

WARREN L. CROWDER

Plaintiff

vs.

JAMES R. COCKE, SR.

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 10,100

1.

The Plaintiff claims of the Defendant the sum of FOUR HUNDRED THIRTY DOLLARS (\$430.00) as damages for that heretofore during to-wit, the months of August and September, 1971, the Defendant was engaged in the business of repairing watches; that on to-wit, June 15, 1971, the Plaintiff delivered to the Defendant for repairs, a man's Rolex Wrist Watch, Style # 1625, 14 Carat gold with matching watch band, said watch being engraved with the words Warren Lee Crowder. The Plaintiff agreed to pay to the Defendant his usual and regular charges thereof for repairing the said watch. The Plaintiff further avers that the Defendant, not being qualified to repair this particular watch, sent said watch by United Parcel Service to the New York factory. The Plaintiff further avers that the watch was lost in transit and that the Defendant failed to exercise reasonable care and diligence in that the watch was not insured for its full value and as the proximate result of the Defendant's lack of reasonable care and diligence, the Plaintiff was caused to be uncompensated for the loss of his watch; for all of which he claims damages as aforesaid.

WILTERS, BRANTLEY & NESBIT

BY: *Phillip S. Nesbit*

Attorneys for Plaintiff

FILED

NOV 4 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

E411-6-71

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No.

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

JAMES R. COCKE, SR.

You Are Hereby Commanded to Summon

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.....

JAMES R. COCKE, SR.

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

by WARREN L. CROWDER

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

Witness my hand this..... 4day of..... Nov. 19..... 71.

James R. Blackman Clerk

I

No. 100

Page.....

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

WARREN L. CROWDER

\$8800

Plaintiffs

vs.

JAMES R. COCKE, SR.

Cocke Jewelers

162 Fels

Defendants

SUMMONS AND COMPLAINT

Filed FILED 19.....

NOV 4 1971 Clerk

EUNICE B. BLACKMON CIRCUIT CLERK

NOV 4 1971

WILTERS, SHERIFFLEY & NESBIT

BY:

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at may be
served at Cocke Jewelry
Store in Fairhope, Ala.

Received In Office

Nov. 4

1971

Sheriff

I have executed this summons

this 6 Nov. 1971

by leaving a copy with

James R. Cocke, Jr.

Sheriff deliver 70 miles at 7.00
Ten Cents per mile
W. C. WILKINS, Sheriff
BY W. C. WILKINS
DEPUTY SHERIFF

Benjamin S. S. S. Sheriff
W. C. WILKINS Deputy Sheriff

WARREN L. CROWDER,)	
)	IN THE CIRCUIT COURT OF
Plaintiff)	
)	BALDWIN COUNTY, ALABAMA
vs.)	
)	AT LAW
JAMES R. COCKE, SR.,)	
)	CASE NO. <u>10,100</u>
Defendant)	

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

I

The Bill of Complaint fails to state a cause of action.

II

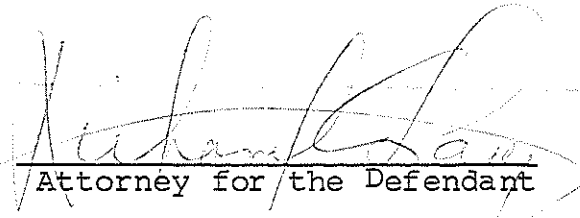
The Bill of Complaint is vague and unclear.

III

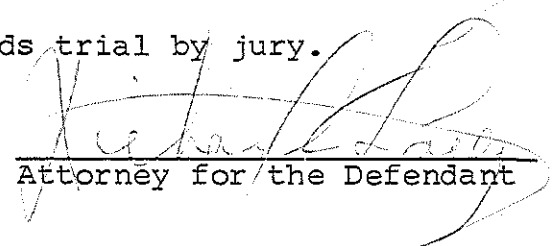
The Bill of Complaint is multifarious.

