

1513

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

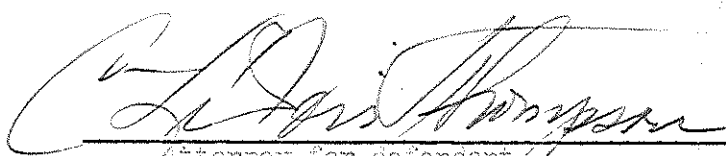
Now comes the Defendant and for special plea to complaint in this cause heretofore filed says:

1.

As to count one, that the defendant in this cause was not a party to any contract for said premises for the month on which this action is founded having given notice of abandonment to the said plaintiff and same having been accepted.

2.

As to count two, that the defendant in this cause was not a party to any contract for said premises for the month on which this action is founded having given notice of abandonment to the said plaintiff and same having been accepted.


Attorney for defendant.

RECORDED

Filed: March 2, 1957

J. J. Maslberger, Jr.
Judge.

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

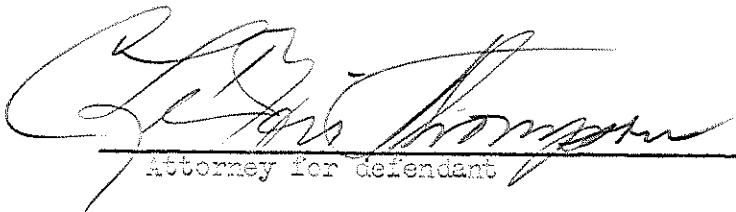
Now comes the Defendant and for special plea to complaint in this cause heretofore filed says:

1.

As to count one, that the said plaintiff reentered possession of the said premises, the subject of this action and was in possession during the time on which this cause is founded.

2.

As to count two, that the said plaintiff re-entered possession of the said premises, the subject of this action and was in possession during the time on which this cause is founded.


Attorney for defendant

RECORDED

Filed: March 2, 1951.

Julius J. Masliberger
Judge.

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF

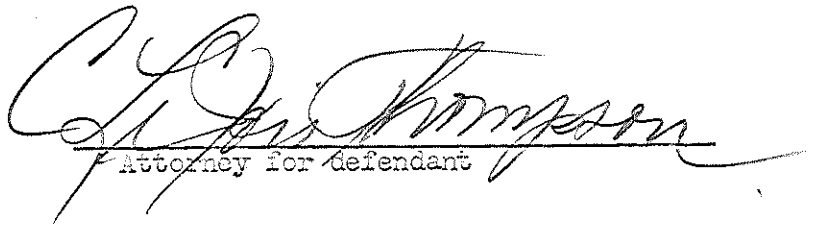
BALDWIN COUNTY, ALABAMA

AT LAW.

Now comes the defendant in the above entitled cause, and for special plea to the complaint, and separately and severally each count thereof, says:

1.

Prior to the institution of this suit and on to-wit March 15, Plaintiff released said defendant from said month to-month contract and in consideration of which the defendant evacuated said premises promptly on March 31.


Attorney for defendant

RECORDED

Filed: March 2, 1957,
Jeffrey J. Moskiewicz
Judge.

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.


Now comes the Defendant and for answer to complaint in this cause heretofore filed says.

1.

That as to count one of said complaint Defendant saith the allegations contained therein are untrue.

2.

As to count two of said complaint Defendant saith the allegations contained therein are untrue.


Attorney for Defendant

RECORDED

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

Answer

FILED

MAR 1 1951

ALICE J. DUCK, Clerk

From the law offices of
C. LeNoir Thompson
Bay Minette, Alabama

DISTRIBUTORS REALTY CORPORATION,
A Corporation,

Plaintiff,

vs.

A. L. McCUE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1513.

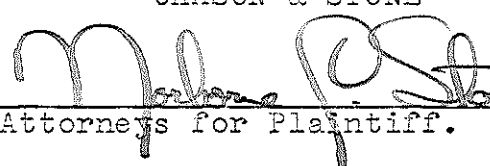
Now comes the Plaintiff in the above styled cause and moves the court to strike the answer and pleas heretofore filed in this cause by the defendant A. L. McCue, and assigns the following separate and several grounds, viz:

1. Plea "1" is not an appropriate plea to this action.
2. Plea "2" is not an appropriate plea to this action.
3. Pleas "1" and "2" are not appropriate pleas in an action for rent.
4. Plea "3" is irrelevant and immaterial and is not a sufficient answer to the cause of action relied upon by the Plaintiff.
5. Plea "4" is frivolous and irrelevant and is not an appropriate answer or plea to this cause of action.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Plaintiff.

RECORDED #1513

*Distributors Realty Corp.,
a corporation,*

Plaintiff,

v.

