

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Ronald Harms and Wayne Harms d/b/a Harms Brothers Floor Sanding 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 the Specialty Hut.

Witness my hand this the 29 day of April, 1971.

Defendants may be served:

Ernie B. Blackburn
Clerk

Summerdale, Alabama

SPECIALTY HUT,	Ø	IN THE CIRCUIT COURT OF
Plaintiff,	Ø	BALDWIN COUNTY, ALABAMA
Vs.	Ø	AT LAW
RONALD HARMS and WAYNE	Ø	
HARMS d/b/a HARMS BROTHERS	Ø	NUMBER: <u>9211</u>
FLOOR SANDING,	Ø	
Defendants.	Ø	

I

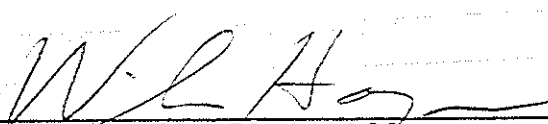
Plaintiff claims of the Defendants the sum of Six Hundred Fifteen and No/100 Dollars (\$615.00), due from it by account on the 2nd day of January, 1971 which sum of money with interest thereon, is still unpaid.

Plaintiff files by verified itemized statement of account which statement is attached hereto.

II

Plaintiff claims of the Defendants the sum of Six Hundred Fifteen and No/100 Dollars (\$615.00), for that on to-wit the 15th day of December, 1970 and on divers days theretofore, Defendants held themselves out to be expert installers of carpet, that Plaintiff employed Defendants to install certain carpet in a home then being constructed by Millard Nelson in Foley, Alabama; that the said Defendants, contrary to their representation, were not expert installers or that they did install the carpet in a poor and unworkmanshiplike manner and in so doing so mangled, cut and tore the said carpet as to destroy its use and require its replacement,

all in the value of Six Hundred Fifteen and No/100 Dollars (\$615.00),
hence this suit.



Attorney for Plaintiff
Wilson Hayes

FILED

APR 29 1971

EUNICE B. BLACKMON CIRCUIT CLERK

S. Dole

Number: 9811

Specialty Hut,

Plaintiff,

Vs.

Ronald Harms and Wayne
Harms d/b/a Harms Brothers
' Floor Sanding,
Summerdale
Defendants.

FILED

APR 29 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

In the Circuit Court of
Baldwin County, Alabama
At Law

Defendants may be served:

Summerdale, Alabama

JUL 22 1971

TAYLOR WILKINS
SHERIFF

989-6480

Returned 23 day of June 19 71
Not found in my county after diligent search and in-
quiry.

Taylor Wilkins, Sheriff

W. J. Harms

Deputy Sheriff

Sheriff claims

120

miles at

12.00

Ten Cents per mile fee
TAYLOR WILKINS, Sheriff

BY *W. J. Harms*
DEPUTY SHERIFF

Received 23 day of July 19 71

and on 23 day of July 19 71

I served a copy of the within S&C

on Ronald Harms

Wayne Harms

By service on Wayne Harms

TAYLOR WILKINS, Sheriff

W. J. Harms D.S.

Wayne Harms - 7-27-71
Ronald Harms 7-28-71

Test of S. Dole

BR
209

7
304
69
104

STATE OF ALABAMA

BALDWIN COUNTY

Before me, the undersigned authority appeared Douglas Lewis, who being known to me and being duly sworn, deposes and says that he is Owner of the Specialty Hut and that he is familiar with the books and business of the said Specialty Hut and that the attached account with Ronald Harms and Wayne Harms d/b/a Harms Brothers Floor Sanding is just and correct, within the knowledge of this affiant and that the items thereon stated composing the said account are true and correct and that credit has been given for all payments and just and lawful offsets to which the said Ronald Harms and Wayne Harms d/b/a Harms Brothers Floor Sanding is entitled and that the balance thereof, amounting to the sum of \$615.00 with interest thereon from the 2nd day of January, 1971 is justly due and remains unpaid.

Douglas H. Lewis
Affiant

Sworn to and subscribed before me this the 16th day of March, 1971.

