

THE STATE OF ALABAMA }  
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 2nd  
Monday in March, 1954, in a cer-  
tain cause in said Court wherein Ayres C. Little and Clyde Little

Plaintiff, and  
B. F. Sutton Defendant, a judgment was rendered against said

~~B. F. Sutton~~  
to reverse which Judgment, the said B. F. Sutton

applied for and obtained from this office an APPEAL, returnable to the next

Term of our Court of Appeals Court of the State of Alabama, to be held at Montgomery,  
on the day of 194 next, and the necessary bond  
having been given by the said B. F. Sutton

with B. F. Sutton, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said Ayres C. Little  
and Clyde Little or C. LeNoir Thompson

, attorney, to appear at the next Term of our  
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 5th  
day of April, A. D., 1954.

Attest:

*Alice J. Duck*, Clerk.

CIRCUIT COURT  
Baldwin County, Alabama

Vs. } Citation in Appeal

Issued ..... day of ....., 194.....

Received ..... day of ..... 19.....  
and on 17 day of April 1954

I served a copy of the within .....  
on ..... of ..... of ..... of ..... of .....

By service on General Thompson

TAYLOR WILKINS, Sheriff  
By Taylor Wilkins

Ayres C. Little & Clyde Little,  
a partnership, d/b/a Little  
Motor Company,

Plaintiff

Vs

B. F. Sutton

Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

In the Circuit Court of  
Baldwin County, Alabama  
At Law, Case No. 2010

I hereby announce myself as surety for costs on the appeal  
of the above styled cause to the Alabama Court of Appeals.

  
\_\_\_\_\_  
B F Sutton

Ayres C. Little, et al

Plaintiff

Vs

B. F. Sutton

Defendant

Security for costs

FILED  
APR 8 1954  
ARICE A. DUCK, Clerk

Ayres C. Little, et al.

Plaintiff

Vs

B. F. Sutton

Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

In the Circuit Court of  
Baldwin County, Alabama  
At Law, Case No. 2010

Now comes the Defendant in the above styled cause, by his Attorney and gives notice of appeal of said cause, on the record to the Alabama Court of Appeals.



Robert H. Miller  
Attorney for the Defendant

Ayres C. Little, et al.  
Plaintiff

Vs

B. F. Sutton  
Defendant

Notice of Appeal

FILED

APR 2 1954

ALICE J. HUCK, Clerk

Ayres C. Little, et al.

Plaintiff

Vs

E. W. Sutton

Defendant

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

In the Circuit Court of  
Baldwin County, Alabama  
At Law, Case No. 2010

Now comes the Defendant in the above styled cause, by his  
Attorney and gives notice of appeal of said cause, on the record  
to the Alabama Court of Appeals.

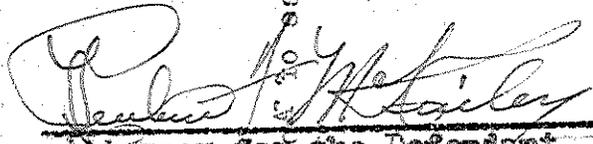
Ayres C. Little, et al.

Plaintiff

Vs

E. W. Sutton

Defendant



Attorney for the Defendant

Case No. 2010

FILED  
MAY 2 1910  
BALDWIN COUNTY, ALA.



AYRES C. LITTLE and  
CLYDE LITTLE, a partnership,  
d/b/a LITTLE MOTOR COMPANY,

PLAINTIFFS,

VS

B. F. SUTTON,

DEFENDANT.

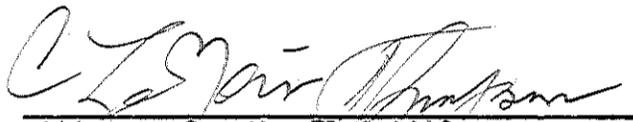
Y  
Y  
Y  
Y  
Y  
Y

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2010

Comes the Plaintiffs in the above styled cause and moves to strike  
Count Three of said answer as res adjudicata.

