

GIBBONS, STOKES & CLARK

ATTORNEYS AT LAW
160 CONGRESS STREET
MOBILE, ALABAMA
TELEPHONE 433-1831

E. GRAHAM GIBBONS
BEN STOKES
ROBERT F. CLARK
MICHAEL GILLION

June 19, 1974

MAILING ADDRESS
P. O. DRAWER 889
MOBILE, ALABAMA 36601

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

RE: #10412 Nikko Electric Corp. vs Henry H. Sull, Jr.

(PLEASE REFER TO ITEMS CHECKED BELOW)

Dear Sir:

1. () Please issue an alias (pluries) complaint and summons at the following address:
2. () Please issue a Writ of Discovery to the defendant, commanding him to file in Court a sworn list of his assets, if any.
3. () Please discharge the garnishee in the above styled cause.
4. () Please also send the garnishment release to the garnishee in the enclosed self-addressed, pre-metered envelope.
5. () Please furnish me with a Certificate of Judgment in the above case. My check in the amount of \$.50 is enclosed.
6. () Please issue a Certificate of Judgment and I would appreciate it if you would also record it in the Probate Court. My check for \$2.00 is enclosed.
7. () Please issue an alias execution against the defendant. Also, please forward the enclosed letter to the Sheriff requesting a levy.
8. () Please (dismiss) (non-suit) the above case on motion of plaintiff.
9. () Please give the bearer of this letter a copy of the release.
10. () Please find my check enclosed in the amount of \$_____ to pay the court costs.
11. () Please send me your bill of costs.

REMARKS:

Sincerely yours,

Robert F. Clark
Robert F. Clark

E. G. RICKARBY
DANIEL A. BENTON
TELEPHONE
(205) 928-2308

LAW OFFICES
RICKARBY & BENTON
ATTORNEYS AT LAW
516 MAGNOLIA AVENUE
P. O. BOX 471
FAIRHOPE, ALABAMA 36532

DAPHNE BRANCH
EARLE REALTY BUILDING
HIGHWAY 98
TELEPHONE
(205) 626-2608

May 15, 1972

Mrs. Eunice B. Blackmon
Clerk of the Circuit Court
Bay Minette, Alabama 36507

Re: Nikko Electric Corp. of America
vs. Henry H. Sully, Jr.

Dear Mrs. Blackmon:

Enclosed find Summons and Complaint, an itemized and verified statement of account, and deposit for costs in the sum of \$35.00. Please process. I'm obliged.

Yours very truly,


E. G. Rickarby

EGR:lp
Enclosures

NIKKO ELECTRIC CORPORATION
OF AMERICA, A CORPORATION

PLAINTIFF

Vs.

HENRY H. SULLY, JR.

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

CASE NO: 10,412

D E M U R R E R

COMES THE DEFENDANT HENRY H. SULLY, JR., IN THE ABOVE
STYLED CAUSE AND DEMURS TO THE PLAINTIFF'S COMPLAINT, AND TO EACH
COUNT THEREOF SEPARATELY AND SEVERALLY, AND ASSIGNS THE FOLLOWING
GROUNDS OF DEMURRER:

1. IT DOES NOT APPEAR THEREFROM THAT THE DEFENDANT
RECEIVED ANY MERCHANDISE, GOODS OR CHATTELS FROM THE PLAINTIFF.
2. SAID COUNT IS VAGUE AND INDEFINITE.
3. IT DOES NOT APPEAR THEREFROM WHAT AMOUNT WAS DUE
WITH REGARD TO THE INTEREST ON THE ALLEGED ACCOUNT.
4. THE ITEMIZED AND VERIFIED STATEMENT IS VAGUE AND
INDEFINITE AND DOES NOT SUFFICIENTLY DESCRIBED THE GOODS DUE UNDER
THE ALLEGED ACCOUNT, AS SET FORTH IN SAID COUNT.

BAILEY & TAYLOR

By: Lloyd E Taylor
ATTORNEYS FOR THE DEFENDANT

FOR A TRIAL IN THIS CAUSE THE
DEFENDANT DEMANDS A TRIAL BY JURY.

Lloyd E Taylor

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 6-5-72
served a copy of the foregoing on E. H. RICKARBY
By mailing the same by United States Mail, Properly addressed, and First
Class Postage Prepaid.

BAILEY & TAYLOR

By: Lloyd E Taylor

FILED

JUN 6 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALA.

