

STATE OF ALABAMA  
COUNTY OF BALDWIN

1525  
IN THE CIRCUIT COURT OF BALDWIN  
COUNTY, ALABAMA.

LESLEY PATTERSON,  
Plaintiff

vs.

OSWALD FURNITURE COMPANY,  
Defendant

COUNT I

Plaintiff claims of Defendant Five Thousand Dollars (\$5,000.00) damages for that on, to-wit: June 15, 1950, Defendant did forceably and maliciously enter Plaintiff's home and take the following personal property, possession of which Plaintiff was legally entitled, to-wit: one refrigerator. Plaintiff avers that said entry was unlawful and Plaintiff claims exemplary damages to the amount as aforesaid.

COUNT II

Plaintiff claims of Defendant the sum of Five Thousand Dollars (\$5,000.00) damages for that on, to-wit: June 15, 1950, Defendant did unlawfully take the following property purchased by Plaintiff of Defendant on a conditional sales contract, to-wit: one refrigerator. Plaintiff avers that said taking was perfected in a rude, wanton and malicious manner and has damaged his credit reputation, and Plaintiff claims exemplary damage to the amount as aforesaid.

*Ronald B. Miller*

Attorney for Plaintiff

RECORDED

No. 15725

Page.....29

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

LESLEY PATTERSON,  
Plaintiff

*X Conniff*  
8 vs.

OSWALD FURNITURE COMPANY,  
Defendant

*J. R. Oswald, Owner*  
SUMMONS AND COMPLAINT

Filed.....7.1.....1950

*Alice J. Renck*  
Clerk

.....  
Arnold B. Miller  
Plaintiff's Atty.

.....  
Defendant's Atty.

Received *5* Day of *July* 19*50*  
and on *1* Day of *July* 19*50*  
I served a copy of the within *1st & 2d*  
on *Oswald Furniture Co*

by service on *J. R. Oswald, Owner*

W. H. HOLCOMBE, Sheriff

By *W. E. Conniff* U.S.

STATE OF ALABAMA }  
BALDWIN COUNTY }

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

LESLEY PATTERSON,  
Plaintiff

vs.

OSWALD FURNITURE COMPANY,  
Defendant

Now comes the Plaintiff in the above styled cause and amends his complaint as originally filed by adding to said complaint Count III as follows:

COUNT III

Plaintiff claims of Defendant Five Thousand (\$5,000.00) Dollars for that on, to-wit: June 15, 1950, Defendant did enter Plaintiff's home and take the following personal property purchased by Plaintiff of Defendant on a conditional sales contract, to-wit: One Refrigerator; and Plaintiff avers that said entry was perfected in a rude, wanton, malicious and unlawful manner, said entry being made during the absence of Plaintiff from his home, over the protests of Plaintiff's wife and without legal process, thereby causing Plaintiff embarrassment, harrassment and damage to his home, for which he claims actual and punitive damages as aforesaid.

*A. B. Miller*

Attorney for Plaintiff

CASE NO. 1525

IN THE CIRCUIT COURT  
OF BALDWIN COUNTY,  
ALABAMA  
Law Side

RECORDED

LESLEY PATTERSON,  
Plaintiff

vs.

OSWALD FURNITURE COMPANY,  
Defendant

AMENDMENT TO COMPLAINT

Executed Sept 21 1950  
by serving copy of within Summons and  
Complaint on

J. B. Blackburn Atty

Taylor Wilkin Sheriff  
By H. F. Hall Deputy Sheriff

Filed: 9-20-50

Wied. Luck  
Clerk

LESLEY PATTERSON,  
Plaintiff,  
VS.  
OSWALD FURNITURE COMPANY,  
Defendant.

) IN THE CIRCUIT COURT OF  
)  
) BALDWIN COUNTY, ALABAMA  
)  
) AT LAW.  
)

Comes the Defendant in the above styled cause and demurs to the Complaint and separately and severally to each count thereof, and for grounds of demurrer assigns, separately and severally:

1. It does not state a cause of action.
2. The allegations of the Complaint are vague, indefinite and uncertain.
3. The facts alleged therein are mere conclusions of the pleader.
4. It does not appear in the Complaint how Plaintiff's credit was injured.
5. It does not allege how Defendant's entry was unlawful.
6. It affirmatively appears from the Complaint that the Defendant was entitled to the possession of said refrigerator.
7. It does not show an injury for which Plaintiff is entitled to exemplary damages.
8. It affirmatively appears from the Bill of Complaint that the Defendant had a perfect legal right to enter the Plaintiff's house and remove the said refrigerator.
9. The said Bill of Complaint does not allege sufficient facts to inform this Defendant what it must defend against.
10. The said Bill of Complaint does not allege facts sufficient to entitle the Plaintiff to damages.
11. It does not allege that Plaintiff had title to the property described in the Bill of Complaint.

