

J. P. ULRICH,

Ø

Plaintiff,

Ø

IN THE CIRCUIT COURT OF

VS.

Ø

BALDWIN COUNTY, ALABAMA

ED W. WALTHALL,

Ø

AT LAW

NO. 9478

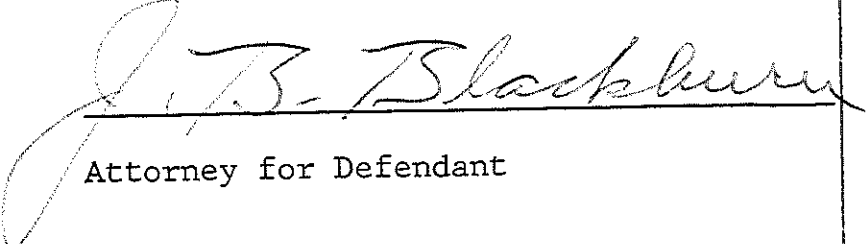
Defendant.

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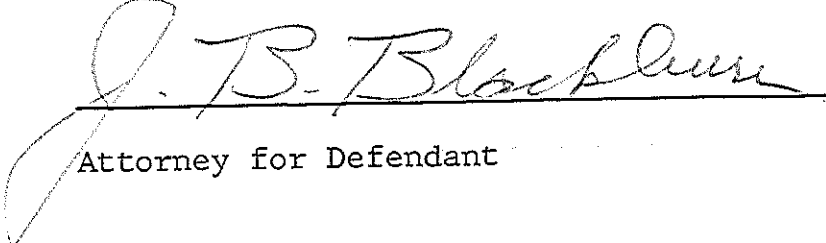
DEMURRER

Now comes the defendant, by his attorney, and demurs to the original complaint heretofore filed in this cause and as grounds of such demurrer assigns, separately and severally, the following:

1. It does not state a cause of action.
2. The allegations of the complaint are conclusions of the pleader.
3. The allegations of the complaint are vague, indefinite and uncertain.


Attorney for Defendant

I hereby certify that I mailed a copy of the foregoing demurrer to Daniel E. Robison, Esquire, Foley, Alabama, attorney for the plaintiff, on this the 21st day of October, 1970.


Attorney for Defendant

FILED

OCT 22 1970

ALICE J. DUCK CLERK
REGISTER

Daniel C. Robison

ATTORNEY AT LAW

P. O. Box 794
PHONE 943-4955

117 So. Alston Street
FOLEY, ALABAMA 36535

Civil Non-Jury

ULRICH V. WALTHALL

#9478

I will be in National Guard summer camp on June 5-19. If it is agreeable to the Judge and Mr. Blackburn, please continue this case until next term.

cc: Blackburn; Ulrich.

Dan Robison

J. P. ULRICH,)	
Plaintiff)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
ED W. WALTHALL,)	AT LAW
Defendant)	NO. 9478

INTERROGATORIES TO DEFENDANT

Comes now the Plaintiff, J. P. Ulrich, by his attorney, Daniel E. Robison, in the above styled cause, and desiring to take the testimony of the Defendant, Ed W. Walthall, propounds to the Defendant the following interrogatories as provided under Sec. 477, et seq., of Title 7, of the Code of Alabama, to-wit:

1. State your correct name, age, and residence address.
2. State the legal description of your property.
3. How long have you lived there?
4. From whom did you purchase this property and on what date?
5. Do you know J.P. Ulrich?
6. Have you ever entered into a business transaction with Mr. Ulrich?
7. Have you entered into more than one contract or agreement? If so, give the dates and conditions of these contracts.
8. Did you enter into an agreement with Mr. Ulrich on or about April 6, 1970, for the paving of a road? If so, then give all the details of that contract, including price, time, services to be performed, products and materials to be used, and any conditions which were reduced to writing of that agreement.
9. Have you had other paving done by other contractors? If so, give the details of those agreements, as requested in interrogatory No. 8.
10. Did Mr. Ulrich perform his half of the contract or agreement? If not, state, in full, your reasons for your answer. State

whether he violated the price, time, material, performance or application, procedure, or any other requirement of your agreement.

11. Did you explain to Mr. Ulrich your complaints? If so, when, and where, and were they in written or oral form? If not, why didn't you complaint?

12. In what way could Mr. Ulrich have corrected his failure to perform? Was this explained to him? If so, when, and where, and was this in written or oral form?

13. Did you consult anyone else in the paving business for another opinion? If so, who was this and what is his address? If you did consult another person in the paving business, and he gave an opinion, give his opinion in full.