Mary C. Stiers
Notary Public

Carpet
Floor Coverings
Paint
VacuFlo Central Cleaning

P. O. Box 244
Bay Minette, Alabama 36507

Custom Drapes
Wallpaper
Upholstery Fabrics

Customer's
Order No. _____ Date _____ 19 _____
Name Harrois Bros. Hairdressing
Address Swanmerdale

[illegible]

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

March 16, 1971

• Mrs. Eunice Blackmon, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama 36507

Dear Eunice:

• Please file the enclosed suit by itemized
verified account entitled Specialty Hut Vs. Ronald
Harms and Wayne Harms d/b/a Harms Brothers Floor
Sanding and have it served on Defendants.

With kind regards, I am

Yours very truly,


Wilson Hayes

WH/ms
Enc.

SPECIALTY HUT, X
Plaintiff, X IN THE CIRCUIT COURT OF
vs. X BALDWIN COUNTY, ALABAMA
RONALD HARMS and WAYNE X AT LAW
HARMS d/b/a HARMS BROTHERS
FLOOR SANDING, X CASE NO. 9811
Defendants. X

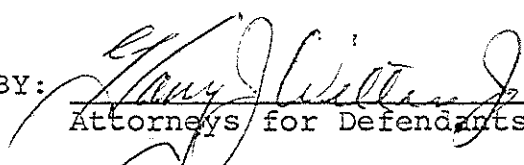
Comes now the Defendants in the above styled cause and files this their demurrer to the Plaintiff's Complaint, and for grounds thereof, says:

1.

That the Complaint does not allege whether the Specialty Hut in an individual, partnership, firm or corporation.

WILTERS & BRANTLEY

BY:

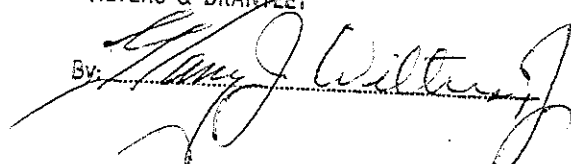

Attorneys for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 23 day of August, 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:



FILED

AUG 23 1971

EUNICE B. BLACKMON CIRCUIT CLERK

SPECIALTY HUT, X
Plaintiff, X IN THE CIRCUIT COURT OF
vs. X BALDWIN COUNTY, ALABAMA
RONALD HARMS and WAYNE X AT LAW
HARMS d/b/a HARMS BROTHERS
FLOOR SANDING, X CASE NO. 9811
Defendants X

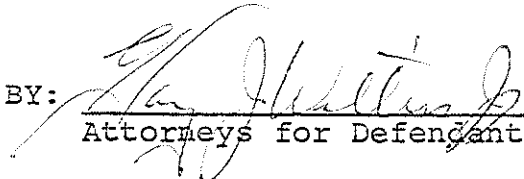
Comes now the Defendants in the above styled cause and for answer to the Plaintiff's Complaint, and to each count thereof separately and severally, says:

1.

That they are not guilty of the matters alleged therein.

WILTERS & BRANTLEY

BY:


Attorneys for Defendants

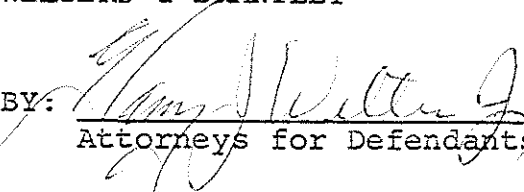
The Defendants after having fully answered the Plaintiff's Complaint, files by way of set off, the following:

1.

The Defendants, as a defense to the action of the Plaintiff, says that at the time said action was commenced, the Plaintiff was indebted to them in the sum of TWO HUNDRED (\$200.00) DOLLARS for work and labor performed by them on the 2nd day of January, 1971, at its request which they hereby offer to set off against the demand of the Plaintiff.

WILTERS & BRANTLEY

BY:


Attorneys for Defendants

FILED

MAR 13 1972

EUNICE B. BLACKMON CIRCUIT
CLERK