

4404

CARL W. GETTIG	)	IN THE CIRCUIT COURT OF
	)	
COMPLAINANT	)	BALDWIN COUNTY, ALABAMA,
	)	
-VS-	)	IN EQUITY
	)	
EDMOND D. WELLS	)	
	)	
RESPONDENT	)	

TO THE HONORABLE HUBERT M. HALL, JUDGE OF THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA, IN EQUITY:

Your Complainant, Carl W. Gettig, respectfully represents unto Your Honor as follows:

1.

That your Complainant and Respondent are both over the age of 21 years. That your Complainant is a resident of the State of Ohio and that the Respondent is a resident of Baldwin County, Alabama.

2.

That on the 13<sup>th</sup> day of August, 1958, the Complainant and the Respondent entered into a written contract, a copy of which is hereto annexed and marked Exhibit A, and made a part of this complaint.

3.

That according to the terms of the said contract your Complainant agreed to convey to the Respondent his practice of Optometry in the Town of Robertsdale, along with all his fixtures, equipment, furniture and the good will of the business which he has established over the past years. That before and at the time this agreement was entered into the Respondent represented to your Complainant that he was a qualified Optometrist capable of maintaining the practice, however, it appears that respondent will not be able to maintain the practice as contemplated in the aforementioned contract.

4.

Your Complainant further shows unto Your Honor that his practice of optometry in the Town of Robertsdale was a substantial one and that since the Respondent has been in charge of the practice same has rapidly diminished, and, moreover, the Aetna Insurance Company has seen fit to cancel the insurance on the physical assets encompassed by the sales contract.

5.

That due to the aforementioned allegations the good will of the said practice which your Complainant created and built through the past years has become jeopardized and injured.

6.

Your Complainant further represents and shows unto your Honor that at the time he turned his practice over to the Respondent that he had a large inventory on hand which the Respondent has been consistently depreciating without adequately replacing the same. That should your Complainant be required to continue under the agreement aforementioned he will be irreparably injured because of same.

7.

Your Complainant offers to do equity.

WHEREFORE, the premises considered, your Complainant prays that your Honor will by proper process make the said Edmond B. Wells, party Respondent to this cause of action, requiring him to plead, answer or demur to the same within the time and under the penalties prescribed by law and the practice of this Honorable Court.

Your Complainant prays that upon a hearing hereof your Honor will enter an order and decree cancelling the said agreement and order the Respondent to turn over to your Complainant all the fixtures, equipment and furniture delivered to him as a result of the said

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agreement. Your Complainant prays for such, other, further different or general relief as he may be in equity and good conscious entitled to receive.

*Carl W. Gettig*  
CARL W. GETTIG

The State of Alabama,  
Baldwin County.

Circuit Court, Baldwin County

No. ....

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Comanded to Summon Edmond D. Wells

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

Edmond D. Wells ..... , Defendant...

by Carl W. Gattig ..... , Plaintiff...

Witness my hand this 16th day of October 1958

Essential ..... , Clerk  
Oct 20, 1958