A. L. McCue,

Defendant

MOTION TO STRIKE PLEAS

Filed: February 28, 1951.

*Jeffrey J. Madlbery, Jr.
Judge*

DISTRIBUTORS REALTY CORPORATION,
A Corporation,

Plaintiff

VS

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Now comes the Defendant and for answer to complaint in this cause heretofore filed pleads as follows:

1.

That as to count one of said complaint Defendant denies the allegations and demands strict proof thereof.

2.

As to count two of said complaint Defendant denies the allegations and demands strict proof thereof.


3.

As to counts one and two Defendant says that prior to the institution of this suit, on to-wit, during the month of March, 1950, Defendant refused to execute a lease on said property and that Defendant's refusal was due and sufficient notice to said Plaintiff of the abandonment of said premises which abandonment occurred on to-wit, March 31st, 1950.

Wherefore, Defendant prays his discharge with costs of said action on the Plaintiff.

4.

The Defendant, for answer to the complaint and each count thereof, saith that the account or demise upon which the action was founded, was not executed or authorized by him, or by any one authorized to bind him in the premises; and he makes oath that this plea is true.

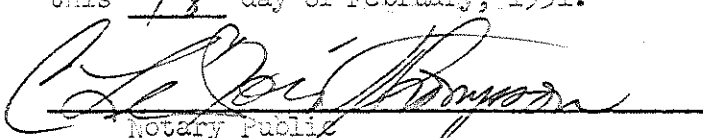

Attorney for Defendant

STATE OF ALABAMA
BALDWIN COUNTY

Before me C. LeNoir Thompson, a Notary Public in and for said State and County personally appeared A. L. McCue who being duly sworn deposes and says that he is informed of the allegation of Plea No. 4 and that said facts alleged therein are true.



Sworn to and subscribed before me
this 18 day of February, 1951.


Notary Public

RECORDED 1573

DISTRIBUTORS REALTY CORPORATION,
A Corporation,

PLAINTIFF

VS

A. I. McCUE

DEFENDANT

ANSWER

Filed
2-22-51
W. J. Jones
clerk

From the law offices of
C. LeVair Thompson
Bay Minette, Alabama

DISTRIBUTORS REALTY CORPORATION,
A Corporation,

Plaintiff,

vs.

A. L. McCUE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

NO. 1513.

MOTION TO STRIKE

Now comes the Plaintiff, by its Attorney and respectfully moves the Court to strike the pleas or answers heretofore filed in this cause by the Defendant and in support thereof, assigns the following separate and several grounds:

1. The plea "That as to count one of said complaint defendant pleads not guilty", is inappropriate.
2. That the plea "As to count two of said complaint defendant pleads not guilty", is inappropriate.
3. That pleas one and two are not in accordance with the provisions of Title 7, Section 225 of the Code of Alabama of 1940, governing the form of the plea of the general issue.
4. That plea numbered three of the defendant is irrelevant.
5. That the defendant's plea numbered four is irrelevant and immaterial.
6. That the defendant's plea numbered four does not conform the provisions of Title 7, Section 225 of the Code of Alabama of 1940, providing the forms of the plea of the general issue.
7. That the defendant's pleas numbered three and four are wholly irrelevant to the action.

Chason & Stone

By: 

Attorneys for Plaintiff.

RECORDED

Filed: February 13, 1937

Jessie J. Mosley
Judge.

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. MCCUE


Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes the Defendant and amends demurrers previously filed by
adding Count 9 thereto and says:

9.

That Count two of said Complaint does not allege whether said
demise was written or oral.


Attorney for the Defendant.

RECORDED

1513

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

AMENDMENT TO DEMURRERS

FILED

AUG 10 1950

ALICE J. DUCK, Clerk

From the law office of
C. LeNoir Thompson
Bay Minette, Alabama

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Now comes the Defendant and for answer to complaint in this cause
heretofore filed pleads as follows:

1.

That as to count one of said complaint Defendant pleads not
guilty.

2.

As to count two of said complaint Defendant pleads not guilty.

3.

As to counts one and two Defendant says that prior to the institution
of this suit, on to-wit, during the month of March, 1950, Defendant refused to
execute a lease on said property and that Defendant's refusal was due and suffi-
cient notice to said Plaintiff of the abandonment of said premises which aban-
donment occurred on to-wit, March 31st, 1950.

Wherefore, Defendant prays his discharge with costs of said action
on the Plaintiff.

4.

The Defendant, for answer to the complaint and each count thereof,
saith that the account or demise upon which the action was founded, was not
executed or authorized by him, or by any one authorized to bind him in the
premises; and he makes oath that this plea is true.

