

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
35 SOUTH SECTION STREET
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

E. G. RICKARBY
DANIEL A. BENTON

TELEPHONE
(205) 928-2508

May 6, 1971

Honorable Telfair J. Mashburn
Judge of the Circuit Court
Bay Minette, Alabama 36507

Re: Clark Equipment Company
v. Charles H. Fincher
Case No. 9780, at Law

Dear Judge Mashburn:

We request judgment by default in the above styled cause for \$1850.00 on the bad check and the reasonable attorney's fee of \$185.00 for a total of \$2,035.00. Personal service was obtained on Mr. Fincher on April 6, 1971, and attached hereto is the bad check.

Respectfully,


Daniel A. Benton

DAB:w
Enc.

CLARK EQUIPMENT COMPANY,
a corporation,

Plaintiff

vs.

CHARLES H. FINCHER, individually
and doing business as FINCHER
BULLDOZING SERVICE,

Defendant

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

) AT LAW


) CASE NO. 9280

COUNT ONE

Plaintiff claims of the Defendant Eighteen Hundred Fifty Dollars (\$1850.00) due him by worthless check uttered on The First National Bank of Fairhope, payable to Plaintiff, as of November 25, 1969. Plaintiff avers that this check was dishonored and not paid, and plaintiff claims the reasonable attorney's fee of One Hundred Eighty-Five Dollars (\$185.00).

COUNT TWO

Plaintiff claims of the defendant Eighteen Hundred Fifty Dollars (\$1850.00) due from him by account on, to-wit: November 25, 1969, which sum of money with the interest thereon is still unpaid. This suit is filed on an itemized and verified statement of account.


DANIEL A. BENTON, Attorney for
Plaintiff

OF COUNSEL:

RICKARBY & BENTON
Fairhope, Alabama

FILED

APR 2 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

Serve the Defendant at his
place of business and resi-
dence in Loxley, Alabama.

COUNTY OF Berrien

STATE OF a Michigan

Be it remembered, that on this 7th day of January
A. D., 1971, personally appeared before me, the undersigned authority,
Stanley R. Hopkins known to me
who being duly sworn, upon his oath stated that he is Recovery Manager
of Clark Equipment Company
{ a corporation organized and doing business under the laws of the State of Delaware
{ and has been duly authorized by said corporation to make this affidavit
{ a partnership composed of _____
a sole trader doing business as _____
and that as such he makes this affidavit; that he is familiar with the books and business of said
Clark Equipment Company; that the attached account against
Fincher Bulldozing Service of Loxley, Alabama
is just and correct, within the knowledge of this affiant, that the items thereon stated and composing the
said account were sold and delivered to said Fincher Bulldozing Service
at { its } special instance and request, that credit has been duly given for all payments and
{ their }
{ his }
just and lawful offsets to which said account is entitled as thereon stated, and that the balance thereof,
amounting to the sum of One thousand, eight hundred, fifty and 00/100-----Dollars
(\$ 1,850.00) with interest from November 25, 1969 is justly due and
remains unpaid.

Stanley R. Hopkins X

I hereby certify under my official seal that I am authorized as a Notary Public to
administer oaths under the laws of the State of Michigan
and that the foregoing was subscribed and sworn to before me on the day and year
first above stated.

RUTH ELLEN CULP

Ruth Ellen Culp
Notary Public

Notary Public, Berrien County, Michigan

My Commission Expires March 19, 1974

County of _____ State of _____

My commission expires _____ A. D. 19 _____

PAI

SOLE
IC

SHIPPED
TO

487-01-000

PLEASE REMIT TO: CLARK EQUIPMENT COMPANY, P. O. LOCKBOX 6412, CHICAGO, ILLINOIS 60680

ACCOUNTING COPY

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Charles H. Fincher

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint
filed in the Circuit Court of Baldwin County, State of Alabama, at Bay Minette against.....

..... Charles H. Fincher Defendant.....

by

..... Clark Equipment Company, a corporation Plaintiff.....

