

ALTON E. SCHERMER, Individually,
and doing business as the
Schermer Pecan Company,
Plaintiff,

VS.

MAX K. LAWRENZ, SR., Individually,
and doing business as the
Southport SeaFoods Company, and
MAX K. LAWRENZ, JR., Individually,
and doing business as the
Southport SeaFoods Company, and
SOUTHPORT SEAFOODS COMPANY, A
CORPORATION,

BOOK 003 PAGE 215

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2418

Defendants.
MOTION TO QUASH SERVICE

Comes the Defendants, Max K. Lawrenz, Sr., and Max K. Lawrenz, Jr. for the special purpose of this motion and no other, and without waiving proper service thereon, moves the Court to quash the service in said cause and as grounds therefor, shows that the return of said process which was signed Taylor Wilkins, Sheriff, by Edleigh Steadham, D.S. recites service on Max K. Lawrenz, Sr., and Max K. Lawrenz, Jr. on the 25 day of October, 1954, which said recitation is untrue, said summons and complaint not having been served on Max K. Lawrenz, Sr. and Max K. Lawrenz, Jr. on that date.

Attorney for Defendants

STATE OF ALABAMA

BALDWIN COUNTY

Before me, C. G. Chason, a Notary Public in and for said County in said State, personally appeared Max K. Lawrenz, Sr., who is known to me and who after being by me first duly and legally sworn, deposes and says under oath as follows: that he is one of the Defendants referred to in the foregoing Motion to Quash, that he has read said Motion to Quash and is cognizant of the facts stated therein, and that the matters and facts set out in said motion are true.

Sworn to and subscribed before me
on this the 24th day of November,
1954

Notary Public, Baldwin County
Alabama



Max K. Lawrenz, Sr.

FILED

NOV. 26, 1954

ALICE J. DUCK, Clerk

NO 2418

MOTION TO QUASH SERVICE

ALTON E. SHERMER, Individually,
and doing business as the
Shermer Pecan Company,

Plaintiff,

-VS-

MAX K. LAWRENZ, SR., Individually,
and doing business as the South-
port Sea Foods Company, and
MAX K. LAWRENZ, JR., Individually,
and doing business as the South-
port Sea Foods Company, and
SOUTHPORT SEAFOODS COMPANY, a
Corporation,

Defendants.

((()))

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2418

((()))

CECIL G. CHASON

ATTORNEY AT LAW

FILED
FOLLY ALABAMA

NOV 26 1954

suffered incalculable damage to his good reputation as a seller and shipper of pecan products and that he incurred great expense in connection with such sales, wherefore the Plaintiff claims damages for loss of reputation as a seller and shipper of pecan products during said period.

COUNT THREE

The Plaintiff claims of the Defendants the sum of Twenty-Five Thousand Dollars (\$25,000.00) as damages for that the Defendants heretofore, on to-wit, the 13th day of November, 1953, the Defendants, acting by and through one or more of its agents, servants or employees while acting within the line and scope of their employment as such, impliedly warranted to the Plaintiff that they were properly and adequately equipped for the cold storage of pecan products and the Plaintiff, acting on this warranty of the Defendants, did store pecan products, said products being unshelled pecans and shelled pecan meats in the facilities warranted by the Defendants. And the Plaintiff further avers that the said warranty has been breached by the Defendants in that the said pecan products, while in the possession of the Defendants became damaged, molded, rotten and unfit for human consumption and that as a proximate result of said breach by said Defendants, the property of the Plaintiff became unsaleable. Plaintiff further avers that it was necessary for him to reprocess the damaged pecan products for a long period of time in order to make them saleable and fit for human consumption and that he incurred great expense in reprocessing said pecan products and that it was necessary for him to sell the pecan products at a lower market value, wherefore the Plaintiff also claims damages for the expense in reprocessing the said pecan products and for the difference in the saleable value of the reprocessed pecan products. Plaintiff further avers that he sold great quantities of the damaged pecan products and as a proximate consequence of said breach by said Defendants the Plaintiff has incurred incalculable damages to his good reputation as a seller and shipper of pecan products and that he incurred great expense as a result of the sale of the damaged pecan products, wherefore the Plaintiff claims damages for loss of reputation as a seller and shipper of pecan products during said period.

AND FOR THIS SUIT THE PLAINTIFF DEMANDS TRIAL BY JURY.

Sumner M. Bailey
Attorney for Plaintiff

Sumner M. Bailey
Attorney for Plaintiff

FILED

Oct. 18, 1954

ALICE J. DUCK, Clerk

BOOK 003 PAGE 214

12-13-54
1054

May K. Lawrence, Sr.
May K. Lawrence, Jr.

By *Ernest M. Bailey*, D.S.

Ernest M. Bailey

13 Dec 1954

*May K. Lawrence, Sr.
May K. Lawrence, Jr.
Southport Seafoods
Co. by ~~Ernest M. Bailey~~ *Ernest M. Bailey**

*Ernest M. Bailey
a Capital Attorney*

702-418

SUMMONS AND COMPLAINT

ALPON E. SCHERMER, Individually,
and doing business as the
Scherner Pecan Company.

VS.

MAX K. LAWRENZ, SR., Individually,
and doing business as Southport
Seafoods Company and
MAX K. LAWRENZ, JR., Individually,
and doing business as Southport
Seafoods Company and
SOUTHPORT SEAFOODS COMPANY, A
CORPORATION.

FILED

DEC 13 1954

Ernest M. Bailey

ERNEST M. BAILEY
ATTORNEY AT LAW
FAIRHOPE, ALABAMA