

2476

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

BOOK 003 PAGE 272

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

You are hereby commanded to summons R. H. HINOTE, 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, Alabama, at Bay Minette, against R. H. HINOTE, by T. M. MOSS d/b/a NEW GORDON MOTOR COMPANY.

Witness my hand this the 11 day of Dec, 1954.

Alice J. Duck
Clerk

//////////

COMPLAINT

T. M. MOSS d/b/a NEW GORDON MOTOR
COMPANY,

Plaintiff

VS:

R. H. HINOTE,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT I

The Plaintiff claims of the Defendant the sum of TWO HUNDRED EIGHT & 01/100 DOLLARS (\$208.01), together with interest thereon, due from him by account on, to wit: the 15th day of July, 1954, which sum of money with interest, is still unpaid.

COUNT II

The Plaintiff claims of the Defendant the sum of TWO HUNDRED EIGHT & 1/100 DOLLARS (\$208.01), together with interest thereon, due from him on account stated between the Plaintiff and the Defendant on, to wit: the 15th day of July, 1954, which sum of money, with interest thereon, is still unpaid.

COUNT III

The Plaintiff claims of the Defendant the sum of TWO HUNDRED EIGHT & 1/100 DOLLARS (\$208.01), together with interest thereon, due from him for merchandise, goods and chattels sold by the Plaintiff to the Defendant on, to wit: the 15th day of July, 1954, which sum of money with interest thereon, is still unpaid.

There is attached to the original and one copy hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a Notary Public, which shows the amount due on this account as of the 15th day of July, 1954.

Amelia Blum
Attorney for Plaintiff

The Defendant resides at:

Robertsdale, Alabama

FILED

Dec. 11, 1954

ALICE J. DUCK, Clerk

AFFIDAVIT OF T. M. MOSS

BOOK 003 PAGE 273

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)


T. M. MOSS, first being duly sworn, deposes and says as follows:

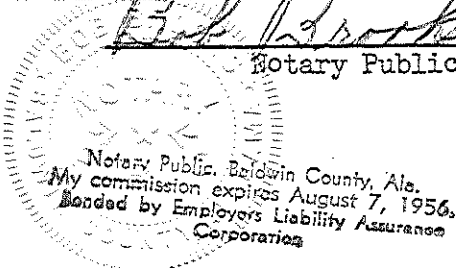
My name is T. M. Moss; I am the owner of New Gordon Motor Company, the plaintiff in this case. I am familiar with the books of the company and have personal knowledge of the fact that R. H. Hinote, the defendant, owes New Gordon Company the total amount of \$208.01, together with interest from July 15, 1954, after allowing all due and just credits.

Sworn to and subscribed before me,
a Notary Public in and for Baldwin
County, Alabama, this the 3rd day of
December, 1954.

FILED

Dec. 11, 1955
ALICE I. DUCK, Clerk


Notary Public



*Use this form first for the Defendant
James B. Hines*

*16477
M.H. Hines*

SUMMONS & COMPLAINT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

T. M. MOSS d/b/a NEW GORDON
MOTOR COMPANY, Plaintiff

VS:

R. H. HINOTE, Defendant

FILED
DEC 17 1934
CLERK OF COURT
BALDWIN COUNTY, ALA.

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

Ellen Hines

R H Hines

Received *21* day of *Dec* 1934

SPECIAL PLEA

T. M. MOSS d/b/a NEW GORDON
MOTOR COMPANY

PLAINTIFF

VS

R. H. MINOTE

DEFENDANT

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

1.

Now comes the defendant and for special plea to the complaint says that the plaintiff ought not to have and recover in this action because the engagement or debt sued on is a promise to answer for the debt, default, or miscarriage of another, and said contract is not evidenced by a writing filed by the defendant and expressing the consideration.

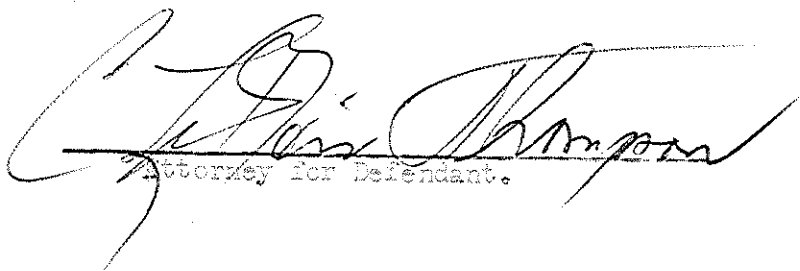
2.

For further plea the defendant says that this cause of action is founded upon a contract not in writing, signed by the defendant and expressing the consideration by which the defendant undertook to answer for the debt here sued on, which said debt was not the debt of the defendant to the plaintiff but was the debt of the said F. M. Burget to the said plaintiff and that said defendant's promise was simply a collateral undertaking not in writing.

FILED

Feb. 15, 1955

ALICE J. DUCK, Clerk


Attorney for Defendant.

