

2379

A. W. WILLIAMS INSPECTION COMPANY, a corporation,	§	IN THE CIRCUIT COURT OF
	§	
Plaintiff	§	
	§	
vs	§	BALDWIN COUNTY, ALABAMA,
	§	
THE TOWN OF DAPHNE, a Municipal Corporation	§	
	§	AT LAW
Defendant	§	

Comes the defendant in the above styled cause and answering complainant's complaint and each count thereof separately and severally says:

1. That the matters alleged therein are untrue.
2. That the defendant has paid the demands sued on.
3. That the account sued on grew out of a contract by and between the plaintiff and defendant entered into on May 9, 1953, wherein and whereby the said plaintiff agreed and undertook to drill, construct and install a municipal well and pump for the defendant and that in and by said contract the plaintiff agreed to drill, construct and install the said well and pump according to the plans and specifications of J. B. Converse & Co., Inc., engineers, at the agreed price of \$14,002.16, and to complete the same on or before June 19, 1953, and that the plaintiff breached the said contract in this that he did not complete the said contract on said date.
4. That the account sued on grew out of a contract by and between the plaintiff and defendant entered into on May 9, 1953, wherein and whereby the said plaintiff agreed and undertook to drill, construct and install a municipal well and pump for the defendant and that in and by said contract the plaintiff agreed to drill, construct and install the said well and pump according to the plans and specifications of J. B. Converse & Co., Inc., engineers, at the agreed price of \$14,002.16, and to complete the same on or before June 19, 1953, and that the plaintiff breached the said contract in this that he did not complete the said contract, and the plaintiff in and by said contract contracted and agreed to pay to the defendant the sum of \$45.00 for each day of delay in the

completion of the drilling, construction and installation of the said well and pump after June 19, 1953 and that the drilling, construction and installation of the said well and pump was not completed until 169 days after the date provided for completion thereof.

FILED

Dec. 8, 1954

ALICE J. DUCK, Clerk

Bebe S. Messinger
Attorney for defendant

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon The Town of Daphne, a Municipal Corporation, 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 A. W. Williams Inspection Company, A Corporation.

Witness my hand this 9th day of September, 1954.

Alice J. Duck
Clerk.

A. W. WILLIAMS INSPECTION
COMPANY, A Corporation,

Plaintiff,

vs.

THE TOWN OF DAPHNE, A
Municipal Corporation,

Defendant.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT ONE:

The Plaintiff claims of the Defendant Seven Thousand Six Hundred Five Dollars (\$7,605.00) due from it for work and labor done for the Defendant by the Plaintiff during the period of time from May 4, 1953, to December 8, 1953, at its request, which sum of money, with the interest thereon, is still unpaid.

COUNT TWO:

The Plaintiff claims of the Defendant Seven Thousand Six Hundred Five Dollars (\$7,605.00) due from it by account on the 9th day of December, 1953, which sum of money, with the interest thereon, is still unpaid.

FILED

9-9-54

ALICE J. DUCK, Clerk

AUSTILL & AUSTILL

and

CHASON & STONE

By:

Marlene S. Stone
Attorneys for Plaintiff.

The Plaintiff respectfully requests a trial of this cause
by a jury.

FILED

9-9-54

ALICE J. DICK, CLERK

CHASON & STONE

By: Malcolm G. Stone

Ms 2379

Sumner Austin Spencer

I day of *Sept* 19*54*
and on *28* day of *Sept* 19*54*
I served a copy of the within *O.C.C.*
on *Sumner Austin Spencer, a*
Municipal Corp.
By service on *Sumner Austin Spencer*

TAYLOR WILKINS, Sheriff
By *W. O. Spencer* S.

A. W. WILLIAMS INSPECTION COMPANY,
A Corporation,

Plaintiff,

vs.

THE TOWN OF DAPHNE, A Municipal
Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND COMPLAINT

LAW OFFICES
CHASON & STONE

A. W. WILLIAMS INSPECTION
COMPANY, A corporation,

Plaintiff

vs

THE TOWN OF DAPHNE, A
Municipal Corporation

Defendant

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

Comes the defendant in the above styled cause and demurring to plaintiff's complaint and each court thereof separately and severally says:

1. That complaint does not state a cause of action.
2. Said complaint does not allege what labor and material was furnished by the plaintiff to the defendant.
3. Said complaint does not allege when the defendant requested labor and material to be furnished by the plaintiff to the defendant.

FILED

Sept. 29, 1954

ALICE L. GUCK, Clerk

BEEBE & SWEARINGEN

BY W. C. Beebe
Attorneys for defendant