

J. C. WYNN and HARRY  
WYNN, Individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

ROY KRESSLER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

NO. 1927

Comes now the Plaintiffs, by their Attorneys, and move this Honorable Court to strike the demand of the Defendant for a trial by jury and assign the following separate and several grounds in support of their Motion:

(1) That the demand for a trial by jury comes too late.

(2) That the Defendant did not demand in writing a trial by jury within thirty (30) days after the perfection of service on him.

(3) That service was perfected on the Defendant on July 7, 1953 and that the Defendant did not demand a trial by jury until August 20, 1953.

(4) That the Defendant has failed to comply with the provisions and requirements of Title 7, Section 260, of the Code of Alabama of 1940, in that he failed to demand a trial by jury within thirty (30) days after the perfection of service on him.

(5) That the Defendant has waived the right to a trial by jury of the issues in this cause.

Respectfully submitted,

CHASON & STONE

By:



Attorneys for Plaintiffs.

RECORDED

J. C. WYNN and HARRY  
WYNN, Individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

ROY KRESSLER,

Defendant.

\*\*\*\*\*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
LAW SIDE. NO. 1927

\*\*\*\*\*

MOTION TO STRIKE  
JURY DEMAND.

\*\*\*\*\*

FILED

SEP 8 1953

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

J. C. WYNN and HARRY  
WYNN, individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

ROY KRESSLER,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Comes the defendant and for answer to Counts One and Two, separately  
and severally:

Count One:

He denies the allegations thereof.

Count Two:

The defendant sayeth: That he has paid the debt, for the recovery  
of which this suit was brought, before the action was commenced.

*C. LeNoir Thompson*

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for the  
County of Baldwin, State of Alabama, personally appeared L. R.  
Kressler, who being duly sworn, doth depose and say: That he has  
personal knowledge of the facts set forth in the foregoing answer,  
and that the same are true and correct to the best of his knowledge  
and belief.

*L. R. Kressler*  
Affiant.

Subscribed and sworn to before me on this the 20 day of August  
1953, by said affiant.

*C. LeNoir Thompson*  
Notary Public

The defendant demands trial by jury.

*C. LeNoir Thompson*  
Attorney for Defendant

1929

J. C. WYNN and HARRY  
WYNN, individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

ROY KRESSLER,

Defendant.

**RECORDED**

**ANSWER**

**FILED**

**AUG 20 1953**

**ALICE J. DUCK, Clerk**

From the Law Office of  
C. LENOIR THOMPSON,  
Attorney at Law

J. C. WYNN AND HARRY  
WYNN, individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

ROY KRESSLER,

Defendant.

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

Come now the Plaintiffs, by their attorneys, and amend the  
Complaint in the above styled cause so that the same shall read as  
follows:

J. C. WYNN AND HARRY  
WYNN, individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

L. R. KRESSLER,

Defendant.

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


COUNT ONE:

The Plaintiffs claim of the Defendant Three Hundred Dollars  
(\$300.00) due from him by account on the 12th day of February, 1953,  
which sum of money with the interest thereon, is still unpaid.

COUNT TWO:

The Plaintiffs claim of the Defendant the sum of Three  
Hundred Dollars (\$300.00) for merchandise, goods and chattels sold  
by the Plaintiffs to the Defendant on the 12th day of February, 1953,  
which sum of money, together with the interest thereon from February  
12, 1953, is still unpaid.

CHASON & STONE

By:   
Attorneys for Plaintiffs.

1927

RECORDED

J. C. WYNN AND HARRY  
WYNN, individually and  
doing business as WYNN  
BROS.,

Plaintiffs,

vs.

L. R. KRESSLER,

Defendant.

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

\*\*\*\*\*  
AMENDED COMPLAINT  
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FILED

AUG 27 1953

ALICE J. BUCK, Clerk  
LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

J. C. WYNN and HARRY  
WYNN, individually and  
doing business as WYNN  
EROS.,

Plaintiffs,

vs.

ROY KRESSLER,

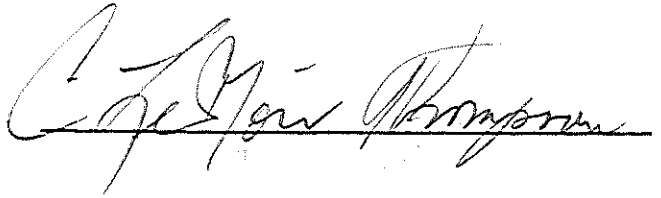
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Comes the defendant and for a plea of misnomer in said cause  
shows unto this Honorable Court that his name is L. R. Kressler  
and that he is so known, and that he is not named Roy Kressler.