  
Attorney for the Plaintiffs

FILED  
BALDWIN COUNTY, ALABAMA  
JAN 11 2010  
CLERK OF COURT

(10)

AYRES C. LITTLE and GLYDE LITTLE,  
A Partnership d/b/a LITTLE MOTOR  
COMPANY,

PLAINTIFFS

VS

B. F. SUTTON,

DEFENDANT

RECORDED

*Filed 3-10-54  
A. J. [unclear]  
Clerk*

Ayres C. Little & Clyde Little,  
a partnership, d/b/a Little  
Motor Company

Plaintiff

Vs

B. F. Sutton

Defendant

\*  
\*  
\*  
\*  
\*  
\* In the Circuit Court of  
\* Baldwin County, Alabama  
\* At Law, No. 2010  
\*  
\*

1.

The Defendant for answer to the complaint saith that he is  
Not Guilty of the matters alleged therein.

2.

The Defendant as a defense to said action of the Plaintiff says  
that there was a want and failure of consideration for the debt  
alleged to be due from the Defendant to the Plaintiff in said action,  
in that the note sued on in Count 1 was a note for the purchase price  
of a 1947 Jeep from the Plaintiffs by the Defendant, which said jeep  
the Plaintiffs warranted verbally was in good order and repair and  
which said Jeep was worn out and the brakes and crankshaft were  
beyond repair, which knowledge was available to the Plaintiffs and  
was not to the Defendant.

3.

The Defendant as a further defense to Count 3 of the said complaint  
says that the consideration for the debt alleged to be due in Count 3  
failed, in that this was a debt for repair to the brakes and motor  
and crankshaft of a 1947 Jeep bought from the Plaintiffs by the Defend-  
ant and which Jeep the Plaintiffs had warranted to be in good order  
and repair. Said repair on the brakes would not last over a day or two  
at a time and the repair on the crankshaft and motor caused a piston  
pin to cut a hole through the block of said jeep, thereby damaging the  
Jeep more than the amount of the repair bill.

  
Attorney for the Defendant

Ayres C. Little & Clyde Little,  
a partnership, d/b/a Little  
Motor Company

Plaintiff

Vs

B. F. Sutton

Defendant

RECORDED

Amended Plea

FILED

FEB 10 1954

Alice I. Duck, Clerk



8

RECORDED

Filed Jan 19, 1954  
Hunt  
Judy

Ayres C. Little & Clyde Little  
a partnership, d/b/a  
Little Motor Company

Plaintiff

Vs

B. F. Sutton

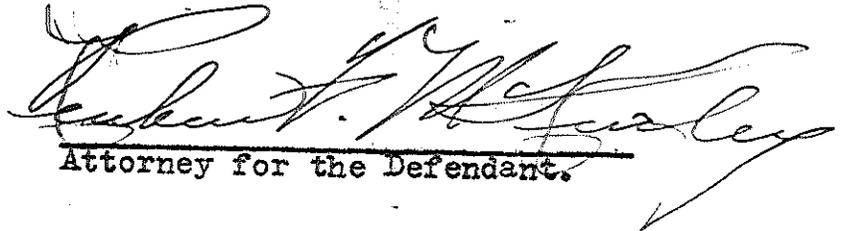
Defendant

In the Circuit Court of  
Baldwin County, Alabama  
At Law  
No. 2010

Now comes the Defendant in the above styled cause by his Attorney, Reuben F. McKinley and further amends the plea filed in said cause by adding paragraph 3 thereto namely:

3.

The Defendant as defense to said action of the Plaintiff says that there was a want and failure of consideration for the debt alleged to be due from the Defendant to the Plaintiff in said action.

  
Reuben F. McKinley  
Attorney for the Defendant.

8

2010

Ayres C. Little & Clyde Little  
a partnership, d/b/a  
Little Motor Company

Plaintiff

Vs

B. F. Sutton

RECORDED

Defendant

Amended Plea

FILED

DEC 2 1953

ALICE J. GUCK, Clerk

AYRES C. LITTLE and CLYDE LITTLE,  
a partnership, d/b/a  
LITTLE MOTOR COMPANY,

Plaintiff,

vs.

