

BURTON H. SILVERSTEIN, d/b/a)	IN THE CIRCUIT COURT OF
AAA ASSIGNMENT SERVICE, AS)	BALDWIN COUNTY, ALABAMA
ASSIGNEE OF THE SOUTH BALDWIN)	AT LAW
HOSPITAL AND DRS. JOHN E. FOSTER)	
AND JULIUS MICHAELSON, d/b/a)	
MEDICAL ARTS CENTER,)	
Plaintiff)	
VS.)	CASE NO. 8741
MELTON BOUTWELL,)	
Defendant)	

Comes the Defendant in the above style cause and demurs to the Bill of Complaint heretofore filed and each count thereof separately and severally, and as ground for Demurrer shows separately and severally as follows:

(1) That said Complaint does not state a cause of action.

Melton Boutwell
Melton Boutwell

Defendant respectfully requests a trial by jury.

Melton Boutwell

FILED
JAN 20 1970
ALICE J. DUCK
CLERK
REGISTER

BURTON H. SILVERSTEIN, d/b/a
AAA ASSIGNMENT SERVICE, AS
ASSIGNEE OF THE SOUTH BALDWIN
HOSPITAL AND DRS. JOHN E. FOSTER
AND JULIUS MICHAELSON, d/b//a
MEDICAL ARTS CENTER

Plaintiff

VS.

MELTON BOUTWELL

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CASE NO. 8241

1.

The Plaintiff claims of the Defendant the sum of SIXTY EIGHT and 35/100 DOLLARS (\$68.35) due from him by account between the Defendant and South Baldwin Hospital on the 4th day of October, 1966, which sum of money with interest thereon is still unpaid and is the property of the Plaintiff by assignment to him by the South Baldwin Hospital on April 15, 1968.

2.

The Plaintiff claims of the Defendant the sum of SIXTY EIGHT and 35/100 DOLLARS (\$68.35) due from him by account between the Defendant and South Baldwin Hospital on the 4th day of October, 1966, which sum of money with interest thereon is still unpaid and is the property of the Plaintiff by assignment to him by the South Baldwin Hospital on April 15, 1968. A copy of the assignment and an itemized statement of the account sued on and assigned, verified by the affidavit of a competent witness, is attached hereto as Exhibits "A" and "B" and made a part hereof.

3.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTY TWO and 45//100 DOLLARS (\$152.45), balance due after all proper credits given on a promissory note made by the Defendant on the 28th day of March, 1965 and payable as follows: Payable on Demand. Said note was assigned to the Plaintiff by the South Baldwin Hospital on April 15, 1968. The Plaintiff avers that the Defendant defaulted in the payments and under the provisions of the note sued on, the whole balance became due and payable. The Plaintiff claims interest at the rate of 8% per annum from March 30, 1965. The Plaintiff further avers that the Defendant agreed in the promissory note to pay all expenses including reasonable attorney's fees incurred in the collecting same and the Plaintiff claims a reasonable attorney's fee in the amount of \$20.00. The Plaintiff

avers that the Defendant waived all right of exemption under the laws of the State of Alabama as to personal property.

4.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY FOUR and NO/100 DOLLARS (\$124.00) due from him by account between the Defendant and Drs. John E. Foster and Julius Michaelson, d/b/a Medical Arts Center on the 1st day of April, 1967, which sum of money with interest thereon is still unpaid and is the property of the Plaintiff by assignment made to him by Drs. John E. Foster and Julius Michaelson, d/b/a Medical Arts Center on April 1, 1967.

5.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY FOUR AND NO/100 DOLLARS (\$124.00) due from him by account between the Defendant and Drs. John E. Foster and Julius Michaelson, d/b/a Medical Arts Center on the 1st day of April, 1967, which sum of money with interest thereon is still unpaid and is the property of the Plaintiff by assignment made to him by Drs. John E. Foster and Julius Michaelson, d/b/a Medical Arts Center on April 1, 1967. A copy of the assignment and an itemized statement of the account sued on and assigned, verified by the affidavit of a competent witness, is attached hereto as Exhibits "A" and "B" and made a part hereof.

