

STAMATS PUBLISHING COMPANY,
A Corporation,

PLAINTIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

-vs-

A. B. JOHNSON,

DEFENDANT.

ANSWERS TO INTERROGATORIES PROPOUNDED TO PLAINTIFF'S WITNESS,
MRS. ELIZABETH BUCHANAN;

COMES NOW, Mrs. Elizabeth Buchanan and answers herewith the
interrogatories propounded to her as the plaintiff's witness:

1. Q. What is your name?
A. Mrs. Elizabeth Buchanan
2. Q. Are you employed by the Stamats Publishing Company?
A. Yes
3. Q. What is their legal composition?
A. An Iowa corporation with principal place of business in Cedar Rapids, Iowa.
4. Q. What is your position with the company?
A. Office Manager
5. Q. State whether or not you are familiar with the books and records of that company?
A. I have exclusive control of the handling of the PERFECT HOME Magazine accounts.
6. Q. State whether or not the books and records of the Stamats Publishing Company contain a contract with A. B. Johnson, Doing Business as Geisen's Furniture, if so, please identify the contract, have it marked Exhibit "A" and attach it to this testimony.
A. They contain a contract dated July 29, 1953, signed by A. B. Johnson, and said contract is attached hereto as Exhibit "A".
7. Q. Who signed this contract?
A. A. B. Johnson
8. Q. State whether or not Stamats Publishing Company, in good faith, accept that contract and complied with its terms.
A. Yes they did.
9. Q. State whether or not Stamats Publishing Company has complied with all of the contract's provisions on his part.
A. Yes, Stamats Publishing Company has rendered full performance in compliance with the terms of the contract.
10. Q. Do you have a list of names to whom you mail your PERFECT HOME magazine? If so, please attach copy

of that list and mark it Exhibit "B".

- A. A list of the names to whom the PERFECT HOME magazine was sent is attached herewith and marked as Exhibit "B".

11. Q. Was there a request for cancellation made by the Defendant?

A. No request for cancellation was made by Mr. Johnson.

12. Q. State whether or not the books and records of the Stamats Publishing Company contain a true and correct itemized statement of this account, and if so, identify same, mark it Exhibit "C" and attach it to your deposition.

A. Yes, I now hold in my hand a true and correct itemized statement of this account taken from the regular books and business records of the Stamats Publishing Company, and said statement is attached to my deposition and marked as Exhibit "C".

13. Q. State whether or not the itemized statement correctly reflects the services rendered by the Stamats Publishing Company, pursuant to that contract.

A. Yes, the itemized statement does correctly reflect the service rendered by the Stamats Publishing Company pursuant to the contract heretofore mentioned.

14. Q. State the past due and unpaid balance, if any, of the account owed by A. B. Johnson, Doing Business as Geisen's Furniture on their account with Stamats Publishing Company.

A. The past due and unpaid balance on this account is \$120.00. This amount is now due and demands for payment have been made by mailing statements to the defendant which have been disregarded.


(Mrs.) Elizabeth Buchanan

STAMATS PUBLISHING COMPANY,
A Corporation,

PLAINTIFF

-vs-

A. B. JOHNSON,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

INTERROGATORIES PROPOUNDED TO PLAINTIFF'S WITNESS, ELIZABETH
BUCHANAN;

Comes the Plaintiff and propounds interrogatories to ELIZABETH
BUCHANAN, a witness whose testimony, when taken, will be material
evidence for the Plaintiff on trial of the above styled cause.

1. What is your name?
2. Are you employed by the Stamats Publishing Company?
3. What is their legal composition?
4. What is your position with the company?
5. State whether or not you are familiar with the books
and records of that company?
6. State whether or not the books and records of the
Stamats Publishing Company contain a contract with
A. B. Johnson, Doing Business As Geisen's Furniture,
if so, please identify the contract, have it marked
Exhibit A and attach it to this testimony.
7. Who signed this contract?
8. State whether or not Stamats Publishing Company, in
good faith, accept that contract and complied with
its terms.
9. State whether or not Stamats Publishing Company has
complied with all of the contract's provisions on
his part.
10. Do you have a list of names to whom you mail your
PERFECT HOME magazine? If so, please attach copy
of that list and mark it Exhibit B.
11. Was there a request for cancellation made by the
Defendant?

12. State whether or not the books and records of the Stamats Publishing Company contain a true and correct itemized statement of this account, and if so, identify same, mark it Exhibit C and attach it to your deposition.
13. State whether or not the itemized statement correctly reflects the services rendered by the Stamats Publishing Company, pursuant to that contract.
14. State the past due and unpaid balance, if any, of the account owed by A. B. Johnson, Doing Business As Geisen's Furniture on their account with Stamats Publishing Company.


