

CECIL G. CHASON

Attorney at Law

CHARLES H. SIMS III
ASSOCIATE

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

May 20, 1969

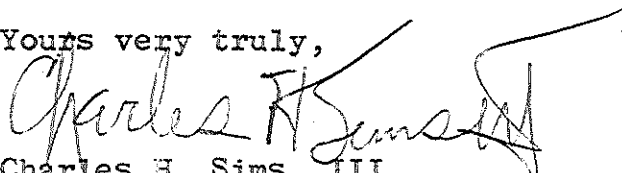
Mrs. Alice J. Duck
Clerk of Court
Bay Minette, Alabama

Re: Farm Bureau Service Center
of Baldwin, Inc., vs
James Coburn, William C.
Coburn and E. L. McDaris

Dear Mrs. Duck:

Enclosed please find demurrer in the above styled
cause, a copy of which I have this day mailed to the
Honorable Phyllis S. Nesbit, Attorney of record for the
Plaintiff. Please file.

Yours very truly,


Charles H. Sims, III

CHS:dmc

Encl.

cc: Mrs. Phyllis S. Nesbit

P. O. DRAWER A-J

RICHARD C. LACEY

TELEPHONE 928-2373

ATTORNEY AT LAW

FAIRHOPE, ALABAMA 36532

May 15, 1969

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

RE: Farm Bureau Service Center of Baldwin, Inc.
vs: James Coburn, William C. Coburn and & H. L. McDaris

Dear Mrs. Duck:

Enclosed is the demurrer to subject Bill of Complaint.
A copy of this answer has been sent to Mrs. Nesbit.

Sincerely,

Richard C. Lacey
RICHARD C. LACEY

dt

RCL/dt
encls.

FARM BUREAU SERVICE CENTER
of BALDWIN, INC.,

Plaintiff,

vs.

JAMES COBURN
WILLIAM C. COBURN
H. L. MCDARIS,

Defendants.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. _____

DEMURRER

Comes H. L. McDaris as one of the Defendants in the above styled cause and demurs to the complaint filed in said cause and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That there is no allegation that the conditions of the bond were breached.
3. For aught that appears from said complaint James Coburn did pay and deliver to the Plaintiff all moneys, goods and other property which were in his custody, charge or possession at the time when his employment was terminated by the Plaintiff.
4. Such complaint fails to allege that James Coburn had in his possession any sum of money which was the property of the Plaintiff.
5. Said complaint fails to allege that James Coburn had in his custody, charge or possession any moneys, goods or other property at the time his employment was terminated by the Plaintiff.

CHASON, STONE & CHASON

By: [Signature]
Attorney for H. L. McDaris

The Defendant H. L. McDaris demands trial of this cause by jury.

[Signature]
Attorney for H. L. McDaris

CERTIFICATE OF SERVICE

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 19 day of May, 1968

MAY 19 1968

VOL

62

PAGE

100

ALICE J. DUCK

CLERK
REGISTER

8688

Aug

FARM BUREAU SERVICE CENTER OF
BALDWIN, INC.,

Plaintiff,

vs.

JAMES COBURN, WILLIAM C. COBURN,
H. L. McDARIS,

Defendants

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

DEMURRER

* * * * *

FARM BUREAU SERVICE CENTER
OF BALDWIN, INC.,

Plaintiff

VS

JAMES COBURN, WILLIAM C.
COBURN and H. L. McDARIS,

Defendants.

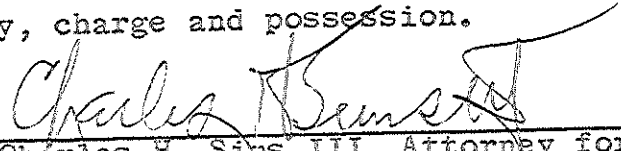
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. _____

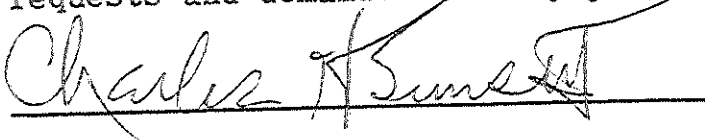
DEMURRER

Comes the Defendant, JAMES COBURN, and demurs to the Bill of Complaint heretofore filed in said cause and as grounds for demurrer sets out separately and severally the following:

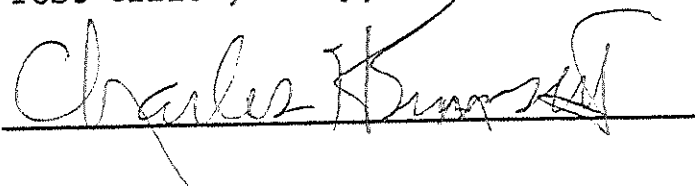
1. That the Complaint does not state a cause of action.
2. That the terms of the alleged bond are not set out with sufficient certainty.
3. That the Complaint is vague, indefinite and uncertain in that the said Complaint makes reference to monies, goods and other properties and the Defendant is not sufficiently apprised of the nature of the claim against him.
4. For aught that appears no demand has been made on the Defendant for the delivery of any monies or other properties alleged to be in his custody, charge and possession.


