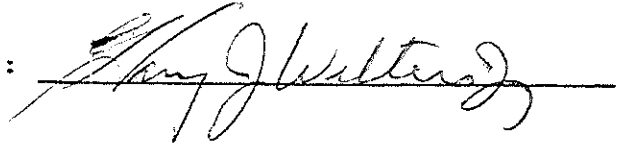
The Plaintiff claims of the Defendant the sum of SIX THOUSAND NINE HUNDRED EIGHTY AND 32/100 (\$6,980.32) DOLLARS, due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant during a period from September of 1967 through November of 1968, which sum of money, with the interest 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:



The Defendant's address is:

Robertsdale, Alabama

FILED

FEB 19 1969

ALICE J. DICK CLERK
COURT

PRODUCT CLASS		411 107 310 5		0 07		100.00	
SERIES 31		CITY IRWIN		5% DISCOUNT AVAILABLE UNTIL 20TH OF MONTH FOLLOWING SALE		TOTAL AMOUNT TO BE PAID BEFORE 20TH OF MONTH FOLLOWING SALE	
MAC 310 BOX 366 BALEWICH CITY LOXLEY ALA		ROBERTSDALE ALABAMA				DOLLARS CENTS	
SOLD BY		CUSTOMER		TERMS OF SALE		TOTAL AMOUNT	
DESCRIPTION OF PRODUCTS		QUANTITIES ANALYSIS BY MONSIEUR CO., ST. LOUIS, MO.		QUANTITY	PRICE & UNIT	AMOUNT	
		N	% AVAIL. P.C.	% SOL. K.G.			
IN 1018	411 107 310 5	16	0	0	1.00	55.00	55.00
STATION COPY		INVOICE NUMBER 239108		DATE 9/12/67	TOTAL	55.00	
						DELINQUENT ACCOUNTS WILL BE ASSESSED A SERVICE CHARGE	

Thank You!

PRODUCT CLASS		411 107 310 5		4 07		102.00	
SERIES 31		CITY IRWIN		5% DISCOUNT AVAILABLE UNTIL 20TH OF MONTH FOLLOWING SALE		TOTAL AMOUNT TO BE PAID BEFORE 20TH OF MONTH FOLLOWING SALE	
MAC 310 BOX 366 BALEWICH CITY LOXLEY ALA		ROBERTSDALE ALABAMA				DOLLARS CENTS	
SOLD BY		CUSTOMER		TERMS OF SALE		TOTAL AMOUNT	
DESCRIPTION OF PRODUCTS		QUANTITIES ANALYSIS BY MONSIEUR CO., ST. LOUIS, MO.		QUANTITY	PRICE & UNIT	AMOUNT	
		N	% AVAIL. P.C.	% SOL. K.G.			
IN 1018	411 107 310 5	34	0	0	1.50	68.00	102.00
STATION COPY		INVOICE NUMBER 239109		DATE 9/12/67	TOTAL	102.00	
						DELINQUENT ACCOUNTS WILL BE ASSESSED A SERVICE CHARGE	

Thank You!