E. F. SUTTON,

Defendant.

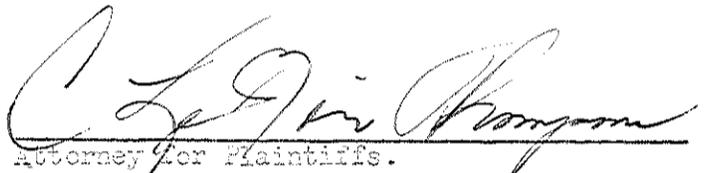
IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NC. 2010

MOTION TO STRIKE

Come the plaintiffs and move to strike Count Two <sup>of Plea filed 9/11/15</sup> as having been adjudicated by a decision of this Honorable Court, and same being res adjudicata may not be a defense in this action.

  
Attorney for Plaintiffs.

①

2010

AYRES C. LITTLE and CLYDE LITTLE,  
a partnership, d/b/a  
LITTLE MOTOR COMPANY,  
Plaintiff,

vs.

E. F. SUTTON,  
Defendant.

**RECORDED**

MOTION TO STRIKE

**FILED**  
NOV 27 1953  
ALICE J. DUCK, Clerk

From the Law Office of  
C. LeNoir Thompson  
Attorney at Law

Ayres C. Little & Clyde Little,  
a partnership, d/b/a  
Little Motor Company,

Plaintiff,

Vs.

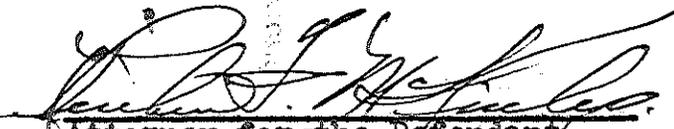
B. F. Sutton,

Defendant.

In the Circuit Court of  
Baldwin County, Alabama  
At Law  
No. 2010

1.  
The Defendant for answer to the complaint, saith that he is *not guilty*  
*of the* matters alleged therein.

2.  
The Defendant, ~~as~~ a defense to the action to the Plaintiff  
saith that at the time said action was commenced the Plaintiffs  
were indebted to him in the sum of \$412.00 as damages suffered,  
due to the carelessness and negligence of the Plaintiff in the  
repair of the automobile of the Defendant, which he hereby offers  
to set off against the demand of the Plaintiff and hereby claims  
~~damages~~ judgment for the excess.

  
Attorney for the Defendant.

6

2010

Ayres Little & Clyde Little  
a partnership, d/b/a  
Little Motor Company

Plaintiff

RECORDED  
Vs

B. F. Sutton

Defendant

FILED

NOV 23 1933

ALICE J. DUCK, Clerk

Amended Plea

Ayres C. Little & Clyde Little,  
A Partnership, d/b/a Little  
Motor Company,

Plaintiff

vs  
B. F. Sutton

Defendant

In the Circuit Court of  
Baldwin County, Alabama  
At Law.

Now comes the Defendant in the above styled cause by his Attorney, Reuben F. McKinley and demurs to the amended complaint in said cause and to each count thereof, both seperately and severally and for grounds for said demurrer assigns the following;

1.  
Count 1 affirmatively shows that the said note sued for was indorsed by Plaintiff "for valuable consideration".

2.  
Said count 1 affirmatively shows that Plaintiff received a valuable consideration for indorsing said note.

3.  
Said count alleges that the Plaintiff paid said note, yet alleges that it is unpaid.

4.  
Said count 2 does not show any obligation of defendant to pay plaintiff an Attorneys' fee.

5.  
Said count 1 does not show any obligation owed Plaintiff by the Defendant.

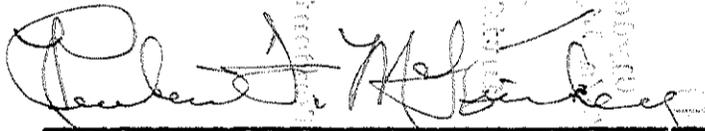
6.  
The allegation of the Plaintiff in said count 2 that a reasonable Attorney's fee is \$25.00 is only a conclusion of the pleader.

