

W. T. WALLEY, SR. and W. T. WALLEY, JR.)  
individually and doing business as  
W. T. WALLEY & SON, )

Plaintiff, )

vs. )

E. D. BURTS, )

Defendant. )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

9907

COUNT ONE

Plaintiff claims of the Defendant the sum of FIVE HUNDRED THIRTY-EIGHT AND 16/100 (\$538.16) DOLLARS due by open account from on, to-wit: the 20th day of April, 1971 until on, to-wit: the 22nd day of April, 1971, which sum of money with the interest thereon, is still unpaid.

COUNT TWO

Plaintiff claims of the Defendant the sum of FIVE HUNDRED THIRTY-EIGHT AND 16/100 (\$538.16) DOLLARS due by an account stated between the Plaintiff and the Defendant on, to-wit: the 30th day of April, 1971, which sum of money, with the interest thereon, is still unpaid.

  
ATTORNEY FOR PLAINTIFF

NOTE: The account sued on is hereby evidenced by an itemized and verified statement of the account.

  
ATTORNEY FOR PLAINTIFF

**FILED**

JUL 2 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK

W T Walley & Son

Rt 1 Box 157

ORDER NO. \_\_\_\_\_

Fairhope, Ala 36532

DATE 4/30/1971

SOLD TO Mr. E. D. Burts

ADDRESS P. O. Box 161

SHIP TO Fairhope, Ala. 36532

SHIP VIA \_\_\_\_\_ WHEN \_\_\_\_\_ TERMS \_\_\_\_\_ F.O.B. \_\_\_\_\_

Date		DESCRIPTION	PRICE	AMOUNT	
QUANTITY					
1	4-20	1 (12 yd) fill dirt	1.00	12	00
2	4-21	4 (12 yd) fill dirt	1.00	48	00
3	4-21	6 (7 yd) fill dirt	1.00	42	00
4	4-21	6 (6 yd) fill dirt	1.00	36	00
5	4-21	1 (15 yd) fill dirt	1.00	15	00
6	4-22	5 (12 yd) fill dirt	1.00	60	00
7	4-22	11 (10 yd) fill dirt	1.00	110	00
8	4-22	12 (7 yd) fill dirt	1.00	84	00
9	4-22	12 (6 yd) fill dirt	1.00	72	00
10				479	00
11		Tax on Dirt	4%	19	16
12		Dozer Work		40	00
13				538	16
14					
15					
16					
17					
18					

PURCHASED BY \_\_\_\_\_

SALESMAN \_\_\_\_\_

FORM NO. 5020 1/2 DUP.  
5021 1/2 TRIP.

A BOORUM & PEASE  
PRODUCT

COUNTY OF BALDWIN

STATE OF ALABAMA

Be it remembered, that on this 17th day of June  
A. D., 19 71, personally appeared before me, the undersigned authority,  
W. T. WALLEY, JR. known to me

who being duly sworn, upon his oath stated that he is a partner  
of W. T. WALLEY & SON

{ a corporation organized and doing business under the laws of the State of  
{ and has been duly authorized by said corporation to make this affidavit  
{ a partnership composed of W. T. WALLEY, SR. & W. T. WALLEY, JR.

{  
a sole trader doing business as W. T. WALLEY & SON  
and that as such he makes this affidavit; that he is familiar with the books and business of  
said W. T. WALLEY & SON; that the attached account against  
E. D. BURTS of 121 Fairhope Ave., Fairhope, Ala.

is just and correct, within the knowledge of this affiant, that the items thereon stated and com-  
posing the said account were sold and delivered to said E. D. BURTS

at { ~~xxx~~  
    ~~their~~ } special instance and request, that credit has been duly given for all payments and  
    his }

just and lawful offsets to which said account is entitled as thereon stated, and that the balance  
thereof, amounting to the sum of FIVE HUNDRED THIRTY-EIGHT & 16/100 ----- Dollars  
(\$ 538.16) with interest from April 30, 19 71 is justly due and  
remains unpaid.

W.T. Walley  
W.T. Walley Jr.

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 Alabama  
and that the foregoing was subscribed and sworn to before me on the day and year  
first above stated.

Notary Public

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 E. D. BURTS

.....  
.....  
.....  
.....  
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.....

E. D. BURTS

....., Defendant.....

by W. T. WALLEY, SR. & W. T. WALLEY, JR., ind. & dba W. T. WALLEY & SON

....., Plaintiff.....

Witness my hand this 2nd day of July 1971

*Ernie B. Blackner*  
....., Clerk

No. 9917

Page.....

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

**CIRCUIT COURT**

W. T. WALLEY, SR. & W. T. WALLEY, JR.

Ind, & dba W. T. WALLEY & SON

Plaintiffs

vs.

E. D. BURTS

Defendants

985626

**SUMMONS AND COMPLAINT**

**FILED**

Filed ..... 19.....

