BURTON H. SILVERSTEIN, d/b/a		
AAA ASSIGNMENT SERVICE, AS	)	IN THE CIRCUIT COURT OF
ASSIGNEE OF THE SOUTH BALDWIN HOSPITAL AND DRS. JOHN E. FOSTER AND JULIUS MICHAELSON, d/b/a	)	BALDWIN COUNTY, ALABAMA
MEDICAL ARTS CENTER,	)	AT LAW
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

Defendant respectfully requests a trial by jury.

Melton Boutwell



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

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO.

IN THE CIRCUIT COURT OF

Plaintiff

VS.

MELTON BOUTWELL

Ŏ

Defendant

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 (\$68.39 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/s 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, BRANTZÉY & NESBIT

BY:

JUN 4 1969

ALCE J. DUCK CLERK REGISTER

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Personally appeared before me, the undersigned authority, in and for said County and State, Daviels Clackeell, who after first being duly sworn deposes and says that she is the bookseper 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 / day of April, 1967, that Metal Bostwell was indebted to said Medical Arts Center in the amount of \$ 124.00.

Further that this indebtedness is still due and unpaid.

Sworn to and subscribed before me this 16 day of May 2

Notes Public, State at Large My commission expires Aug. 54 19

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STATE OF ALABAMA COUNTY OF BALOWIN

Personally appeared before me, the undersigned authority, in and for said County and State, Maskall Caska, who after first being duly sworn deposes and says that he is the Anassautor of the South Saldway Haspital and as such officer he has the supervision and oustody of all the records of the said South Baldway Hospital including the accounts. Affiant further says that on the 15 day of Anal, 1968, that Melton Boutle! was indebted to said South Saldway Hospital in the amount of \$152,45.

Further that this indebtedness is still due and unpaid, under Jerns of A NOTE.

Sworn to and subscribed before me this

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Novery Public, State at Large

My commission expires Aug. 5-1978

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Personally appeared before me, the undersigned authority, in and for said County and State, Marshall Cosby, who after first being duly sworn deposes and says that he is the Aduly STRATOR of the South Baldwin Hospital and as such officer he has the supervision and oustedy of all the records of the seid South BAldeys Hospital including the accounts. Affiant further says that on the 15 day of Agril 1968, that Melrow Bournell was indebted to said South Baldwyd Abspiral 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

Notary Public, State at Large My commission expires Aug. 5,

VOL 64 PAGE 715

## STATE OF ALABAMA Baldwin County

Circuit Court, Baldwin County

No.....

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.

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

Milel Milek Clerk

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