

WARD B. MARTIN,

Plaintiff,

v.

CLAY PRODUCTS COMPANY, INC.,
a corporation,

Defendant.

*
* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA.
*
* In Equity.
*
*

TO THE HONORABLE JOHN D. LEIGH, JUDGE OF SAID COURT:

Humbly complaining your orator, Ward B. Martin, exhibits this bill of complaint against the Clay Products Company, Inc., a corporation, and respectfully shows unto your Honor:

FIRST.

That complainant is a resident of Baldwin County, Alabama, over the age of twenty-one years, and that the said Clay Products Company, Inc., is a corporation organized under the laws of the State of Alabama, on to-wit April 17, 1916, and with its domicile and principal place of business in Baldwin County, Alabama, where it has been engaged in business; and that petitioner is a stockholder and creditor of said corporation.

SECOND.

That said corporation has suspended its business for lack of funds to carry on the same and is not about to resume its business with safety to the public and advantage to the stockholders; that it owns certain real estate and machinery in Baldwin County, Alabama, which machinery is not being used but is being permitted to remain idle on the said land and its value is thereby greatly deteriorating and it could not be looked after and cared for without the business being operated except at great and considerable expense to the corporation, thereby lessening the value of the corporate stock of the company.

THIRD

Petitioner further shows to the court that the officers of said company are as follows: Ed. C. Walcott, Foley, Alabama, President, W. O. Evans, Mobile, Alabama, Vice-president, W. B. Martin, Fairhope, Alabama, Secretary, Wm. McIntosh, Fairhope, Alabama, Treasurer; and the directors of the company and their respective residences are as follows: Ed. C. Walcott, Foley, Ala-

bama, M. Dison, Fairhope, Alabama, F. L. Brown, Mobile, Alabama, Wm. McIntosh, Fairhope, Alabama, J. G. Lorenzo, Fairhope, Alabama, W. O. Evans, Mobile, Alabama, and W. B. Martin, Fairhope, Alabama.

FOURTH

Complainant further shows that owing to the facts hereinabove stated it is of urgent and immediate importance to your orator as a stockholder in said company and to the other stockholders of the said company that a receiver for said business be appointed and that the business of said company be wound up and said corporation dissolved; that the property be taken into the custody of this court by the said receiver to the end that the same may be administered and applied to the best benefit of all persons interested and concerned in the said corporation under the supervision of this honorable court, and that after payment of the debts of said corporation the proceeds be distributed among the stockholders in proportion to the stock held by them.

PRAYER FOR PROCESS.

To the end therefore that equity may be done in the premises petitioner, as complainant, prays that your Honor will take jurisdiction of the cause made by this bill of complaint; that the said Clay Products Company, Inc., be made parties respondent hereto; and that said corporation be given due notice as required by law; and that all necessary and proper notices be issued.

PRAYER FOR RELIEF.

Petitioner as complainant further prays that your Honor will, upon hearing said cause, cause to be issued a writ of injunction to restrain the corporation, its officers and agents from exercising any of its corporate privileges and from collecting and receiving any debts or paying out, assigning or transferring any of its moneys, funds, estates, lands, tenements or effects except as to a receiver appointed by the court until the court shall otherwise order; that your Honor will appoint a receiver of all the property and assets of the corporation who shall

qualify under such bond as may be fixed by your Honor conditioned to faithfully discharge his duties as such receiver and under the direction of the court; that said receiver be authorized and empowered by this court to collect together all of the assets of said company for administration of same under the orders of this court; that said property be sold and the debts of said company be paid; and that the balance of proceeds arising from said sale be distributed among the parties entitled thereto. Plaintiff prays for such other, further and different relief as in equity and good conscience may be due him in the premises.

Brooks & McMillan

Solicitors for Complainant.

STATE OF ALABAMA,)
)
COUNTY OF MOBILE,)

Before me, Grace A. Smith, a Notary Public in and for said State and County personally appeared Ward B. Martin, who is known to me and who being by me duly sworn says on oath that the allegations of the bill of complaint hereto attached are true.

Ward B Martin

Sworn to and subscribed before me this 15th day of February 1921.

Grace A. Smith
Notary Public, Mobile County, Ala.

No 300 = Motion vs Clay ^{Product}

Settlement has been ^{agreed}
upon and been practically
consummated. When asked
ask the Judge to dismiss
with out prejudice.

Atty