

GOLD PLATE FOODS, INC.,
a corporation,

Plaintiff,

Vs.

VERLIN CARVER,

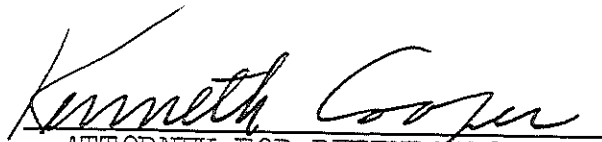
Defendant.

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

DEMURRER

Comes now the Defendant in above-styled cause, by his attorney, Kenneth Cooper, Esquire, and demurs to the complaint heretofore filed in this cause, and as grounds therefor assigns the following, separately and severally, to each and every count thereof, to-wit:

1. The complaint does not state a legal cause of action.
2. The complaint fails to state when the alleged account was due.
3. Exhibit "A", attached to the complaint, fails to allege when the purported account became due and payable.


ATTORNEY FOR DEFENDANTS

I certify that I have mailed a copy of the foregoing DEMURRER to Hon. Desmond B. Toler, Attorney At Law, P. O. Box 1045, Mobile, Alabama, by depositing the same in United States Mail, postage prepaid, at Bay Minette, Alabama, on this 3rd day of December, 1969.


ATTORNEY FOR DEFENDANTS

FILED

DEC 5 1969

ALICE J. DUCK CLERK
REGISTER

899B

FILED
DEC 5 1969
ALICE J. BURK
CLERK
REGISTER

ENGEL, SMITH & TOLER
ATTORNEYS AT LAW
SUITE 910 VAN ANTWERP BUILDING
P. O. BOX 1045
MOBILE, ALABAMA 36601

MYLAN R. ENGEL
LEO A. SMITH, JR.
DESMOND B. TOLER
DAVID L. BARNETT

TELEPHONE
AREA CODE 205
438-3625

December 21, 1970

Clerk, Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama

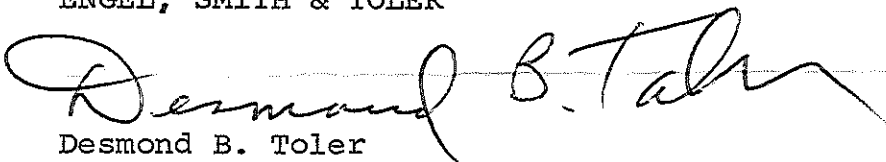
Re: Gold Plate Foods, Inc.
Vs: Verlin Carver
Baldwin County Circuit Court
Case no. 8970

Dear Mrs. Duck:

As attorney of record for Gold Plate Foods, Inc. I would appreciate very much if you have the above styled case immediately dismissed with prejudice and send the cost bill to this office for payment.

Very truly yours,

ENGEL, SMITH & TOLER

A large, stylized handwritten signature in dark ink, appearing to read "Desmond B. Toler". The signature is written over the typed name and initials.

Desmond B. Toler
DBT/dw

GOLD PLATE FOODS, INC.,
a corporation,

Plaintiff,

-VS-

VERLIN CARVER,

Defendant

: CIRCUIT COURT
: IN THE ~~CORTEX~~
: OF
: ~~GENERAL SESSIONS OF~~
: BALDWIN
: ~~MOBILE~~ COUNTY, ALABAMA
:
:
:
: CASE NUMBER: 8970

The Plaintiff claims of the Defendant ONE
THOUSAND NINE HUNDRED FORTY-NINE AND 75/100 (\$1,949.75)
DOLLARS, due from him by account, which sum of money,
together with interest thereon, is still due and unpaid.

An itemized statement of the account sued on,
verified by the affidavit of a competent witness is attached
hereto as Exhibit "A" and made a part hereof.

ENGEL AND SMITH,
Attorneys for Plaintiff

BY: Desmond B. Foley
MEMBER APPEARING

DEFENDANT MAY BE SERVED AT:

Route 2
Foley, Alabama

ENGEL AND SMITH
ATTORNEY AT LAW
910 VAN ANTWERP BLDG.
P. O. BOX 1045
MOBILE, ALABAMA

EXHIBIT "A"

STATE OF ALABAMA)

COUNTY OF MOBILE)

Before me, the undersigned authority in and for
said State in said County, personally appeared _____
CARL M. WILSON, who is known to me,
and known to be Secretary of
GOLD PLATE FOODS, INC., and who, having
been first duly sworn, deposes and says upon his oath that
he has personal knowledge of the itemized account hereto,
that the same is true and correct, and that no part of
same has been paid.

Carl M. Wilson
AFFIANT

Subscribed and sworn to and

before me on this the 31st

day of October,

1969.

Barker E. Hutton
NOTARY PUBLIC, ALABAMA STATE AT LARGE

My Commission Expires Aug. 15, 1972

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 8970

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to SummonVERLIN CARVER.....