NIKKO ELECTRIC CORPORATION)

Plaintiff)

VS) CASE NO. 10412

HENRY H. SULLY, JR.)

Defendant)

AMENDED COMPLAINT

Comes now the plaintiff in the above styled cause and files an amended complaint by adding thereto the following count:

COUNT TWO

Plaintiff claims of the defendant \$1,000.00 due from him by account on February 26, 1971, which sum of money with the interest thereon, is still unpaid. This suit is filed on an itemized verified account, which will be offered in evidence at trial.

GIBBONS, STOKES & CLARK

BY: *Michael Gilman*
P. C. District 833
Mobile, Alabama 36601
433 1431

Serve the defendant: 300 N. Bayview St., Fairhope, Ala.

FILED

JAN 23 1974

EUNICE B. BLACKMON CIRCUIT CLERK

SUMMONS

MOORE Prtg. Co., Bay Minette

NIKKO ELECTRIC CORPORATION

Circuit Court, Baldwin County, Alabama

Vs. Plaintiff

Civil Action No. 10,412

HENRY H. SULLY, JR.

Defendant

..... 19.....

To Any Sheriff or any person authorized by Rule 4 (a) (3) of the Alabama Rules of Civil Procedure to effect service in the State of Alabama:

You are hereby commanded to serve this summons and a copy of the complaint in this action upon defendant Henry H. Sully, Jr.

Each defendant is required to serve a copy of a written answer to the complaint upon Gibbons, Stokes & Clark, attorneys of record for the plaintiff whose address is

P. O. Drawer 889- Mobile, Alabama 36601 within thirty (30) days after service of this summons excluding the day of service of the summons and to file the original of said written answer with the Clerk of this Court at the time of service of the answer upon the attorney of record for the Plaintiff or within a reasonable time thereafter. If any defendant fails to do so, a judgment by default may be entered against that defendant for the relief complained of in the complaint.

Dated January 23, 1974

Ernie B. Blackmon
Clerk of Circuit Court

9990
Civil Action No. 10,412

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

NIKKO ELECTRIC CORPORATION

Plaintiffs

vs.

HENRY H. SULLY, JR.

Defendants

SUMMONS &
AMENDED COMPLAINT

Filed January 23, 1974

Eunice B. Blackmon Clerk

Gibbons, Stokes & Clark

Plaintiff's Attorney

Defendant's Attorney

N/F Moved
TO OFFICE 1-30-74
Defendant lives at *[Signature]*

Received In Office
RECEIVED

JAN 23 1974

I have executed this summons
TAYLOR WILKINS
SHERIFF

this
by leaving a copy with

Henry H. Sully, Jr.

300 Cents per mile Total
TAYLOR WILKINS, Sheriff

BAILEY, TAYLOR & BENTON
ATTORNEYS AT LAW
61 NORTH SECTION STREET
P. O. BOX 361
FAIRHOPE, ALABAMA 36532

ERNEST M. BAILEY
LLOYD E. TAYLOR
DANIEL A. BENTON

TELEPHONES
(205) 928-2393
(205) 928-2308

February 8, 1974

Honorable Telfair J. Mashburn
Judge of the Circuit Court
Bay Minette, Alabama 36507

Re: Nikko Electric Corporation
v. Henry H. Sully, Jr.

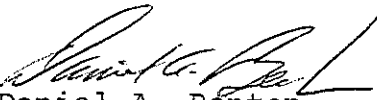
10.412

Dear Judge Mashburn:

Mr. Rickarby is no longer actively practicing law and will not be able to handle the above styled case.

The firm of Gibbons, Stokes & Clark in Mobile is handling this case on behalf of the plaintiff.

Respectfully submitted,


Daniel A. Benton

DAB:w
cc-Mrs. Blackmon, Clerk

NIKKO ELECTRIC CORPORATION	)	
OF AMERICA, a corporation,	)	IN THE CIRCUIT COURT OF
	)	
Plaintiff,	)	BALDWIN COUNTY, ALABAMA
	)	
vs.	)	AT LAW
	)	
HENRY H. SULLY, JR.,	)	
	)	
Defendant.	)	Case No. <u>10,412</u>

C O M P L A I N T

COUNT I.

The Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED EIGHTY-NINE AND 38/100 (\$2,589.38) DOLLARS due from him by account on, to-wit, the 13th day of May, 1970, which sum of money with interest thereon is still unpaid. The account sued on is evidenced by an itemized and verified statement filed herewith.

COUNT II.

The Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED EIGHTY-NINE AND 38/100 (\$2,589.38) DOLLARS due from him by account stated between Plaintiff and the Defendant on, to-wit, the 13th day of May, 1970, which sum of money with interest thereon is still unpaid.

COUNT III.

The Plaintiff claims of the Defendant the sum of TWO THOUSAND FIVE HUNDRED EIGHTY-NINE AND 38/100 (\$2,589.38) DOLLARS due it for merchandise, goods and chattels sold by the Plaintiff on, to-wit, the 13th day of May, 1970, which sum of money with interest thereon is still unpaid.



 E. G. RICKARBY,
 Attorney for Plaintiff.

Defendant's address is:

300 North Bancroft
Fairhope, Alabama

FILED

MAY 19 1972

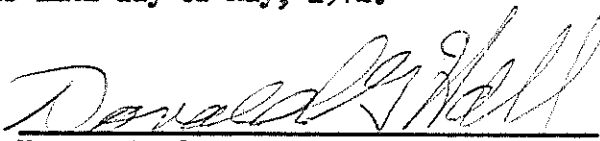
EUNICE B. BLACKMON CIRCUIT
CLERK

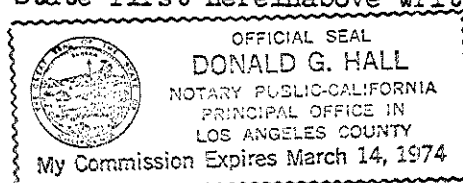
STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

Before me, the undersigned authority, on this day personally appeared YOSHIHIKO MEZAKI, known to me, who being duly sworn, upon oath deposes and says that he is the Vice President and duly authorized agent of NIKKO ELECTRIC CORPORATION OF AMERICA, a corporation duly incorporated and existing under the laws of the State of California; that the attached account against HENRY H. SULLY, JR., constituting this cause of action, is taken from original books of entry and is just and true within the knowledge of this affiant; that all just and lawful offsets, payments and credits have been allowed and that the sum of TWO THOUSAND FIVE HUNDRED EIGHTY-NINE and 38/100 DOLLARS (\$2589.38) is due, owing and unpaid.


YOSHIHIKO MEZAKI, AFFIANT

Subscribed and sworn to before me this ^{12th} ~~15th~~ day of May, 1972.


