

2703

JOHN A. KNIGHT

PLAINTIFF

VS

X. R. PHILLIPS

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

C O M P L A I N T

COUNT I

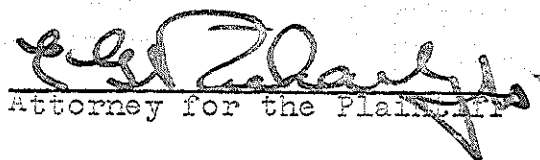
The Plaintiff claims of the Defendant the sum of TWO HUNDRED EIGHTY-FIVE DOLLARS AND FOURTEEN CENTS (\$285.14), due from him by account on, to-wit, the 28th day of June, 1955, which sum of money, with interest thereon, is still unpaid.

COUNT II

The Plaintiff claims of the Defendant the sum of TWO HUNDRED EIGHTY-FIVE DOLLARS AND FOURTEEN CENTS (\$285.14), due from him for work and labor done by the Plaintiff for the Defendant and finished on, to-wit, the 28th day of June, 1955, at Defendant's request, which sum of money, with interest thereon, is still unpaid.

RICKARBY AND RICKARBY

BY


Attorney for the Plaintiff

Note: The account sued on is evidenced by an itemized and verified statement filed, herewith.

RICKARBY AND RICKARBY

BY


Attorney for the Plaintiff

SUMMONS AND COMPLAINT

The State of Alabama,
Baldwin County.

Circuit Court, Baldwin County

No. _____

_____ TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon L. R. PHILLIPS

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 F. R. PHILLIPS

_____, Defendant---

by JOHN A. KNIGHT

_____, Plaintiff---

Witness my hand this 18 day of Aug 19 55

Miss F. M. Smith, Clerk

JOHN A. KNIGHT

PLAINTIFF

VS

L. R. PHILLIPS

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW
CASE NO. 2703

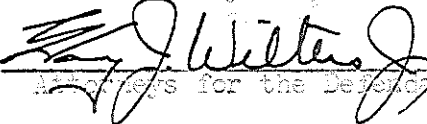
DEMURRER.

Comes now the Defendant, L. R. Phillips, by his attorneys, and demurs to the complaint heretofore filed in said cause, and, for ground of demurrer says:

1.

That the said Complaint does not state a cause of action.

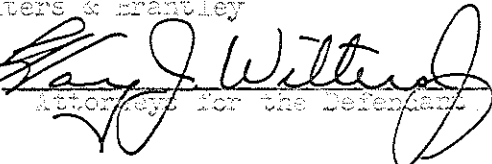
Wilters & Brantley

BY: 

Attorneys for the Defendant

The Defendant demands a trial by jury.

Wilters & Brantley

BY: 

Attorneys for the Defendant

JOHN A. KNIGHT

PLAINTIFF

VS

L. R. PHILLIPS

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 2703

PLEAS

Comes now the Defendant in the above styled cause and files the following Pleas to each and every Count to the Plaintiff's Complaint:

1.

Not guilty.

2.

The Defendant, as a defense to the action of the Plaintiff says that, at the time this action was commenced, the Plaintiff was indebted to him in the sum of TWO HUNDRED THIRTY TWO and 40/100 (\$232.40) DOLLARS for that the Defendant contracted with the Plaintiff to have the Plaintiff lay tile for the Defendant's house. That the agreed price was 14¢ per tile; that upon the completion of the house on, to-wit, June 28, 1955, the Defendant discovered that he had paid the Plaintiff for laying 166 more tile than he had actually laid; the Defendant hereby offers to off set this over payment against the demand of the Plaintiff and he claims judgment for the excess.

3.

The Defendant as a defense to the action of the Plaintiff says that, at the time this action was commenced, the Plaintiff was indebted to him in the sum of ONE HUNDRED FIFTY (\$150.00) DOLLARS for that the Defendant contracted with the Plaintiff to have the Plaintiff lay tile for the Defendant's house, and as part of the consideration paid by the Defendant the Plaintiff agreed to clean the walls of the Defendant's house with acid in a workman like manner; that upon the completion of this work, on, to-wit, June 28, 1955, the Defendant discovered that the Plaintiff had not cleaned his walls with acid in a workman like manner, that it has cost or will cost the Defendant the sum of ONE HUNDRED FIFTY (\$150.00) DOLLARS to complete the work the Plaintiff failed to do under his agreement, the Defendant

hereby offers to off set this over payment against the demand of the
Plaintiff and claims judgment for the excess.

Wilter & Brantley

By:

Walter M Brantley
Attorneys for the Defendant

STATE OF ALABAMA

Mobile COUNTY

Before me, the undersigned Notary Public, personally appeared J. A. KNIGHT who, being duly sworn, deposes and says that he is the owner of the attached account and that the attached account is a correct statement of account between J. A. KNIGHT and F. R. PHILLIPS, and that there is owing from the said F. R. PHILLIPS to the said J. A. KNIGHT the sum of TWO HUNDRED EIGHTY-FIVE DOLLARS AND FOURTEEN CENTS (\$285.14), with interest.

J. A. Knight
AFFIANT

Subscribed and sworn to before me on this the 3 day of May, 1955.

C. R. Sumner
Notary Public

J. A. KNIGHT

IN ACCOUNT WITH: F. R. PHILLIPS
Loxley, Alabama

Laying Tile	
1543 @ 13¢	\$ 200.59
Laying Brick	
843 @ 5¢	42.15
Washing Walls, 3½ hrs.	11.40
Washing Walls, one day	26.00
Transportation	5.00
	\$ 285.14

STATE OF ALABAMA

Mobile COUNTY

Before me, the undersigned Notary Public, personally appeared J. A. KNIGHT who, being duly sworn, deposes and says that he is the owner of the attached account and that the attached account is a correct statement of account between J. A. KNIGHT and F. R. PHILLIPS, and that there is owing from the said F. R. PHILLIPS to the said J. A. KNIGHT the sum of TWO HUNDRED EIGHTY-FIVE DOLLARS AND FOURTEEN CENTS (\$285.14), with interest.

J. A. Knight

AFFIANT

Subscribed and sworn to before me on this the 3 day of Aug, 1955.

C. R. Summers
Notary Public

J. A. KNIGHT

IN ACCOUNT WITH: F. R. PHILLIPS
Loxley, Alabama

Laying Tile	
1543 @ 13¢	\$ 200.59
Laying Brick	
843 @ 5¢	42.15
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