Ruffles Plumbing and Electric Contractors Plaintiff

VS

John M. Parker, Defendant

IN THE CIRCUIT COURT
OF BALDWIN COUNTY



Comes the Plaintiff in the above styled cause and moves the Court that an order be granted giving him leave to amend his pleadings in accordance with the accompanied proposed amendment in order that his pleadings may conform to the proof which he contemplates offering upon the trial of the above cause.

Richard J. Demeree

Attorney for the Plaintiff

William Ruffles Sr and William Ruffles Jr. doing business as Ruffles Plumbing and Electric Contractors Plaintiff

AIADALA

VS

AtLAW

John M. Parker, Defendant

GASE # 6I2

IN THE CLRCUIT COURT

OF BALDWIN COUNTY

Comes the Plaintiff in the above styled cause and amends his Bill of Complaint as follows:

By charging the style of the Plaintiffs from Ruffles Plumbing and Electric Contractors by striking same and adding thereto and in substitution there of the style William Ruffles Sr. and William Ruffles Jr. doing business as Ruffles Plumbing and Electric Contractors, Plaintiffs.

By adding to the parties Defendant Amy T. Parker, the wife of John M. Parker.

By adding the following Counts:

Count Three

Flaintiff claims of the Defendant \$135.43 due from him on account stated between the Plaintiff and the Defendant on the 30th day of November 1937, which sum of money with the interest thereon is still unpaid.

Richard J. Demeree

Attorney for the Plaintiff

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WILLIAM RUFFLES, SR. AND WILLIAM RUFFLES, JR. DOING BUSINESS AS RUFFLES PLUMBING & ELECTRICAL CONTRACTORS, PLAINTIFF

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW.

VS.

JOHN M. PARKER, DEFENDANT.

Comes the Plaintiffs in the above styled cause and amend the amended complaint by striking Count One of such complaint and adding Count Two as follows:

Plaintiff claims of the Defendant \$135.43 aue from him on account stated between the Plaintiff and the Defendant on the 6th day of June, 1937, which sum of money with the interest thereon is still unpaid.

De merce & Smith

Attorneys for the Plaintiff

RECORDED

Motion

Filed October 25/940 R.S. Deuch, Click

#### APPIDAVIT OF MERIT AND EXCUSE

Before me <u>Stayle Wilder</u> a Notary Public in and for said County and State personally appeared William Ruffles Jr. being known by me and who being duly sworn doth depose and say as follows:

- (1) Deponent avers that he has a just and proper claim against John and Amy Parker for a certain debt due him as plantiff by John and Amy Parker as defendants. And that said claim is supported by a written acknowledgment duly and properly signed by the above defendants.
- (2) Deponent avers that he has made every reasonable effort to collect said account and that after having exhausted the recourses available to him, he employed Richard J. Demerce as an attorney to represent him in the Circuit Court of Baldwin County, Alabama at Law-
- (3) That just prior to said cause coming on to be heard before a jury as demanded by defendants that his attorney, Richard J. Demerce, gave up his private practice of law in the County of Baldwin, that he left said County and accepted employment as an attorney for the State of Alabama.
- (4) Deponent avers that he is employed as a defense worker for the Alabama Dry Docks and Shipbuilding Company and that on account of the urgency of his work, he was unable to make a personal solicitation of another attorney to represent him.
- (5) That he advised his former attorney, Richard J. Demeree, of this situation and requested his assistance in securing another attorney.
  - (6) That Richard J. Demeree offered employment in connection with the above cause as attorney for the plantiff to the Honorable John Chason of Hybert and Chason, but that shortly after discontinuing the case for want of prosecution, the above attorney advised that he would be unable to accept employment in this case on account of having so much work to do himself, arising out of the cases of the Honorable Cecil Chason who had withdrawn from the practice in order to join the military forces of the United States.

- (7) Deponent avers that at or about the time of the trial of the above cause that he telephoned the attorney Richard J. Demerce, over the long distance telephone and the Attorney Richard J. Demerce advised him that he thought Chason could represent him , that he had probably received the letter offering him the employment but that sufficient time had not elapsed in which to receive a reply.
- (8) Deponent further avers that on the advise of Richard J. Demerce his secretary telephoned to reach John Chason at or about the time of the trial of the aforesaid cause but was unable to get in touch with him.
- (9) Deponent avers further that due to the great curtailment of the number of attorneys practicing in Baldwin County on account of the present war emergency that he has been faced with unforeseen and extreme difficulty in employing counsel.
- (10) Deponent avers that since he learned that an order had been entered discontinuing his case for want of prosecution, that he immediately corresponded with his former attorney, Richard J. Demeree, and requested him to take whatever steps could be taken to have the matter re-opened and heard upon its merits.
- (11) Wherefore the premises considered, plantiff prays the court that the application of his attorney to set aside the default judgment on an order of discontinuance for want of prosecution be granted, and that he be given other opportunity to secure counsel to represent him at some future time and that this affidavit be received to show that he has merit in his cause and a reasonable excuse for a failure to continue the prosecution.

