

3037

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT . . . LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Mrs. Calla Mai Tanner, also sometimes known as Mrs. Calla Mai Tanner Watts, to appear within thirty (30) days from the service of this writ in the Circuit Court to be hald for said County at the place of holding same, then and there to answer the Complaint of W. M. Harden.

WITNESS my hand this 20 day of Sept, 1956.

Deise L. French
Clerk

- COMPLAINT -

W. M. HARDEN,

Plaintiff,

-VS-

MRS. CALLA MAI TANNER, also
sometimes known as MRS. CALLA
MAI TANNER WATTS,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

COUNT I

The Plaintiff claims of the Defendant the sum of Three Thousand Two Hundred Fifty Dollars (\$3,250.00) due from the Defendant by a check drawn by her on the Farmers & Merchants Bank, of Foley, Alabama, in favor of the Plaintiff, for said amount, on the 10th day of January, 1956, which said check was duly presented and payment refused, therebeing stamped on its face at said bank "Insufficient Funds", which said sum of money, with interest thereon, is due and unpaid.

W. M. Harden
Attorney for Plaintiff

Plaintiff demands trial by Jury.

W. M. Harden
Attorney for Plaintiff

Received 20 day of Sept 1956
End on 28 day of Sept 1956
I served a copy of the within D + L
on Mrs. Calla Mae Tanner
sometimes known as Mrs.
By service on Calla Mae Tanner Watts

Sheriff claims 72 miles at
Ten Cents per mile Total \$ 7.20
TAYLOR WILKINS, Sheriff
BY Foley
DEPUTY SHERIFF

TAYLOR WILKINS, Sheriff

By Foley D. S.

No. 3031

SUMMONS AND COMPLAINT

W. H. HARDEN,

Plaintiff,

-VS-

MRS. CALLA MAE TANNER, also some-
times known as MRS. CALLA MAE
TANNER WATTS,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

(((((

SEP 20 1956

ALICE J. BRYAN, Clerk
CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

W. M. HARDEN,

Plaintiff,

vs.

MRS. CALLA MAI TANNER, also
sometimes known as MRS. CALLA
MAI TANNER WATTS,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

Comes the Defendant in the above styled cause and demurs
to the complaint filed in said cause and assigns the following sep-
arate and several grounds, viz:

1. Said complaint does not state a cause of action.
2. For aught that appears from said complaint the
Plaintiff was not the owner of such check at the time it was present-
ed to the bank.

Filed
Oct. 25, 1956
Alice J. Duck
clerk.

Sharon A. Stone
Attorneys for Defendant

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

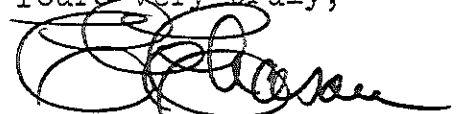
September 19, 1956

Mrs. Alice J. Duck, Clerk
Bay Minette, Alabama

Dear Mrs. Duck:

Enclosed herewith is Summons and Complaint in the action
of W. M. Harden -vs- Mrs. Calla Mai Tanner, also some-
times known as Mrs. Calla Mai Tanner Watts.

Yours very truly,



C. G. Chason

CGC:fm

encls. 2

W. M. HARDEN,

Plaintiff,

vs.

MRS. CALLA MAI TANNER, also
sometimes known as MRS. CALLA
MAI TANNER WATTS,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

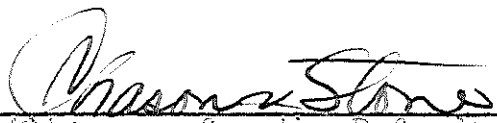
PLEA

Comes the Defendant in the above styled cause and for plea to the complaint filed in said cause, pleads the following separate and several pleas, viz:

1. That the allegations of the complaint are untrue.
2. That there was no consideration for the instrument sued on passing from the Plaintiff to the Defendant.
3. That at the time said action was commenced the Plaintiff was indebted to the Defendant in the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) which she had paid to Howard Harden for the use and benefit of the said Howard Harden and W. M. Harden which she hereby offers to set off against the demand of the Plaintiff and she claims judgment for the excess.
4. That the Plaintiff fraudulently procured the execution of the check which is the basis of the suit. Prior to the execution and delivery of such check the Plaintiff, W. M. Harden, together with Howard Harden and one Charles Knight had fraudulently represented unto the Defendant that they held an option on certain timber located near Durango Mexico and after the said Howard Harden had persuaded the Defendant to pay him the sum of Nine Thousand Five Hundred Dollars (\$9,500.00) to be applied upon such option the said Howard Harden and the Plaintiff persuaded the Defendant to give the check which is the basis of this suit as a further payment on such option and such check was given by the Defendant to the Plaintiff with the specific understanding and agreement that he was to carry it to Durango Mexico but was not to cash it or deposit it until he had secured in the name of the Defendant, satisfactory instruments in writing, granting to the Defendant a proper option on such timber, jointly

with Howard Harden and the Plaintiff. That the Plaintiff fraudulently deposited such check in Durango Mexico without having first procured such option and such option has never been delivered to the Defendant. That such check was procured by the Plaintiff as a part of a common scheme which he had entered into with his brother Howard Harden to defraud the Defendant and no consideration of any type ever passed from the Plaintiff to the Defendant in connection with the amount or sum of money evidenced by such check.

Filed
Jan. 31, 1957
Alice J. Duck
clerk


Attorneys for the Defendant

PLEA

W. M. HARDEN,

Plaintiff,

vs.

MRS. CALLA MAI TANNER, also
sometimes known as MRS. CALLA
MAI TANNER WATTS,

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

FILED

JAN 31 1957

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA