

TRAILMOBILE, INC., A
CORPORATION,

PLAINTIFF

VS

J. H. BLACK AND
R. M. BLACK

DEFENDANTS

DEMURRERS

§

§

IN THE CIRCUIT COURT OF

§

BALDWIN COUNTY, ALABAMA,

§

AT LAW

§

CASE NO. 2750

§

Comes now the Defendants, J. H. Black and R. M. Black, and demurs
to the Plaintiff's Complaint and to each and every count thereof and says:

1.

That the Complaint fails to state a cause of action.

2.

That Count 1 of the Plaintiff's Complaint fails to show that the note
sued on has not been paid.

Walters " Brantley

BY:

Robert M Brantley
Attorneys for the Defendants

AMENDED COMPLAINT

TRAILMOBILE, INC., A CORPORATION,)		
	PLAINTIFF)	IN THE CIRCUIT COURT OF
VS:)		BALDWIN COUNTY, ALABAMA
J. H. BLACK AND R. M. BLACK,)	AT LAW -	CASE NO. 2750
	DEFENDANTS))	

COUNT I:

The plaintiff claims of the defendants TWO THOUSAND ONE HUNDRED SIXTY THREE & 42/100 DOLLARS (\$2,163.42, due by promissory note made by them on the 10th day of December, 1954, and payable on the 10th day of April, 1955, with interest thereon.

Said note provides for a reasonable attorney's fee of 15% of the unpaid principal and interest of this note.

COUNT II:

The plaintiff claims of the defendant, J. H. BLACK, THREE HUNDRED & 00/100 DOLLARS (\$300.00), due from him by account on, to wit: the 26th day of May, 1955, which sum of money, with interest thereon, is still unpaid,

COUNT III:

The plaintiff claims of the defendant, J. H. BLACK, THREE HUNDRED & 00/100 DOLLARS (\$300.00), due from him on account stated between the plaintiff and the defendant on, to wit: the 26th day of May, 1955, which sum of money, with interest thereon, is still unpaid.

COUNT IV:

The plaintiff claims of the defendant, J. H. BLACK, THREE HUNDRED & 00/100 DOLLARS (\$300.00), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 26th day of May, 1955, which sum of money, with interest thereon, is still unpaid.

COUNT V:

The plaintiff claims of the defendant J. H. BLACK, TWO HUNDRED FIFTY & 00/100 DOLLARS (\$250.00), due from him by account on, to wit: the 17th day of August, 1955, which sum of money, with interest thereon, is still unpaid.

COUNT VI:

The plaintiff claims of the defendant, J. H. BLACK, TWO HUNDRED FIFTY & 00/100 DOLLARS (\$250.00), due from him on account stated between the plaintiff and the defendant on, to wit: the 17th day of August, 1955, which sum of money, with interest thereon, is still unpaid.

COUNT VII:

The plaintiff claims of the defendant, J. H. BLACK, TWO HUNDRED FIFTY & 00/100 DOLLARS (\$250.00), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 17th day of August, 1955, which sum of money, with interest thereon, is still unpaid.



Attorney for Plaintiff

Affidavit In Proof of Claim

STATE OF OHIO, Hamilton COUNTY, ss.

The undersigned J. A. Nickerson
being first duly sworn, on oath states that he is Vice President of Trailmobile Inc.
the owner of the claim against James H. Black

hereto attached and made part hereof; that the same and every item thereof is lawfully and justly due;
that the consideration therefor is merchandise sold and delivered; that there is now due and unpaid on
said claim the sum of Five Hundred Fifty and 00/100 - - - - - Dollars
(\$ 550.00), with interest thereon at the rate of - - - - - per cent, per annum

from the - - - - - day of - - - - - 19 - - - - -;
that there are no payments on said claim in the way of discounts or otherwise; that there are no set-offs nor
counter-claims whatever against the same James H. Black
that there is no usury therein; that said owner has no collateral, personal or the security whatever for
the same.

(Affiant)

J. A. Nickerson

Sworn to before me and subscribed in my presence this 12th day

Norbert G. Backhus October 12, 1955

Notary Public, Hamilton County,
State of Ohio

My Commission Expires May 6, 1957



Norbert G. Backhus

TRAILMOBILE INC.

CINCINNATI 9, OHIO

DATE

6-30-55

2721 5th Ave. So.

B'ham, Ala.

INVOICE NUMBER

B1 6-246

CHARGE

James H. Black

Loxley, Alabama

CUSTOMER'S PURCHASE NO.

REFERENCE NUMBER

BWO 665

ORDERED BY

SALES OFFICE

B'ham

SHIPPED TO

W/10th Prox.

TERMS -

VIA

DATE DELIVERED

CUSTOMER'S DATA	SERIAL NUMBER OF TRAILER SERVICED 91-932-05781	CUSTOMER'S UNIT NUMBER	DRIVER	
SALES DATA	SERIAL NUMBER NEW TRAILERS	IDENTIFICATION NUMBER USED TRAILERS	TIRE EQUIPMENT	
QUANTITY	DESCRIPTION		UNIT PRICE	TOTAL
	Repair wreck damages as follows:			
	Lower nose panel.			
	Right hand front cover panel			
	5 side panels			
	1 quarter panel full length			
	9 side posts			
	1 right front roof cap			
	1 right lower side rail			
	7 roof panels			
	1 short roof panel			
	5 sheets of aluminum ceiling lining.			
	1 right front corner lining			
	1 right front vent door			
	4 pieces of plywood			
	36 feet of molding			
	Repair all woodwork			
	Remove thermo-king and repair thermo-king frame work.			
	Fed. Tax			
	Ala. Tax			
			2,197	07
			23	16
			29	77
			\$2,250	00

TRAILMOBILE INC.

DATE

12-10-54

2721 5th Avenue, South
Birmingham, Alabama

INVOICE NUMBER

BI 12-50

CHARGE

James Houston Black
Loxley, Alabama

CUSTOMER'S PURCHASE NO.

ORDERED BY

REFERENCE NUMBER

37003

SALES OFFICE

Birmingham

DATE DELIVERED

12-10-54

SHIPPED TO
TERMS -

Time Payment

VIA

CUSTOMER'S DATA	SERIAL NUMBER OF TRAILER SERVICED	CUSTOMER'S UNIT NUMBER	DRIVER
SALES DATA	SERIAL NUMBER NEW TRAILERS	IDENTIFICATION NUMBER USED TRAILERS	TIRE EQUIPMENT
	91-932-05781		(8) 10:00 x 20 - 12 Ply
QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	Trailmobile Model RA-662, 32' long, 7' high inside, Aluminum two speed props, 18,000# axles, 7" air brakes, basket type tire carrier, extruded aluminum floor, full rear doors, curbside door, 6" insulation in roof, sides, doors and floor, mud flaps, and ICC Bumper, Model RT-30 Thermo King. Bare aluminum.		\$ 11,207 32
	Federal Excise Tax		674 24
	Alabama Sales Tax		117 32
	Insurance		2,151 00
	Finance Charge		1,766 35
	Recording Fee		29 65
			\$ 15,945 88
	SURPLUS UNIT SALE PER SPI 91-31		

AMENDED COMPLAINT

TRAILMOBILE, INC., A CORPORATION,

PLAINTIFF

VS:

J. H. BLACK AND R. M. BLACK,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW CASE NO. 2750

FILED
APR 2 1956
JAMES J. BUCK, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

TRAILMOBILE, INC.

PLAINTIFF

VS

J. H. BLACK AND
R. M. BLACK,

DEFENDANTS

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

CASE NO. 2750

DEMURRERS

The Defendants file the following demurrers to the Plaintiff's Complaint:

1.

The Plaintiff fails to show in what capacity they are suing.

2.

The Complaint fails to show whether the Plaintiff is a corporation,
partnership, individual or trade name.

3.

The Plaintiff fails to state a cause of action.

Wilters & Brantley

BY: Isidore M Brantley
Attorneys for the Defendants

The defendants demand a trial by jury.

Wilters & Brantley

BY: Isidore M Brantley
Attorneys for the Defendants

TRAILMOBILE, INC.,
A CORPORATION,

PLAINTIFF

VS

J. H. BLACK AND R.
M. BLACK,

DEFENDANTS

Ø

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IN THE CIRCUIT COURT OF

Ø

BALDWIN COUNTY, ALABAMA,

Ø

AT LAW

Ø

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Comes now the Defendants in the above styled cause and for answer to the Plaintiff's amended complaint and to each count thereof says:

1.

Not guilty.

2.

The matters alleged therein are untrue.

3.

That they do not owe the amount sued for nor any amount.

Wilters & Brantley,

BY:

Henry J. Wilters Jr.
Attorneys for the Defendants


SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon J. H. BLACK and R. M. BLACK, 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 J. H. BLACK and R. M. BLACK, by TRAILMOBILE, INC., *a Corporation*

Witness my hand this the 21 day of October, 1955.


Clerk

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COMPLAINT

TRAILMOBILE, INC., *a Corporation*)
PLAINTIFF)
VS:)
J. H. BLACK and R. M. BLACK,)
DEFENDANTS)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

The plaintiff claims of the defendants TWO THOUSAND SEVEN HUNDRED THIRTEEN & 42/100 DOLLARS (\$2,713.42), due by promissory note made by them on the 10th day of December, 1954, and payable on the 10th day of April, 1955, with interest thereon.

Said ^{WRITE} note provides for a reasonable attorney's fee of 15% of the unpaid principal and interest of this note.


Attorney for Plaintiff

Defendants live on the East side
of railroad halfway between Loxley
and Robertsdale, Alabama.

W. 2750

Received 21 day of Oct 1955
and on 25 day of Nov 1955
I served a copy of the within acc
on JH Black,
RM Black,
By service on _____

TAYLOR WILKINS, Sheriff
By Barbara Chace D.S.

JH Black
Loxley 40 miles
RM Black
Loxley 40 miles

SUMMONS AND COMPLAINT

TRAILMOBILE, INC.,

PLAINTIFF

VS:

J. H. BLACK AND R. M. BLACK,

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW
FILED
OCT 21 1955
ALICE J. BUCK, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA