

BRE UNDERWOOD

Plaintiff

VS

E. L. FRITCHETT and
AGNES FRITCHETT,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2242

Comes the Plaintiff in the above styled cause moves to strike Counts two and three of the answer filed by the defendants to the complaint heretofore filed in said cause and that basis for said motion shows unto this Honorable Court separately and severally as follows:

1. That Count two of said cause expressly sets out that the said action specified in Count two was for an assault and battery wherefore the present action concerns damaged property which was in no wise mentioned in said assault and battery action.

2. As to Count three of said answer that by said accord and satisfaction between the said Plaintiff herein and of the Defendants herein was in accord and satisfaction arising out of an assault and battery and in no wise covered damaged property, real or personal as alleged in the complaint of the instant suit, WHEREFORE THIS MOTION.

FILED

8-5-54

ALICE J. DUCK, Clerk

[Signature]
Attorney for Plaintiff.

2242

BEE UNDERWOOD

Plaintiff

VS

E. L. PRITCHETT and
AGNES PRITCHETT

Defendants

From the Law Offices of
C. LeMoire Thompson
Iray Minette, Alabama

FILED

AUG 5 1954

ALICE J. DUCK, Clerk

BEE UNDERWOOD,
 PLAINTIFF,
 VS
 E. L. PRITCHETT and
 AGNES PRITCHETT,
 DEFENDANTS.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 AT LAW

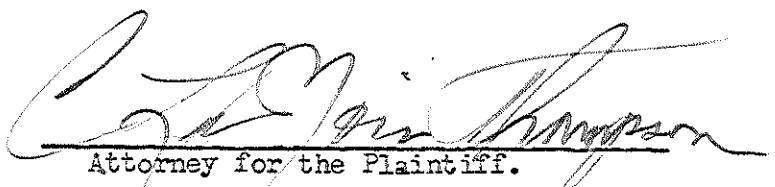
Comes the Plaintiff in the above styled cause and demur to pleas two and three filed by the Defendant in the above styled cause separately and severally and assign the following separate and several grounds, viz:

1. That said pleas do not state a defense to the cause of action.
2. That said plea two is vague and indefinite.
3. That said plea three is vague and indefinite.
4. That plea two fails to properly set out accord and satisfaction for the present cause.
5. That plea three fails to properly set out accord and satisfaction for the present cause.
6. That plea two is not a proper plea of res judicata.
7. That plea three is not a proper plea of res judicata.
8. That said plea two is not a proper plea of set-off.
9. That said plea three is not a proper plea of set-off.
10. That the cause alleged in plea two is not the same cause as in the instance action.

FILED

8-17-57

ALICE I. DUCK, Clerk


 Attorney for the Plaintiff.

BEE UNDERWOOD,
Plaintiff,

VS.

E. L. PRITCHETT AND
AGNES PRITCHETT,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2242

DEMURRER

Comes the defendants in the above entitled cause and demur to the complaint, and separately and severally to each count thereof, and for grounds of demurrer, assigns, separately and severally, the following:

1. No facts are alleged to show that plaintiff sustained any damage or injury as the result of any breach of duty on the part of the defendants.
2. Said counts are vague and indefinite.
3. Said counts do not described with sufficient certainty in what manner defendants damaged the plaintiff.
4. Said counts state no cause of action against the defendants.
5. Said counts do not with sufficient certainty apprise the defendants of the time, place and manner in which they were guilty of "loud and boisterous action".
6. The averments of "loud and boisterous action" are mere conclusions of the plaintiff, with no facts alleged in support thereof.
7. The averments that the "loud and boisterous action of the defendants caused the rental property adjacent to the rental property occupied by the defendants to be vacated by the tenants of said property" are merely conclusions of the plaintiff, with no facts alleged in support thereof.

FILED

5-26-54

ALICE J. DUCK, Clerk

Jeffrey H. Moore
Attorney for Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2242

BEE UNDERWOOD,
Plaintiff,

VS.

E. L. PRITCHETT, and AGNES
PRITCHETT,
Defendants.

DEMURRER.

FILED

MAY 26 1954

ALICE J. DUCK, Clerk

BEE UNDERWOOD,
 Plaintiff,
 VS.
 E. L. PRITCHETT and
 AGNES PRITCHETT,
 Defendants.

IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2242

A N S W E R

Comes now the defendants in the above styled cause, by their Attorney, Telfair J. Mashburn, Jr., and, for answer to the complaint heretofore filed in said cause and to each and every count thereof, separately and severally, say:

1.

That they are not guilty of the matters alleged therein.

2.

That the plaintiff ought not to maintain this action for that after the cause of action counted on in the complaint arose, the defendant, AGNES PRITCHETT, had a claim against the plaintiff for damages for an assault and battery committed by him on her, and the plaintiff and defendant on, to-wit: the 11th day of March, 1954, entered into an agreement whereby the said BEE UNDERWOOD agreed to pay to the said AGNES PRITCHETT Three Hundred (\$300.00) Dollars in full satisfaction of their mutual claims against each other--the said sum to be paid: One Hundred (\$100.00) Dollars in cash, which was paid, and Two Hundred (\$200.00) Dollars in Thirty days; that the said BEE UNDERWOOD agreed in open Court for such a judgment to be entered in her favor, but that he has failed and refused to pay the balance due of \$200.00; and that this suit is brought merely as a subterfuge to prevent the said Bee Underwood paying the said \$200.00 to the said Agnes Pritchett; wherefore the plaintiff ought not to maintain this suit.

3.

That there has been an accord and satisfaction of the demand upon which this suit is brought in this: That heretofore, on, to-wit: the 11th day of March, 1954, there was a bona fide dispute between the plaintiff, BEE UNDERWOOD, and the defendant, AGNES PRITCHETT; that the plaintiff, BEE UNDERWOOD, prior to the filing of this suit,

agreed to permit the defendant, AGNES PRITCHETT, take a consent judgment against him on, to-wit: the 11th day of March, 1954, in the Circuit Court of Baldwin County, Alabama, in the amount of THREE HUNDRED (\$300.00) DOLLARS in full settlement of their mutual claims; that the defendant, AGNES PRITCHETT, accepted said agreement and judgment in full satisfaction and discharge of her said claim; wherefore the plaintiff ought not to maintain this action.

Julian A. Maddebury
ATTORNEY FOR DEFENDANTS.

Defendants respectfully request that this cause be tried by a jury.

FILED

7-30-54

ALICE J. DUCK, Clerk

Julian A. Maddebury
ATTORNEY FOR DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW.

NO. 2242

BEE UNDERWOOD,

Plaintiff,

VS.

E. L. PRITCHETT and
AGNES PRITCHETT,

Defendants.

P L E A.

FILED

JUL 130 1954

ALICE J. BUCK, Clerk

*The jury find
for the defendant
D. O. Stuart
foreman*

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. 2242

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

E. L. Pritchett & Agnes Pritchett

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

E. L. Pritchett & Agnes Pritchett, Defendant

by B. Underwood

Plaintiff

Witness my hand this 26th day of April, 1924

Bessie J. Luck, Clerk

No. _____ Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

Summons and Complaint

Filed _____ 19 ____

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19 ____

, Sheriff

I have executed this summons

19 ____

by leaving a copy with

Sheriff

Deputy Sheriff

Underwood vs Pilchett

JURY LIST

Fall Term, September 13th, 1954

NO.	NAME	OCCUPATION	ADDRESS
1	George Garner	reserve mtr.	Stockton 103
2	B. Gilbert	mechanic	Bay Minette 102
3	Carol Bemis	fisherman	Bon Secour 101
4	Max Davis	merchant	Foley 106
5	James Nelson	fisherman	Bon Secour 101
6	J. W. Nelson	mechanic	Daphne 101
7	Arthur Clink	dairyman	Fairhope 100
8	Charles Bishop	slaughter pen	Fairhope
9	Elmer Kinsey, Jr.	mechanic	Foley 99
10	Jesse Burke	merchant	Fairhope
11	Hiram C. Taylor	farmer	Bay Minette
12	Clarence V. Dryer	pottery	Daphne
13	Dorris Dukes	restaurant	Foley
14	John R. Soesbe	mechanic	Foley 108
15	Matt Roberson	laborer	Robertsdale 105
16	Ray M. Harby	defense	Stapleton 2
17	Vincent J. Kline	garage owner	Fairhope
18	A. G. Allegri, Jr.	bookkeeper	Loxley
19	Aiton Crane	mechanic	Stockton 107
20	Frank J. Leutner	clerk	Summerdale 108
21	Einer Mikkelsen	farmer	Summerdale
22	G. O. Votova	farmer	Robertsdale 1011
23	Charlie Barnett	farmer	Gateswood
24	Thomas K. Jackson	farmer	Daphne
25	A. L. Craft	farmer	Daphne
26	Pete Fulford	fisherman	Bon Secour
27	A. W. Murrah	U. S. Govt.	Bay Minette 109
28	Carl F. Yenne	farmer	Point Clear 106
29	Anthony Smith	bank clerk	Foley
30	Chester Jones	Western Auto	Robertsdale 104
31	Sherman F. Lemler	utilities mgr.	Foley 104
32	D. O. Stuart	auditor	Foley
33	James T. Haden	salesman	Robertsdale 103
34	Joseph Liman	farmer	Lottie 106
35	W. B. Culver	nursery	Bay Minette 109
36	John A. Norris	farmer	Foley
37	A. G. Talbot		105

37
33
12
21

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