

UNITED STATES FINANCE COMPANY,  
INC., a corporation,

Plaintiff

vs

TOMMY THOMAS and LIZZIE THOMAS,  
jointly & separately,

Defendants

\* IN THE CIRCUIT COURT OF

\* BALDWIN COUNTY, ALABAMA

\* AT LAW

\*

\* Case No. 9852

Come now the defendants in the above styled cause  
and  
and file by way of set-off and recoupment/claim of the plain-  
tiff the following:

COUNTER CLAIM I. The defendants claim of the plain-  
tiff the sum of FOUR THOUSAND & 00/100 DOLLARS (\$4,000.00) as  
damages for that heretofore and on to wit: July, 1968, the  
defendants entered into an agreement with the plaintiff that  
the said plaintiff would move a house which the said defendants  
had purchased from a third party and would erect the same upon  
the real property of the defendants. The plaintiff's promised  
to the defendants to locate the said house on the property of  
the defendants in a good and workmanlike manner and to install  
a pump, to pay the said third party for the house which was  
the sum of FIVE HUNDRED & 00/100 DOLLARS (\$500.00) the said  
price having been negotiated by the defendants with the said  
third party and to do other things in the contract mentioned.  
The defendants aver that the said plaintiff moved the said  
house and placed it on the property of the defendants but the  
same is not done in a good and workmanlike manner and the said  
plaintiff defaulted in their promise in this to wit: bricks  
and stones are in the attic which were a result of a chimney  
or flu being torn down and the same has not been removed or

repaired; the said roof has not been repaired and leaks by virtue of the failure of the plaintiff to fix or repair the roof; the plaintiff failed to furnish outside steps to the house; the plaintiff failed to build a proper and suitable foundation for the said house and to erect sufficient piers; the plaintiff left windows broken and have failed to repair the same; the plaintiff is claiming monies due which they did not spend on behalf of the defendants and the defendants have been otherwise damaged and hence this counter-claim and set-off by the defendants against the plaintiff.




FRED F. SMITH, JR.  
ATTORNEY for Defendants  
P. O. Box 487  
Fairhope, Alabama 36532

ATTORNEY FOR PLAINTIFF:

Perloff, Reid & Briskman

#### CERTIFICATE OF SERVICE

I hereby certify that I have on this 17th 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.



FRED F. SMITH, JR.

FILED

AUG 18 1971

LENICE B. BLACKMON CIRCUIT CLERK

UNITED STATES FINANCE ) IN THE CIRCUIT COURT OF  
COMPANY, INC., a corporation, )  
) BALDWIN COUNTY, ALABAMA,  
Plaintiff, ) AT LAW  
vs. )  
TOMMY THOMAS and LIZZIE )  
THOMAS, jointly and severally, )  
Defendants. ) CASE NO. 9852

DEMURRERS

Comes now the plaintiff in the above styled cuase and demurs to the plea entitled "Counter Claim" and as grounds therefore, separately and severally, says as follows:

1. That said plea is a mere conclusion of the pleader.
2. That no facts are alleged which would give rise to a cause of action against the plaintiff.
3. For that said plea does not allege a mutual debt and, consequently, cannot be the subject of set-off.
4. For that said plea sounds in damages merely and is not the proper subject of set-off.
5. For that the subject matter of the plea did not arise out of the same transaction on which the plaintiff's cause of action is rested.
6. For that in an action of ejectment, there can be no set-off nor recoupment.

  
MAYER W. PERLOFF Attorney for  
Plaintiff

Copy to: Hon. Fred F. Smith, Jr.  
P. O. Box 487  
Fairhope, Alabama 36532

**FILED**

OCT 5 1971

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE  
I do hereby certify that I have on this 4  
day of Oct, 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.

OFF, REID & BRISKMAN  
ATTORNEYS AT LAW  
ST. ANTHONY STREET  
BILE, ALABAMA 36603

-VOL

70 PAGE 13

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

UNITED STATES FINANCE  
COMPANY, INC., a corporation,

Plaintiff,

vs.

TOMMY THOMAS and LILLIE  
THOMAS, jointly and severally,

CASE NO. 8882

Defendants.

DEFENDERS

Comes now the plaintiff in the above styled cause and demurs to  
the plea entitled "Counter Claim" and as grounds therefore, separately  
and severally, says as follows:

1. That said plea is a mere conclusion of the pleader.
2. That no facts are alleged which would give rise to a cause of  
action against the plaintiff.
3. For that said plea does not allege a mutual debt and,  
consequently, cannot be the subject of set-off.
4. For that said plea sounds in damages merely and is not the  
proper subject of set-off.
5. For that the subject matter of the plea did not arise out of the  
same transaction on which the plaintiff's cause of action is based.
6. For that in an action of ejectment, there can be no set-off nor  
recoupment.

*[Signature]*  
CRAIG W. PETERSON, Attorney for  
Defendant

Copy to: Hon. Fred E. Smith, Jr.  
P. O. Box 487  
Fayette, Alabama 36522

FILED

OCT 5 1971

CLERK OF BALDWIN COUNTY

OCT 13 1971

*[Signature]*  
CRAIG W. PETERSON, Attorney for  
Defendant

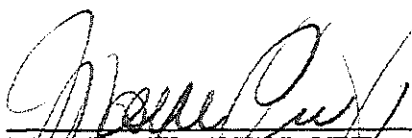
RECEIVED  
ATTORNEY IN LAW  
AND BY AUTHORITY OF THE  
BALDWIN COUNTY CLERK

985-2  
12

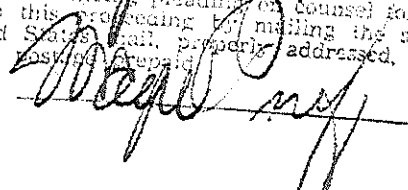
UNITED STATES FINANCE	)	IN THE CIRCUIT COURT OF
COMPANY, INC., a corporation,	)	BALDWIN COUNTY, ALABAMA,
Plaintiff,	)	AT LAW
vs.	)	
TOMMY THOMAS and LIZZIE	)	
THOMAS, jointly and severally,	)	
Defendants.	)	Case No. 9852

Comes now the plaintiff in the above styled cause and amends his bill of complaint as heretofore filed so that the caption thereof shall read as follows:

UNITED STATES FINANCE	)	IN THE CIRCUIT COURT OF
COMPANY, INC., a corporation,	)	BALDWIN COUNTY, ALABAMA,
Plaintiff,	)	AT LAW
vs.	)	
LIZZIE THOMAS,	)	
Defendant.	)	Case No. 9852

  
 \_\_\_\_\_  
 MAYER W. PERLOFF  
 Attorney for Plaintiff

Copy to: Honorable Fred F. Smith, Jr.  
 P. O. Box 487  
 Fairhope, Alabama 36532

CERTIFICATE OF SERVICE  
 I do hereby certify that I have on this 2  
 day of Aug 1972 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.  


FILED

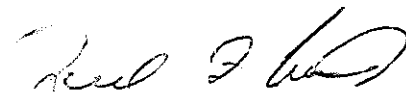
AUG 1972

LUNICE B. BLACKMON CIRCUIT CLERK

UNITED STATES FINANCE COMPANY, INC. \* IN THE CIRCUIT COURT OF  
Plaintiff \* BALDWIN COUNTY, ALABAMA  
vs \* AT LAW  
TOMMY THOMAS and LIZZIE THOMAS, \*  
jointly and severally \* CASE NO. 9852  
Defendants \*  
\*

Comes now the ~~Defendant~~, LIZZIE THOMAS, and files  
this suggestion and says as follows:

1. That Tommy Thomas, one of the Defendants named  
in the above styled cause, departed this life of recent date  
and prays that the matter be abated or that the said Plaintiff  
be required to revive the said suit as provided by law in  
such cases.



FRED F. SMITH, JR., Attorney  
for Lizzie Thomas

ATTORNEY FOR PLAINTIFF:

Mayer W. Perloff

#### CERTIFICATE OF SERVICE

I hereby certify that I have on this 12th day of July, 1972,  
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.