7.  
The complaint affirmatively shows that the causes of action alleged therein did not arise out of the same transaction.

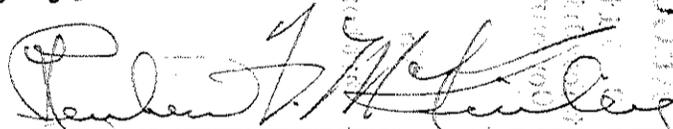
8.  
The complaint affirmatively shows that there is a misjoinder of causes of action.

9.  
Said count 1 affirmatively shows that the Baldwin County Bank was the payee of said note and not the Plaintiff.

10.  
Said count 1 affirmatively shows that the plaintiff/against the defendant for matters alleged therein. has no claim

  
Attorney for the Defendant

Defendant demands a trial by jury.

  
Attorney for the Defendant

5

2010

**RECORDED**

Ayres C. Little & Clyde Little,  
a partnership, d/b/a Little  
Motor Company

Plaintiff

Vs

B. E. Sutton

Defendant

Demurrers  
to Amended Complaint

FILED  
SEP 29 1953

WILLIAM J. RUCK, CLERK

*[Faint, mostly illegible text from the reverse side of the document, appearing as bleed-through.]*



RECORDED Jury  
 for for the Plaintiff  
 in the sum of  
 82,500 on note  
 11942 on ac  
 2500 for attorney fee  
 226.92 Total

plus interest at  
 6% on note & account

M & White

Ferron

From the Law Office of  
 C. LANCHE THOMPSON  
 Attorney at Law

ALICE J. DUCK, Clerk

SEP 1 1953

FILED

APPEALED - COMPLAINT

Defendant,

B. F. SWITTON,

v.

Plaintiff,

LITTLE MOTOR COMPANY,

a partnership, d/b/a

AYRES C. LITTLE & CLYDE LITTLE,

2018

(11)

~~We the Jury~~  
~~find for the~~  
~~Plaintiff on all~~  
~~three counts~~  
~~as shown in~~  
~~Complaint~~  
~~plus interest~~  
~~6% rate~~  
~~M & White~~  
~~Ferron~~



2 -  
**RECORDED**

**Ayres C. Little & Clyde Little,  
a partnership d/b/a Little  
Motor Company**

**Plaintiff**

**Vs**

**B. F. Sutton**

**Defendant**

**Demurrers**

**FILED**  
**JUN 17 1953**  
**ALICE J. DUCK, Clerk**

STATE OF ALABAMA  
BALDWIN COUNTY

Your are hereby commanded to summon B. F. SUTTON 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 the same, then and there to answer the complaint of AYRES C. LITTLE & CLYDE LITTLE, a partnership d/b/a LITTLE MOTOR COMPANY.

Witness my hand, this 5<sup>th</sup> day of June, 1953.

David J. [Signature]  
Clerk

AYRES C. LITTLE & CLYDE LITTLE,  
a partnership, d/b/a  
LITTLE MOTOR COMPANY

PLAINTIFF

VS

B. F. SUTTON

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

1.

The Plaintiff claims of the Defendant Eighty Two & 50/100 (\$82.50) Dollars, due on a promissory waive note on the 20th day of January, 1951, said promissory note being endorsed to the Plaintiff and not being paid at maturity, protest being waive thereon, said note with damages and interest thereon is still unpaid.

2.

The Plaintiff claims of the Defendant One Hundred Nineteen & 42/100 (\$119.42) Dollars due the 1st day of April, 1951, for work and labor done for the Defendant by the Plaintiff on, to-wit, the 28th day of March, 1951, at his request; which sums of money with interest thereon is still unpaid.

