

GEORGE E. McNALLY

ATTORNEY AT LAW

POST OFFICE BOX 196

MOBILE. ALABAMA 36601

October 27th, 1970

MOBILE

1201 MERCHANTS NATIONAL BANK BLDG.

TEL. 433-7528

CITRONELLE

153 No. MAIN

TEL. 866-5593


Mrs. Alice Duck, Clerk  
Baldwin County Clerk  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama

Re: Modern Welding and Track Service Co., Inc.  
vs. Charles H. Fincher, Case No. 9420

Dear Mrs. Duck:

Please find enclosed amended complaint to be filed in  
the Circuit Court of Baldwin County in the above styled  
cause.

Very truly yours,

  
George E. McNally  
Attorney at Law

GEM:bls

MODERN WELDING AND TRACK SERVICE )  
COMPANY, a corporation )

Plaintiff )

CHARLES H. FINCHER, d/b/a )

Defendant )

IN THE CIRCUIT COURT OF

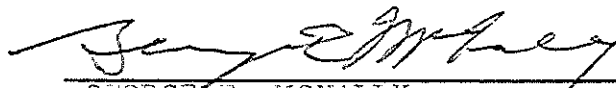
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9420

AMENDED COMPLAINT

Comes now Modern Welding and Track Service Company, Inc.  
a corporation by and through its Attorney of record, George E.  
McNally, and amends the complaint heretofore filed in this  
cause by striking counts Two and Three of said complaint.

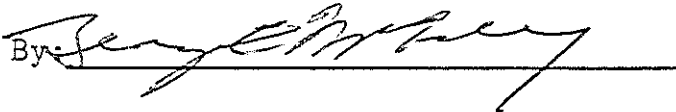


GEORGE E. MCNALLY, attorney for Plaintiff

Certificate of Service

I do hereby certify that I have on this 27<sup>th</sup> day of October,  
1970 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, and full due postage prepaid.

Wilters and Brantley

By: 

FILED

OCT 28 1970

ALICE J. DUCK CLERK  
REGISTER

MODERN WELDING AND TRACK  
SERVICE COMPANY, INC., a  
Corporation,

Plaintiff,

vs.

CHARLES H. FINCHER, d/b/a  
FINCHER BULLDOZING  
SERVICE,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9420

Comes now the Defendant in the above styled cause and  
for answer to the Plaintiff's amended Complaint, says:

1.

That he is not guilty of the matters alleged therein.

WILTERS & BRANTLEY

BY:

*Gary J. Wilters*  
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12 day of April  
1971, 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, and first class postage prepaid.

WILTERS & BRANTLEY

By:

*Gary J. Wilters*

**FILED**

APR 13 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

9420  
STATE OF ALABAMA:

COUNTY OF BALDWIN:

TO ANY SHERIFF OF THE STATE OF ALABAMA \* GREETING:

You are hereby commanded to summon Charles H. Fincher, d/b/a Fincher Bulldozing Service, to appear in the Circuit Court of Baldwin County, Alabama at the place of holding of same, and plead, answer or demur, within thirty (30) days from service hereof, to the Complaint of Modern Welding and Track Service Company, Inc., a corporation.

WITNESS my hand this 5<sup>th</sup> day of August 1970.

Alice J. Weck  
Clerk

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C O M P L A I N T

Count One

Plaintiff claims of the Defendant, Charles H. Fincher, d/b/a Fincher Bulldozing Service, the sum of THREE THOUSAND SEVEN HUNDRED TWENTY-FIVE AND 83/100 (\$3,725.83) DOLLARS due on account by and between Plaintiff and Defendant, which sum of money with interest thereon remains due and unpaid.

Plaintiff attaches hereto an itemized verified affidavit of accounts as Exhibit "A".

Count Two

Plaintiff claims of the Defendant the sum of Three Thousand Five Hundred Thirty-Three and 98/100 (\$3,533.98) Dollars, which sum of money with interest thereon remains due and unpaid.


Count Three

Plaintiff claims of the Defendant the sum of Three Thousand Five Hundred Forty-One and 85/100 (\$3,541.85) Dollars, which sum of money with interest thereon remains due and unpaid.

Plaintiff avers that the Defendant agreed to pay one (1%) per cent per month of said invoices from maturity and a ten (10%) per cent attorneys fee, if placed in the hands of any

attorney or judicial proceeding to be used for collection.

Plaintiff claims the benefit of said provision of said contract.