JUL 2 1971

Clerk

EUNICE B. BLACKMON CIRCUIT  
CLERK

JOHN V. DUCK

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at  
121 Fairhope Avenue, Fairhope, Ala.

Received In Office

July 8 1971

(Taylor Wilkins) Sheriff

I have executed this summons

this 6 July 1971

by leaving a copy with

CR

E. D. Burt

Sheriff claims 20 miles or

Ten Cans for 100 Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY (Cook)

DEPUTY SHERIFF

Taylor Wilkins Sheriff

(Cook) Deputy Sheriff

JOHN V. DUCK  
ATTORNEY AT LAW  
P. O. BOX Y  
FAIRHOPE, ALABAMA 36532

January 15, 1974

Mrs. Eunice Blackmon, Clerk  
P. O. Box 239  
Bay Minette, Alabama 36507

RE: Case #9907  
Walley vs. Burts

Dear Mrs. Blackmon:

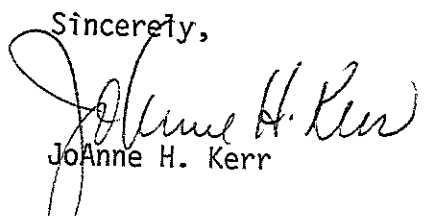
In the above referenced case, Mr. Duck requests that you ask the Judge to let us take a Judgment on it since the Defendant has not paid anything since May of 1973 and we have discussed this with Mr. Richard Lacey who concurs in this.

The amount owing on this account is \$238.16 plus interest at 5% (\$11.90) for a total of \$250.06 plus whatever the court costs are.

If you require further on this, please call us.

Thank you.

Sincerely,

  
JoAnne H. Kerr

JAK/s

cc: Richard C. Lacey  
Fairhope, Ala.

319 MAGNOLIA AVE.

928-2191

JOHN V. DUCK  
ATTORNEY AT LAW  
P. O. BOX Y  
FAIRHOPE, ALABAMA 36532

September 27, 1973

Mrs. Eunice Blackmon, Clerk  
P. O. Box 239  
Bay Minette, Alabama 36507

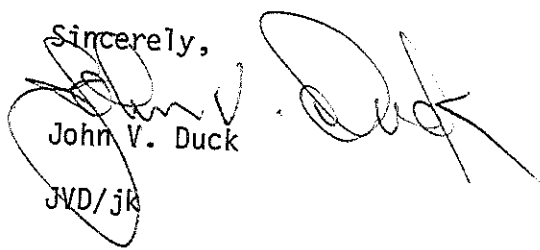
Re: Walley vs. Burts Case No. 9907

Dear Mrs. Blackmon:

With reference to the above-mentioned case which is set for October 8, 1973, please have this case continued since the Defendant has been paying on it.

Thank you.

Sincerely,

  
John V. Duck

JVD/jk

RICHARD C. LACEY

*Attorney-At-Law*

P. O. DRAWER A-J  
FAIRHOPE, ALABAMA 36532

TELEPHONE 928-2373

July 30, 1971

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

Re: W. T. Walley & Son vs. E. D. Burts

Dear Eunice:

Please file Defendant's Answer in the subject case.

Thank you.

Sincerely,



RCLacey  
mr  
Enclosure

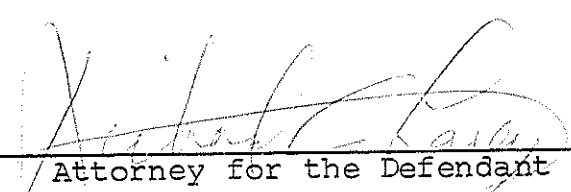


W. T. WALLEY, SR. and W. T. WALLEY, JR.)	)	IN THE CIRCUIT COURT
individually and doing business as	)	
W. T. WALLEY & SON,	)	OF BALDWIN COUNTY,
	)	ALABAMA, AT LAW
Plaintiff,	)	
	)	
vs.	)	
	)	
E. D. BURTS,	)	9907
	)	
Defendant.	)	

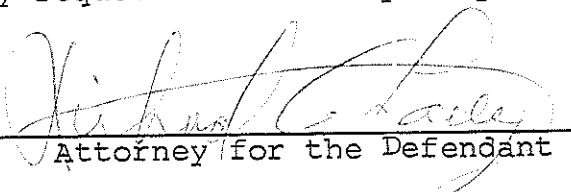
ANSWER

Comes now the defendant in the above-styled cause and files this, his Answer to said Bill of Complaint, and to each and every count thereof, as follows:

1. Not guilty.
2. The general issue.
3. The Defendant is not guilty of the matters alleged in said Bill of Complaint.

  
Attorney for the Defendant

The Defendant respectfully requests a trial by Jury.

  
Attorney for the Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 30th day of July, 1971, served a copy of the foregoing Answer on John V. Duck, Attorney for the Plaintiff, by mailing the same by United States mail, properly addressed, and first class postage prepaid.

  
RICHARD C. LACEY

FILED

AUG 3 1971

EUNICE B. BLACKMON CIRCUIT CLERK