STATE OF ALABAMA
BALDWIN COUNTY

C. L. LeNoir Thompson
Attorney for Defendant

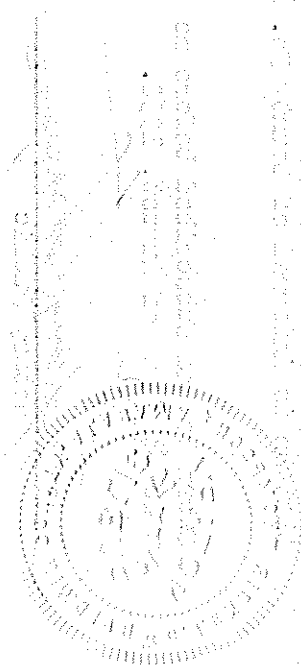
Before me C. LeNoir Thompson, a Notary Public in and for said state
and county personally appeared A. L. McCue who being duly sworn deposes and says
that he is informed of Count No. 4 and that said facts alleged therein are true.

Sworn to and subscribed before me
this 23 day of August, 1950.

C. L. LeNoir Thompson
Notary Public

A. L. McCue

RECORDED. M16-13



Handwritten signature or initials in the top left margin.

Handwritten signature or initials in the top center margin.

FILED
AUG 23 1950
ALICE J. DOCK, Clerk

DISTRIBUTORS REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. L. McCUE

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant and for demurrer to each count separately and severally in said complaint says:

1.

That count one of said complaint does not allege on what grounds said money is due the Plaintiff.

2.

That count one of said complaint does not allege said money is due the Plaintiff from the Defendant.

3.

That count one of said complaint does not allege that the defendant incurred said obligation for which the demand is made.

4.

That count two does not allege any contract for rent to be paid on the part of the Defendant.

5.

That count two does not allege an agreement on the part of said Defendant to pay any rent, as demanded therein.

6.

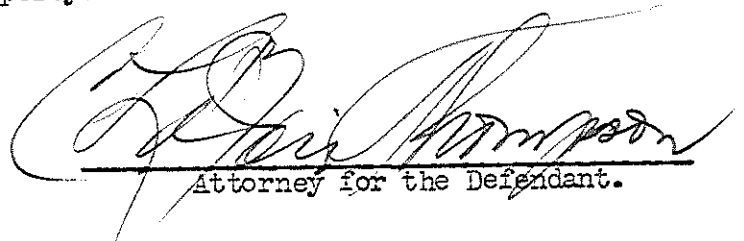
That count two of said complaint does not allege use or occupancy on the part of said Defendant of the property designated therein.

7.

That count two does not allege said Defendant was placed in possession ever as a tenant of said Plaintiff of the property named in said complaint.

8.

That count two does not allege a demand by the Plaintiff of rents from the Defendant on said property.


Attorney for the Defendant.

RECORDED 15713

DISTRIBUTION REALTY CORPORATION,
a Corporation,

Plaintiff

Vs

A. I. McCUE

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

FILED
JUL 12 1950
ALICE J. DUCK, Clerk

From the law office of
C. LeNoir Thompson
Bay Minette, Alabama

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon A. L. McCue, 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 same, then and there to answer the Complaint of Distributors Realty Corporation, a Corporation.

Witness my hand this 13th day of June, 1950.

W. J. Church
Clerk.

COMPLAINT:

DISTRIBUTORS REALTY CORPORATION,
A Corporation,

Plaintiff,

vs.

A. L. McCUE,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE.

COUNT ONE:

The Plaintiff claims of the Defendant Three Hundred Fifty-seven and 80/100 Dollars (\$357.80) due from him by account on, to-wit, the 1st day of May, 1950, which sum of money, together with the interest thereon, is still unpaid.

COUNT TWO:

The Plaintiff claims of the Defendant Three Hundred Fifty-seven and 80/100 Dollars (\$357.80), together with the interest thereon, for rent of Compartment G, Brown's Warehouse, at 71 Lipscomb Street, Mobile, Mobile County, Alabama, demised by the Plaintiff to the Defendant on, to-wit, the 1st day of April, 1950, said rent commencing on the 1st day of April, 1950, and ending on the 30th day of April, 1950.

Chason & Stone

By: M. L. Stone
Attorneys for Plaintiff.

Received in Sheriff's Office
this 13 day of June 1950
TAYLOR WILKINS, Sheriff

RECORDED

6-19-50

701573

SUMMONS AND COMPLAINT

DISTRIBUTORS REALTY
CORPORATION, a Corporation,

Plaintiff,

vs.

A. L. McCue,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE.

Executed 6-19-50 19
by serving copy of within Summons and
Complaint on

is full

Taylor Wilkins
Deputy Sheriff
by Deputy Sheriff

FILED
JUN 13 1950
ALICE J. DUCK, Clerk

LAW OFFICES
HYBART, CHASON & STONE
BAY MINETTE, ALABAMA