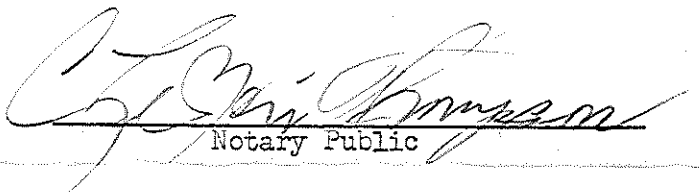
STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public in and for the  
County of Baldwin, State of Alabama, personally appeared L. R.  
Kressler, who being duly sworn, doth depose and say: That he has  
personal knowledge of the facts set forth in the foregoing plea,  
and that the same are true and correct to the best of his knowledge  
and belief.

L. R. Kressler  
Affiant.

Subscribed and sworn to before me on this the 3rd day of August,  
1953, by said affiant.

  
Notary Public

1927

J.C. Wynn and

RECORDED

Wynn Wynn & Wynn

Winn Bros  
VS Plaintiff

Roy Kessler  
Defendant

Plea of Misnomer

Filed 8.3.53  
W.C. French  
Clerk

from Law Office  
C. J. Thompson  
Atty at Law



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 Roy Kressler 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 J. C. Wynn and Harry Wynn, individually and doing business as Wynn Bros.

Witness my hand this 26 day of February, 1953.

Archie J. Smith  
Clerk.

J. C. WYNN and HARRY  
WYNN, individually and  
doing business as WYNN  
BROS.,  
Plaintiffs,

vs.

ROY KRESSLER,

Defendant.

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

COUNT ONE.

The Plaintiffs claim of the Defendant Three Hundred Dollars (\$300.00) due from him by account on the 12th day of February, 1953, which sum of money with the interest thereon, is still unpaid.

COUNT TWO.

The Plaintiffs claim of the Defendant the sum of Three Hundred Dollars (\$300.00) for merchandise, goods and chattels sold by the Plaintiffs to the Defendant on the 12th day of February, 1953, which sum of money, together with the interest thereon from February 12, 1953, is still unpaid.

CHASON & STONE

By:

Malone & Stone  
Attorneys for Plaintiffs.

7-2-33

Received in Sheriff's Office  
This day of April 1933  
Taylor Wilkins, Sheriff

Returned 3 day of April 1933  
Not found in my county after diligent search and in-  
quiry.

Taylor Wilkins, Sheriff  
By L. L. Stedham  
Deputy Sheriff

Received        day of        19    
and on 7 day of July 1933  
I served a copy of the within  
on       

By service on Ray Kressler  
TAYLOR WILKINS, Sheriff  
By L. L. Stedham

7-2-33

J. C. WYNN and HARRY WYNN,  
Individually, and doing  
business as Wynn Bros.,  
Plaintiffs  
vs.

ROY KRESSLER,  
Defendant.

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SUMMONS AND COMPLAINT

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

FILED

FEB 25-1933

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

J. C. WINN AND HARRY WINN,  
Individually, and doing business  
as WINN BROTHERS,

VS.

**R. KRESSLER**

IN THE  
CIRCUIT COURT OF BALDWIN

COUNTY, ALABAMA.

AT LAW. No. 1927

MR. STONE REPRESENTING THE PLAINTIFF:

MR. HOMPSON REPRESENTING THE DEFENDANT.

IN OPEN COURT, BEFORE HON. HUBERT M. HALL, JUDGE.

MR. J. C. WINN, BEING FIRST DULY SWORN, TESTIFIED:

Direct Examination by Mr. Stone.

Q. Is this Mr. J. C. Winn?

A. It is.

Q. Where do you live?

A. Summerdale, Alabama.

Q. Mr. Winn, is Harry Winn your brother?

A. Yes, sir.

Q. Do you live at Summerdale?

A. Yes, sir.

Q. Do you and Harry Winn do business as Winn brothers?

A. Yes, sir.

Q. Is that a partnership?

A. Yes, sir.

Q. What is your business principally?

A. Primarily, potatoes.

Q. Do you buy and sell produce?

A. Yes, sir.

Q. Did you, Mr. Winn, sell some produce to L. R. Kressler on or  
about February 12, 1953?

A. Yes, sir.

Q. What did you sell him?

A. Two loads of cabbage.

Q. Were these cabbages delivered to Mr. Kressler?

A. No, sir, he cut them himself.

Q. He received possession of these cabbage?

A. Yes, sir.

Q. What was the total price he was to pay?

A. \$.75 per 50 pounds.

Q. What was the total value of the cabbage he received?

A. We estimated it at \$300.00.

Q. Is that your opinion as to the value of the cabbages he  
removed?

A. Yes, sir.

Q. Has that sum been paid to you?

A. No, sir.

Q. Is L. R. Kressler the same person as Roy Kressler?

A. Yes, sir.

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I hereby certify that the foregoing is a true and  
correct transcript of the testimony as taken by me in open  
court, on the 8th day of February 1954, before Hon. H. M. Hall,  
(2)

Judge of said Court.

This 9th day of February, 1954.

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COURT REPORTER.

CONFIDENTIAL

CONFIDENTIAL

FILED  
FEB 9 1954  
WASH. FIELD

1927