

THE KIRSTIN COMPANY,
A Corporation organized
under the laws of the
State of Michigan,

PLAINTIFF

- Vs. -

HUGH E. LOWELL,

DEFENDANT

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

COUNT ONE

The Plaintiff claims of the Defendant the sum of One Hundred Twenty-nine and 63/100 (\$129.63) Dollars due by promissory note made by him on the 20th day of February, 1941 and payable as follows: \$43.21^{due} on the 20th day of June, 1941; \$43.21 due on the 20th day of July, 1941 and the sum of \$43.21 due on the 20th day of August, 1941, with interest thereon.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Sixty-two and 04/100 (\$62.04) Dollars due by promissory note made by him on the 24th day of February, 1941 and payable on the 20th day of September, 1941, with interest thereon.

Plaintiff avers that so far as the debt is concerned the Defendant waived all right to have exempted to him any personal property which now is or hereafter may be exempted to him under the Constitution and laws of the State of Alabama. Plaintiff further claims of the Defendant a reasonable attorney's fee as provided for in said note.

J. G. BENNETT

J. G. Bennett
Attorney for Plaintiff

Defendant's Address:

Fairhope, Alabama

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SHERIFF'S OFFICE
ST. LOUIS, MO.

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SHERIFF'S OFFICE
ST. LOUIS, MO.

KISTIN COMPANY

vs

HUGH E. LOWELL

RECORDED

Sanchez

*ind 11-24-41
R.S. Duck*

Received in Sheriff's Office
this 21 day of Nov., 1941
W. R. STUART, Sheriff

Executed 11-24 1941
by serving copy of within Summons and
Complaint on

Hugh E. Lowell

W.R. Stuart Sheriff

By *B. J. Guerra* Deputy Sheriff

RECORDED

State of Alabama
Baldwin County

Personally appeared **ELMER BUTGEREIT**, who, being duly sworn, deposes and says; that he is a resident of Fairhope, Alabama, and is past the age of twenty one (21) years; that for five years up to ten years ago, he was regularly engaged in the occupation of clearing land in and around said Fairhope and during said period he used a stump puller in connection with such occupation; that he is familiar with the use of stump pullers in general; that on or about August 1st 1941, Mr. Hugh Lowell, of said Fairhope, employed deponent to clear certain land belonging to said Lowell; that he commenced immediately thereafter to attempt such clearing; that he used in connection with said clearing a certain Kirstin Drum Model Stump Puller, Model 115 with equipment to change same to Model 116; that, working eight hours, he was able to pull only two stumps of approximately ten inches each and to break off three additional stumps, although he worked steadily throughout said eight hours; that, in a similar period, he is able to dig around with a shovel and chop down approximately twenty (20) trees, to fill the holes of same and to accomplish this task without the aid of any stump puller; that said Kirstin Stump Puller, in his opinion, is unsatisfactory and ineffective.

Elmer Butgereit

Subscribed and sworn to this 19 day of December, A. D. 1941, before me.

E. E. Perkins
Notary Public

State of Alabama
Baldwin County

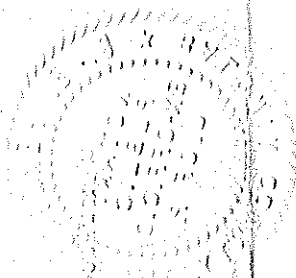
Personally appeared **J. H. TITUS**, who, being duly sworn, deposes and says; that he is a resident of Fairhope, Alabama, and is past the age of twenty one (21) years; that he is and has been for more than ten (10) years Town Marshall of said Town of Fairhope and Deputy Sheriff for the County of Baldwin, Alabama; that he has known Edwin Butgereit for a period in excess of twenty (20) years; that he knows that said Butgereit conducted the business of clearing land in and around said Fairhope for a period of approximately five (5) years up to ten years ago; that he knows that said Butgereit operated a stump puller during said period; that said Butgereit is recognized as an experienced operator in the clearing of land and in the use of a stump puller.

J. H. Titus

Subscribed and sworn to this 19 day of December, A. D. 1941, before me.

E. E. Perkins
Notary Public.

915



Filed Dec. 22nd 1961

R. S. Duck

STATE OF ALABAMA)
COUNTY OF BALDWIN)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

YOU ARE HEREBY COMMANDED to summon HUGH E. LOWELL to appear within thirty days from the service of this writ in the Circuit Court, to be held for said County at the place of holding the same, then and there to answer the complaint of THE KIRSTIN COMPANY a corporation organized under the laws of the State of Michigan.

Witness my hand this the 21st day of November, 1941.

Resdue
Clerk

The Baldwin Times

PRINTERS AND PUBLISHERS

Dial 2511

Bay Minette, Ala.

Dear Doc

I filed Poppers
on my case with
Kustern and
am demanding
a jury trial
I'll file other
Poppers later.

H. E. Lowell

