

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Merrill Northcutt 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 same, then and there to answer the Complaint of Walter Makin.

WITNESS my hand this 10 day of March, 1971.

Eunice B. Blackmon
Clerk

WALTER MAKIN,

X

IN THE CIRCUIT COURT OF

Plaintiff,

X

vs.

X

BALDWIN COUNTY, ALABAMA

MERRILL NORTHCUTT,

X

AT LAW

Defendant.

X

9742

The Plaintiff claims of the Defendant the sum of \$2,100.00 as damages for the breach of a covenant entered into by him whereby the Plaintiff agreed to allow the Defendant to use a combine belonging to the Plaintiff during the year 1970, in return for which the Defendant agreed to pay the Plaintiff the sum of \$3.00 for every acre on which said combine was used by the Defendant and although the Plaintiff has complied with his agreement and the combine was used by the Defendant on approximately 700 acres of land during the year 1970, the Defendant has failed and refused to pay to the Plaintiff or on his behalf any of the above amount agreed to be paid to the date hereof, which amount should have been paid in December, 1970.

CHASON, STONE & CHASON

Defendant may be served
at Robertsedale, Alabama.

BY: *John E. Chason*
Attorneys for Plaintiff

FILED

MAR 10 1971

EUNICE B. BLACKMON
CIRCUIT CLERK

9742

WALTER MAKIN,
Plaintiff,

VS.

MERRILL NORTHCUTT,

Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

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SUMMONS AND COMPLAINT

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FILED

MAR 10 1971

EUNICE B. BLACKMON
CIRCUIT CLERK
CHASON, STONE & CHASON
ATTORNEYS AT LAW
P. O. BOX 120
BAY MINETTE, ALABAMA

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

Received 11 day of Mar 19 71
and on 17 day of Mar 19 71
I served a copy of the within S+C
on Merrill Northcutt
By service on _____

TAYLOR WILKINS, Sheriff

By H. J. Brown
50 m. R. T.
R. Dale

WALTER MAKIN,

Plaintiff

-VS-

MERRILL NORTHCUTT,

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9,742

DEMURRER

Comes now the Defendant in the above styled cause and demurs to the complaint heretofore filed in this cause and as grounds therefor assigns the following, separately and severally, to each and every count thereof:

1. The complaint is uncertain.
2. The complaint is vague.
3. The complaint fails to state a legal cause of action.
4. The complaint fails to state whether the covenant sued upon was written or oral.
5. The complaint fails to state when the alleged covenant was entered into.
6. The complaint fails to allege when the money sued for became due and payable.


ATTORNEY FOR DEFENDANT

Defendant demands a trial
by jury in this cause.


ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Demurrer to Honorable John Earle Chason, 157 Hoyle Avenue, Bay Minette, Alabama, 36507, by depositing the same in the United States Mail, postage prepaid, at Bay Minette, Alabama on the 16th April, 1971.

FILED

APR 16 1971


ATTORNEY FOR DEFENDANT

EUNICE B. BLACKMON CIRCUIT
CLERK

WALTER MAKIN,

Plaintiff

-VS-

MERRILL NORTHCUTT,

Defendant

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9,742

ANSWER

Comes now the defendant and for answer to the complaint filed in this cause saith:

Not guilty.


ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing answer to Honorable John Earle Chason, 157 Hoyle Avenue, Bay Minette, Alabama 36507, by depositing the same in the United States mail, postage prepaid, at Bay Minette, Alabama, on this the fourteenth day of July, 1972.


ATTORNEY FOR DEFENDANT

FILED

JUL 14 1972

EUNICE B. BLACKMON CIRCUIT
CLERK