RICKARBY & RICKARBY

By: 

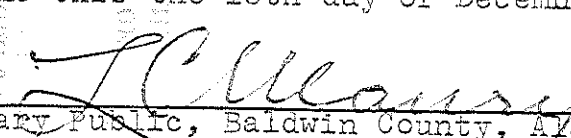
Attorney for the Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY

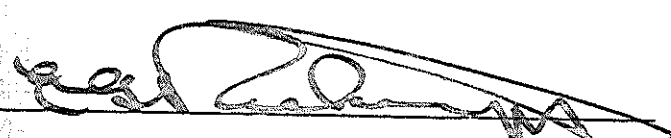
Before me, L. C. Maury, a Notary Public in and for said state and county, personally appeared E. G. RICKARBY, JR., who being by me, first duly sworn, deposes and says that he is the attorney for the Plaintiff, STAMATS PUBLISHING COMPANY; that the witness whose testimony is to be taken, namely, MRS. ELIZABETH BUCHANAN, is a non-resident of the State of Alabama, residing in Cedar Rapids, Iowa. That the witness, Elizabeth Buchanan is a material witness for the Plaintiff and her evidence to be secured by this deposition will be material evidence of the Plaintiff on the trial of this cause.


Affiant

Sworn to and subscribed before me this the 16th day of December, 1955.


Notary Public, Baldwin County, Alabama

The name of D. S. Lupton, care of Fisher & Huston, Highley Building, Cedar Rapids, Iowa, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.


Attorney for the Plaintiff

no 2776

X

Dec 2/ day of Dec 1955
 27 day of Dec
 J.A. Christian

PLAINTIFF'S INTERROGATORIES

Stamats Publishing Company,
 A Corporation,
 Plaintiff

vs.

A. B. Johnson,
 Defendant

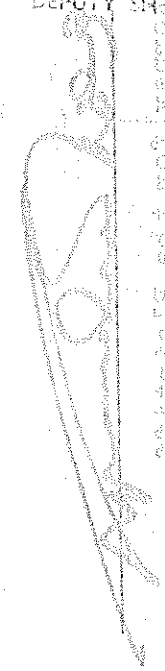
IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 AT LAW

FILED

DEC 21 1955

ALICE J. DUCK, *clerk*
 J.A. Christian, *Atty*

Sheriff claims 72 miles of
 Ten Cents per mile Total \$ 7.20
 TAYLOR WILKINS, Sheriff
 BY *Chadwick*
 DEPUTY SHERIFF



1. State whether or not the defendant is a citizen of the State of Alabama.
 2. State whether or not the defendant is a resident of the County of Baldwin, Alabama.
 3. State whether or not the defendant is a resident of the City of Daphne, Alabama.
 4. State whether or not the defendant is a resident of the County of Baldwin, Alabama.
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 8. State whether or not the defendant is a resident of the County of Baldwin, Alabama.
 9. State whether or not the defendant is a resident of the City of Daphne, Alabama.
 10. State whether or not the defendant is a resident of the County of Baldwin, Alabama.

RETURN TO PLAINTIFF

Handwritten signature/initials
 RETURN TO PLAINTIFF

RETURN TO PLAINTIFF
 RETURN TO PLAINTIFF

STATE OF IOWA

COUNTY OF LINN

COMMISSIONER'S CERTIFICATE

By virtue of the commission hereto annexed, issued from the office of Alice Duck, Clerk of the Circuit Court of Baldwin County, Alabama, I, D. S. LUPTON, the commissioner therein named, have call and cause to come before me, the said ELIZABETH BUCHANAN, the witness named in said commission, on this day at Cedar Rapids, Iowa, and having duly cautioned and sworn the said witness to speak the truth, the whole truth, and nothing but the truth, ELIZABETH BUCHANAN, answered the interrogatories propounded in said cause, and I further certify that her answers were taken down and written by me, in the words of the witness, ELIZABETH BUCHANAN, and were read over to her and she assented, swore to, and subscribed the same, in my presence at the time and place herein mentioned, and that I have personal knowledge of the personal identity of said witness, and that I am not of counsel or kin to either of the said parties to said cause, nor interested in the results thereof, and I enclose said testimony, together with said commission interrogatories direct and cross, to the Honorable Alice Duck, Clerk of the Circuit Court of Baldwin County, Alabama, whence the same emanated, as my full execution of said commission.

Given under my hand and seal this the 31st day of January, 1956.