IV

The Bill of Complaint fails to state sufficient facts to support a cause of action.

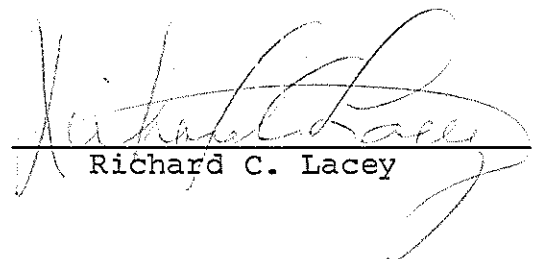

Attorney for the Defendant

The defendant respectfully demands trial by jury.


Attorney for the Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 12th day of November, 1971, served a copy of the foregoing pleading on Mrs. Phyllis Nesbit, attorney for the Plaintiff, by mailing the same by United States mail, properly addressed, and first class postage prepaid.


Richard C. Lacey

FILED

NOV 15 1971

EUNICE B. BLACKMON CIRCUIT CLERK

WARREN L. CROWDER,)	
)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
vs.)	
)	AT LAW
JAMES R. COCKE, SR.,)	CASE NO. <u>10,100</u>
Defendant)	

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

I

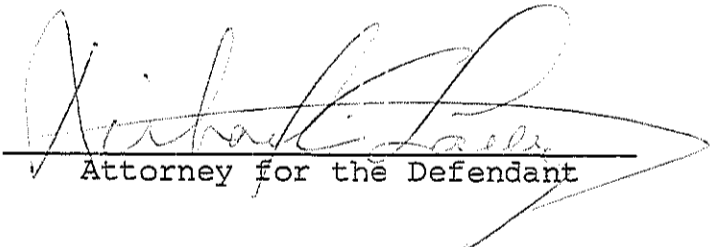
The Defendant is not guilty of the matters set forth in said Bill of Complaint.

II

The general issue.

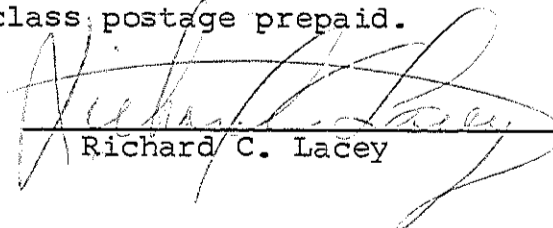
III

The Defendant as a defense to said Bill of Complaint saith that the Plaintiff asked the Defendant to deliver to the manufacturer of the watch, a Rollex wrist watch, Style #1625, by United Parcel Service which the Defendant did do and the said watch was lost in transit by the United Parcel Service through no fault by negligence on the part of the Defendant.


 Attorney for the Defendant

CERTIFICATE OF SERVICE

I do hereby that I have on this 11th day of January, 1972, served a copy of the foregoing pleading on Mrs. Phyllis Nesbit, attorney for the Plaintiff, by mailing the same by United States mail, property addressed, and first class postage prepaid.


 Richard C. Lacey

FILED

JAN 12 1972

EUNICE B. BLACKMON CIRCUIT CLERK

WARREN L. CROWDER

Plaintiff

VS.

JAMES R. COCKE, SR.

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE No. 10,100

Comes now the Plaintiff in the above styled cause and moves the Court to dismiss his suit heretofore filed in this case on the 4th day of November, 1971. The matter having been settled between the parties.

WILTERS, BRANTLEY & NESBIT

BY:

Phyllis S. Nesbit
Attorney for Plaintiff

ORDER

Having read and understood the foregoing Motion, the Court is of the opinion that the Movant is entitled to the relief he seeks.

It is therefore ORDERED that the Motion filed in this cause on the 31st day of March, 1972, be granted and the case is hereby dismissed.

DONE this the 30th day of March, 1972.

J. H. Madhever
Judge of the Circuit Court

FILED

MAR 30 1972

EUNICE B. BLACKMON CIRCUIT CLERK

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