

HEYWOOD MILLER,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF BALDWIN COUNTY,
VS.	*	ALABAMA
WADE WARD, MRS. LILLIAN	*	AT LAW
CALLOWAY, et als,		
Defendants.	*	CASE NO. 10,345

AMENDED COMPLAINT

Comes now the Plaintiff in the above styled cause and amends the caption of his complaint as heretofore filed to read as follows:

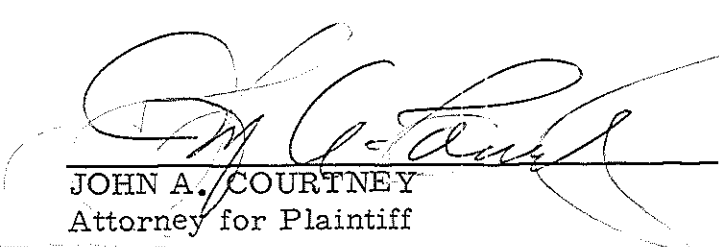
HEYWOOD MILLER,	*	IN THE CIRCUIT COURT
Plaintiff,	*	OF BALDWIN COUNTY,
VS.	*	ALABAMA
THE FIRST BAPTIST CHURCH	*	AT LAW
OF GULF SHORES, a corpora-	*	
tion,		
Defendant.	*	CASE NO. _____

COUNT ONE

Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS, as damages, for breach of a written contract entered into between the Plaintiff and the Defendant on or about the 9th day of September, 1971, by the terms of which said written contract your Plaintiff was to perform certain duties for the Defendant at a stipulated salary of \$500.00 per month, said contract to run from September of 1971 through May of 1972;

Your Plaintiff avers that although your Plaintiff was ready, willing and able to perform his said contract, the Defendants breached said contract with your Plaintiff by dismissing him in violation of the terms of his said contract on or about the 30th day of December, 1971, without any fault or cause on the part of your Plaintiff, and had failed or refused to pay him for the balance of said contract term, wherefore your Plaintiff

claims damages in the amount aforesaid for the said breach of said contract as aforesaid.


JOHN A. COURTNEY
Attorney for Plaintiff

Serve Defendant at:

The First Baptist Church may be served at Gulf Shores, Alabama

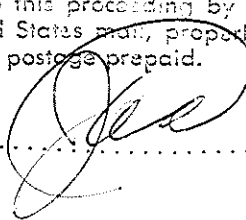
FILED

NOV 28 1972

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27th day of November, 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.



SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,345

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Wade Ward, Mrs. Lillian Calloway, Mrs. Frank Sanders, Mrs. Cater Lee, Mrs. Frank Montgomery, as members of the Board of Trustees of Gulf Coast Academy, & Gulf Coast Academy, a corp. & The First Baptist Church of Gulf Shores, a corp. ~~which~~ doing business as Gulf Coast Academy, separately & severally,

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 Wade Ward, Mrs. Lillian Calloway, Mrs. Frank Sanders, Mrs. Cater Lee, Mrs. Frank Montgomery, as Members of the Board of Trustees of Gulf Coast Academy, & Gulf Coast Academy, a corp. & The First Baptist Church of Gulf Shores, a corp. doing business as Gulf Coast Academy, Defendant, separately & severally

by Heywood Miller

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

witness my hand this 12th day of April 19 72

E. B. Blackman
..... Clerk

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

HEYWOOD MILLER

Plaintiffs

VS.

WADE WARD, MRS. LILLIAN CALLOWAY,
MRS. FRANK SANDERS et al Defendants

SUMMONS AND COMPLAINT

Filed April 12, 1972

Eunice B. Blackmon Clerk

APR 13 1972

John A. Courtney

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

APR 13 1972

19.....

TALL

SHERIFF

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

3-1-72
100 Baptist Church
100 First Baptist Church
100 Wade Ward 4-14-72
100 Lillian Calloway 4-14-72
92 Mrs. Frank Sanders 4-14-72
72 Mrs. Citer Lee 4-14-72
100 Mrs. Frank Montgomery 4-14-72
644

Sheriff claims \$72 64.40

Ten Cents per mile Total \$ 5.92

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

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JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

JAMES W. JAMES, Sheriff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 10,345

TERM. 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon The First Baptist Church of Gulf Shores, a Corp.

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

The First Baptist Church pf Gulf Shores, A Corp. Defendant

by Heywood Miller

Plaintiff

Witness my hand this 28th day of November 19 72

Emin B. Blackman, Clerk

THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

HEYWOOD MILLER

Plaintiffs

vs.

