

SUMMONS AND COMPLAINT

STATE OF ALABAMA Y

BALDWIN COUNTY Y

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons Eugene A. Koehle 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 Earl L. Watson.

Witness my hand, this 7th day of April, 1952.

Alice J. Smith
Clerk

EARL L. WATSON,

Plaintiff,

VS.

EUGENE A. KOEHLE,

Defendant.

Y
IN THE CIRCUIT COURT OF

Y
BALDWIN COUNTY, ALABAMA.

Y
AT LAW

Y
CASE NO. 1783.

COUNT ONE: Plaintiff claims of the defendant the sum of SIX HUNDRED SEVEN AND 80/100 (\$607.80) DOLLARS, together with interest thereon as damages from the defendant, and for cause of action shows: that the plaintiff was at the time hereinafter complained of and is now the transferee and holder of a chattel mortgage transferred to him by St. Landry Bank and Trust Company, said mortgage being made by the Deep Well Drilling Company, a corporation, to the St. Landry Bank and Trust Company, which was executed to secure a bona fide indebtedness of SIX HUNDRED SEVEN AND 80/100 (\$607.80) DOLLARS and under the terms of which the Deep Well Drilling Company, a corporation, agreed to pay Six (6) percent per annum from the date of execution; the date being December 19, 1949, said chattel mortgage being due and payable on, to-wit, the 19th day of June 1950, and under the terms of which the Deep Well Drilling Company, a corporation, did grant, bargain, se;; and convey to the said St. Landry Bank and Trust Company, to secure said indebtedness, the following property, to-wit: 1,100 feet of three inch drill stem that the said defendant with knowledge or notice of the plaintiff's lien thereon, did on to-wit, the

15th day of October, 1951, convert the said 1,100 feet of three inch drill stem which he sold or removed or caused to be removed or moved beyond plaintiff's reach or by taking possession of said drill stem and moving it beyond plaintiff's reach deprived plaintiff of the opportunity of enforcing his said lien upon the said drill stem by reason of which acts of defendant plaintiff was prevented from enforcing his said lien thereon under his mortgage. And by the aforesaid wrongful acts of the defendant, which were done without plaintiff's consent, the lien of the plaintiff on the said drill stem has been destroyed as aforesaid, and hence this suit. Plaintiff further avers that said conversion was accompanied by acts of vexation and oppression wherefore he also claims punitive damages. Plaintiff avers that he has employed C. LeNoir Thompson and Tolbert M. Brantley to represent him in this suit and requests that a reasonable attorney's fee be paid them for their services and that said attorney's fee be taxed against the defendant in this cause.

COUNT TWO: Plaintiff claims of the defendant SIX HUNDRED SEVEN AND 80/100 (\$607.80) DOLLARS, together with interest thereon as damages for the conversion by him on, to-wit, the 15th day of October 1951, the following chattels:

1,100 feet of three inch drill stem the property of the plaintiff. Plaintiff further avers that said conversion was accompanied by acts of vexation and oppression wherefore he also claims punitive damages. Plaintiff avers that he has employed C. LeNoir Thompson and Tolbert M. Brantley to represent him in this suit and requests that a reasonable attorney's fee be paid them for their services and that said attorney's fee be taxed against the defendant in this cause.

C. LeNoir Thompson

Tolbert M. Brantley

By:


Attorneys for Plaintiff

DEMURRERS TO THE DEFENDANT'S MOTION TO SET
ASIDE JUDGMENT.

EARL L. WATSON,	X	
PLAINTIFF,	X	IN THE CIRCUIT COURT OF
VS.	X	BALDWIN COUNTY, ALABAMA.
EUGENE A. KOEHLE,	X	AT LAW
DEFENDANT.	X	CASE NO. 1783.

Comes now the Plaintiff in the above styled cause and demurs to the Defendant's motion to set aside judgment and for grounds of demurrer says as follows:

1. The Plaintiff demurs to the reason marked and designated 2 and says the reason assigned is not good grounds for setting aside a default judgment.

2. The Plaintiff demurs to the reason marked and designated 3 and says the reason assigned is not good grounds for setting aside a default judgment.

3. The Plaintiff demurs to the reason marked and designated 4 and says the reason assigned is not good grounds for setting aside a default judgment.

4. The Plaintiff demurs to the reason marked and designated 5 and says the reason assigned is not good grounds for setting aside a default judgment.

5. The Plaintiff demurs to the reason marked and designated 6 and says the reason assigned is not good grounds for setting aside a default judgment.

C. LeNoir Thompson

Tolbert M. Brantley

By:

Tolbert M. Brantley
Attorneys for Plaintiff

Demurrers.

Carl L. Watson

Plaintiff

vs

Eugene L. Hoeble

Defendant

Case No 1183

Filed: June 30, 1962.

Jeffrey J. MacLennan, Jr.
Judge.

SUMMONS & COMPLAINT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1783.

RECORDED

EARL L. WATSON,

Plaintiff,

VS.

EUGENE A. KOEHLER,

Defendant.