The Plaintiff claims of the Defendant a reasonable attorney's fee for the collection of the note referred to in count one agreed to by the Defendant in said note.

[Signature]  
Attorney for the Plaintiff.

202010  
AREYES C. LITTLE & CLYDE LITTLE,  
a partnership, d/b/a  
LITTLE MOTOR COMPANY

PLAINTIFF

RECORDED

B. F. SUTTON

DEFENDANT

SUMMONS AND COMPLAINT

Received in Sheriff's Office  
this 5 day of June, 1953  
TAYLOR WILKINS, Sheriff

1

Received \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_  
and on 8 day of June 1953  
I served a copy of this within \_\_\_\_\_  
on \_\_\_\_\_

By service on B. F. Sutton

TAYLOR WILKINS, Sheriff  
By *[Signature]* D.S.

FILED  
JUN 5 1953  
ALICE J. DUCK, Clerk

THE STATE OF ALABAMA---JUDICIAL DEPARTMENT

THE COURT OF APPEALS OF ALABAMA

October Term, 19 54

To the Clerk of the Circuit Court of Baldwin County, Greeting:

Whereas, the Record and Proceedings of the Circuit Court of said County, in a certain cause lately pending in said Court between

B. F. Sutton, Appellant,

and

Ayres Little and Clyde Little, doing business as Appellee,

wherein by said Court, at the Little Motor Company Term, 19, it was considered adversely to said appellant, were brought before our Court of Appeals, by appeal taken, pursuant to law, on behalf of said appellant.

Now, it is hereby certified, That it was thereupon considered by our Court of Appeals on the 11th day of November 19 54

, that the said appeal be and stand dismissed; and that it was further considered that the appellant, and B. F. Sutton

sureties on the appeal bond

pay the costs accruing on said appeal in this Court and in the Court below

Witness Charles Bricken, Jr., Clerk of the Court of Appeals of Alabama, at the Capitol, this the 11th day of November 1954



Clerk of the Court of Appeals of Alabama.

2010

THE COURT OF APPEALS OF ALABAMA

October Term, 19 54

1st Div. No. 692

B. F. Sutton

Appellant.....

v.

Ayres Little and Clyde Little  
doing business as Little  
Motor Company

Appellee.....

From Baldwin Circuit Court

No opinion

**CERTIFICATE OF DISMISSAL**  
dismissed for want of prosecution

The State of Alabama,

Baldwin County.

} Filed

this 13 day of Nov 19 54

*Alice J. Welch*  
Clerk

2010

Div. No. \_\_\_\_\_ **CERTIFICATE OF APPEAL (Civil Cases)**

No. 2010 Baldwin County, Circuit Court.

AYRES C. LITTLE & CLYDE LITTLE  
Plaintiff  
vs.  
B. F. SUTTON  
Defendant

I, Alice J. Duck, Clerk of Circuit Court,  
of Baldwin County, Alabama, hereby certify that in the cause of  
AYRES C. LITTLE & CLYDE LITTLE Plaintiff,  
vs.  
B. F. SUTTON Defendant,

which was tried and determined in this Court, on the 11th day of March, 1954,  
in which there was a judgment for \$226.92 Dollars, in favor of the Plaintiff,  
(or judgment for Defendant), the Defendant on the 2nd day of April  
1954 took an appeal to the Appeal Court of Alabama to be holden of and for said State.

I further certify that B. F. Sutton filed  
security for cost of appeal, to the Appeal Court, on the 2nd day of April  
1954, and that B. F. Sutton

are sureties on the appeal bond.

I further certify that notice of the said appeal was, on the \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_\_, served on \_\_\_\_\_ as attorney of record for said  
appellee, and that the amount sued for was \$201.92 Dollars.  
(or certain lands) (or personal property)

Witness my hand and seal of this Court, this the 5th day of April, 1954

\_\_\_\_\_  
Clerk of the Circuit Court of

\_\_\_\_\_  
County, Alabama

2016