D. S. Lupton

Commissioner

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: D. S. Lupton

c/o Fisher & Houston,

Highway Building,

Cedar Rapids, Iowa

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Mrs. Elizabeth Buchanan

a witnesses in behalf of Plaintiff in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein
Stamats Publishing Company, A Corp.

and A. B. Johnson, Complainant

on oath, to be by you administered, upon her Respondent
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 21st day of December, 195 5

W. J. Duck
Register

Commissioner's Fee, \$

Witness' Fees, \$

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

November 8, 1955

Mrs. Alice Duck
Clerk of the Circuit Court
Bay Minette, Alabama

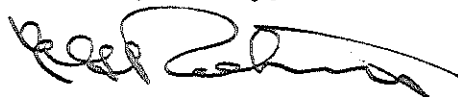
Dear Mrs. Duck:

Inre: Stamats Publishing Co.
vs.
A. B. Johnson
Our File: 3454

With this we are handing you summons and complaint, itemized and verified statement of account, copy of contract between plaintiff and defendant, and deposit for costs in the sum of \$15.00, in the above styled cause.

Please process and oblige.

Yours very truly,



EGR/fm
Encl.
11-23-55

cc: Fisher & Huston
Attys at Law
Cedar Rapids, Iowa

STAMATS PUBLISHING COMPANY,
A Corporation,

PLAINTIFF

-vs-

A. B. JOHNSON,

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

INTERROGATORIES PROPOUNDED TO PLAINTIFF'S WITNESS, ELIZABETH
BUCHANAN;

Comes the Plaintiff and propounds interrogatories to ELIZABETH
BUCHANAN, a witness whose testimony, when taken, will be material
evidence for the Plaintiff on trial of the above styled cause.

1. What is your name?
2. Are you employed by the Stamats Publishing Company?
3. What is their legal composition?
4. What is your position with the company?
5. State whether or not you are familiar with the books
and records of that company?
6. State whether or not the books and records of the
Stamats Publishing Company contain a contract with
A. B. Johnson, Doing Business As Geisen's Furniture,
if so, please identify the contract, have it marked
Exhibit A and attach it to this testimony.
7. Who signed this contract?
8. State whether or not Stamats Publishing Company, in
good faith, accept that contract and complied with
its terms.
9. State whether or not Stamats Publishing Company has
complied with all of the contract's provisions on
his part.
10. Do you have a list of names to whom you mail your
PERFECT HOME magazine? If so, please attach copy
of that list and mark it Exhibit B.
11. Was there a request for cancellation made by the
Defendant?

12. State whether or not the books and records of the Stamats Publishing Company contain a true and correct itemized statement of this account, and if so, identify same, mark it Exhibit C and attach it to your deposition.
13. State whether or not the itemized statement correctly reflects the services rendered by the Stamats Publishing Company, pursuant to that contract.
14. State the past due and unpaid balance, if any, of the account owed by A. B. Johnson, Doing Business As Geisen's Furniture on their account with Stamats Publishing Company.

RICKARBY & RICKARBY

By: 

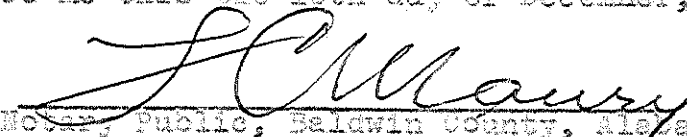
Attorney for the Plaintiff

STATE OF ALABAMA
BALDWIN COUNTY


Before me, L. C. Maury, a Notary Public in and for said state and county, personally appeared E. J. RICKARBY, JR., who being by me, first duly sworn, deposes and says that he is the attorney for the Plaintiff, STAMATS PUBLISHING COMPANY; that the witness whose testimony is to be taken, namely, MRS. ELIZABETH BUCHANAN, is a non-resident of the State of Alabama, residing in Cedar Rapids, Iowa. That the witness, Elizabeth Buchanan is a material witness for the Plaintiff and her evidence to be secured by this deposition will be material evidence of the Plaintiff on the trial of this cause.


Affiant

Sworn to and subscribed before me this the 16th day of December, 1955.


Notary Public, Baldwin County, Alabama

The name of D. S. Lupton, care of Fisher & Huston, Highley Building, Cedar Rapids, Iowa, is suggested as a fit and suitable person to take down the answers to the foregoing interrogatories and it is requested that a commission issue to him for that purpose.


Attorney for the Plaintiff

THE STATE OF ALABAMA

Baldwin County

Circuit Court

TO: D. S. Lupton
c/o Fisher & Houston,
Highway Building,
Cedar Rapids, Iowa

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, as such time and place as you may appoint, to call before you and examine Mrs. Elizabeth Buchanan

a witnesses in behalf of Plaintiff in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein
Stamats Publishing Company, A Corp.

, Complainant
and A. B. Johnson

Respondent
on oath, to be by you administered, upon her
to take and certify the deposition of the witness and return the same to our Court, with all convenient speed, under your hand.

Witness 21st day of December, 1955

Archie J. Smith
Register.

