

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon DeVore Brokerage Company, Inc., a corporation, 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 Vaughan's Seed Company, Inc.

Witness my hand this 7 day of November
1969.

Alice J. Luck
Clerk

VAUGHAN'S SEED COMPANY, INC., X

Plaintiff, X

vs. X

DEVORE BROKERAGE COMPANY, INC., X
a corporation, X

Defendant. X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

8977

The Plaintiff claims of the Defendant Nine Hundred Seventy-nine Dollars and Forty-four Cents (\$979.44), damages for the breach of an agreement entered into by it on the 15th day of May, 1967, by which the Defendant promised to safely transport a quantity of azaleas for the Plaintiff from Mobile, Alabama, and deliver the same in a viable condition to customers of the Plaintiff in Des Moines, Iowa, and Charles City, Iowa. The Plaintiff further alleges that the Defendant breached this agreement in that due to the negligence of the Defendant in handling the shipment of said azaleas, the same were delivered to the Plaintiff's said

customers in a completely withered, defoliated and worthless condition.

CHASON, STONE & CHASON

By: Richard E. Ball
Attorneys for Plaintiff

The Plaintiff respectfully demands a trial of this cause by a jury.

CHASON, STONE & CHASON

By: Richard E. Ball

FILED

NOV 7 1969

ALICE J. DUCK CLERK
REGISTER

Defendant's address for service:

DeVore Brokerage Company, Inc.
Loxley, Alabama

Received 7 day of Nov 1969
and on 7 day of Nov 1969
I served a copy of the within Dec
on DeVore Brokerage Co.
By service on Swell D. Ware

Sheriff claims 40 miles at
Ten Cents per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY Brown
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff
By H. Brown D.S.
40 miles R T
Loopy

8977

VAUGHAN'S SEED COMPANY, INC.,
Plaintiff,
vs.

DeVORE BROKERAGE COMPANY, INC., a
corporation,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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SUMMONS AND COMPLAINT

* * * * *

FILED

NOV 7 1969

ALICE J. DUEK CLERK
REGISTER

VAUGHAN'S SEED COMPANY, INC. X

Plaintiff, X IN THE CIRCUIT COURT OF

vs. X BALDWIN COUNTY, ALABAMA

AT LAW

X CASE NO. 8977

INC., a Corporation.

X DEVORE BROKERAGE COMPANY,

Defendant.

X

DEMUR

Comes now the Defendant in the above styled cause and

demurs to the Complainants Bill of Complaint, and for grounds

thereof says:

1.

That it does not state a cause of action.

2.

It fails to allege the agreement between the Plaintiff

and Defendant.

3.

It fails to allege that any consideration was paid by the

Plaintiff to the Defendant.

4.

Complainants fail to allege whether the agreement was in

writing or oral.

WILTERS & BRANTLEY

BY:

Attorneys for Defendant

Defendant demands a trial by jury.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3 day of December 1969, served a copy of the within complaint on all parties to this proceeding by mail, properly addressed, and have also filed a copy of the same with the Clerk of the Court.

WILTERS & BRANTLEY

[Signature]

FILED

DEC 5 1969

ALICE J. BARK
CLERK REGISTER

Paul

497-1

FILED

DEC 5 1969

ALICE J. BUCK
CLERK
REGISTER

VAUGHN'S SEED COMPANY,
INC.

Plaintiff,

vs.

DEVORE BROKERAGE COMPANY,
INC., a Corporation,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 8977

ANSWER

Comes now the Defendant, in the above styled cause, and
for answer to the Complainant's Bill of Complaint, says:

1.

That it is not of the matters alleged.

WILTERS & BRANTLEY

BY:

Gary J. Wilters
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 23 day of January,
1970 served a copy of the foregoing pleading on counsel for all
parties to this proceeding by mailing the same by United State
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By:

FILED

JAN 23 1970

ALICE J. DUCK CLERK
REGISTER

1668

FILED

JAN 23 1970

ALICE J. BURK
CLERK
REGISTER