FRED F. SMITH, JR., Attorney

FILED

JUL 14 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

UNITED STATES FINANCE	)	IN THE CIRCUIT COURT OF
COMPANY, INC., a corporation,	)	BALDWIN COUNTY, ALABAMA,
Plaintiff,	)	AT LAW
vs.	)	
LIZZIE THOMAS,	)	
Defendant.	)	Case No. 9852

MOTION TO STRIKE

Comes now the plaintiff in the above captioned cause and moves to strike the defendant's demand for trial by jury and as grounds therefore shows the following:

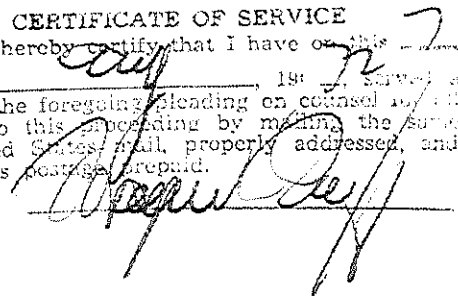
That service of the complaint and summons in this said action was perfected on the defendant on the 28th day of May, 1971. That the demand for a trial by jury was filed in this Honorable Court on June 29, 1971. That the Code of Alabama, Title 7, Section 260, Recompiled Code, 1958, requires that the defendant file a demand for a jury trial within thirty (30) days after service is perfected on the defendant and if not filed within that period of time, it is waived. That in this said case, the demand for a trial by jury was not filed within thirty (30) days as hereinabove set out.

WHEREFORE, the plaintiff moves that the plea for a trial by jury be stricken.

  
 \_\_\_\_\_  
 MAYER W. PERLOFF  
 Attorney for Plaintiff

Copy to: Honorable Fred F. Smith, Jr.

CERTIFICATE OF SERVICE  
 I do hereby certify that I have on this 7  
 day of July, 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.

  
 \_\_\_\_\_  
 EUNICE B. BLACKMON  
 CLERK

FILED

JUL 7 1972

EUNICE B. BLACKMON CLERK

*Law Offices of*  
**PERLOFF, REID & BRISKMAN**  
257 ST. ANTHONY STREET  
MOBILE, ALABAMA 36603

MAYER W. PERLOFF  
T. DWIGHT REID  
DONALD M. BRISKMAN

May 26, 1971

AREA CODE 205  
TELEPHONE 433-5412

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

Re: United States Finance Co. vs. Thomas, Tommy & Lizzie

9852

Dear Mrs. Blackmon:

Please file the enclosed ejectment suit in your court and advise me  
when service is obtained.

Very truly yours,

  
MAYER W. PERLOFF

/rms

Enc/



PERLOFF, REID & BRISKMAN

ATTORNEYS AT LAW  
257 ST. ANTHONY STREET  
MOBILE, ALABAMA 36603

MAYER W. PERLOFF  
T. DWIGHT REID  
DONALD M. BRISKMAN

August 7, 1972

AREA CODE 205  
TELEPHONE 433-5412

Honorable Telfair J. Mashburn, Judge  
Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

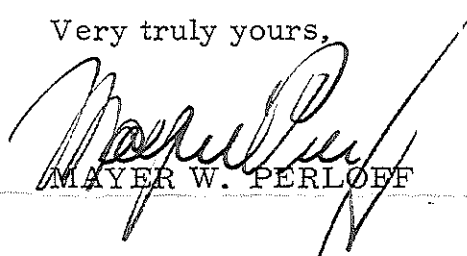
Re: United States Finance Company, Inc. vs. Thomas Case #9852

Dear Judge Mashburn:

I am enclosing herein a motion to strike the demand for a jury trial in the above captioned cause. As set out in my petition, it was not filed within 30 days of the date of service, and consequently, under the terms of the statute, is due to be stricken.

Since this case has been on your docket for over a year, and you agree that the demand for a jury trial should be stricken, I would appreciate your asking the clerk to put the case on your next non-jury trial docket so that we might dispose of it at that time.

