

State of Alabama

Baldwin County

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Dr. W.M. Turnstall, of Robertsedale, Alabama, to appear within thirty days after the service of this summons upon him in the Circuit Court to be held for said County, at the place of holding the same, then and there to demur or plead to the complaint of Charles Diehl.

Witness my hand this 26 day of August, 1969.

Alice J. Duck
Clerk, Circuit Court

CHARLES DIEHL
Plaintiff,
vs.

W. M. TURNSTALL
Defendant,

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 8853

BILL OF COMPLAINT

COUNT ONE: Plaintiff, CHARLES DIEHL, claims of the Defendant, W.M. TURNSTALL, the sum of Three Hundred and Fifty Dollars (\$350.00), for on April 18, 1969, in the Defendant's dental office in Robertsedale, Alabama, the parties entered into a verbal contract by which Plaintiff agreed to pay \$200.00 in exchange for Defendant's fitting and preparing sets of dentures for both Plaintiff and his wife. Plaintiff paid the Defendant that day with a personal check, which the Defendant has since negotiated. Since that date, Plaintiff and his wife have not been given the dentures that they contracted for, and over four months have now gone by, causing them physical discomfort and irritation, and embarrassment while they have had to suffer with their old dentures, and the Defendant is either unwilling or unable to fulfill the agreement, and so has breached the contract, causing damage to Plaintiff in the amount of \$350.00.

FILED

AUG 26 1969

ALICE J. DUCK
CLERK
REGISTER

Daniel E. Robison
Daniel E. Robison
Attorney for Plaintiff

8853

Charles Diehl
Plf

vs.

W. M. Turnstall

FILED

AUG 26 1969

ALICE J. DUCK

CLERK
REGISTER

Daniel E. Robison

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
by Brown
DEPUTY SHERIFF

Received 26 day of August 1969
and on 3 day of Sept. 1969
I served a copy of the within W. M. Turnstall
on W. M. Turnstall

By service on

TAYLOR WILKINS, Sheriff
by H. H. Brown D. S.
50 miles
R. Dale

CHARLES DIEHL,
Plaintiff
vs.
W.M. TURNSTALL,
Defendant

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)
)
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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW
NO. 8,853

MOTION FOR DEFAULT JUDGMENT AND WRIT OF INQUIRY

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now your Plaintiff and says:

1. That he filed this cause and it was served on the Defendant by personal service on the 8th day of September, 1969.

2. That the time for demurrer, plea or answer has passed and the Defendant came not, but made default.

THEREFORE, Plaintiff asks that he be adjudged by the Court that to be entitled to recovered damages from the Defendant. But inasmuch as such damages are unknown to the Court, let the Plaintiff submit his proof under a Writ of Inquiry, that the Court may properly assess the damages.

Daniel C. Robinson
Attorney for Plaintiff

FILED

OCT 10 1969

ALICE J. DUCK

CLERK
REGISTER

CHARLES DIEHL,)	
Plaintiff	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
W.M. TURNSTALL,	)	AT LAW
Defendant	)	NO. 8,853

JUDGMENT

This day came the Plaintiff and by attorney; and it appearing to this Court that at a former date of this Court a judgment was rendered in favor of the Plaintiff and against the Defendant, and that a writ of inquiry was awarded to ascertain and determine the claims and demands of the Plaintiff.

And the Defendant being called, came not but made Default. And after hearing the evidence, the Court being of the opinion and it is the judgment of the Court that judgment be rendered in favor of the Plaintiff and against the Defendant, and that the Plaintiff have and recover of the Defendant his claims and demands in the complaint.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court, that the Plaintiff have and recover of the Defendant the sum of ~~\$350.00~~ *\$350.00* together with the costs in this behalf expended, and for all of which execution may issue.

Done this *20th* day of October, 1969.

Telfair J. Mashburn
Telfair J. Mashburn
Circuit Judge

FILED

OCT 20 1969

ALICE J. DUCK CLERK
REGISTER

8853

APPROVED FOR SIGNATURE
Wm. E. Hoffman

that the Court will determine the damages.
Let the Plaintiff submit the bill of particulars.
and the Plaintiff as to the damages are known to the Court.
Court that to be entitled to recover damages from the Defendant.

WHEREFORE, Plaintiff asks that he be adjudged by the
Court and the Defendant come not out before the Court.

3. That the time for payment of the sum of money be
forfeited by Defendant's failure to pay the sum of money on the 1st day of September, 1933.

4. That he filed this case and it was taken on the
Court from the Plaintiff and says:

TO THE HONORABLE JUDGE J. W. HENRY, JUDGE OF SAID COURT:

NOTICE FOR DEFENDANT TO SHOW CAUSE WHY HE SHOULD NOT

DEFENDANT	)	NO. 8-333
M. W. JONES, JR.	)	V. I. W.
AS	)	BY JURY
PLAINTIFF	)	BY JURY
CHARLES BENT	)	IN THE CIRCUIT COURT OF

CHARLES DIEHL,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
vs.	)	AT LAW
W.M. TURNSTALL,	)	NO. 8,853
Defendant)	

DEFAULT JUDGMENT AND WRIT OF INQUIRY

Came the Plaintiff by attorney and the Defendant came not, but made Default.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED, that the Plaintiff recover of the Defendant the damages in this behalf expended; but inasmuch as such damages are unknown to the Court, let the Plaintiff submit his proof, on the day of , 1969, at o'clock, in the Circuit Courthouse, that the Court may inquire of and assess the damages.

DONE this day of , 1969.

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Telfair J. Mashburn
Judge, Circuit Court

DANIEL E. ROBISON
ATTORNEY AT LAW
118B WEST LAUREL
FOLEY, ALABAMA 36535

PHONE 943-4955

P. O. BOX 794

October 9, 1969

Honorable Telfair J. Mashburn
Judge, Circuit Court
Bay Minette, Alabama

Dear Judge Mashburn:

I have filed my Motion for Default Judgment and Writ of Inquiry. I would like to come before you soome time soon to give evidence as to the amount of damages.

I am unsure about the procedure in such a hearing. Do you want both Mr. and Mrs. Diehl to appear with me? Or just one of them? Or would an oral Deposition be enough?

I appreciate all the help you've given me.

Very truly yours,

Daniel Robison

CHARLES DIEHL,)	
Plaintiff	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
W.M. TURNSTALL,	)	AT LAW
Defendant	)	NO. 8,853

DEFAULT JUDGMENT AND WRIT OF INQUIRY

Came the Plaintiff by attorney and the Defendant came not, but made Default.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED, that the Plaintiff recover of the Defendant the damages in this behalf expended; but inasmuch as such damages are unknown to the Court, let the Plaintiff submit his proof, on the day of , 1969, at o'clock, in the Circuit Courthouse, that the Court may inquire of and assess the damages.

DONE this day of , 1969.

.
Telfair J. Mashburn
Judge, Circuit Court