14. Is your opinion on Mr. Ulrich's failure to perform based on anything you have read? If so, what was the book, newspaper, report or periodical? Give the date, issue number, and the author.

15. Have you used the road which Mr. Ulrich paved in April and May of 1970?

16. If so, explain fully any aspects of the road which are not satisfactory.

Daniel E. Robison

Daniel E. Robison
Plaintiff's Attorney

State of Alabama)

Baldwin County)

Before me, the undersigned authority in and for said State and County, personally appeared Daniel E. Robison, who being known to me, stated under oath that he is the attorney for the Plaintiff in the above styled cause; that the answer to the foregoing interrogatories when well and truly made, will be material evidence for the said plaintiff on the trial of said cause.

Daniel E. Robison

Sworn to and subscribed before me, on this 30th day of July, 1971.

Lillian Ann Robison
Notary Public

FILED

AUG 12 1971

LUNICE B. BLACKMON CIRCUIT
CLERK

MY COMMISSION EXPIRES APRIL 8, 1973.

Daniel E. Robison

P. O. Box 794
PHONE 943-4955

ATTORNEY AT LAW

117 So. Alston Street
FOLEY, ALABAMA 36535

July 30, 1971

Sheriff's Dept.
Baldwin County
Bay Minette, Ala.

RE: Ulrich vs. Walthall

These interrogatories can be served upon the Defendant's
attorney, J.B. BLACKBURN, COURTHOUSE SQUARE, BAY MINETTE, ALA.


Daniel E. Robison

Daniel E. Robison

ATTORNEY AT LAW

P. O. Box 794
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Daniel E. Robison
Daniel E. Robison

*Left deceased
do Not serve*

J. P. ULRICH,)	
Plaintiff)	IN THE CIRCUIT COURT OF
vs.)	BALDWIN COUNTY, ALABAMA
ED W. WALTHALL,)	AT LAW
Defendant)	NO. 9478

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Daniel E. Robison
Daniel E. Robison
Plaintiff's Attorney

State of Alabama)

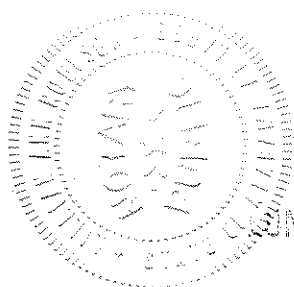
Baldwin County)

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Daniel E. Robison

Sworn to and subscribed before me, on this 30th day of July, 1971.

Lillian Ann Robison
Notary Public



FILED

AUG 12 1971

NICE B. BLACKMON CIRCUIT CLERK

MY COMMISSION EXPIRES APRIL 8, 1973.

STATE OF ALABAMA)
BALDWIN COUNTY)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon ED.W. WALTHALL, of LILLIAN, ALABAMA, to appear within thirty days after the service of this summons in the Circuit Court to be held for said County, then and there to demur or plead to the complaint of J.P. Ulrich.

Witness my hand this 10. day of Sept. . . . 1970.

Alice J. Duck
Clerk

* * * * *

J.P. ULRICH,)	
Plaintiff)	IN THE CIRCUIT COURT OF
v.)	BALDWIN COUNTY, ALABAMA
ED W. WALTHALL,)	AT LAW
Defendant)	NO. 9478

COMPLAINT

The Plaintiff claims of the Defendant Seven Hundred and eighty-seven and 50/100ths Dollars(\$787.50), damages for the breach of an agreement, entered into by him on the 6th day of April, 1970, in substance as follows: Plaintiff agreed to pave a road for the Defendant with tar and slag, dimensions to be 675 feet by 14 feet, at \$1.50 per square yard, and Defendant agreed to pay one-half of the job price after the primer coat was spread and the balance within ten days of completion of the job. And the Plaintiff says that, although he has complied with all its provisions on his part, the Defendant has failed to comply with the following provisions thereof, viz; he did not pay the balance due after completion of the job and owes the Plaintiff the sum of \$787.50.

Daniel E. Robison
Daniel E. Robison
Attorney for Plaintiff

FILED

SEP 10 1970

ALICE J. DUCK CLERK
REGISTER

9478

J. P. Ulrich
Plt

vs.

Ed. W. Walthall
Def

FILED

SEP 10 1970

ALICE J. DUCK

CLERK
REGISTER

Daniel E. Robinson

Received 1 day of Sept 19 70
and on 8 day of Oct 19 70

I served a copy of the within DCI
on Ed W. Walthall

By service on _____

Sheriff's fees 1.00 miles 0.00

Ten Cents per mile Total \$ 1.00

TAYLOR WILKINS, Sheriff

Chillicothe

TAYLOR WILKINS, Sheriff

Chillicothe, Missouri