Very truly yours,



MAYER W. PERLOFF

MWP/wm

Enclosures

cc: Honorable Fred F. Smith, Jr.  
Attorney at Law  
P. O. Box 487  
Fairhope, Alabama 36532

UNITED STATES FINANCE COMPANY \*  
INC., a corporation

IN THE CIRCUIT COURT OF

Plaintiff

\*

BALDWIN COUNTY, ALABAMA

Vs

\*

TOMMY THOMAS and LIZZIE  
THOMAS, jointly & separately

\*

AT LAW


Defendants

\*


Case No. 9852

Come now the defendants in the above styled cause  
by Fred F. Smith, Jr., Attorney, and file the following  
Plea:

PLEA I. The defendants plead the general issue.


  
FRED F. SMITH, JR.  
Attorney for the Defendants  
P.O. Box 487  
Fairhope, Alabama 36532

The Defendants demand a trial by jury in said cause.

  
FRED F. SMITH, JR.

#### CERTIFICATE OF SERVICE

I hereby certify that I have on this 25th day of June, 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.

  
FRED F. SMITH, JR.

Mayer W. Perloff  
Attorney for Plaintiff

**FILED**

JUN 29 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

UNITED STATES FINANCE  
COMPANY, INC., a corporation,

Plaintiffs,

vs.

TOMMY THOMAS and LIZZIE  
THOMAS, jointly and separately,

Defendants.

( IN THE CIRCUIT COURT OF  
( BALDWIN COUNTY, ALA.,

( AT LAW

( CASE NO. 9852

The plaintiffs sue to recover possession of the following  
tract of land:

Commence at the Northwest corner of the Southeast quarter of the Northwest quarter of Section 16, Township 5 South, Range 3 East, and run thence East along the North boundary of said Southeast quarter of the Northwest quarter, a distance of 313.5 feet; thence run South along an established and marked property line, a distance of 673.3 feet to a point on the South side of a 24 foot wide public road, for a Point of Beginning: Thence run, by a deflection angle of 90° 47' to the left, North 89° 13' East, 104.7 feet to a point; which point is 32 feet West of the Northwest corner of a lot heretofore conveyed to Samuel Thomas Curry by Senior Douglas and Melvinie Douglas, as the same is presently staked and marked; from said point, by a deflection angle of 90° 54' to the right, run South 00° 07' West, 208.6 feet; thence by deflection angle of 89° 06' to the right, run South 89° 13' West, 104.3 feet; thence, by a deflection angle of 90° 47' to the right, run North 208.6 feet, to the Point of Beginning, Lot contains one-half acre and lies in the South half of the Southeast quarter of the Northwest quarter of Section 16, Township 5 South, Range 3 East, Baldwin County, Alabama.

of which it has legal title, and upon which, pending such legal title,  
and before the commencement of this suit, the defendants entered and  
unlawfully withhold, together with ONE DOLLARS for the detention  
thereof.

PERLOFF, REID & BRISKMAN

BY: *Margaret W. Perloff*

Attorney for Plaintiff

Defendants may be served at Loxley, Alabama

**FILED**

MAY 27 1971

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA  
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9852

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Tommy Thomas and Lizzie Thomas, Jointly &

Separately

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 Tommy Thomas

and Lizzie Thomas, Jointly & Separately, Defendant

by United States Finance Company, Inc., a corporation

Plaintiff

Witness my hand this 27th day of May 1971

*Ernie B. Blackman* Clerk

**THE STATE OF ALABAMA**  
**BALDWIN COUNTY**

**CIRCUIT COURT**

UNITED STATES FINANCE COMPANY, INC.

A Corporation

Plaintiffs

vs.

TOMMY THOMAS & LIZZIE THOMAS,  
 Jointly & Separately Defendants

**SUMMONS AND COMPLAINT**

Filed May 27, 1971.

Eunice B. Blackmon Clerk

Perloff, Reid & Briskman

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

May 27 1971

Taylor Wilkins Sheriff

I have executed this summons

this 28 May 1971

by leaving a copy with

BR

Tommy Thomas

Lizzie Thomas

Sheriff claims 40 miles at

For County per mile Total \$ 8.00

TAYLOR WILKINS, Sheriff

BY H. G. Brown DEPUTY SHERIFF

Taylor Wilkins Sheriff

H. G. Brown Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

40 nie R. T.  
 Laffey