WILTERS, BRANTLEY & NESBIT

BY:

Phillip S. Nesbit
Attorney for Plaintiff

FILED

JUN 4 1969

ALICE J. DUCK CLERK
REGISTER

The the jury find for the
Plaintiff in the amount of
\$ 344.80 plus 20% attorney Fee

J. L. Ruple
Attorney

STATEMENT

MEDICAL ARTS CENTER

Box 910

FOLEY, ALABAMA

4/14/69 GARDEN COTTAGES-FOLEY
943-7235

FAMILY CODE:

1 Annie B. (Haw)

2 Melissa

3

4

5

6

7

8

Mr. Melton Boutwell

Rt. 1, Box 63 131

Foley, Ala.

See other address

R. H. H. H.

NUMBER:

1 26115

2 25766

3

4

5

6

7

8

See SBA 9F 374

DATE	CODE			CHARGES	CREDITS	BALANCE
	Doctor	Family	Service			

BALANCE FORWARDED

OCT 15'64	3,	1,	1	4.00		4.00
OCT 19'64		1,	2	3.00		7.00
OCT 26'64	3,	2,	1			
OCT 26'64		2,	2	6.00		13.00
DEC 11'64	3,	2,	1	5.00		18.00
DEC 30'64	3,	2,	1	4.00		22.00
FEB 8'65	3,	1,	1	6.00		28.00
FEB 9'65		1,	2	3.00		31.00
FEB 10'65	3,	1,	1	4.00		35.00
chgs from other card				85.00		120.00
AUG 2'65	3,	2,	7	6.00		126.00
AUG 2'65					2.00	124.00
				WAR 1 3 1967	AAA ASSIGNMENT SERVICE FIRST FEDERAL SAVINGS BLDG. MOBILE, ALABAMA 36602	

DOCTOR CODE	SERVICE RENDERED CODE	Pay Last Amount in this Column
1 Dr. J. Michaelson	1 Office Visit	
2 Dr. John E. Foster	2 Injection	
3 Dr. R. A. Rowe	3 Complete Exam	
4 Dr. _____	4 House Call	
	5 Night Call	
	6 Hospital Care	
	7 Surgery	
	8 X-Ray	
	9 EKG	
	10 Physiotherapy	
	11 Orthopedic Care or Cast	
	12 Laboratory	
	13 VA or FB	
	14 Emergency Room	

CREDIT INFORMATION:

SEP 11 1965

Credit Limit

See SBA A/C 9F-374

Phone

Same address as appt/Boutwell

VOL

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MAR 15 1966

APR 6 1966

MAY 18 1966

JUN 20 1966

STATE OF Alabama
COUNTY OF Baldwin

Personally appeared before me, the undersigned authority, in and for said County and State, Daniela Blackwell, who after first being duly sworn deposes and says that she is the bookkeeper of the Medical Arts Center and as such officer he has the supervision and custody of all the records of the said Medical Arts Center including the accounts. Affiant further says that on the 1 day of April, 1967, that Melton Bortwell was indebted to said Medical Arts Center in the amount of \$ 124.00. Further that this indebtedness is still due and unpaid.

Daniela L. Blackwell
Sworn to and subscribed before me this 16 day of May, 1969.

[Signature]
Notary Public, State at Large
My commission expires Aug. 5, 1972

STATE OF ALABAMA

COUNTY OF Baldwin

Personally appeared before me, the undersigned authority, in and for said County and State, Marshall Crosby, who after first being duly sworn deposes and says that he is the ADMINISTRATOR of the SOUTH BALDWIN HOSPITAL and as such officer he has the supervision and custody of all the records of the said SOUTH BALDWIN HOSPITAL including the accounts. Affiant further says that on the 15 day of April, 1968, that Melton Boutwell was indebted to said SOUTH BALDWIN HOSPITAL in the amount of \$ 152.45. Further that this indebtedness is still due and unpaid, under terms of A NOTE.