Commissioner's Fee, \$ None

Witness' Fees, \$

BRYCE M. FISHER
CRAIG HUSTON

FISHER & HUSTON
ATTORNEYS AT LAW
HIGLEY BUILDING
CEDAR RAPIDS, IOWA

TELEPHONE
5.0589

February 15, 1956

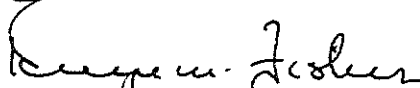
Clerk
Circuit Court
Baldwin County
Bay Minette, Alabama

Re: Stamats Publishing Company
vs. A. B. Johnson

Dear Sir:

We enclose herewith original and copy of a Deposition taken from Mrs. Elizabeth Buchanan, an employee of the Stamats Publishing Company. We are also notifying our attorneys, Rickarby and Rickarby that the same is being sent forward on this date.

Very truly yours,


BRYCE M. FISHER

BMF/ck
Enc.

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA
December 16, 1955

E. G. RICKARBY, JR.

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

Dear Mrs. Duck:

In Re: Stamats Publishing Co.
vs.
A. B. Johnson
Our File No. 3454
Case No. 2776

In the above mentioned matter, we have filed some interrogatories. Please have copy served on Mr. Forest Christian, Attorney for the Defendant, giving him ten days notice.

After ten days send interrogatories, together with his cross interrogatories and commission, up to the commissioner, unless there is some reason why the commission should not issue.

This is done under Section 459 of Title 7.

Yours very truly,

EGR/rl
c/c Mr. Forest Christian
c/c Dupl. Fisher & Huston
12-20-55

STAMATS PUBLISHING COMPANY,
a Corporation,

PLAINTIFF

VS:

A. B. JOHNSON,

DEFENDANT

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¶
¶
¶
¶

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW


PLEAS

1.

Not guilty.

2.

The matters alleged therein are untrue.


Attorney for Defendant

STAMATS PUBLISHING COMPANY,
a Corporation

PLAINTIFF

VS.

A. B. JOHNSON

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

C O M P L A I N T

COUNT I

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY DOLLARS (\$120.00) due from him by account on, to-wit, the 1st day of January, 1954, which sum of money with interest thereon is still unpaid.

COUNT II

The Plaintiff claims of the Defendant the sum of ONE HUNDRED TWENTY DOLLARS (\$120.00) damages for a breach of an agreement entered into by him on the 29th day of July, 1953, copy of which contract is attached hereto and labeled Exhibit "A", and the Plaintiff says that, although he has complied with all of its provisions on his part, the Defendant has failed to make payments as agreed; therefore, Plaintiff sues.

RICKARBY & RICKARBY

BY


Attorney for Plaintiff

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

RICKARBY & RICKARBY

BY


Attorney for Plaintiff

VERIFICATION

(FORM 39)

STAR PRINTING CO., CEDAR RAPIDS, IOWA 1M 3-50

STATE OF IOWA,
LINN County. } ss.STAMATS PUBLISHING COMPANY
VS.

A. B. JOHNSON

I, Bryce M. Fisher
being duly sworn say that I am the attorney
of the firm of Stamats Publishing Company of Cedar Rapids, Iowa;
that the account hereto attached is a true and correct statement of the goods and merchandise sold and delivered by
said firm to A. B. Johnson (Geisen's Furniture) of Foley, Alabama
that said account is still the property of said firm; that there is now due and owing thereon to deponent's firm, after
allowing all just credits and set-offs the sum of One Hundred Twenty and No/100 - - - - Dollars.
with 5 per cent. interest from January, 7, A. D. 19 54

Subscribed and sworn to before me, by the said Bryce M. Fisher this
2nd day of November, A. D. 19 55

Ray G. Stanton
Notary Public in and for Linn County, Iowa
My commission expires July 4, 1957

SUMMONS AND COMPLAINT

Moore Ptg. Co.

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 A. B. JOHNSON

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 A. B. JOHNSON

_____, Defendant---

by STAMATS PUBLISH COMPANY, a Corporation

_____, Plaintiff---

Witness my hand this 12 day of November 19 55.Eric French, Clerk

X

No. 2776

Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

STAMATS PUBLISH COMPANY,

a Corporation

Plaintiffs

vs.

A. B. JOHNSON

Defendants

Summons and Complaint

Filed

11-12

1953

Archie French Clerk

RICKARBY AND RICKARBY

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Foley, Alabama

Received In Office

Nov. 12 1953

Walter E. Wilkins Sheriff

I have executed this summons

this

Nov 17

1953

by leaving a copy with

A. B. Johnson

Walter E. Wilkins Sheriff
Walter E. Wilkins Deputy Sheriff