Witness my hand this..... 2nd day of..... April 1971

..... Eunice B. Blackmon Clerk
Eunice Blackmon

24 4-6-71

No. 9780 Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

Clark Equipment Company,

a corporation

Plaintiffs

vs.

Charles H. Fincher, individually
& DBA Fincher Bulldozing
Service

Defendants

SUMMONS AND COMPLAINT

Filed April 2 1971

Ernest B. Blackburn Clerk

Rickarby & Benton
Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Loxley, Alabama

Received In Office

April 2 1971

Taylor Wilkins Sheriff

I have executed this summons

this 6 - April 1971

leaving a copy with BR

Charles H. Fincher

Sheriff's station 40 miles at

Ten Cents per mile Total \$ 4.00

TAYLOR WILKINS, Sheriff

BY N. A. Brown
DEPUTY SHERIFF

Taylor Wilkins Sheriff

H. J. Brown Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

40 mi R.T.
Loxley

LAW OFFICES
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ATTORNEYS AT LAW
35 SOUTH SECTION STREET
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

E. G. RICKARBY
DANIEL A. BENTON

TELEPHONE
(205) 928-2308

March 30, 1971

Mrs. Eunice Blackmon
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Re: Clark Equipment Company
v. Charles H. Fincher

9780

Dear Mrs. Blackmon:

Enclosed is the summons and complaint as well as the
itemized and verified statement of account in the above
styled cause.

Please process.

Yours very truly,


Daniel A. Benton

DAB:w
Enc.

RECEIVED BY

First National Bank of Fairhope, Fairhope, Alabama

RETURNED UNPAID FOR
REASON INDICATED:

- ☒ INSUFFICIENT
FUNDS
☐ ENDORSEMENT
☐ MISSING
☐ NOT AS DRAWN
☐ WRONG BANK
☐ SIGNATURE
☐ UNCOLLECTED
FUNDS
☐ OTHER REASON
(SPECIFY)

ABA APPROVED
DE LAUD SERVICE-ALLIANCE, NICH. 9-8

FINCH & BULLDOZING SERVICE

P. O. BOX 67
LOXLEY, ALABAMA 36551

412
Equipment Company

BANK OF FAIRHOPE
obertsdale, Spanish Fort
abama

usock Scaper

IX-2304
Cont # 233649

586

61-461
651

\$1850⁰⁰

DOLLARS

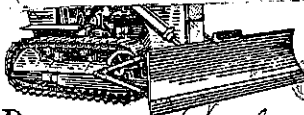
\$200 CHARGED TO ORDER OF CHECK
RETURNED ACCOUNT OF I. FINCHER BULLDOZING SERVICE

Charles H. Fincher

⑈0651⑈0461⑈

44 009 48⑈

⑈0000185000⑈



FINCH & BULLDOZING SERVICE

P. O. BOX 67
LOXLEY, ALABAMA 36551

IX-2304

Cont # 233649

586

PAY
TO THE
ORDER OF

3412
Clark Equipment Company

\$1850⁰⁰

61-461
651

FIRST NATIONAL BANK OF FAIRHOPE
Fairhope, Daphne, Robertsdale, Spanish Fort
Alabama

1850910290

DOLLARS

\$2.00 CHARGED TO ORDER OF CHECK
RETURNED ACCOUNT OF I. SANCER BULLDOZING SERVICE

FOR Rental on Hancock Scaper

Charles H. Sancer

⑆0651⑉0461⑆

41 009 48⑈

⑆0000185000⑆

CREDITED TO ACCOUNT OF PAYEE
ABSENCE OF PAYEE'S
ENDORSEMENT GUARANTEED

DEC 11 1969

FARMIS TRUST AND SAVINGS BANK
CHICAGO, ILLINOIS
LOCAL 800-111-2113

DEC 18 1969

CANCELLED

2-28

W2021 DEC 11 1969

2-28 7 2-28

16 3 PAID THROUGH CCH
PAY TO THE ORDER OF

AMOUNT OF CHECK IS GUARANTEED BY
FARMIS TRUST AND SAVINGS BANK

DEC 12 1969

14-21

PAY ANY BANK

14-21