

Daniel E. Robison

ATTORNEY AT LAW

P. O. Box 794
PHONE 943-4955

117 So. Alston Street
FOLEY, ALABAMA 36535

Clerk of the Court
Circuit Court
Bay Minette, Alabama

RE: CHARLES DIEHL V. WILLIAM TUNSTALL
Civil, Non-Jury, No. 8997

Dear Eunice:

This file may have already been sent to the Sheriff's office ~~x~~ for levy of execution but I don't think they have done anything.

Accept this note as our MOTION TO DISMISS the above action. Enclosed is a check for \$25.00 to cover the court costs. Please refund the remainder to my office.

Thanks!

Yours,

Dan Robison

CHARLES DIEHL,)	
Plaintiff)	IN THE CIRCUIT COURT OF
v.)	BALDWIN COUNTY, ALABAMA
W.M. TUNSTALL,)	AT LAW
Defendant)	No. 8997

MOTION FOR DEFAULT JUDGMENT

TO THE HONORABLE TELFAIR J. MASHBURN, JUDGE OF SAID COURT:

Comes now your Plaintiff and says:

1. That he filed this cause and it was served on the Defendant by personal service on the 20th day of November, 1969.

2. That the time for demurrer, plea or answer has passed and the Defendant came not, but made default.

3. That on the 20th day of October, 1969, the Plaintiff came before Your Honor in your office, and gave evidence as to the injury suffered by him from the breach of the contract by the Defendant.

THEREFORE, Plaintiff asks that he be adjudged by the Court to be entitled to recover damages from the Defendant in the amount of Three Hundred and Fifty Dollars(\$350.00), and the Defendant pay all costs of this proceeding.

Daniel C. Rohman
Attorney for Plaintiff

FILED

JAN 8 1970

ALICE J. DUCK CLERK
REGISTER

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Dr.W.M. Tunstall, of Robertsdale, Alabama, to appear within thirty days after the service of this summons upon him in the Circuit Court to be held for said County, at the place of holding the same, then and there to demur or plead to the complaint of Charles Diehl.

Witness my hand, this 14. day of Nov. . . . , 1969

Alice J. Duck
Clerk, Circuit Court

* * * * *

CHARLES DIEHL,)
Plaintiff) IN THE CIRCUIT COURT OF
vs.) BALDWIN COUNTY, ALABAMA
W.M. TUNSTALL,) AT LAW NO. 8992
Defendant)

COMPLAINT

COUNT ONE: Plaintiff, CHARLES DIEHL, claims of the Defendant, W.M. TUNSTALL, the sum of Three Hundred and Fifty Dollars (\$350.00) for on April 18, 1969, in the Defendant's dental office in Robertsdale, Alabama, the parties entered into a verbal contract by which Plaintiff agreed to pay \$300.00 in exchange for Defendant's fitting and preparing sets of dentures for both Plaintiff and his wife. Plaintiff paid the Defendant that day with a personal check for \$200.00, which the Defendant has since negotiated. Since that date, Plaintiff and his wife have not been given the dentures that they contracted for, and over four months have now gone by, causing them physical discomfort and irritation, and embarrassment while they have had to suffer with their old dentures, and the Defendant is either unwilling or unable to fulfill the agreement, and so has breached the contract, causing damage to the Plaintiff in the amount of \$350.00.

Daniel E. Robison
Daniel E. Robison
Attorney for Plaintiff

FILED

NOV 14 1969

ALICE J. DUCK CLERK
REGISTER

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24 11-20-69

8997

Charles Diehl
Plbz

vs.

W. M. Tunstall
Deft

Received 18 day of Nov 1969
and on 20 day of Nov 1969
I served a copy of the within R & C
on W. M. Tunstall

By service on _____

TAYLOR WILKINS, Sheriff
By H. Brown D. S.

50 miles R T.
R. Dale

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Brown
DEPUTY SHERIFF

FILED

NOV 14 1969

ALICE J. DUCK CLERK
REGISTER

Daniel E. Robinson

DIAMOND AND LATTOF
LAWYERS
VAN ANTWERP BUILDING
P. O. BOX 432
MOBILE, ALABAMA 36601

ROSS DIAMOND, JR.
MITCHELL G. LATTOF
FRANCIS M. THIGPEN
ROSS DIAMOND, III

November 13, 1969

TELEPHONE
AREA CODE 205
432-6691

Mrs. Alice J. Duck
Clerk, Circuit Court
Baldwin County Court House
Bay Minette, Alabama

Dear Mrs. Duck:

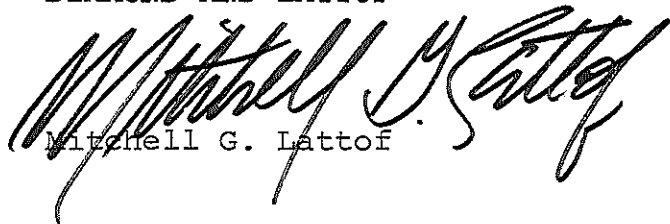
Enclosed please find a suit by Howard Air Conditioning,
Inc. vs. S. H. Hollinger et al.

I would appreciate your acknowledging receipt of this
suit by executing the receipt on the bottom of the copy of
this letter and returning same to me in the enclosed,
self-addressed envelope.

Thanking you, we are

Very truly yours,

DIAMOND AND LATTOF


Mitchell G. Lattof

MGL:mb
Enclosure

RECEIPT

I hereby acknowledge receipt of a suit by Howard Air
Conditioning, Inc. against S. H. Hollinger et al on this
_____ day of November, 1969.

Circuit Clerk, Baldwin County,
Alabama