

1648

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:-

YOU ARE HEREBY COMMANDED to summon RAY E. LOPER LUMBER CO., INC., 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 RAY E. LOPER LUMBER CO., INC., by JOHN A. PAGLIUGH.

WITNESS my hand this the 28th day of April, 1951.

Desiree Rensch
Clerk

////////////////////

COMPLAINT

JOHN A. PAGLIUGH,
Plaintiff

ASSIGNEE OF NANNIE L. SISSON

VS:

RAY E. LOPER LUMBER CO., INC.,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

The Plaintiff claims of the Defendant the sum of FOUR THOUSAND & 00/100 DOLLARS (\$4,000), damages for a trespass by the Defendant on the following tract of land, viz:

Lot Six (6) as shown by plat of subdivision of the Henry Baudan Grant made by E. C. Carpenter, June 6, 1873, according to map recorded in Book "J", page 715, of the records of Baldwin County, Alabama, being a subdivision of Sections 40 and 39, Township 7 South, Range 3 East, excepting therefrom 95 acres conveyed, thirty-five acres to Clarissa R. Weeks by deeds recorded 32 NS, page 483, and 34 NS, pages 606-7, and sixty acres conveyed to James E. Keith, recorded 37 NS, page 542, the lands conveyed embracing 21½ acres, more or less.....

belonging to Nannie L. Sisson at the time of the trespass, but which was conveyed by warranty deed to the said Plaintiff, on the 30 day of June, 1950, and recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Deed Book 155 NS, page 254, and which cause of action was duly assigned by the said Nannie L. Sisson to the Plaintiff on the 7th day of October, 1950, which assignment is duly recorded in the office of the Judge of Probate of Baldwin County, Alabama, in Book 176 MS, page 391, and for cutting the timber, damaging small trees, dragging logs across the premises, which cause the land to erode, and leaving broken limbs, branches and tree tops on the premises, on to wit: May 10, 1950.

Amey Christman
Attorney for Plaintiff

Received in Sheriff's Office
this 24 day of April, 1951
TAYLOR WILKINS, Sheriff

Executed May 4 1951
by serving copy of within Summons and
Complaint on

Jack Sadduth

Taylor Wilkins
George Harty

5-4-51 Mr. Jack
1648 Sadduth

RECORDED

SUMMONS AND COMPLAINT

JOHN A. PAGLIUCHI,

PLAINTIFF

ASSIGNEE OF MARIE L. Sisson

VS:

RAY E. LOFFER LUMBER CO., INC.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Filed H. 24 1951
Clifford
clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

J. A. PAGLIUGHI,

Plaintiff,
(Assignee of Nannie L.
Sisson),
VS.

RAY E. LOPER LUMBER CO.,
INC.,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NUMBER 1648.

PLEA IN ABATEMENT

Now comes the Defendant, which appears specially and only for the purpose of filing this Plea in Abatement and as grounds therefor, sets down and assigns, separately and severally, the following:

1. The Plaintiff has no right to prosecute this suit.
2. The Plaintiff has no right to prosecute this suit because the purported assignment of this chose in action from Nannie L. Sisson to him is champertous and void.
3. The purported assignment of this cause of action by Nannie L. Sisson to the Plaintiff is champertous and void, because of which the Plaintiff has no right to prosecute this suit.

WHEREFORE, Defendant prays that this action be abated and that it be discharged with its reasonable costs in this behalf expended.

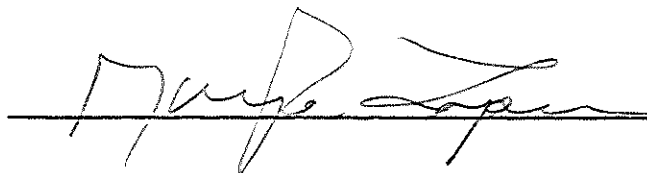
J. B. Blalock

Attorney for Defendant.

STATE OF ALABAMA)
*
BALDWIN COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared RAY E. LOPER, who, after being by me first duly and legally sworn, deposes and says:

That he is President of Ray E. Loper Lumber Company, Inc., a Corporation; and that as such officer he is duly authorized to make this affidavit for and on behalf of the said corporation; that he has read the facts stated in the foregoing Plea and that the same are true.



Sworn to and subscribed before me on
this the 22nd day of May, 1951.



Notary Public, Baldwin County, Alabama.

PLEA IN ABATEMENT ¹⁶⁴⁸
J. A. PAGLIUCHI,
Plaintiff,
(Assignee of Nannie L. Sisson),
VS. **RECORDED**

RAY E. LOPER LUMBER CO., INC.,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 1648

FILED
MAY 23 1951
ALICE J. DUCK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA