

STATE OF ALABAMA
BALDWIN COUNTY

IN THE CIRCUIT COURT - IN EQUITY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon the Farmers & Merchants Bank of Foley, Alabama, a corporation, to appear and plead, answer or demur, within thirty days from the service hereof, to the Bill of Complaint filed in the Circuit Court of Baldwin County, Alabama, In Equity, by Mrs. Clarissa Weeks as Complainant, against the Farmers & Merchants Bank of Foley, Alabama, a corporation, as Respondent.

Witness my hand this 9 day of March, 1960.

W. J. ...
Register

MRS. CLARISSA WEEKS,	X	
	X	IN THE CIRCUIT COURT OF
Complainant,	X	
	X	BALDWIN COUNTY, ALABAMA
vs.	X	
	X	IN EQUITY
FARMERS & MERCHANTS BANK OF	X	
FOLEY, ALABAMA, a corporation,	X	
	X	
Respondent.	X	

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

Comes now the Complainant in the above styled cause and respectfully represents and shows unto Your Honor and unto this Honorable Court as follows:

FIRST:

That she is over the age of twenty-one years and a resident citizen of Baldwin County, Alabama, residing at Foley, Alabama, That the Respondent is a corporation organized and existing under the laws of the State of Alabama, having its principal place of business at Foley, Alabama.

SECOND:

That the Complainant is the owner of twenty-eight shares of the capital stock of the Respondent corporation, the same having been

issued to her on November 7, 1932, as an original fourteen shares but that she acquired an additional fourteen shares by virtue of a 100% stock dividend declared by the Respondent corporation in July, 1950.

THIRD:

That on, to-wit: February 2, 1943, the Complainant negotiated a loan with Central Baldwin Bank of Robertsdale, Alabama, in the amount of Four Thousand Dollars and as part of the security therefor pledged to said bank the then fourteen shares of the capital stock of the Respondent corporation and pursuant to said pledge she endorsed said stock in blank and placed it on file with the said Central Baldwin Bank in Robertsdale, Alabama. That on, to-wit: June 8, 1943, said indebtedness to Central Baldwin Bank was paid in full and the Complainant was informed by said bank that it was unable to locate the certificate endorsed in blank by her as additional security for said loan and it was therefore unable to return the same to her.

FOURTH:

That at all times subsequent to November 7, 1932, (the date of the original certificate belonging to the Complainant) and at such times as dividends were declared on the stock of the Respondent corporation, they were paid to the Complainant up to the dividend which was paid subsequent to August 21, 1951, and the Complainant went inquiring at the bank as to why she had not received her dividend and was informed by said bank that said stock had been transferred on the books of said corporation to a person other than the Complainant. Your complainant does not know the date of the transfer on the books of the Respondent corporation nor the name of the person to whom said stock was transferred nor who is shown on the books of the corporation as being the present holder of the fourteen shares originally issued to the Complainant and/or the twenty-eight shares now represented thereby. That the Complainant is informed and believes and upon such information and belief alleges that the twenty-eight shares of stock now represented by the original certificate issued to her have been transferred on the books of the Respondent corporation to some person or persons unknown to the complainant and al-

though the Complainant has made inquiries at the Respondent bank to determine the present owner of said twenty-eight shares of stock the Respondent has failed and refused and continues to fail and refuse to reveal to her the name of the person shown on the books of the corporation as being the owner of the twenty-eight shares, aforesaid.

FIFTH:

That when the Complainant endorsed said original Certificate of stock in blank said endorsement was made as collateral security for the loan hereinabove referred to and there was no other consideration for said endorsement and she is, in fact, the present owner of the twenty-eight shares of stock now represented by said original certificate for fourteen shares of stock. That she does not know where the original certificate of stock to her for fourteen shares of stock of the Respondent corporation is now located and she has made diligent search and inquiry to determine the present whereabouts of such certificate, but your Complainant is informed and believes and upon such information and belief alleges that said original certificate was surrendered to the Respondent bank and a new certificate issued by said bank to the person surrendering the same. That the Complainant has never executed and delivered said original certificate for fourteen shares of stock in the Respondent corporation under any sale thereof or as a gift thereof to any person, firm or corporation.

SIXTH:

That there is now existing between the Complainant and the Respondent a justiciable controversy concerning the ownership of the said twenty-eight shares of stock and the right to the dividends thereon and the right of the Complainant to examine, or have examined by her agent, the books of the Respondent Corporation to determine who is now claiming the twenty-eight shares of stock represented by said original certificate for fourteen shares.

PRAYER FOR PROCESS

The premises considered the Complainant prays that the Respondent be made a party to this cause by the usual writ of process of

this court requiring it to plead, answer or demur to this Bill of Complaint within the time allowed by law.

PRAYER FOR RELIEF

Upon a final hearing of this cause the Complainant respectfully prays that this Honorable Court will enter an order or decree settling the controversy now existing between the Complainant and the Respondent and that in and by the terms of said decree that this Honorable Court will declare as follows:

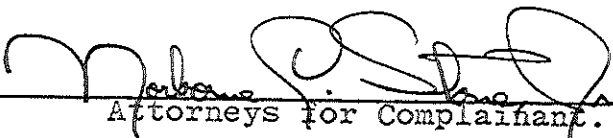
1. That the Complainant is the owner of twenty-eight shares of the capital stock of the Respondent corporation.

2. That she is entitled to receive all dividends payable on twenty-eight shares of stock of the Respondent corporation as represented by the fourteen shares of stock originally issued to her.

3. That no other person, firm or corporation has any right, title, interest, lien or encumbrance upon the twenty-eight shares of stock now represented by the fourteen shares of stock originally issued to the Complainant in the Respondent corporation.

Respectfully submitted,

CHASON & STONE

By: 
Attorneys for Complainant.

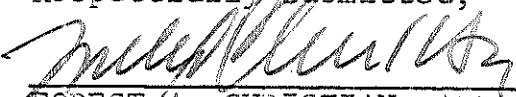
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MRS. CLARISSA WEEKS,)
 Complainant,) IN THE CIRCUIT COURT OF
 VS:) BALDWIN COUNTY, ALABAMA
 FARMERS & MERCHANTS BANK OF) IN EQUITY
 FOLEY, ALABAMA, a corporation)
 Respondent.) CASE NO. 4872

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

Comes the Respondent in the above styled cause and demurs to
 said Bill of Complaint and, for grounds of demurrer, separately and
 severally assigns the following:

1. The bill of complaint is without equity.
2. The bill of complaint fails to state a cause of action.
3. The bill of complaint fails to state any ground for equitable relief.
4. That necessary parties are wanting.
5. That the alleged complaint runs counter to statute of limitations.
6. That the cause is barred by long delay amounting to laches.
7. That there is an adequate remedy at law.
8. That the willingness to do equity is unexpressed.
9. For aught that appears in the bill of complaint, no grounds have been stated therein on which to base the relief prayed for therein.

Respectfully Submitted,

 FOREST/A. CHRISTIAN, Attorney for Respondent.

FILED
 APR 17 1961
 ALICE L. DUCK, CLERK REGISTER