

JAMES H. DEVINE,

Plaintiff,

vs.

J. ESTIL ATCHISON,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 9443

DEMURRER

Comes now the Plaintiff in the above styled cause and demurs to the Plea of Setoff heretofore filed by the Defendant in said cause and shows unto the Court the following separate and several grounds in support thereof:

1. Said Plea fails to allege whether the warranty made by the Plaintiff was written or oral.
2. Said Plea fails to allege the term of the alleged warranty.
3. Said Plea fails to allege in what manner the alleged warranty was breached.
4. Said Plea is vague, indefinite and uncertain.
5. Said Plea fails to state a good and sufficient defense to the action filed by the Plaintiff.
6. Said Plea fails to allege when the warranty allegedly made by the Plaintiff was given.

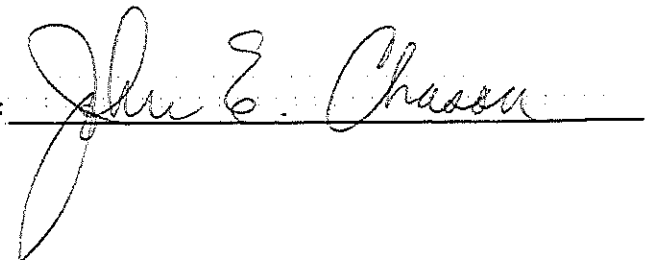
**FILED**

JUN 11 1971

EUNICE B. BLACKMON CIRCUIT CLERK

CHASON, STONE & CHASON

BY:



9449

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JAMES H. DeVINE,

Plaintiff,

-VS-

J. ESTIL ATCHISON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NUMBER: 9443


Comes now Defendant in above styled cause, and for ANSWER to Plaintiff's complaint saith:

1. As to COUNT ONE - not guilty.
2. As to COUNT TWO - not guilty.
3. As to the Complaint - not guilty.

AND further comes the defendant and, without in any way confessing plaintiff's claim or demand, as a further defense to the action of the plaintiff, says:

That at the time said action was commenced, the plaintiff was indebted to the defendant in the sum of FIVE THOUSAND FIVE HUNDRED EIGHTY-THREE and no/100 (\$5,583.00) DOLLARS, for this.

The Defendant claims of the Plaintiff the sum of FIVE THOUSAND FIVE HUNDRED EIGHTY-THREE and no/100 (\$5,583.00) DOLLARS, damages for breach of warranty in the sale of two trucks, one a 1968 International Harvester, and the other a 1969 Mack, by him to the Defendant, the 1968 International Harvester on 9 February, 1970, and the 1969 Mack on 26 January, 1970, both of which the Plaintiff warranted to be in first class working condition and not in need of any repairs, or parts replacements, when in fact both of said trucks were in need of repairs and replacements of worn parts beyond normal wear and tear, in the amount sued for; for all of which damages the Plaintiff is indebted to the Defendant in the above said sum of FIVE THOUSAND FIVE HUNDRED EIGHTY-THREE and no/100 (\$5,583.00) DOLLARS, which Defendant hereby offers to set off against the demand of the Plaintiff, and he claims judgment for the excess.

  
ATTORNEY FOR DEFENDANT

I certify that I have mailed a copy of the foregoing ANSWER to Honorable John Earl Chason, Bay Minette, Alabama, 36507, by depositing the same in United States Mail, postage pre-paid, at Bay Minette, Alabama, on the 9<sup>th</sup> day of September, 1970.

  
ATTORNEY FOR DEFENDANT

**FILED**

SEP 10 1970

**ALICE J. DUCK** CLERK  
REGISTER

STATE OF ALABAMA  
BALDWIN COUNTY

IN THE CIRCUIT COURT - LAW SIDE

TO: ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. Estil Atchison to appear within thirty days from the service of this Writ in the Circuit Court to be held for such Court at the place of holding same, then and there to answer the Complaint of James H. DeVine.

Witness my hand this 20 day of August, 1970.

*Oliver J. Week*

JAMES H. DEVINE,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
J. ESTIL ATCHISON,	X	AT LAW
Defendant.	X	9443

COUNT ONE

The Plaintiff claims of the Defendant the sum of One Thousand One Hundred and Seventy-five Dollars (\$1,175.00) due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to-wit: the 9th day of February, 1970, which sum of money, with the interest thereon, is still unpaid.

COUNT TWO

The Plaintiff claims of the Defendant the sum of One Thousand Dollars (\$1,000.00) due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to-wit:

the 9th day of February, 1970, which sum of money, with the interest thereon, is still unpaid.

CHASON, STONE & CHASON

By: John E. Chason  
Attorneys for Plaintiff

The Defendant may be served  
in Jackson, Alabama.

**FILED**

AUG 20 1970

**ALICE J. DUCK** CLERK  
REGISTER

Executed by serving copy of within on

J. Estel Allison  
Name  
This the 22 day of Aug 1970  
H. D. Paul, Sheriff  
By W. H. Wright D. S.

THE SHERIFF CLAIMS 32  
MILES AT 10¢ PER MILE FOR  
A TOTAL OF \$ 3.20  
H. D. Paul, SHERIFF

9443

JAMES H. DevINE,  
Plaintiff,

vs.

J. ESTIL ATCHISON,  
Defendant

AUG 21 1970

TAYLOR WILKINS  
SHERIFF

\* \* \* \* \*

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

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SUMMONS AND COMPLAINT

\* \* \* \* \*

CHASON, STONE & CHASON  
ATTORNEYS AT LAW  
P. O. Box 120  
BAY MINETTE, ALABAMA



**ALLIED PAPER INCORPORATED**

SUBSIDIARY OF SCM CORPORATION

SOUTHERN MILLS DIVISION JACKSON, ALABAMA 36545 TEL. 205 246-4461

January 19, 1973

Ms. Eunice B. Blackmon  
Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

RE: James H. DeVine vs. J. Estil Atchison

Dear Ms. Blackmon:

Mr. J. Estil Atchison is currently in our employ, and we have begun to withhold from his weekly wages in order to satisfy the court judgment.

Sincerely,

ALLIED PAPER INCORPORATED

Bill Hearn  
Personnel Manager

BH/pww

**FILED**

JAN 23 1973

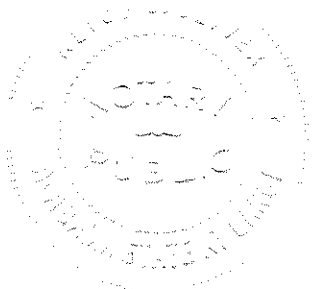
EUNICE B. BLACKMON CIRCUIT  
CLERK

State of Alabama)

ss.:

County of Clarke)

Sworn to and subscribed before me this 19th day of January, 1973.

  
Notary Public

My Commission Expires Aug. 11, 1976



Bay Minette, Ala.,

1972

To the Sheriff of Clarke County, Grove Hill, Alabama

I enclose herewith a Writ for Service on Allied

Paper Co., Inc. Jackson, Ala.; Notice

for J. Estel Atchison, Jackson, Ala.

Thanks!

Please serve and return as early as possible.

Miss Patsy W. Lee

Taylor Wilkins  
Sheriff, Baldwin County, Alabama

(If not found in your county, please advise promptly giving information as to present location if possible)