FILED April 7, 1932

Alice J. Duck
CLERK

Received at
this 7 day of April 1932
TAYLOR WILKINS, Sheriff

Executed April 9, 1932
By serving copy on
Eugene A Koehle

Sheriff
Taylor Wilkins
By
Edleigh Steadham

EARL L. WATSON,

PLAINTIFF

VS:

EUGENE A. KOEHLER,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

CASE NO. 1783.

DEMURRER

Comes the DEFENDANT, in this cause, and to each and every count, saith
that said complaint does not state a cause of action.


Forest A. Christian, Attorney
for Defendant.

EARL L. WATSON,

PLAINTIFF

VS:

EUGENE A. KOEHLER,

DEFENDANT.

DEMURRER

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW.

CASE NO. 1783

FILED
JUL 9 1952
ALICE A. DUCK, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

June 5, 1952

The Honorable Telefair J. Mashburn,
Judge
Bay Minette, Alabama

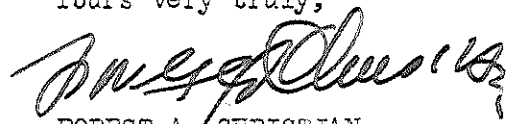
Re: Earl L. Watson
Vs : Eugene A. Koehle

Dear Judge:

I have sent to the Clerk, an amendment and my motion to set aside judgment. Since it appears that we will have to have this motion ruled upon, or continued within thirty days, I would appreciate it if you would set down Wednesday, June 11, at 2:00 o'clock, as the time for hearing the motion. I request this time because I expect I will be in Bay Minette on a Probate matter at this time.

I'm sending a carbon copy of this letter to the Plaintiff's Attorney, Mr. Talbert M. Brantley in Bay Minette, and one to the Plaintiff, Mr. Earl L. Watson, at Arton, Alabama, for their information and advise.

Yours very truly,


FOREST A. CHRISTIAN

FAC:jg

cc: Mr. Earl L. Watson
Arton, Alabama
cc: Mr. Talbert M. Brantley, Attorney
Bay Minette, Alabama

EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLE,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NO. 1783

ANSWER

The Defendant, for answer to each Count of said complaint, saith
that he is not guilty of the matters alleged therein.


Attorney for Defendant

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EXHIBIT COPIES TO: JAGS

IN THE CIRCUIT COURT OF

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EARL L. WATSON,

PLAINTIFF

VS:

EUGENE A. KOEHLE,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NO. 1783

FILED
MAY 20 1952
ALICE J. DUCK, Clerk

EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 1783

NOTICE TO EARL L. WATSON, PLAINTIFF,

WHO RESIDES AT ARITON, ALABAMA.

You are hereby notified that on this date, the Defendant, EUGENE A. KOEHLE, by his Attorney, has filed a motion to set aside judgment in the case of EARL L. WATSON vs; EUGENE A. KOEHLE, in the Circuit Court of Baldwin County, Alabama, case number 1783.

Mrs. Alice J. Duck, Clerk

Dated this the ____ day of June, 1952.

Received in Sheriff's Office
this 14 day of June, 1952
TAYLOR WILKINS, Sheriff

Executed by serving a copy on
the within named parties this

JUN 17 1952

By

EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLE,

Defendant

NOTICE TO EARL L. WATSON, PLAINTIFF,

WHO RESIDES AT ARITON, ALABAMA.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

CASE NO. 1783

FILED
JUN 4 1952
L. CLARK, CLERK

MOTION TO STRIKE

EARL L. WATSON,

PLAINTIFF,

VS.

EUGENE A. KOENLE,

DEFENDANT.

Y

Y

Y

Y

Y

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1783.

Comes now the Plaintiff in the above styled cause and moves the Court to strike the Defendant's motion to set aside motion in its entirety, and for grounds for such motion says as follows:

1. Defendant has failed to make his motion in affidavit form.

C. LeMoir Thompson

Tolbert M. Brantley

By:

Tolbert M. Brantley
Attorneys for Plaintiff

Motion to Strike

Carl J. Watson

Plaintiff

vs

Eugene A. Hoeble

Defendant

Case No 1783

Filed: June 30, 1952.

Jeffrey J. Mable, Clerk
Judge.

EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLE,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

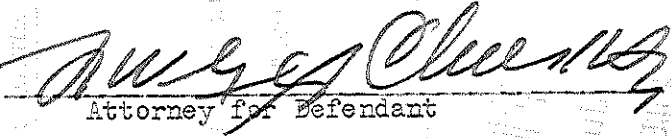
AT LAW.

CASE NO. 1783

MOTION TO SET ASIDE JUDGMENT

Comes the Defendant and moves the Court to set aside, vacate, annul and arrest, that the judgment by default rendered on the 19th day of May, 1952, in this cause, for the following reasons to wit:

- 1: The complaint in said cause fails to state a cause of action.
- 2: That the Defendant is not guilty of the matters alleged therein, and that great injustice has been done.
- 3: That the judgment has been inadvertently and improvidently rendered, and that it was procured by fraud or collusion.
- 4: That the said judgment was rendered through mistake.
- 5: That the Defendant discussed this case with the Plaintiff, and the Plaintiff agreed that the Defendant was not guilty of the allegations set up in the complaint, and the Plaintiff led the Defendant to believe that the complaint would be dismissed.


Attorney for Defendant

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

Case No. 1783

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER

FILED

June 4, 1952

Attest: ALICE L. BUCK, Clerk

Earl L. Watson, Plaintiff, vs. Eugene A. Koehler, Defendant.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

Plaintiff, EARL L. WATSON, vs. Defendant, EUGENE A. KOEHLER.

EARL L. WATSON,

PLAINTIFF

VS:

EUGENE A. KOEHLER,

DEFENDANT

MOTION TO SET ASIDE JUDGMENT

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 1783

FILED JUN 4 1952 ALICE L. BUCK, Clerk

EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLER,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1785

AMENDMENT TO MOTION TO SET ASIDE JUDGMENT

Comes the Defendant and amends his motion to set aside, vacate, annul and arrest, the judgment by default, rendered on the 19th day of May, in this cause, by adding to said motion another paragraph which shall read as follows:

6: That the Defendant has a meritorious defense to said cause of action and judgment.


Attorney for Defendant

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FILED
JUN 6 1952
ALICE L. BUCK, Clerk

June - 21 / 52
EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1783

NOTICE TO EARL L. WATSON, PLAINTIFF

WHO RESIDES AT ARITON, ALABAMA.

You are hereby notified that on this date, the Defendant, EUGENE A. KOEHLE, by his Attorney, has filed an amendment to motion to set aside judgment in the case of EARL L. WATSON vs; EUGENE A. KOEHLE, in the Circuit Court of Baldwin County, Alabama, case number 1783, and that the Court has set the 30th day of June, 1952, at 2:00 P.M. o'clock to hear said motion.

Alice J. Duck
Mrs. Alice J. Duck, Clerk

Dated this the 16th day of June, 1952.

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BALDWIN COUNTY, ALA.

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CLERK'S OFFICE
BALDWIN COUNTY, ALA.

Received in Sheriff's Office
this 21 day of June, 1952
TAYLOR WILKINS, Sheriff

EARL L. WATSON,

PLAINTIFF

VS:

EUGENE A. KOEHLE,

DEFENDANT

NOTICE TO EARL L. WATSON, PLAINTIFF

WHO RESIDES AT ARITON, ALA.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1783

Executed by handing copy of the
within to:

Earl L. Watson

This the 21 day of June 1952.

J. R. Dykes Sheriff
E. F. Baker D. S.

FILED

JUN 13 1952

ALICE J. DUCK, Clerk

EARL L. WATSON,

Plaintiff,

VS:

EUGENE A. KOEHLE,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA.

AT LAW.

CASE NO. 1783

AMENDED MOTION TO SET ASIDE JUDGMENT

Comes the Defendant and moves the Court to set aside, vacate, annul and arrest, the judgment by default rendered on the 19th day of May, 1952, in this cause, for the following reasons to wit:

- 1: The complaint in said cause fails to state a cause of action.
- 2: That the Defendant is not guilty of the matters alleged therein, and that great injustice has been done.
- 3: That the judgment has been inadvertently and improvidently rendered, and that it was procured by fraud or collusion.
- 4: That the said judgment was rendered through mistake.
- 5: That the Defendant discussed this case with the Plaintiff, and the Plaintiff agreed that the Defendant was not guilty of all the allegations set up in the complaint, and the Plaintiff led the Defendant to believe that the complaint would be dismissed:.
- 6: That the Defendant has a meritorious defense to said cause of action.

[Signature]
Attorney for Defendant

Received in Sheriff's Office
this 12 day of June, 1952
TAYLOR WILKINS, Sheriff

Executed by handing copy of the
within to Earl L. Watson
This the 21 day of June 1952

J. R. Dyer
H. F. Baker Sheriff
D. S.

AMENDED MOTION TO SET ASIDE JUDGMENT

EARL L. WATSON,
Plaintiff

VS:

EUGENE A. KOEHLER,
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1783

FILED
JUN 13 1952
ALICE J. DUCK, Clerk

PLEA IN ABATEMENT

EARL L. WATSON

PLAINTIFF,

vs

EUGENE A. KOEHLER

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW

CASE NO. 1783

Comes now the Plaintiff in the above styled cause and shows unto the Court that it cannot entertain the Defendant's motion to set aside judgment in this cause for the following reasons, to-wit:

1. The Defendant is required to make such a motion in affidavit form; he has failed to do this.

C. LeNoir Thompson

Tollert M. Brantley

By: Tollert M. Brantley
Attorneys for Plaintiff

Placid Whitemans

Carl J. Watson
Plaintiff

vs

Eugene A. Hoeble
Defendant

Case No

1383

1783

Filed: June 30, 1952.
J. J. Madsen, Jr.
Judge