

LAW OFFICES OF
J. TERRY REYNOLDS, JR.
ATTORNEY AT LAW
605-6 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMA
—
TELEPHONE 3-3661

WILLIAM R. LAUTEN

May 14, 1955

Mrs. Alice J. Duck
Clerk,
Circuit Court of Baldwin County
Bay Minette, Alabama

Re: C. C. McCue, d/b/a Shamrock Cleaners
Vs: J. A. Britton, et al.
#2572


Dear Mrs. Duck:

I enclose herewith a demurrer to plea three filed by the Defendant, Anita Britton, and a demurrer to plea three filed by the Defendant, J. A. Britton.

Please file these two demurrers and send a copy to the Defendant's attorney, Mr. W. C. Beebe.

With kindest regards, I am

Yours very truly,


WILLIAM R. LAUTEN

WRL:v

Enc. 4

STATE OF ALABAMA

BALDWIN COUNTY

Personally appeared before me, Norborne C. Stone, Jr., the undersigned C. C. McCue, who is known to me and who after being by me first duly and legally sworn, did depose and say under oath as follows:

That his name is C. C. McCue and that he is one and the same person as C. C. McCue, the Plaintiff in that certain cause in the Circuit Court of Baldwin County, Alabama, wherein C. C. McCue, Individually and doing business as Shamrock Laundry and Cleaners, was the Plaintiff and Joseph A. Britton and Audrey W. Britton, Individually and as Partners doing business as Brittons' Cleaners, were the Defendants and that he obtained judgment against the Defendants in the amount of \$ 1804.36, as shown by the records of the Circuit Court of Baldwin County, Alabama, At Law, and that the Defendants are about to remove his, her or their property and that thereby your Affiant will probably lose his debt.

Dated this 6th day of September, 1955.


C. C. McCue

Sworn to and subscribed before
me this 6th day of September, 1955.


Notary Public, Baldwin County, Alabama

C. C. McCUE, doing business) IN THE CIRCUIT COURT OF
as SHAMROCK CLEANERS, (BALDWIN COUNTY, ALABAMA.
Plaintiff.) AT LAW,
VS- ()
J. A. BRITTON, et al.)
Defendant.) NO. 2572
()

REPLICATION TO PLEA TWO

Now comes the Plaintiff in the above styled cause and
for answer to Plea Two heretofore filed by J. A. Britton,
says as follows:

1. The Plaintiff joins issue on said Plea.

Now comes the Plaintiff and for answer to Plea Two
filed by Peter Britton, says as follows:

1. The Plaintiff joins issue on said Plea.

J. TERRY REYNOLDS

WILLIAM R. LAUTEN

CHASON & STONE

BY:


Attorneys for Plaintiff

C. C. McCUE, doing business as)
SHAMROCK CLEANERS,)

Plaintiff,)

Vs.)

J. A. BRITTON, individually)
and doing business as)
BRITTON'S CLEANERS, and)
ANITA BRITTON, individually)
and doing business as)
BRITTON'S CLEANERS, and)
J. A. BRITTON and ANITA)
BRITTON, doing business as)
BRITTON'S CLEANERS, a Co-)
partnership,)
Defendants.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW,
NO. 2572

DEMURRER TO PLEA THREE

Now comes the Plaintiff in the above styled cause and demurs to Plea three heretofore filed by J. A. Britton and as grounds for such demurrer sets down and assigns the following, separately and severally;

1. For said plea sets up no legal defense to the Plaintiff's cause of action.
2. For said Plea is not verified as required by law.
3. For said plea is not sworn to as required by law.
4. For said plea is not verified by affidavit filed within the time allowed for filing pleas in abatement as required by the provisions of Title 7, Section 377 of the Code of Alabama of 1940.
5. For it affirmatively appears that the defendant has waived his defense, if any he may have, on the ground that the defendant was not a partnership, he having already pleaded the general issue.

J. Terry Reynolds, Jr.
William R. Lantieri
Attorneys for Plaintiff

C. C. McCUE, doing business
as SHAMROCK CLEANERS,

Plaintiff,

Vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW,

NO. 2572

J. A. BRITTON, individually
and doing business as
BRITTON'S CLEANERS, and
ANITA BRITTON, individually
and doing business as
BRITTON'S CLEANERS, and
J. A. BRITTON and ANITA
BRITTON, doing business as
BRITTON'S CLEANERS, a Co-
Partnership,
Defendants.

DEMURRER TO PLEA THREE

Now comes the Plaintiff in the above styled cause and demurs to the Plea number three heretofore filed by the Defendant, Anita Britton, and as grounds for said demurrer sets down and assigns the following, separately and severally:

1. For said plea seeks to join more than one defense in one plea.
2. For said Plea is defective by reason of duplicity.
3. For said plea sets up no legal defense to the Plaintiff's cause of action.

Now comes the Plaintiff in the above styled cause and further demurs to that part to Plea number three which states that the defendant, Anita Britton, is not and never has been a partner with J. A. Britton in the dry cleaning business in Fairhope and Foley, operated under the name of Britton's Cleaners; that Britton's Cleaners was a trade name under which J. A. Britton operated and as grounds for such demurrer sets down and assigns the following, separately and severally:

1. For said Plea is not verified as required by law.
2. For said Plea is not sworn to as required by law.
3. For said Plea is not verified by affidavit filed within the time allowed for filing pleas in abatement as required by the provisions of Title 7, Section 377 of the Code of Alabama of 1940.
4. For it affirmatively appears that the Defendant, Anita Britton, has waived her right to plead that she was not

a partner or that Britton's Cleaners was not a partnership, she having already pleaded the general issue.

