

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

May 14, 1971

Mrs. Eunice B. Blackmon, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama 36507

Re: Carr White Vs. Smith
Law Case #8921

Dear Mrs. Blackmon:

Please ask Judge Mashburn to enter a judgment
by consent for \$200 in the above noted case.

I am sending a copy of this letter to Mr.
Rickarby as confirmation to him.

With kind regards, I am

Yours very truly,


Wilson Hayes

WH/ms

cc: Hon. E. G. Rickarby

CARR WHITE TRUCK CO., INC.,
A Corporation,

Plaintiff,

vs.

MARY LEE SMITH and LEVON SMITH,

Defendants.

X IN THE CIRCUIT COURT OF
X BALDWIN COUNTY, ALABAMA,
X AT LAW.
X CASE NO. _____

D E M U R R E R S

Comes the Plaintiff in the above styled cause and offers the following separate and several Demurrers to Counts Four and Five of Defendant's Pleas or Answer, namely:

That said Pleas Four and Five do not show whether the warranty that the Plaintiff made was oral or written, or expressed or implied.

That Plea Six failed to show how the engine was defective.

That Pleas Five and Six do not show the damage sustained by the Defendant.



Attorney for Plaintiff

FILED

DEC 8 1969

ALICE J. DICK CLERK
REGISTER

CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the opposing party in the foregoing matter with a copy of this process by depositing in the United States Mail a copy of same in an envelope with adequate postage prepaid the 8th day of December, 1969.

This..... day of 1969
S. G. RICKARDY



Attorney for Plaintiff
P. O. Box 471, Fairhope, Ala. 36532

CARR WHITE TRUCK CO., INC.) IN THE CIRCUIT COURT OF
a Corporation) BALDWIN COUNTY, ALABAMA
PLAINTIFF) AT LAW
VS) NUMBER: 8921
MARY LEE SMITH and LEVON)
SMITH)
DEFENDANTS)

Come now Defendants in the above styled cause and for answer to Plaintiff's complaint say:

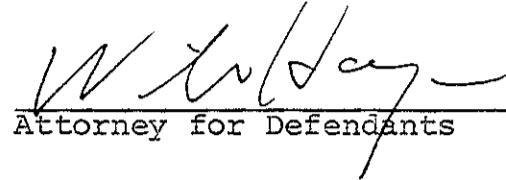
1. Not guilty
2. The allegations contained in the Complaint are untrue.
3. The Defendants, for answer to the said Complaint, sayth that they have paid the debt, for the recovery of which this suit was brought, before the action was commenced.

4. The Defendants, for further answer to Plaintiff's complaint, say:

5. That the consideration for the said note, the foundation of this suit, was a certain automobile sold by Plaintiff to Defendants; that at the time of the said sale, the Plaintiff warranted the said automobile to be free from engine defects for a period fo 30 days after the said date of sale on to-wit the 5th day of July 1966; that the engine in the said automobile, the consideration for the said note, failed, that Plaintiff was called upon during the term of the said warranty to repair or correct the engine under the terms of the said warranty but that the Plaintiff failed and refused to repair the said engine all to the damage of Defendants in the amount of \$500.00, wherefor Defendants pray judgement.

6. The Defendants, as a defense to the action of the Plaintiff, sayth that at the time said action was commenced, the Plaintiff was indebted to them in the sum of \$500.00, damages for a breach of warranty in the sale of a certain automobile sold to Defendants on to-wit the 5th day of July, 1966 by Plaintiff to the Defendants, which the Plaintiff warranted to be free from defects in the engine of the said automobile, when in fact, the said engine was defective within the terms of the warranty,

namely 30 days after the date of purchase, and Plaintiff failed and refused to repair the said defective engine, all to the damage of Defendants aforesaid which they hereby offer to set off against the demand of the Plaintiff, and claim judgement for the excess.



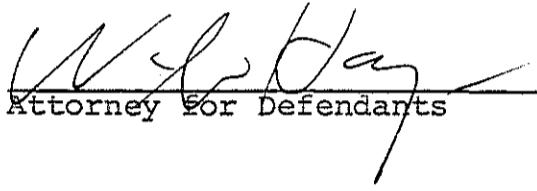
Attorney for Defendants

Defendants demand trial by
jury.

Done this 29th day of November, 1969.

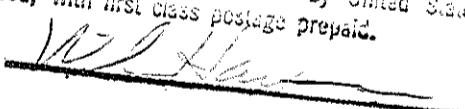
FILED

DEC 2 1969



Attorney for Defendants

ALICE J. DUCK CLERK
REGISTER

CERTIFICATE OF SERVICE
I do hereby certify that I have on this 1st day of December,
1969 served a copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same by United States
Mail, properly addressed, with first class postage prepaid.


4941

STATE OF ALABAMA,

COUNTY OF BALDWIN.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby Commanded to Summon MARY LEE SMITH and LEVON SMITH 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 MARY LEE SMITH and LEVON SMITH, Defendants, by CARR WHITE TRUCK CO., INC., a Corporation, Plaintiff.

WITNESS my hand this 9 day of Oct, 1969.

Albert J. Buck Clerk

CARR WHITE TRUCK CO., INC.,
a Corporation,
Plaintiff,
VS.
MARY LEE SMITH and LEVON
SMITH,
Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

No. 8921

C O M P L A I N T

The Plaintiff claims of the Defendant THREE HUNDRED FIFTY-TWO AND 85/100 (\$352.85) DOLLARS, due by promissory note made by them on the 5th day of July, 1966 and payable on the 10th day of August, 1966, with interest thereon.

And the Plaintiff avers that in said note and as a part of the consideration thereof the Defendant has expressly waived his rights to claim personal property as exempt to him under the Constitution and laws of the State of Alabama and has agreed to pay an attorney's fee for the collection thereof, and the Plaintiff hereby claims the further sum of FIFTY-TWO AND 92/100 (\$52.92) DOLLARS as such attorney's fee.

E. G. RICKARBY, Attorney for
Plaintiff.

FILED

OCT 9 1969