12. It does not allege that Plaintiff was entitled to possession of the property described in the Bill of Complaint.

13. No facts are alleged to show that Plaintiff's taking of the property described in the Bill of Complaint was unlawful.

14. The Complaint does not allege the time at which the trespass was committed.

15. It does not allege whether or not the Defendant is a partnership, corporation, or individual venture.

16. It does not allege that Plaintiff had possession of the property described in the Bill of Complaint at the time of its seizure.

J. B. Blaschke

Attorney for Plaintiff.

...the ...  
...the ...  
...the ...  
...the ...

...the ...  
...the ...  
...the ...  
...the ...

...the ...  
...the ...

DEMURRER .

1525

LESLEY PATTERSON,  
Plaintiff

VS.

OSWALD FURNITURE COMPANY,  
Defendant.

RECORDED

FILED

AUG 7 1950

ALICE J. DUCK, Clerk

A. B. MILLER  
ATTORNEY AT LAW  
ROBERTSDALE, ALABAMA

June 30, 1950

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Lesley Patterson, vs.  
Oswald Furniture Company

Dear Mrs. Duck,

The Plaintiff, Lesley Patterson, in the above case, requests a trial by jury on the facts of this case.

Very truly yours,

*Arnold B. Miller*  
Arnold B. Miller

ABM/sm



A. B. MILLER  
ATTORNEY AT LAW  
ROBERTSDALE, ALABAMA

June 30, 1950

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Lesley Patterson, vs.  
Oswald Furniture Company

Dear Mrs. Duck,

The Plaintiff, Lesley Patterson, in the above case, requests a trial by jury on the facts of this case.

Very truly yours,

*Arnold B. Miller*  
Arnold B. Miller

ABM/sm

NO 1525 - Jury

Lesley Patterson  
vs.

Oswald Furniture Co

Damages  
Filed 7-1-50

A. B. Miller

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA }  
Baldwin County

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 194\_\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You are hereby commanded to summon Oswald Furniture Company, 517 Dauphin

Street, Mobile, Alabama

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\_\_\_\_\_

Oswald Furniture Company

\_\_\_\_\_, Defendant\_\_\_\_\_

by Lesley Patterson

\_\_\_\_\_, Plaintiff\_\_\_\_\_

Witness my hand this

1st day of July

1940

Joseph L. Harris, Clerk

No. \_\_\_\_\_ Page \_\_\_\_\_

**THE STATE of ALABAMA,**  
BALDWIN COUNTY

**CIRCUIT COURT**

Plaintiffs

vs.

Defendants

**SUMMONS and COMPLAINT**

Filed \_\_\_\_\_, 194\_\_\_\_\_

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

\_\_\_\_\_, 194\_\_\_\_\_

Sheriff

I have executed this summons

this \_\_\_\_\_, 194\_\_\_\_\_

by leaving a copy with

Sheriff

Deputy Sheriff

A. B. MILLER  
ATTORNEY AT LAW  
ROBERTSDALE, ALABAMA

June 30, 1950

Mrs. Alice J. Duck  
Clerk of the Circuit Court  
Baldwin County  
Bay Minette, Alabama

Re: Lesley Patterson, vs.  
Oswald Furniture Co.

Dear Mrs. Duck,

Please file this complaint and have service of a copy made on the defendant in Mobile. Thank you.

Sorry I haven't been up to see you and the rest around Bay Minette, but company and business have kept my nose in Robertsdale. The practice of law here is picking up a little along, so I can definitely say that I am heading to R'dale.

I will try to get my other cases lined up so service may be had of them by registered mail. As yet, I don't have a specific address where they may be mailed. Thank you for your patience in those cases.

Sincerely,

*Arnold Miller*  
Arnold Miller