

LOVICK ALLEN,

Plaintiff,

vs.

HENRY W. SWEET,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 3101

DEMURRER TO PLEA IN ABATEMENT

Comes now the Plaintiff in the above styled cause, by his attorneys, and demurs to the Plea in Abatement heretofore filed in this cause by the Defendant and assigns the following separate and several grounds in support thereof:

1. That said plea is addressed to the complaint as a whole.
2. It affirmatively appears from the allegations of the complaint that the work and labor was to be performed in Baldwin County, Alabama.
3. That said plea is immaterial.
4. The allegations of the plea are conclusions of the pleader.

CHASON & STONE

By: Melvin C. Stone, Jr.
Attorneys for Plaintiff

LOVICK ALLEN,

Plaintiff,

vs.

HENRY W. SWEET,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

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NO. 3101

DEMURRER TO PLEA IN ABATEMENT

FILED

JAN 9 1957

ALICE L. DICK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

LOVICK ALLEN,

Plaintiff,

vs

HENRY W. SWEET,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA


AT LAW.

NO. 3101.

PLEA IN ABATEMENT

Now comes the Defendant in the above styled cause for the special purpose of filing the following plea to the Complaint in said cause and for no other purpose:

The said Defendant, Henry W. Sweet, says that at the time this suit was instituted and at the time said cause of action arose, he was a bona fide resident of Jefferson County, Alabama, and that the Circuit Court of Baldwin County, Alabama, is without jurisdiction to try this suit.


 Attorney for Defendant.


STATE OF ALABAMA

JEFFERSON COUNTY

Before me, the undersigned authority, within and for said State and County, personally appeared Henry W. Sweet, the Defendant in the above styled cause, who, being first duly and legally sworn, says, on oath, that the facts set forth in the foregoing plea are true and correct.


 Henry W. Sweet.

Sworn to and subscribed before
 me this 5th day of December,
 1956.


 Notary Public, Jefferson County, Ala.

STATE OF ALABAMA I
BALDWIN COUNTY I

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Henry W. Sweet to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Lovick Allen.

Witness my hand this 27th day of November, 1956.

Alice J. Rusk
Register clerk

LOVICK ALLEN,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	BALDWIN COUNTY, ALABAMA
HENRY W. SWEET,	I	LAW SIDE
Defendant.	I	

COUNT ONE:


The Plaintiff claims of the Defendant One Thousand Five Hundred Dollars (\$1,500.00) due from him for work and labor done for the Defendant by the Plaintiff on, to-wit: the first day of February, 1956, at his request, which sum of money with the interest thereon is still unpaid.

COUNT TWO:

The Plaintiff claims of the Defendant One Thousand Five Hundred Dollars (\$1,500.00) as damages for that on or about the first day of January, 1956, the Defendant employed the Plaintiff, who is a licensed real estate broker and was such on said date, doing business in Baldwin County, Alabama, to obtain for him a purchaser for that certain real property situated in Baldwin County, Alabama, described as follows, to-wit: Lots Twenty-one, Twenty-two and Twenty-three (21, 22 and 23) of Vista Del Mar, according to the Plat thereof recorded


in Map Book 3, Page 107, in the Office of the Judge of Probate of Baldwin County, Alabama, together with the improvements thereon, at a price of Thirty Thousand Dollars (\$30,000.00); and the Defendant agreed with the Plaintiff that he would pay to the Plaintiff for his services in procuring a purchaser an amount equal to five per cent (5%) of the said purchase price; and the Plaintiff further avers that immediately thereafter he undertook and engaged to obtain a purchaser for said real property and the improvements thereon and that he did, within a reasonable time thereafter, and on to-wit; the first day of February, 1956, and while said agreement was in full force and effect and while he was so employed, obtain a purchaser for said property, namely, C. W. Hooper, at and for the sum of Thirty Thousand Dollars (\$30,000.00), and that the said C. W. Hooper was, on said date, ready willing and able to purchase the said real property on the Defendant's terms. The Plaintiff further avers that the Defendant was aware of the fact that the said C. W. Hooper was ready, willing and able to purchase said property on said terms but that the Defendant failed and refused to convey said property to the said C. W. Hooper. The Plaintiff further avers that although he has made repeated demands upon the Defendant for the payment to him of the sum of One Thousand Five Hundred Dollars (\$1,500.00), which amount is five per cent of Thirty Thousand Dollars (\$30,000.00), for his services in procuring the purchaser aforesaid, that the Defendant has failed and refused to pay to him said sum of money, wherefore the Plaintiff brings this suit and asks judgment in the above amount.

CHASON & STONE

By: 
Attorneys for Plaintiff

The Plaintiff respectfully demands
a trial by jury of this cause.

CHASON & STONE

By: 
Attorneys for Plaintiff

Defendant's address; 1830 Arlington
Bessemer, Alabama

Received 27 day of Nov., 52
and on _____ day of _____ 1956

I served a copy of the within J+C.
on Henry W. Sweet

By service on _____

TAYLOR WILKINS, Sheriff

By _____ D.

Executed this the 30

day of Nov. 1956

by leaving a copy of the within with

Henry W. Sweet
HOLT A. McDOWELL, Sheriff

By Barbara Holton 5/28/56
D. S.

The Sheriff claims 1
miles at 10c per mile for a total of
\$.10

HOLT A. McDOWELL, Sheriff

RECEIVED

NOV 28 1956

SHERIFF'S OFFICE
BESSEMER, ALA.

LOVICK ALLEN,

Plaintiff,

vs.

HENRY W. SWEET,
1830 - Arlington Ave
Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

SUMMONS AND COMPLAINT

FILED

NOV 27 1956

ALICE J. DUCK, Register

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

Bess.