Sworn to and subscribed before me this 19 day of May, 1969.

[Signature]
Notary Public, State at Large
My commission expires Aug. 5-1972

SOURCE

South Baldwin Hospital

INSTNS DUE DATE

ACCT. NO.

NAME

AGE

SPOUSE

See other

SAH A/C

93-374

BOUTWELL, MELTON

ANNIE BELL

AGE

C
W

\$

R-O-B

ADD R 1 Box 121 P.O. Box 121

ADD 1469 Garden Cottages - Foley

PH

913-7235

ADD

PH

POE HALE MF9 7/69 OCC SAL YRS

PH

CHG POE OCC SAL YRS

PH 965-2242

SPOUSE POE OCC SAL YRS

PH

CHG POE OCC SAL YRS

PH

OTHER INCOME

AUTO

TAG NO

YR

PREV ACCT

REF See Father's name, Hally ADD Magnolia Springs, Ala -

REF Juliette McKinley is wife of R. McKinley PH

SOC SEC NO

GROUP INS

NO.

DATE

SERVICE

CHARGES

PAYMENTS

BALANCE

DLA 10/1/66

SEE MAC

Have bad check

OB for Annie Bell.

DATE ASSIGNED 4/7/68

BALANCE AS OF DATE ASSIGNED

\$ 68.35

YES

NO

SLOW AGREEMENT

TERMS

SIGNED
NOTEYES
NOTO
WHOFMT
%

DUE DATE

AMT DUE

DATE PAID

INTEREST

PRINCIPAL

BALANCE

REMARKS

OPEN ACCT

BALANCE

OPEN ACCT

BALANCE

OPEN ACCT

BALANCE

4/10/68 128 H. McKinley, Jr. Hally Magnolia Springs, Ala -

See other
H/C

VOL

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STATE OF Alabama
COUNTY OF Baldwin

Personally appeared before me, the undersigned authority, in and for said County and State, Marshall Crosby, who after first being duly sworn deposes and says that he is the ADMINISTRATOR of the SOUTH BALDWIN HOSPITAL and as such officer he has the supervision and custody of all the records of the said SOUTH BALDWIN HOSPITAL including the accounts. Affiant further says that on the 15 day of April, 1968, that Melton Bartwell was indebted to said SOUTH BALDWIN HOSPITAL in the amount of \$ 68.35. Further that this indebtedness is still due and unpaid.

Sworn to and subscribed before me this 19 day of May, 1969.

Hubert H. Hise
Notary Public, State at Large
My commission expires Aug. 3, 1972

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 Melton Boutwell

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.....

Melton Boutwell

....., Defendant.....

by Burton H. Silverstein, d/b/a AAA Assignment Service as Assignee of South Baldwin

Hospital and Drs. John E. Foster and Julius Michaelson, d/b/a Medical Arts Center

....., Plaintiff.....

Witness my hand this.....^{4th}.....day of.....*June*.....19..69.

Glenn Silverstein Clerk

5/12-18-69

716

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Burton H. Silverstein, d/b/a.....

AAA Assignment Service

Plaintiffs

vs.

Melton Boutwell.....

Defendants

SUMMONS AND COMPLAINT

FILED

Filed..... 19.....

JUN 4 1969

Clerk

ALICE J. DUCK

CLERK
REGISTER

WILTERS, BRANTLEY & NESBIT

BY:

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

works at Hah my.
Garden Cottages, Foley, Alabama

RECEIVED

Received In Office

Dec 11 19

19.....

Sheriff

I have executed this summons

this *12/18* 19*69*

by leaving a copy with

Melton Boutwell

Sheriff claims *72* miles at *7.20*

Ten Cents per mile Total \$

TAYLOR WILKINS, Sheriff

BY *Childress*

DEPUTY SHERIFF

[Handwritten signatures and notes, including "in file" and "Sheriff"]

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