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

T. M. MOSS d/b/a NEW GORDON MOTOR
COMPANY,
Plaintiff
vs
R. H. HINOTE
Defendant

Comes the Defendant in the above styled cause and demureurs to each
count separately and severally in said complaint and for demurreur says:

- 1. As to count one that said count does not state a cause of action.
- 2. As to count two that said count does not state a cause of action.
- 3. As to count three that said count does not state a cause of action.

[Signature]
Attorney for Defendant.
Defendant demands trial by jury.

FILED
Jan. 20, 1955
ALICE J. DUCK, Clerk

[Signature]

T. M. NOSS d/o/a NEW GORDON
MOTOR COMPANY

PLAINTIFF

VS

R. H. HINOTE

DEFENDANT

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

Comes the Defendant and for answer to the counts as amended in said
complaint to each phase thereof separately and severally says:

1.

As to count one the allegations therein are untrue.

2.

As to count two the allegations therein are untrue.

3.

As to count three the allegations therein are untrue.

FILED

Jul. 15, 1955

ALICE J. DUCK, Clerk

[Signature]
Attorney for Defendant.

AMENDED COMPLAINT

T. M. MOSS d/b/a/ NEW GORDON
MOTOR COMPANY,

PLAINTIFF

VS:

R. H. HINOTE,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The plaintiff claims of the defendant TWO HUNDRED EIGHT & 01/100 DOLLARS (\$208.01) due from him by account on, to wit: the 15th day of July, 1954, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The plaintiff claims of the defendant TWO HUNDRED EIGHT & 01/100 DOLLARS (\$208.01), due from him on account stated between the plaintiff and the defendant on, to wit: the 15th day of July, 1954, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The plaintiff claims of the defendant TWO HUNDRED EIGHT & 01/100 DOLLARS (\$208.01), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 15th day of July, 1954, which sum of money, with interest thereon, is still unpaid.

There was attached to the original complaint an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a Notary Public, which shows the amount due on this account as of the 15th day of July, 1954.

FILED

Jan. 31, 1955

ALICE J. BUCK, Clerk

James C. Clump
Attorney for Plaintiff

Mass 18 Hunt

JURY LIST

Spring Term, March 14, 1955

NO.	NAME	OCCUPATION	ADDRESS
1	Thomas V. Abercrombie, Jr.	butcher	Robertsdale
2	Lavigne Berghin	creamery	Fairhope
3	J. Carlisle Childress	merchant	Foley
4	J. J. Jurkiewicz	merchant	Summerdale
5	Joseph L. Lucassen	auto dealer	Foley
6	Living Kamper	merchant	Fairhope
7	Vernon Wheat	reserve fleet	Bay Minette
8	Laudie L. Langham	Newport	Bay Minette
9	Jesse Stewart	laborer	Robertsdale
10	Roger Barnhill	farmer	Loxley
11	Robert L. Teem	farmer	Foley
12	Barnard Laurendine	laborer	Foley
13	Edward McCarter	farmer	Robertsdale
14	Robert F. Hickox	carpenter	Foley
15	David Golden	merchant	Foley
16	Edward W. Engel	farmer	Summerdale
17	Joseph Kral	farmer	Robertsdale
18	Grover McBride	mechanic	Foley
19	F. L. Socsbe	mechanic	Foley
20	Carl Slaughter	farmer	Tensaw
21	Brad Neimier	merchant	Fairhope
22	Robert T. Cowles	laborer	Fairhope
23	Marshall N. Harris	farmer	Foley
24	Charles C. Hand, Jr.	real estate	Bay Minette
25	Quitman Cooper	veteran	Bon Secour
26	John A. Ebert	clerk	Foley
27	Elmer G. Anderson	contractor	Fairhope
28	Max Griffin	oil distributor	Foley
29	George Hertel	farmer	Elberta
30	John E. Flowers	farmer	Bon Secour
31	Frank Knowles	electrician	Bay Minette
32	J. Hilary Brown	cobbler	Bay Minette
33	Martin Simmons	surveyor	Bay Minette
34	Herman Tau	butane work	Foley
35	Elroy McKenzie, Sr.	farmer	Fairhope
36	William Gullledge	farmer	Robertsdale
37	Aaron G. Weaver	merchant	Bay Minette
38	Arthur Stenzil	furniture	Fairhope

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12
24
12

P XXXX

Q XXXX

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

January 26, 1955

Hon. H. M. Hall
Judge of Circuit Court
Bay Minette, Alabama

Re: T. M. Moss d/b/a/ New Gordon
Motor Company
vs: R. H. Hinote

Dear Judge Hall:

I have filed an amended complaint in this action which follows the code exactly. I notice the defendant demands trial by jury. Since this appears to be a stall, I hope we can set this case down for trial during the March term of Court.

Thanking you, I am,

Yours very truly,

A handwritten signature in dark ink, appearing to read "Forest A. Christian", is written over the typed name.

FOREST A. CHRISTIAN