STATE OF ALABAMA BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. E. Kennedy to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county at the place of holding the same, then and there to answer the complaint of J. W. Hayles, doing business as Hayles Independent Oil Company.

WITNESS my hand this / day of October, 1972.

Defendant may be served at Stapleton, Alabama.

\* \*

J. W. HAYLES, d/b/a Hayles Independent Oil Company,

Plaintiff,

VS.

J. E. KENNEDY,

Defendant.

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

AT LAW

10.652

COMPLAINT

COUNT ONE

Plaintiff claims of the defendant Seven Hundred Twentyseven Dollars (\$727.00) due by check drawn by the defendant on the 9th day of April, 1972, and the said check having been returned marked "No Account" of which the defendant had due notice and which check is, with interest thereon, due and unpaid. Plaintiff claims the further sum of One Hundred Dollars (\$100.00) as a reasonable attorney's fee in this cause in accordance with Title 7, Section 131(1) of the Code of Alabama.

COUNT TWO

The plaintiff claims of the defendant Seven Hundred Twentyseven Dollars (\$727.00) for money paid by the plaintiff for the defendant on the 9th day of April, 1972, at his request, which sum

money, with the interest thereon, is still unpaid.

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J. W. HAYLES, d/b/a Hayles Independent Oil Company,

IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA Ŏ

۷s.

AT LAW

J. E. KENNEDY,

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Defendant.

NUMBER: 10,652

Comes now Defendant in the above styled cause and amends his answer to read as follows:

- 1. Not guilty.
- The matters alleged therein are untrue.
- The check, the foundation for this suit, was without consideration.
- 4. There was no consideration for the check, the foundation of this suit.
- 5. The check, the foundation of this suit, was given for a gambling consideration.
- 6. The debt, evidenced by the check, which is the foundation of this suit, is void for that it is based upon a gambling contract as described in Title 9, Section 44, Code of Alabama 1940 as recompiled and amended.

Attorney for Defendant

Filed

June 19, 1973

parties to this properting by mailing the same by United Sixtees

Mail, properly addressed, with first class postage prepart.

J. W. HAYLES, d/b/a Hayles
Independent Oil Company,

IN THE CIRCUIT COURT OF

Plaintiff,

BALDWIN COUNTY, ALABAMA

AT LAW

۷s.

J. E. KENNEDY,

Defendant.

NUMBER: 10,652

Comes now Defendant in the above styled cause and for answer to Plaintiff's complaint says as follows:

- 1. Not guilty.
- 2. The matters alleged therein are untrue.

lson Hayes

Attorney for Defendant

Defendant demands trial by Jury.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 23 day of act \*9....., served a copy of the foregoing electing on course for all gailed to this proceeding by making the same by United States Mail, properly addressed, with first class postery propoid.

FILED

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EUNICE B. BLACKMON CIRCUIT