  
George E. McNally, Attorney  
for Plaintiff

Defendant may be served:

Charles H. Fincher  
d/b/a Fincher Bulldozing Service  
P. O. Box 67  
Loxley, Alabama

**FILED**

AUG 5 1970

ALICE J. DUCK CLERK  
REGISTER

Sheriff claims \_\_\_\_\_ miles at  
 40  
 From Cents per mile Total \$ 4.00  
 TAYLOR WILKINS, Sheriff  
 BY N. Brown  
 DEPUTY SHERIFF

Received \_\_\_\_\_ day of Aug 1976  
 and on \_\_\_\_\_ day of \_\_\_\_\_  
 I served a copy of this within 8 & 1/2  
 on \_\_\_\_\_ Charles N. Simons  
 by service on \_\_\_\_\_  
H. J. Brown  
40 miles at 7  
Settling

*[Faint handwritten signature]*

# Modern Welding & Track Service Co.

P. O. BOX 356 — PHONE 947-3751

LUCEDALE, MISSISSIPPI 39452

DATE 5-22-70

INVOICE DATE	INVOICE NUMBER	30 DAYS	60 DAYS	90 DAYS & OVER	CREDITS	BALANCE
8-4-67	#2583			742.16		1266.00
9-30-67	#2655			523.84		1633.46
11-1-67	#2728			367.46		983.46
12-2-67	REC.				650.00	2233.18
12-6-67	#2772			1249.72		2763.25
12-6-67	#2773			530.07		2891.85
12-7-67	#2774			128.60		2191.85
12-14-67	REC.				700.00	2300.76
1-30-68	#2811			108.91		1300.76
2-12-68	REC.				1000.00	800.76
3-1-68	REC.				500.00	1396.85
2-2-68	#2855			596.09		

# Modern Welding & Track Service Co.

P. O. BOX 356 — PHONE 947-3751

LUCEDALE, MISSISSIPPI 39452

DATE 5-22-70

INVOICE DATE	INVOICE NUMEER	30 DAYS	60 DAYS	90 DAYS & OVER	CREDITS	BALANCE
4-2-68	# 2932			122.47		1519.32
5-8-68	# 2980			128.79		1648.11
5-9-68	# 2981			393.05		2041.16
8-12-68	# 3124			989.10		3030.26
10-31-68	REC.				500.00	2530.26
12-2-68	# 3257			1195.57		3725.83

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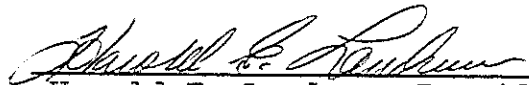
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COPY



STATE OF MISSISSIPPI

COUNTY OF GEORGE

Personally appeared before the undersigned, a Notary Public of said County, HAROLD E. LANDRUM, President of Modern Welding and Track Service Company, Inc., a corporation, who, being by me duly sworn, says the account hereto attached for Charles H. Fincher, d/b/a Fincher Bulldozing Service is correct as stated, and that same is due from the party against whom it is charged, and that no part of this account has been paid (except what is credited, if any).



Harold E. Landrum, President

Sworn to and subscribed this 31<sup>ST</sup> day

of JULY, 1970.



NOTARY PUBLIC

*My Comm. Expires:*  
*May 11, 1972*

9420



Modern Welding &  
Track Service to  
Line. a

rs.

Charles H. Fincher  
d/b/a Fincher  
Bulldozing Service

FILED

AUG 5 1970

ALICE J. DUCK

CLERK  
REGISTER

George E. McNally

MODERN WELDING AND TRACK  
SERVICE COMPANY, INC., a  
Corporation,

Plaintiff,

vs.

CHARLES H. FINCHER, d/b/a  
FINCHER BULLDOZING SERVICE

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9420

DEMUR

Comes now the Defendant in the above styled cause and  
files this his demurrer to the Plaintiff's complaint, and to each  
court thereof separately and severally, and for grounds thereof,  
says:

1.

That it does not state a cause of action.

2.

It does not state for what purpose Counts 1, 2 and 3 is  
suing on.

WILTERS & BRANTLEY

BY: Larry J. Wilters Jr.  
Attorney for Defendant

Defendant demands a trial by jury.

Larry J. Wilters Jr.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 4 day of September  
1970, served a copy of the foregoing pleading on all parties to this proceeding by mailing the same by United States  
Mail, properly addressed, and first class postage prepaid.

WILTERS & BRANTLEY

By: Larry J. Wilters Jr.

FILED

SEP 4 1970

ALICE J. DUCK

CLERK  
REGISTER

GEORGE E. McNALLY  
ATTORNEY AT LAW  
POST OFFICE BOX 196  
MOBILE, ALABAMA 36601

August 4th, 1970

MOBILE

1201 MERCHANTS NATIONAL BANK BLDG.  
TEL. 433-7528

CITRONELLE

153 No. MAIN  
TEL. 866-5593

Mrs. Alice Duke, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

9420

Re: Filing of Complaint

Dear Mrs. Duke:

Enclosed please find complaint styled Modern Welding and Track Service Company vs. Charles H. Fincher, d/b/a Fincher Bulldozing Service, Defendant, to be filed in the Circuit Court of Baldwin County, Alabama. Please file the same.

Thanking you for your cooperation in this matter, I remain,

Very truly yours,

*George E. McNally*

George E. McNally  
Attorney at Law

GEM:bls

ENC: Complaint