THE FIRST BAPTIST CHURCH OF GULF SHORES,
a corporation

Defendants

SUMMONS AND *Amended* COMPLAINT

Filed November 28, 1972

EUNICE B. BLACKMON

Clerk

JOHN A. COURTNEY

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED
Received in Office

NOV 28 1972

19.....

TAYLOR WILKINS

Sheriff

SHERIFF

I have executed this summons

this

12/16 1972

by leaving a copy with

The 1st Baptist Church,
Gulf Shores, Ala.

By: Leroy C. Trotter
Chm. of Board of Deacons

Sheriff claims 10.5 miles at

Ten Cents per mile Total \$ 1.05

TAYLOR WILKINS, Sheriff

BY Deacons
DEPUTY SHERIFF

Inglesworth, Sheriff

W. L. Thorne Deputy Sheriff

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 10,345

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon The First Baptist Church of Gulf Shores, a Corp.

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

The First Baptist Church of Gulf Shores, A Corp......, Defendant.....

by Heywood Miller

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

Witness my hand this..... 28th day of..... November 19 72

Emin B. Blackmer....., Clerk

HEYWOOD MILLER,	§	IN THE CIRCUIT COURT
Plaintiff,	§	OF BALDWIN COUNTY,
VS.	§	ALABAMA
WADE WARD, MRS. LILLIAN	§	
CALLOWAY, MRS. FRANK	§	
SANDERS, MRS. CATER LEE,	§	
MRS. FRANK MONTGOMERY,	§	
as members of the Board of	§	
Trustees of Gulf Coast Academy,	§	
and GULF COAST ACADEMY,	§	
a corporation, and THE FIRST	§	
BAPTIST CHURCH OF GULF	§	
SHORES, a corporation doing	§	
business as GULF COAST	§	
ACADEMY, separately and	§	
severally,	§	
Defendants.	§	CASE NO. <u>10,345</u>

COUNT ONE

Plaintiff claims of the Defendants the sum of TWO THOUSAND FIVE HUNDRED AND NO/100 (\$2,500.00) DOLLARS, as damages, for breach of a written contract entered into between the Plaintiff and the Defendants on or about the 9th day of September, 1971, by the terms of which said written contract your Plaintiff was to perform certain duties for the Defendant Gulf Coast Academy at a stipulated salary of \$500.00 per month, said contract to run from September of 1971 through May of 1972;

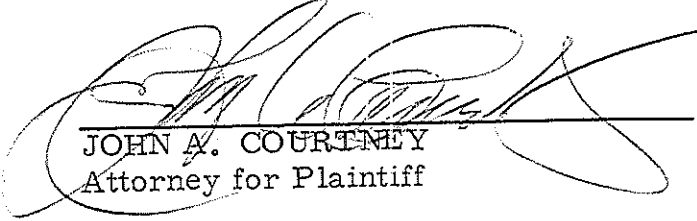
Your Plaintiff avers that although your Plaintiff was ready, willing and able to perform his said contract, the Defendants breached said contract with your Plaintiff by dismissing him in violation of the terms of his said contract on or about the 30th day of December, 1971 without any fault or cause on the part of your Plaintiff, and had failed or refused to pay him for the balance of said contract term, wherefore your Plaintiff

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APR 12 1972

EUNICE B. BLACKMON CIRCUIT CLERK

claims damages in the amount aforesaid for the said breach of said contract as aforesaid.


JOHN A. COURTNEY
Attorney for Plaintiff

The First Baptist Church may be served at Gulf Shores, Alabama ✓

Gulf Coast Academy may be served at Gulf Shores, Alabama ✓

Wade Ward may be served in care of Myer Real Estate, Gulf Shores, Alabama ✓

Lillian Calloway may be served at Calloway Store, Fort Morgan Road, Gulf Shores, Alabama ✓

Mrs. Frank Sanders may be served at Foley, Alabama ✓

Mrs. Cater Lee may be served at Foley, Alabama ✓

Mrs. Frank Montgomery may be served at Gulf Shores, Alabama ✓

FILED

APR 12 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

HEYWOOD MILLER,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA,
)	
vs.)	
)	
WADE WARD, MRS. LILLIAN CALLOWAY,)	
MRS. FRANK SANDERS, MRS. CATER LEE,)	
MRS. FRANK MONTGOMERY, as members)	
of the Board of Trustees of Gulf)	
Coast Academy, and GULF COAST)	
ACADEMY, a corporation, and THE)	
FIRST BAPTIST CHURCH OF GULF SHORES,)	
a corporation, doing business as)	
GULF COAST ACADEMY, separately and)	
severally.)	
)	
Defendants.)	CASE NO. <u>10,345</u>