In witness whereof deponent effixes his hand and seal this 1942. day of December M. R. Rufflage 1.S. Subscribed and sworn before me at <u>Fairhope</u>, Alabama, this 3rd day of December

Saldwin County, Alacon Always

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William Ruffles Jr. d/b/a Ruffles Plumbing & Constructors

VS.

John Parker and Amy Parker

In the Circuit Court

OŢ. Baldwin County, Alabama et al

TO THE HOMORABLE JUDGE FRANCIS HARE, JUDGE OF SAID COURT:

Comes the plantiff in the above styled cause and in compliance with rule 11 of the rules of practice in the Circuit and Inferior Courts of common law jurisdiction and makes application on affidavit showing merits and matters of excuse. That the default judgment discontinuing the above case for want of prosecution be set aside upon such terms as the court may deem proper.

Attorney for the Plantiff for the purpose of

presenting this motion only.

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Ruffles Plumbing and Electric Contractors Plaintiff

John M. Parker, Defendant

IN THE CIRCUIT COURT OF BALDWIN COUNTY ALABAMA CASE # 612

Comes the Plaintiff in the above styled cause and moves the Court that an order be granted giving him leave to amend his pleadings in accordance with the accompanied proposed amendment in order that his pleadings may conform to the proof which he contemplates offering upon the trial of the above cause.

Richard J. Demeree

Attorney for the Plaintiff.

William Ruffles Sr and William Ruffles Jr. doing business as Ruffles Plumbing and Electric Contractors Plaintiff IN THE CIRCUIT COURT
OF BALDWIN COUNTY
ALABAMA

٧s

John M. Parker, Defendant

CASE # 6I2

AtLAW

Comes the Plaintiff in the above styled cause and amends his Bill of Complaint as follows:

By changing the style of the Plaintiffs from Ruffles Plumbing and Electric Contractors by striking same and adding thereto and in substitution there of the style William Ruffles Sr. and William Ruffles Jr. doing business as Ruffles Plumbing and Electric Contractors, Plaintiffs.

By adding to the parties Defendant Amy T. Parker, the wife of John M. Parker.

By adding the following Counts:

Count Three

Plaintiff claims of the Defendant \$135.43 due from him on account stated between the Plaintiff and the Defendant on the 30th day of November 1937, which sum of money with the interest thereon is still unpaid.

Richard J. Demeree

Attorney for the Plaintiff

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RUFFLES PLUMBING AND ELECTRICAL CONTRACTORS,

JOHN M. PARKER,

Plaintiff, IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. NUMBER 6/2 AT LAW.

Defendant.

### DEMURRER.

Now comes the Defendant in the above entitled cause and demurs to the Complaint and as grounds therefor sets down and assigns separately and severally the following:

- 1. It does not state a cause of action.
- 2. It does not state whether the Plaintiff is an individual, a partnership or a corporation.
- 3. No facts are alleged to show that the Defendant is liable for the attorney's fees claimed in the complaint.

ttorney for Defendant.

Defendant demands a trial of said cause by jury.

orney for Defendant.

DEMURRER.

RUFFLES PLUMBING AND ELECTRICAL CONTRACTORS,

Plaintiff,

VS.

JOHN M. PARKER,

Lefendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. NUMBER 6/1. AT LAW.

Filed October 10,1940 R.S. Duch, Elich

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------Plaintiff versus \_\_

The Plaintiff claims of the Defendant

----- Dollars, due by

RUFFLES PLUMBING & ELECTRICAL OCCUPACTORS, PLAINTIFF

VS.

JOHN M. PARKER, DEFENDANT. IN THE CIRCUIT CCURT OF BALDWIN COUNTY, ALABAMA.

The plaintiff claims of the Defendant one hundred and thirty five (135.43) dollars and forty-three cents due from him on account for merchandise goods and chattels sold by the Plaintiff to the Defendant on the thirtieth day of November 1937, which sum of money with interest thereon has not been paid.

The Plaintiff further claims of the Defendant the attorney's fees and the Court costs incidental to the collection of the above styled amount.

RUFFIES PLUMBING & ELECTRICAL CONTRACTORS.

DEMEREE & SMITH, ATTORNEYS FOR THE PLAINTIFF

By Richard & Demerce

Received in Sheriff's Office this 11 day of Suft, 1940 W. R. STUART, Sheriff Wh Sheart Shriff DE Original 6/2

RECORDED

RUFFLES PLUMBING & ELECTRICAL CONTRACTORS, PLAINTIFF

vs.

JOHN M. PARKER, DEFENDANT.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA.

Office of DEMEREE & SMITH

First National Bank Building
Mobile, Alabama.
Bloxham Building
Fairhope, Alabama.

