

SUMMONS

1946

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

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

YOU ARE HEREBY COMMANDED to summon C. M. NORTHCUTT 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 C. M. NORTHCUTT, by the FOLEY BUILDING SUPPLY COMPANY.

WITNESS my hand this the 16th day of March, 1953.

Amos Garrett
Clerk

COMPLAINT

FOLEY BUILDING SUPPLY COMPANY,	Ø	IN THE CIRCUIT COURT OF
PLAINTIFF	Ø	BALDWIN COUNTY, ALABAMA
VS.	Ø	AT LAW
C. M. NORTHCUTT,	Ø	
DEFENDANT	Ø	

COUNT I:

The Plaintiff claims of the Defendant the sum of ONE HUNDRED SIXTY-SEVEN & 00/100 DOLLARS (\$167.00), due by promissory note made by him on the 12th day of November, 1952 and due and payable on or before 90 days from date, with interest thereon.

Said note also provided for a reasonable attorney's fee which the Plaintiff alleges to be Thirty Dollars (\$30.00).

COUNT II:

The Plaintiff claims of the Defendant the sum of ONE HUNDRED DOLLARS (\$100.00) for the reason that, on the 16th day of October, 1951, a judgement was rendered against the Defendant in favor of the Plaintiff which judgement is recorded in Book 005, page 168. On the 12th day of November, 1952, said Defendant went to the office of Forest A. Christian, Attorney at Law, Foley, Alabama and represented that he had already paid the sum of ONE HUNDRED DOLLARS (\$100.00) to the sheriff of Baldwin County, showing said attorney a receipt from sheriff for ONE HUNDRED DOLLARS (\$100) and represented that this ONE HUNDRED DOLLARS (\$100) was to be applied on the judgement referred to above. The said Forest A. Christian thereupon gave him credit in the amount of ONE HUNDRED DOLLARS (\$100) in anticipation of receiving this sum of money from sheriff of Baldwin County, Alabama, and thereupon released said judgement. However, the sheriff later advised the said attorney that said receipt was in payment of a judgement in favor of one AMOS GARRETT. This sum of money with interest thereon is still unpaid.

Amos Garrett
Attorney for Plaintiff

The Defendant lives at Robertsdale, Ala.

There is attached hereto and made a part of, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a Notary Public, which shows the amount due on this the account the 13th day of March, 1953.

Amos Garrett

AFFIDAVIT

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

Forest A. Christian, first being duly sworn, deposes and says as follows:


My name is Forest A. Christian, I am a duly licensed attorney at law practising at Foley, Alabama. I represent Foley Building Supply Company in case against C. M. Northcutt. I know that the Defendant owes the Plaintiff the sum of One hundred sixty-seven dollars (\$167.00) on a promissory note, dated November 12, 1952, which is past due.

I further allege that the Thirty Dollars (\$30.00) is a reasonable attorney's fee in the matter.

I do further allege that the facts as stated in Count II are true and correct and that the judgement was released through error because of a misrepresentation by the Defendant.


Affiant

Sworn to and subscribed before me
on this the 13th of March, 1953.


Notary Public

this 16 day of March 1953
TAYLOR WILKINS, Sheriff

Executed March, 18, 1953
By Serving copy on
C. M. Northcutt

Sheriff
Taylor Wilkins
By
Edwigh Strachan

1946 -
RECORDED

COMPLAINT

FOLEY BUILDING SUPPLY CO,

VS,

C. M. NORTHUTT

CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

FILED

3-16-53

ALICE J. QUICK, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA