

STATE OF ALABAMA
BALDWIN COUNTY

2316

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon W. F. Pope and Gertrude Pope, d/b/a Fairhope Grocery and Market 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 same, then and there to answer the complaint of Pace Holland Company.

Witness my hand, this 13th day of July, 1954.

W. F. Pope
Clark

PACE HOLLAND COMPANY,
PLAINTIFF,
VS
W. F. POPE and GERTRUDE
POPE d/b/a FAIRHOPE GROCERY
AND MARKET,
DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

1.
Plaintiff claims of the Defendants One Thousand Seven Hundred Eighty-three & 28/100 (\$1783.28) Dollars due by promissory note made by them on the 18th day of December, 1951, and payable on the 18th day of June, 1952, with interest thereon.

2.
Plaintiff further claims a reasonable attorney fee in accordance with the provisions of said note for the collection thereof.

3.
Plaintiff claims of the Defendants Five Hundred Sixty-three & 94/100 (\$563.94) Dollars due from them by account on the 28th day of May, 1954, for merchandise, goods and chattels sold by the Plaintiff to the Defendants on to-wit, May 28, 1954; which sum of money with interest thereon is still unpaid.

W. F. Pope
Attorney for the Plaintiff.

PAGE-HOLLAND COMPANY,
Plaintiff,

vs.

W. F. POPE and GERTRUDE POPE,
doing business as FAIRHOPE
GROCERY AND MARKET,
Defendants.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 2316

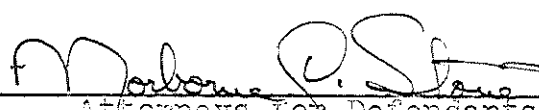
Come now the Defendants in the above styled cause, by their attorneys, and demur to the Complaint heretofore filed against them and to each Count thereof separately and severally and assign the following separate and several grounds in support thereof, viz:

1. That said Complaint fails to state a cause of action.
2. That Count Three of said Complaint fails to state a cause of action.
3. That there is a misjoinder of causes of action.
4. That there is a misjoinder in Count Three of said Complaint.
5. That Count Two of said Complaint is vague, indefinite and uncertain.
6. That Count Two of said Complaint fails to state a cause of action.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Defendants.

AMENDED COMPLAINT

PAGE HOLLAND COMPANY,

PLAINTIFF,

VS

W. F. POPE and GERTRUDE
POPE d/b/a FAIRHOPE GROCERY
AND MARKET,

DEFENDANTS.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

1.

The Plaintiff claims of the Defendants the sum of One Thousand Seven Hundred Eighty-three & 28/100 (\$1783.28) Dollars, due by Promissory Note made by them on the 18th day of December, 1951, and payable on the 18th day of June, 1952, with interest thereon.

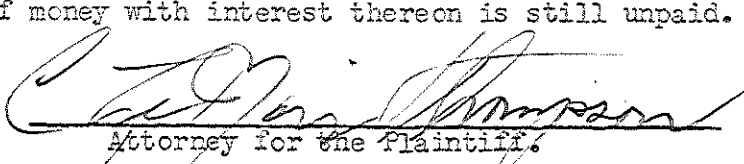
2.

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The Plaintiff further alleges that in and by the terms of said Promissory Note the Defendants severally agreed to pay all costs of collecting, or securing, or attempting to collect or secure this Note, including a reasonable Attorney's fee, whether the same be collected or secured by suit or otherwise and the Plaintiff alleges that the sum of Two Hundred Fifty (\$250.00) Dollars is a reasonable Attorney's fee in this regard and further claims of the Defendant said sum.

The Plaintiff further alleges that in and by the terms of said Promissory Note the Defendants severally waived as to this debt, or any renewal thereof, all right to exemption under the Constitution and Laws of Alabama, or any other State, as to personal property and the Plaintiff does hereby claim the benefit of said waiver.

3.

Plaintiff claims of the Defendant Five Hundred Sixty-three & 94/100 (\$563.94) Dollars due from them by account on the 28th day of May, 1954, for merchandise, goods and chattels sold by the Plaintiff to the Defendants on, to-wit, May 28, 1954; which sum of money with interest thereon is still unpaid.


Attorney for the Plaintiff.

1758.28
12-10-51

6-4-52
563.94

PACE-HOLLAND COMPANY,
Plaintiff,

vs.

W. F. POPE and GERTRUDE POPE
Individually and doing business
as FAIRHOPE GROCERY & MARKET,

Defendants

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

NO: 2316

PLEA

Come now the Defendants in the above styled cause, by their attorneys, and for answer to the Complaint as last amended heretofore filed against them, and to each count thereof, separately and severally, plead, separately and severally, the following:

1. That the allegations of said Complaint are untrue.

Respectfully Submitted,

CHASON & STONE

By: Melvin C. Stone
Attorneys for Defendants

STATE OF ALABAMA
BALDWIN COUNTY

Before me the undersigned authority personally appeared BOB LINDEN, who being duly sworn, deposes and says: That my name is BOB LINDEN, that I am employed by Pace Holland Company of Robertsdale in Baldwin County and that the records of said company are kept under my supervision. I further state that an agreement was entered into with W. F. Pope as to the basis of a settlement of the judgment obtained by Pace Holland against W. F. Pope in the Circuit Court of Baldwin County, Alabama and that the said W. F. Pope has not carried out the terms of the said agreement so that a balance of Two Hundred Twenty-five & no/100 (\$225.00) Dollars and interest thereon is still outstanding from said judgment which amount is yet due and unpaid.

Pace - Holland Co.
Bob Linden

Sworn to and subscribed before me this the 17th day of June, 1957.

C. L. Fair
Notary Public, Baldwin County, Alabama.

Filed 6-18-57
Archie French
Clerk