Charles H. Sims III, Attorney for
Defendant

Defendant, James Coburn, respectfully
requests and demands trial by jury



I hereby certify that I have mailed a copy of the above Demurrer to Phillis S. Nesbit, Attorney of record for the Plaintiff, by placing the same, postage prepaid in the United States Post Office, Foley, Alabama on this _____ day of May, 1969



FILED

MAY 21 1969

ALL J. B.

Farm Bureau Service Center
of Baldwin, Inc.

Plaintiff

VS.

James Coburn
William C. Coburn
H. L. McDaris

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8688

The Plaintiff claims from the Defendants, James Coburn, sureties Principle, and William C. Coburn and H. L. McDaris, THREE THOUSAND DOLLARS (\$3,000.00) for the breach of the condition of a bond made by the Defendants on the 30th day of December, 1967, payable to the Plaintiff in the sum of THREE THOUSAND DOLLARS (\$3,000.00) with condition that James Coburn, at the expiration of his employment as manager of the Farm Bureau Service Center of Baldwin, Inc. pay and deliver to the said Farm Bureau Service Center of Baldwin, Inc. or to any person duly authorized by the said Farm Bureau Service Center of Baldwin, Inc. to receive the same, all such moneys, goods and other property as shall be in his custody, charge or possession. And the Plaintiff says the condition of the said bond has been broken by the Defendant, James Coburn, in that he failed to pay over to the Farm Bureau Service Center of Baldwin, Inc. the sum of FIVE THOUSAND THREE HUNDRED SEVENTY and 17/100 DOLLARS (\$5,370.17), moneys which had been in his custody, charge and possession, to the damage of the Plaintiff, as above stated.

WILTERS, BRANTLEY & NESBIT

BY: Phyllis S. Nesbit

Attorney for Plaintiff

FILED

MAY 1 1969

ALICE J. DECK CLERK
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon James Coburn, William C. Coburn

H. L. McDaris

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against.....

James Coburn, William C. Coburn and H. L. McDaris Defendant.S.....

by Farm Bureau Service Center of Baldwin, Inc.

.....Plaintiff.....

Witness my hand this 1st day of May 1969

Chick Duluck, Clerk

24/
5-3-69

No. 8688 Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Farm Bureau Service Center

of Baldwin, Inc.

Plaintiffs

vs.

James Coburn, William C. Coburn

H. L. McDaris

Defendants

SUMMONS AND COMPLAINT

Filed FILED 19.....

MAY 1 1969

Clerk

ALICE J. DUCK

CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT

BY:

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Robertsdale, Alabama

Received In Office

May 2 1969

Sheriff

I have executed this summons

this 3 - May 1969

by leaving a copy with

James Coburn
William C. Coburn
H. L. McDaris

Sheriff claims 150 miles at

Ten Cents per mile Total \$15.00

TAYLOR WILKINS, Sheriff

BY Brown
DEPUTY SHERIFF

Taylor Wilkins Sheriff

H. L. Brown Deputy Sheriff

50 miles R. T.

Farm Bureau Service Center))
of Baldwin, Inc.,))

Plaintiff,))

VS.))

JAMES COBURN))
WILLIAM C. COBURN))
H. L. McDARIS,))

Defendants))

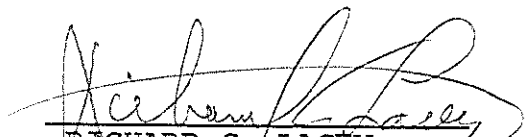
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

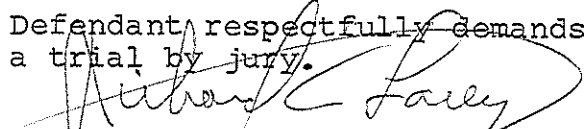
CASE NO. 8688


Comes now the Defendant in the above styled cause and files
this his demurrer to each and every count thereof:

1. That the Bill of Complaint fails to state a cause of
action.
2. That the matters alleged in said Bill of Complaint are not
sufficient to support a cause of action.
3. That said Bill of Complaint fails to state when the
conditions of the alleged bond were broken by the Defendant.
4. That said Bill of Complaint is multifarious.
5. That said Bill of Complaint is ambiguous.


RICHARD C. LACEY
Attorney for Defendant

Defendant respectfully demands
a trial by jury.


I do hereby certify that I have on this 15th day of May, 1969
served a copy of the foregoing pleading on Phyllis Nesbit at
Robertsdale, Alabama by mailing the same by United States mail,
properly addressed, and first class postage prepaid.


RICHARD C. LACEY

FILED

MAY 16 1969

ALICE J. DUCK CLERK
REGISTER