

2695

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons DENEY W. GODWIN, d/b/a Bay Minette Recap Shop, to appear within thirty days from the service of this writ in the Circuit Court to be held for the said County at the plat of holding the same, then and there to answer the complaint of CONTINENTAL TIRE AND RUBBER COMPANY, INC.

Witness my hand this 12 day of August, 1955.

Alvin J. Dyer
Clerk

CONTINENTAL TIRE & RUBBER
COMPANY, INC., A CORPORATION,

PLAINTIFF

VS

DENEY W. GODWIN, d/b/a Bay Minette
Recap Shop,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

1.

The Plaintiff claims of the Defendant the sum of THREE HUNDRED THIRTY THREE and 36/100 (\$333.36) DOLLARS due from him by account on to-wit, November 26, 1954, which sum of money with the interest thereon is still unpaid.

An itemized statement of the account sued on, verified by the affidavit of a competent witness, is attached hereto as Exhibit A, and made a part hereof.

Walters & Brantley

By: J. Albert M. Brantley
Attorneys for the Plaintiff

Received 12 day of Aug 1955
and on 24 day of Aug 1955
I served a copy of the within etc
on _____

By service on Denny W. Godwin

TAYLOR WILKINS, Sheriff
By J. H. Ham D. S.

2695
RECORDED

CONTINENTAL TIRE & RUBBER COMPANY
INC., a corporation,

PLAINTIFF

VS

DENNY W. GODWIN, d/b/a Bay Minette
Recap Shop

DEFENDANT

SUMMONS AND COMPLAINT

FILED

AUG 12 1955

ALICE W. DUCKWORTH

LAW OFFICES OF
WILTERS & BRANTLEY
BAY MINETTE, ALABAMA

CONTINENTAL TIRE & RUBBER
COMPANY, INC., a corporation

PLAINTIFF

VS

DEWEY W. GODWIN, d/b/a Bay
Minette Recap Shop,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Comes the defendant in the above entitled cause, appearing specially and only for the purpose of filing this plea, and says that the said Continental Tire & Rubber Company, Inc., A Corporation of Birmingham, Alabama, plaintiff in this cause, ought not to have and maintain its said action for the defendant says, separately and severally, as follows, to-wit:

1.

That the said defendant is Dewey W. Godwin.

2.

That the said defendant is an employee of the Bay Minette Recap Shop and is not the owner of said shop.

3.

That the said Dewey W. Godwin is an employee of the Bay Minette Recap Shop and does not do business as an owner or partner of said shop.

WHEREFORE, Defendant says that he is not a proper party nor a necessary party and that said action should be abated as to the said defendant, Dewey W. Godwin, and prays the judgment of this Honorable Court whether the plaintiff should be allowed to further maintain this suit.

Dewey W. Godwin
Defendant

C. Le Noir Thompson
Attorney for Defendant.

STATE OF ALABAMA
BALDWIN COUNTY

Before me, C. LeNoir Thompson, a Notary Public, in and for said County in said State, personally appeared Dewey W. Godwin, who, being known to me, and by me first duly sworn, deposes and says on oath: That he is the defendant in the above entitled cause, and has personal knowledge of the facts stated in the foregoing pleas and that the said statements of fact therein contained are true.

Dewey W. Godwin

Sworn to and subscribed before me, this the 13th day of September, 1955.

C. Le Noir Thompson
Notary Public, Baldwin County, Alabama.

CONTINENTAL TIRE & RUBBER
COMPANY, INC., a corporation

PLAINTIFF

VS

DEWEY W. GODWIN, d/b/a Bay
Minette Recap Shop,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Comes Dewey W. Godwin, Defendant in the above styled cause and demands
trial by jury in said cause.

Dewey W. Godwin