PLEA IN ABATEMENT

Comes the Defendants in the above styled cause and appearing especially for the purpose of filing this plea and for no other purpose, shows unto this Honorable Court the following:

1. That the First Baptist Church of Gulf Shores, Gulf Shores, Alabama, is a non-profit corporation in the State of Alabama, domiciled in Gulf Shores, Alabama, and as such corporation has a Board of Trustees composed, as of the 2nd day of September, 1971, of G. M. McLeod, John T. Jackson and Wade Ward, who have served continuously from that date to the present as such Trustees.

2. That the First Baptist Church of Gulf Shores, a corporation, also has a Board of Deacons which, as of the 2nd day of September, 1971, was composed of Frank Montgomery, Wade Ward, D. L. Nelson and Roy Gallaway, who have served continuously from that date to the present.

3. That the First Baptist Church of Gulf Shores, Alabama, a corporation, owns and operates an academy or institution of learning known as Gulf Coast Academy, Gulf Shores, Alabama, which said academy is not incorporated and has no officers or directors as such.

4. That a group of persons interested in education in a religious or spiritual atmosphere were designated by the membership of the First Baptist Church of Gulf Shores, a corporation, to serve in a liaison capacity with the principal and instructors of the academy, and reporting to the membership. This group, which has

variously been referred to as "The Board" or as "Trustees", was, as of the 30th day of December, 1971, composed of Wade Ward, Mrs. Lillian Calloway, Mrs. Frank Sanders, Mrs. Cater Lee, and Mrs. Frank Montgomery, which said group has no authority to act for or in behalf of the First Baptist Church of Gulf Shores, a corporation, except as specifically approved and authorized by said Church.

Defendants, therefore, show that for one or more of the matters and facts set out above, that this cause should be abated and should not be allowed to proceed against those defendants above named.

Thomas W. Underwood Jr. for C.G. Chason
C. G. Chason, Attorney for Defendants
Frank Montgomery

STATE OF ALABAMA

BALDWIN COUNTY

Before me, a Notary Public in and for said County in said State, personally appeared Frank Montgomery, who deposes and says under oath, that he is a member of the First Baptist Church of Gulf Shores, a corporation, and is on the Board of Deacons of said First Baptist Church of Gulf Shores, a corporation, and as such is cognizant of the facts set forth in the foregoing Plea and that said facts are true and correct.

Sworn to and subscribed before me on this the 16th day of May, 1972.

Virginia Dodd
Notary Public, Baldwin County
State of Alabama
at large

FILED

MAY 11 1972

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11th day of MAY, 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.

EUNICE B. BLACKMON CIRCUIT CLERK

C & U

Thomas W. Underwood Jr.

HEYWOOD MILLER,)	IN THE CIRCUIT COURT OF BALDWIN
)	
Plaintiff,)	COUNTY, ALABAMA,
)	
vs.)	
)	
WADE WARD, et al,)	
)	
Defendants.)	CASE NO. 10,345

The parties to the above styled cause having agreed by and through their respective attorneys of record that the Plea in Abatement heretofore filed in this cause should be sustained,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Plea in Abatement of the Defendants is hereby sustained.

William B. Madaleno
 Judge, 28th Judicial Circuit

FILED

NOV 1 1972

EUNICE B. BLACKMON CIRCUIT CLERK

CHASON & UNDERWOOD

Attorneys at Law

CECIL G. CHASON
THOMAS W. UNDERWOOD, JR.

December 7, 1972

P. O. DRAWER 458
216 W. LAUREL AVENUE
FOLEY, ALABAMA 36535
PHONE 205/943-3171

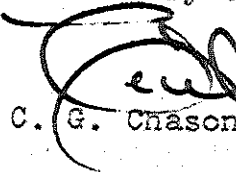
Hon. Telfair J. Mashburn
Judge of the Circuit Court
Baldwin County Courthouse
Bay Minette, Alabama 36507

Re: Miller vs. Ward, et al
Case Number 10,345

Dear Judge:

The above styled cause is set on the docket for Tuesday,
December 12th, but is not yet at issue. We would appreciate
your setting a hearing at your convenience.

Yours very truly,


C. G. Chason

CGC/vd

cc: ✓ Ms Eunice Blackmon
Mr. John Courtney

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