Now comes the Plaintiff in the above styled cause and further demurs to that part of Plea three which states as follows: "That she is the wife of J. A. Britton and under the laws of the State of Alabama is not liable for his debts and that if anything is owing the same is the debt of the said J. A. Britton and is not her debt and she is in no way liable therefore", and as grounds for such demurrer sets down and assigns the following, separately and severally:

1. For said Plea is a mere conclusion of the Pleader.
2. For said plea does not avoid although it confesses.
3. For said plea is available to the Defendant under her plea of the general issue.
4. For said plea is available to the Defendant under her plea of the general issue and is therefore repetitious.
5. For said Plea does not confess, avoid or traverse.

J. Terry Reynolds, Jr.
William R. Darden
Attorneys for Plaintiff

C. C. McCUE Doing business as
SHAMROCK LAUNDRY AND CLEANERS,

Plaintiff,

-vs-

J. A. BRITTON, individually and
doing business as BRITTON'S
CLEANERS, and Anita Britton, in-
dividually and doing business as
BRITTON'S CLEANERS, and J. A.
BRITTON AND ANITA BRITTON doing
business as BRITTON'S CLEANERS,
a co-partnership,

Defendants,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. _____

Comes the defendant, Anita Britton, and answering plaintiff's
complaint and each count thereof separately and severally says:

1. The matters therein alleged are untrue.
2. That the debt for the recovery of which this suit was
brought was paid before the action was commenced.
3. That she is not and never has been a partner with J. A.
Britton in the dry cleaning business at Fairhope and Foley operated
under the name of Britton's Cleaners; that Britton's Cleaners was
a trade name under which J. A. Britton operated; that she is the
wife of J. A. Britton and under the laws of the State of Alabama
is not liable for his debts and that if anything is owing the
same is the debt of the said J. A. Britton and is not her debt
and she is in no way liable therefor.

Beebe & Swearingen

By W. C. Beebe
Attorneys for Defendant

C. C. McCUE doing business as
SHAMROCK LAUNDRY AND CLEANERS,

Plaintiff,

vs

J. A. BRITTON, individually and
doing business as BRITTON'S
CLEANERS, and ANITA BRITTON, in-
dividually and doing business as
BRITTON'S CLEANERS, and J. A.
BRITTON AND ANITA BRITTON doing
business as BRITTON'S CLEANERS,
a co-partnership,

Defendants,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. _____

Comes the defendant, J. A. Britton, and answering plaintiff's
complaint and each count thereof separately and severally says:

1. The matters therein alleged are untrue.
2. That he has paid the debt for the recovery of which
this suit was brought before the action was commenced.
3. That there is not and never has been a co-partnership
in which he and Anita Britton were partners; that Britton Cleaners
under which he operated a dry cleaning business at Foley and at
Fairhope was owned and operated solely by him and was the name
under which he as an individual did business.

Beebe & Swearingen

By *W. L. Beebe*
Attorneys for Defendant

C. C. MC CUE doing business as
SHAMROCK LAUNDRY AND CLEANERS,
Plaintiff,

VS.

J. A. BRITTON, individually and doing
business as BRITTON'S CLEANERS, and)
ANITA BRITTON, individually and doing
business as BRITTON'S CLEANERS, and)
J. A. BRITTON AND ANITA BRITTON
doing business as BRITTON'S CLEANERS\$,
a co-partnership,
Defendants.

) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

COUNT ONE

Plaintiff claims of the Defendants the sum of ONE THOUSAND SEVEN HUNDRED FORTY SIX AND 03/100 (\$1,746.03) DOLLARS due from them by account from the 5th day of February, 1955, which sum of money, with interest thereon, is still due and unpaid.

COUNT TWO

Plaintiff claims of the Defendants the sum of ONE THOUSAND SEVEN HUNDRED FORTY SIX AND 03/100 (\$1,746.03) DOLLARS due from them by account stated between Plaintiff and the Defendants from the 5th day of February, 1955, which sum of money, with interest thereon, is still due and unpaid.

COUNT THREE

Plaintiff claims of the Defendants the sum of ONE THOUSAND SEVEN HUNDRED FORTY SIX AND 03/100 (\$1,746.03) DOLLARS due from them for money loaned by Plaintiff to Defendants from the month of August, 1952 to the 5th day of February, 1955, which sum of money, with interest thereon, is still due and unpaid.

COUNT FOUR

Plaintiff claims of the Defendants the sum of ONE THOUSAND SEVEN HUNDRED FORTY SIX AND 03/100 (\$1,746.03) DOLLARS due from them for merchandise, goods and chattels sold and delivered by the Plaintiff to the Defendants from the month of August, 1952, to the 5th day of February, 1955, at their request, which sum of money, with the interest thereon, is still due and unpaid.

J. Leroy Reynolds, Jr.
Attorney for Plaintiff

Defendant's Address:

Britton's Cleaners
Foley, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2572

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon J. A. Britton, ind. d/b/a Brittons Cleaners, Anita Britton, ind. d/b/a Britton's Cleaners, J. A. Britton & Anita Britton d/b/a Britton's Cleaners, a co-partner-ship

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

J. A. Britton, ind. d/b/a Brittons Cleaners, Anita Britton, ind. d/b/a Britton's Cleaners, J. A. Britton & Anita Britton d/b/a Britton's Cleaners, A co-partnership.

by C. C. Mc Cue d/b/a Shamrock Laundry and Cleaners

Plaintiff

Witness my hand this 21 day of March 19 55

Asie J. Black, Clerk