Field September 11,1940 RS. Duch Clark

# AFFIDAVIT OF MERIT AND EXCUSE

Before me <u>Sayle William</u> a Notary Public in and for said County and State personally appeared William Ruffles Jr. being known by me and who being duly sworn doth depose and say as follows:

- (1) Deponent avers that he has a just and proper claim against John and Amy Parker for a certain debt due him as plantiff by John and Amy Parker as defendants. And that said claim is supported by a written acknowledgment duly and properly signed by the above defendants.
- (2) Deponent avers that he has made every reasonable effort to collect said account and that after having exhausted the recourses available to him, he employed Richard J. Demerce as an attorney to represent him in the Circuit Court of Baldwin County, Alabama exhausted.
- (3) That just prior to said cause coming on to be heard before a jury as demanded by defendants that his attorney, Richard J. Demeree, gave up his private practice of law in the County of Baldwin, that he left said County and accepted employment as an attorney for the State of Alabama.
- (4) Deponent avers that he is employed as a defense worker for the Alabama Dry Docks and Shipbuilding Company and that on account of the urgency of his work, he was unable to make a personal solicitation of another attorney to represent him.
- (5) That he advised his former attorney, Richard J. Demeree, of this situation and requested his assistance in securing another attorney.
  - (6) That Richard J. Demeree offered employment in connection with the above cause as attorney for the plantiff to the Honorable John Chason of Hybart and Chason, but that shortly after discontinuing the case for want of prosecution, the above attorney advised that he would be unable to accept employment in this case on account of having so much work to do himself, arising out of the cases of the Honorable Cecil Chason who had withdrawn from the practice in order to join the military forces of the United States.

- (7) Deponent avers that at or about the time of the trial of the above cause that he telephoned the attorney Richard J. Demeree, over the long distance telephone and the Attorney Richard J. Demeree advised him that he thought Chason could represent him, that he had probably received the letter offering him the employment but that sufficient time had not elapsed in which to receive a reply.
- (8) Deponent further avers that on the advise of Richard J. Demerce his secretary telephoned to reach John Chason at or about the time of the trial of the aforesaid cause but was unable to get in touch with him.
- (9) Deponent avers further that due to the great curtailment of the number of attorneys practicing in Baldwin County on account of the present war emergency that he has been faced with unforeseen and extreme difficulty in employing counsel.
- (10) Deponent avers that since he learned that an order had been entered discontinuing his case for want of prosecution, that he immediately corresponded with his former attorney, Richard J. Demeree, and requested him to take whatever steps could be taken to have the matter re-opened and heard upon its merits.
- (11) Wherefore the premises considered, plantiff prays the court that the application of his attorney to set aside the default judgment on an order of discontinuance for want of prosecution be granted, and that he be given other opportunity to secure counsel to represent him at some future time and that this affidavit be received to show that he has merit in his cause and a reasonable excuse for a failure to continue the prosecution.

In witness whereof deponent affixes his hand and seal this 3 day of Buentin 1942.

Subscribed and sworn before me at fairhope, Alabama, this day of December 1942.

Notary Public

Baldwin County, Alabama

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Roduct

William Ruffles Jr. d/b/a Ruffles Plumbing & Constructors

Top**vs.** 

John Parker and Amy Parker

In the Circuit Court

of Baldwin County, Alabama et al

TO THE HONORABLE JUDGE FRANCIS HARE, JUDGE OF SAID COURT:

Comes the plantiff in the above styled cause and in compliance with rule 11 of the rules of practice in the Circuit and Inferior Courts of common law jurisdiction and makes application on affidavit showing merits and matters of excuse. That the default judgment discontinuing the above case for want of prosecution be set aside upon such terms as the court may deem proper.

Attorney for the Plantiff for the

Attorney for the Plantiff for the purpose of presenting this motion only.

612 Quil

De Duch.



# THE STATE OF ALABAMA, No. 612 Baldwin County

## CIRCUIT COURT

Feb. Term, 1943

To Any Sheriff of the State of Alaba	ıma, G	reei	ing :			;	
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N612. Page	COLLECTION COSTS FROM
THE STATE OF ALABAMA, BALDWIN COUNTY	
CIRCUIT COURT	The State of Alabama, BALDWIN COUNTY
Ruffles Plumbing, \$ Electricia	al. I hereby certify that the within
Contractors.	and costs in this case are correct, and ther was waiver of exemption as to persona
vs. • Plaintiff	property under the Constitution and Laws o
John M Parker.	This day of 194
Defendant	Clerk
Civil Execution for Costs Against Plantiff	Received in office
Costs \$1435	194
Civil Fee Book Page	
Execution Docket Page	Sheriff
Filed. Mar 10 , 194 3.  R J Demerce, Plaintiff's Attorney	Sheriff's Execution Docket, Page  Sheriff's Fee Book, Page  Other & January
Defendant's Attorney	A all ame aver
Received in Sheriff's Office	Mose less my fre
this day of Mar. 1943 W. R. STUART, Sherill	To WIN Strant

Baldwin County.