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.....

.....VERLIN CARVER..... Defendant.....

byGOLD PLATE FOODS, INC., A CORP.

..... Plaintiff.....

Witness my hand this.....3rd.....day of November.....19.69.....

Alice J. Duck, Clerk

24/11-8-69

VOL

65 PAGE 402

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

GOLD PLATE FOODS, INC., A CORP.

Plaintiffs

vs.

VERLIN CARVER

Defendants

SUMMONS AND COMPLAINT

Filed ... November 31st 19.69

... Alice J. Duck Clerk

Engel & Smith

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
Received in Office

NOV. 3 1969

19.

TAYLOR WILKINS

Sheriff

I have executed this summons

this Nov 8 1969

by leaving a copy with

Verlin Carver

Sheriff claims 86 miles at

Ten Cents per mile. Total \$ 8.60

TAYLOR WILKINS, Sheriff

DEPUTY SHERIFF

Taylor Wilkins Sheriff

Orlani Chisler Deputy Sheriff

Invoice

~~STATEMENT~~

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

1/29 1968

Theo Styron

should have been billed to Union Power

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		220 100* paper bags		
		✓ Green 2%		
		4-12-12		
		11 tons @ 52.00		\$ 572.00
		not signed		

Invoice

STATEMENT

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

1-30 1968

Theo Styron

should have been billed to Verline Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		30 100# 1/4 2% 4-12-12		
		1 1/2 @ 52.00		\$78.00
		not signed		
		EVOL 65 PAGE 392		

Invoice
STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

copy

2/3 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		220 100# bags Verta green 24 4-12-12		
		11 tons @ 52.00		\$572.00
		not signed		
		E VOL 65 PAGE 393		

Invoice

copy

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

2/3 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		100 100# Bags Vertogreen 2 1/2 4-12-12 5 tons @ \$2.00		\$ 260.00
		not signed		

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

2/6 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		220 100# paper bags VG 2% 4-12-12		
		11 tons @ 52.00		\$ 572.00
		not signed		

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

2/7 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		60 100# paper bags VG 2 1/2 mcg 4-12-12 3 tons @ 52.00 not signed		\$156.00
		EVOL 65 PAGE 394		

Invoice

STATEMENT

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

3/8 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		9150 # Bulk ① VG 2% 8-8-8		
		8970 # " ② " " "		
		<hr/> 18,120 #		
		18120		
		51		
		<hr/> 18120		
		90600		
		<hr/> 2 1924120		
		not signed		
		EVOL 65 PAGE 395		
				\$462.06

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

2/12 1968

Verlin Carter

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		paid \$ 1,200.00		

Invoice

STATEMENT

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

3/12 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		8120 # bulk VG 4/2% Mgo 8-8-8		
		no signature		\$215.18

Invoice

STATEMENT

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

3/13 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		8180 # bulk VG 2% 8-8-8		
		not signed		\$216.77

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

3/13 1968

Vertin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		8140 # bulk VG 4/2 mgo 8-8-8		\$215.80
		not signed		

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

3/13 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		6870 # bulk VG w/ 2% 8-8-8		\$182.06
		not signed		

Invoice

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

copy

3/13 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		8200 # bulk 1H 2% 888		217.30
		not signed		

Invoice

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

copy

3/25 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		21 100* paper bags Amco Nitrate Spreader not signed		\$ 76.80

Invoice

STATEMENT

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

Apr. 8 1968

Vertin Carter

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		2 50# ? Mangita D © 4000 delivered to Bon Secour, Al. signed Vertin Carter		\$80.00

Invoice

~~STATEMENT~~

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

copy

4-15-1968

Urtin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		2 50# MANZATE D	40 ⁰⁰	80.00
		2 5/ Thiodane	71-	70.00
				150.00
		signed Urtin Carver		

Invoice

STATEMENT

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

4/29 1968

Verlin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		2/50 Mangate		80.00
		signed Verlin Carver		

Invoice

~~STATEMENT~~

copy

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

5-6 1968

Virtin Lawer

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		1 5gal. cans Hashbrown		
		20 @ 7.25		\$145.00
		signed by Virtin Lawer		
		VOL 65 PAGE 400		

Invoice # 127

STATEMENT

Gold Plate Foods Company

Processor - Shipper - Broker

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

6/20 1968

Vulvin Carver

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		1 Bale 500 Potato Bags M. \$199.50 not signed		\$99.75

Gold Plate Foods Company

P. O. Box 411

Phone 205-943-5661

FOLEY, ALABAMA 36535

7/15 1968

DATE	INVOICE NO.	DESCRIPTION	UNIT PRICE	AMOUNT
		Paid \$ 1,200.97		

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