Notary Public in and for the County
and State first hereinabove written



ITEMIZED STATEMENT OF ACCOUNT

Invoice Number	Date	Quantity	Model	Serial No.	Credit Memo	Total Charge
3133	5-24-69	1	STA-501	57878	* 0024 (7)	
3133	5-24-69	1	STA-701	74082	* 0024 (10)	
3233	6-06-69	1 pr.	SS-83	1771-1772		44.98
3233	6-06-69	1	TRM-40	4889	* 0718 (4)	
3233	6-06-69	1	FAM-12	54257	* 0718 (6)	
3233	6-06-69	1	STA-301	30587	0100	
3305	6-20-69	1	STA-501	57504	* 0024 (8)	
3306	6-20-69	1 pr.	SS-83	1775-1776		44.98
3351	7-01-69	1	STA-701	73915	* 0024 (11)	
3412	7-11-69	1	STA-301	30879	0100	
3412	7-11-69	1 pr.	SS-83	1951-1952		44.98
4030	10-07-69	1	FAM-14	00618		69.98
4030	10-07-69	1	TRM-50	00534		59.98
4373	11-14-69	1	STA-501	50244	* 0024 (9)	
L-0012	2-03-70	1	STA-501	1200056		94.98
L-0012	2-03-70	1	STA-301	34443	0598	
L-0012	2-03-70	1	STA-301	33731	* 0100 (1)	
L-0012	2-03-70	1	STA-701	74988	0718	
L-0012	2-03-70	1	STA-701	72757		119.98
L-0012	2-03-70	1	TRM-50	01582		59.98
L-0012	2-03-70	1	TRM-50	01369	0359	
L-0012	2-03-70	1	TRM-40	9744	0718	
L-0012	2-03-70	1	TRM-40	9661	0359	
L-0012	2-03-70	1	FAM-14	00013	0359	
L-0012	2-03-70	1	FAM-14	00788		69.98
L-0012	2-03-70	1	FAM-12	54469	0718	
L-0012	2-03-70	1	FAM-12	54215		54.98
L-0012	2-03-70	1 p r.	SS-83	3733-3734		44.98
L-0012	2-03-70	1 pr.	SS-83	3781-3782		44.98
L-0013	2-03-70	1	STA-701	75563		119.98
L-0040	4-20-70	1	STA-501	1200628		94.98
L-0040	4-20-70	1	STA-501	1200527		94.98
L-0040	4-20-70	1	STA-501	1200525		94.98
L-0040	4-20-70	1	STA-301	34809	* 0718 (2)	
L-0040	4-20-70	1	STA-301	34886	* 0718 (3)	
L-0040	4-20-70	1	STA-301	35438		79.98
L-0054	6-03-70	1	STA-301	35306		79.98
L-0054	6-03-70	1	TRM-40	3100135	* 0718 (5)	
L-0078	7-17-70	1	STA-1101W	1600510	0718	
L-0078	7-17-70	1	STA-1101W	1600513		209.98
L-0078	7-17-70	1	TRM-1200	3600335		124.98
L-0078	7-17-70	1	TRM-1200	3600143		124.98
L-0088	7-31-70	1	STA-1101W	1600893		209.98
L-0088	7-31-70	1	TRM-1200	3600138		124.98
L-0091	8-12-70	1	TRM-40	10091		54.98
L-0091	8-12-70	1	TRM-40	10071		54.98
L-0091	8-12-70	1	TRM-40	10093		54.98
L-0091	8-12-70	1	TRM-40	10033	0359	
L-0091	8-12-70	1	TRM-40	10021		54.98
L-0091	8-12-70	1	TRM-40	10098		54.98
L-0091	8-12-70	1	FAM-12	56029		59.98
L-0091	8-12-70	1	FAM-12	54901	0718	
L-0091	8-12-70	1	FAM-12	56126		59.98
L-0091	8-12-70	1	FAM-12	56009	0718	
L-0091	8-12-70	1	FAM-12	56043	0718	
L-0091	8-12-70	1	FAM-12	56106	0718	
L-0091	8-12-70	1	STA-301	33747	0359	
L-0091	8-12-70	1	STA-301	32789		79.98
L-0091	8-12-70	1	STA-301	33800	0359	
L-0145	2-26-71	1	CR-301	9000482	0718	
L-9145	2-26-71	1 pr.	SS-85	9200166		
				/ 9200178	0718	
5491	5-13-70	1	TRM-40	10429	0363	

TOTAL AMOUNT OWING NIKKO \$ 2589.38

*The following units were returned to Nikko for credit; the units returned were not originally shipped under the Sully Loan Account, but were obtained by exchange of stock with customers in the representative territory.

- | | |
|---|--|
| (1) - STA-301, S/N 30812 - Credit 0100 | (7) - STA-501, S/N unknown, Credit 0024 |
| (2) - STA-301, S/N 34420, - Credit 0718 | (8) - STA-501, S/N unknown, Credit 0024 |
| (3) - STA-301, S/N 32750 - Credit 0718 | (9) - STA-501, S/N unknown, Credit 0024 |
| (4) - TRM-40, S/N 10141 - Credit 0718 | (10) - STA-701, S/N unknown, Credit 0024 |
| (5) - TRM-40, S/N 3541 - Credit 0718 | (11) - STA-701, S/N unknown, Credit 0024 |
| (6) - FAM-12, S/N 53289 - Credit 0718 | |

SUMMONS AND COMPLAINT

MOORE PRINTING CO. BAY MINETTE ALA.

STATE OF ALABAMA

Baldwin County

Circuit Court, Baldwin County

No. 10,412

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Henry H. Sully, Jr.

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.....

Henry H. Sully, Jr. Defendant.....

by Nikko Electric Corporation of America, a corporation

Plaintiff.....

witness my hand this 19th day of May 1972

Eunice B. Blackman Clerk

STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

NIRKO ELECTRIC CORPORATION OF AMERICA,

A CORPORATION

Plaintiffs

VS.

300N Bay View

HENRY H. SULLY, RX JR.

Defendants

300N Bay View St
FARMINGTON, ALA

SUMMONS AND COMPLAINT

Filed May 19, 1972

Eunice B. Blackmon

Clerk

FILED MAY 19 1972

MAY 19 1972

EUNICE B. BLACKMON

CIRCUIT
CLERK

Rickarby & Benton

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19.....

Sheriff

I have executed this summons

this

20 May

1972

by leaving a copy with

Henry H. Sully, Jr.

Sheriff claims

70

miles or

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY

DEPUTY SHERIFF

Taylor Wilkins

Sheriff

W. Crook

Deputy Sheriff