

SUMMONS

THE STATE OF ALABAMA, )

BALDWIN COUNTY. )

3512

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon L. T. POWELL, Individually, and doing business as ROBERTSDALE MATTRESS CO. to appear before the Circuit Court of Baldwin County, in and for said County, at the place of holding same, within thirty days from the service of this summons and complaint, then and there to demur to or plead to the complaint of JAMES CASH MACHINE CO., INC., a Kentucky corporation.

You are hereby commanded to execute this process instanter and make return as required by law.

Witness my hand this the 14 day of April, 1958.

Clifford A. ...  
Clerk

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COMPLAINT

JAMES CASH MACHINE CO., INC., )  
a Kentucky Corporation, )

PLAINTIFF )

VS: )

L. T. POWELL, Individually, )  
and doing business as )  
ROBERTSDALE MATTRESS CO., )

DEFENDANT )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

Plaintiff claims of the defendant ONE THOUSAND SEVENTY THREE & 64/100 DOLLARS (\$1,073.64), due by promissory note made by him on the 18th day of February, 1954, and payable on the 18th day of February, 1955, with interest thereon.

Said note provides for 15% attorney's fees, which plaintiff alleges to be a reasonable fee.

COUNT II:

Plaintiff claims of defendant the following described personal property, to wit: One (1) Mattress Compressor, (Power Model), with the value of the use thereof from, to wit: the 18th day of February, 1954.

James C. ...  
Attorney for Plaintiff

Defendant's address is  
Robertsdale, Alabama.

3572  
RECORDED

Received 14 day of April 1958  
and on 18 day of April 1958  
I served a copy of the within S/C  
on L. T. Powell

By service on \_\_\_\_\_  
\_\_\_\_\_  
TAYLOR WILKINS, Sheriff  
By Edling Steadman D. S.

Robertsdale, Ala

Sheriff claims 50 miles at  
Ten Cents per mile Total \$ 5.00  
TAYLOR WILKINS, Sheriff  
BY Steadman  
DEPUTY SHERIFF

SUMMONS AND COMPLAINT

JAMES CASH MACHINE CO., INC.  
a Kentucky Corporation,

PLAINTIFF

VS:

L. T. POWELL, individually and  
doing business as ROBERTSDALE  
MATTRESS CO.,

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

FILED  
APR 14 1958  
ALICE J. HUCK, Clerk

LAW OFFICE OF  
FOREST A. CHRISTIAN  
FOLEY, ALABAMA

AFFIDAVIT

JAMES CASH MACHINE CO., INC.,  
a Kentucky Corporation,

PLAINTIFF

VS:

L. T. POWELL, Individually,  
and doing business as  
ROBERTSDALE MATTRESS CO.,

DEFENDANT

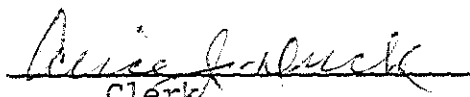
THE STATE OF ALABAMA, )

BALDWIN COUNTY. )

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, in and for said County personally appeared Forest A. Christian, who, being duly sworn, deposeth and saith, That the property sued for in the complaint of JAMES CASH MACHINE CO., INC., a Kentucky Corporation, vs: L. T. POWELL, Individually, and doing business as ROBERTSDALE MATTRESS CO., belongs to JAMES CASH MACHINE CO., INC., a Kentucky Corporation, the said plaintiff.

On the 24th day of February, 1954, the defendant executed a Contract of Conditional Sales describing the property described, which contract provides that in the event of failure to make any payment in time and the manner as herein provided, the plaintiff may retake said property. Also, said contract provides that title to the within said property shall remain in the plaintiff until the purchase price or any judgment therefor has been paid in full.

Sworn to and subscribed  
before me this the 14th  
day of April, 1958.

  
Clerk

  
Forest A. Christian,  
Attorney for Plaintiff

JAMES CASH MACHINE CO., INC.,  
a Kentucky Corporation,

PLAINTIFF

VS

L. T. POWELL, Individually,  
and doing business as  
ROBERTSDALE MATTRESS CO.,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

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

1. That said complaint does not state a cause of action.
2. That said Count One of said complaint fails to allege the Plaintiff to be the holder of the note in due course.
3. Count One of said complaint fails to allege to whom the said note is payable.
4. Count One of said complaint fails to allege the original amount of said note.
5. Count One of said complaint fails to allege if the amount claimed is a balance due.
6. Count Two of said complaint fails to identify said property claimed.
7. Count Two of said complaint fails to allege alternate value of said property claimed.

C. Lehair Thompson  
Attorney for Defendant

The Defendant demands a trial of this  
cause by jury.

C. Lehair Thompson  
Attorney for Defendant