

MOBILE SHOE COMPANY, INC.,) IN THE CIRCUIT COURT OF
a corporation,)
Plaintiff,) BALDWIN COUNTY, ALABAMA
VS.) AT LAW
J. B. HOLLY,) NO. 2231
Defendant.)

COUNT ONE

Plaintiff claims of the Defendant the sum of THREE HUNDRED SEVENTY ONE AND 13/100 (\$371.13) DOLLARS, due from him by account from the 31st day of August, 1953 to the 22nd day of March, 1954, which sum of money, with interest thereon, is still due and unpaid.

COUNT TWO

Plaintiff claims of the Defendant the sum of THREE HUNDRED SEVENTY ONE AND 13/100 (\$371.13) DOLLARS, due from him by account stated between Plaintiff and Defendant from the 31st day of August, 1953 to the 22nd day of March, 1954, which sum of money, with interest thereon, is still due and unpaid.

COUNT THREE

Plaintiff claims of the Defendant the sum of THREE HUNDRED SEVENTY ONE AND 13/100 (\$371.13) DOLLARS, due from him for merchandise, goods and chattels sold by Plaintiff to Defendant from the 31st day of August, 1953 to the 22nd day of March, 1954, which sum of money, with interest thereon, is still due and unpaid.

J. F. Reynolds & Wm. R. Downing
ATTORNEYS FOR PLAINTIFF

Itemized verified statement of account is attached hereto, filed herewith and made a part hereof.

J. F. Reynolds & Wm. R. Downing
ATTORNEYS FOR PLAINTIFF

Defendant's Address:

Highway 31, (Telephone No. 6441)
Bay Minette, Alabama

STATE OF ALABAMA
COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, personally appeared R. M. Fuller, who, being by me duly sworn, deposes and says, that he is Secretary-Treasurer for the Mobile Shoe Company, Inc., a corporation; that as said officer, he is authorized to make this oath as the act of this corporation; that the annexed statement of the account of said corporation against J. B. Holley of Bay Minette, Alabama, is just, true and correct; that there is now due on said account the sum of \$371.13, after deducting all credits, set offs or counterclaims.

R. M. Fuller
Affiant

Sworn to and subscribed before me

this 14th day of April, 1954.

Marion McMillan
Notary Public, Mobile County, Alabama

FILED

4-15-54

ALICE J. DUCK, Clerk

SUMMONS AND COMPLAINT

Moore Ptg. Co.

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 J. B. Holly

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 _____

~~Mobile Shoe Company, Inc. a corp~~ J. B. Holly, Defendant.

by Mobile Shoe Company, Inc. a corp

_____, Plaintiff.

Witness my hand this 15th day of April 1954

Wesley H. Smith, Clerk

001
PAGE 354

No. 2-2-31

Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

MOBILE SHOE COMPANY., INC a corp

Plaintiffs

vs.

J. B. HOLLY

Defendants

Summons and Complaint

Filed 4-15-54 19

Allice J. French Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

April 15 1954

Taylor Williams Sheriff

I have executed this summons

this 4/16 1954

by leaving a copy with

J. B. Holly

Taylor Williams Sheriff
P. S. Sells Deputy Sheriff

MOBILE SHOE COMPANY, INC.,
A Corporation,

Plaintiff,

vs

J. B. HOLLY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes the Defendant in the above styled cause and for answer to
said complaint and each count separately and severally therein, says:

1.

Nut tiel Corporation.

2.

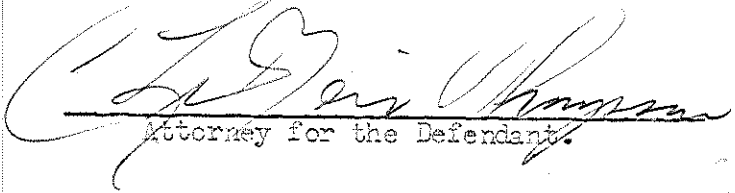
He denies the allegations as to Count One.

3.

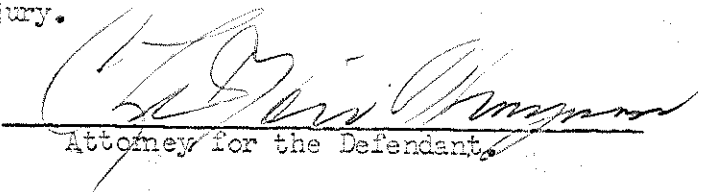
He denies the allegations as to Count Two.

4.

He denies the allegations as to Count Three.


Attorney for the Defendant.

Defendant demands a trial by jury.


Attorney for the Defendant.

FILED

5-26-54

ALICE J. DUCK, Clerk.

MOBILE SHOE COMPANY, INC.,
A Corporation,

Plaintiff,

vs.

J. B. HOLLY,

Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2231

Comes now the Plaintiff, by its attorneys, and moves this Honorable Court to strike plea numbered "1." heretofore filed on behalf of the Defendant and assigns the following separate and several grounds in support of its motion:

1. That said plea is not verified as required by law.
2. That said plea is not sworn to as required by law.
3. That said plea is not verified by affidavits filed within the time allowed for filing pleas in abatement as required by the provisions of Title 7, Section 377 of the Code of Alabama of 1940.

Now comes the Plaintiff, by its attorneys, and further moves this Honorable Court to strike the jury demand endorsed upon the answer heretofore filed by the Defendant and assigns the following separate and several grounds in support thereof:

1. That the Defendant did not demand in writing a trial by jury within thirty days after the perfection of service upon him.
2. For that the right to have this cause tried by a jury has been waived by the Defendant in that he did not file a demand for a jury trial within the time prescribed by law.
3. That said jury demand was not made within the time prescribed by law.
4. That said jury demand does not comply with the provisions of Title 7, Section 260 of the Code of Alabama of 1940.

WHEREFORE, the premises considered the Plaintiff respectfully prays that this Honorable Court enter an order striking plea numbered "1." and the jury demand endorsed on the answer heretofore filed by the Defendant.

Respectfully submitted,

J. TERRY REYNOLDS, JR. and WILLIAM R. LAUTEN

and

CHASON & STONE

By:



Attorneys for Plaintiff.

FILED

6-3-54

ALICE J. DUCK, Clerk

MOBILE SHOE COMPANY, INC., A
Corporation,

Plaintiff,

vs.

J. B. HOLLY,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2231

MOTION TO STRIKE

FILED
JUN 2 1954
ALICE J. DUCK, Clerk

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

MOBILE SHOE COMPANY, Inc.

WHOLESALE FOOTWEAR

PHONE 2-5731

112 N. COMMERCE STREET

P. O. BOX 396

MOBILE 3, ALABAMA

APR 1 1954

J. B. Holly,
Rt. Highway 31,
Bay Minette, Ala.

Telephone No. 6441

TERMS: NET CASH — Payable 30 Days; 1% — 10 days from date of invoice only; interest after due date.

DATE	INVOICE No.	
Aug. 31, 1953	2846	287.85
Sept. 3	2904	33.48
22	3198	52.50
Oct. 8	3414	33.94
22	3653	31.88
Nov. 4	3868	<u>31.48</u>
		471.13
Mar. 22, 1954	Cash	<u>100.00</u>
	Balance due	\$371.13

CERTIFIED TRUE AND CORRECT



Secretary-Treas.

BRITTANY

JACKSON SQUARE

CAMPUS, JR.

BEACON FALLS

MOBILE SHOE COMPANY, INC.,
A Corporation,

Plaintiff,

VS

J. B. HOLLY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant in the above styled cause and for answer to
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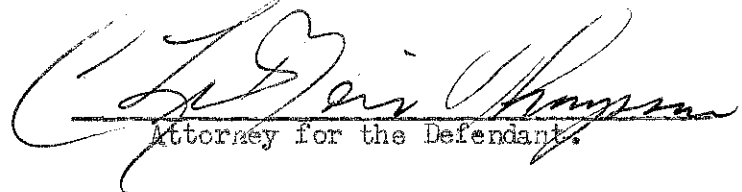
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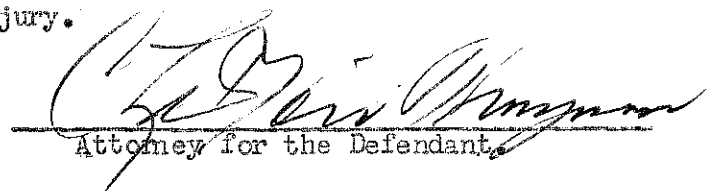
He denies the allegations as to Count Two.

4.

He denies the allegations as to Count Three.


Attorney for the Defendant.

Defendant demands a trial by jury.


Attorney for the Defendant.

FILED

5-26-54

ALICE J. DUCK, Clerk

2231
MOBILE SHOE COMPANY, INC.,
A Corporation,

Plaintiff,

vs

J. B. HOLLY,

Defendant.

Answer

C. LeNoir Thompson
Attorney At Law
Bay Minette, Alabama

FILED

MAY 26 1954

ALICE J. DUCK, Clerk

NO 2231

Mobile Shoe Co. inc
a corp

vs.

J B Hally

on acct

H-15154

Reynold & Lauter

LAW OFFICES OF
J. TERRY REYNOLDS, JR.
ATTORNEY AT LAW
605-6 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
—
TELEPHONE 3-3661

WILLIAM R. LAUTEN

April 14, 1954

Mrs. Alice J. Duck
Clerk, Circuit Court of Baldwin County
Bay Minette, Alabama

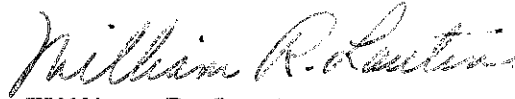
Re: Mobile Shoe Company, Inc.
Vs. J. B. Holly

Dear Mrs. Duck:

Will you please file the enclosed complaint and issue a summons to J. B. Holly. As you know, the Defendant is in the grocery and hardware business in Bay Minette and can be served on Highway 31, just south of the viaduct. I would appreciate your able assistance in this matter.

With kindest regards, I am,

Sincerely yours,


William R. Lauten

WRL/mmc