

BROOKS & GARRETT

ATTORNEYS AT LAW

BREWTON, ALABAMA

LEON G. BROOKS
BROOK G. GARRETT

July 17, 1958

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

Dear Mrs. Duck:


We enclose to be filed an original and three copies of a summons and complaint in a suit entitled Sherrill Oil Company, Plaintiff, vs. J. P. Reynolds, M. S. Reynolds and Clyde Savage, individually and as partners doing business under the firm name of Reynolds & Savage.

The Messrs. Reynolds both reside in or near Foley, Alabama. We are not in a position at this time to tell you where Clyde Savage may be found. He did live in this county for two or three years but more recently he left here. We would not expect the Sheriff to try to locate him in Baldwin County as we are quite certain he is not there. As soon as we learn his location we will ask you to issue process and send it to the proper county to be served on him.

Yours very truly,

BROOKS & GARRETT

BY



LGB/nml

Encls. 4

SHERILL OIL COMPANY,
a corporation

Plaintiff,

VS.

J.P.REYNOLDS, M.S.REYNOLDS
and CLYDE SAVAGE, individually
and as partners doing business
under the firm name of REYNOLDS
& SAVAGE,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

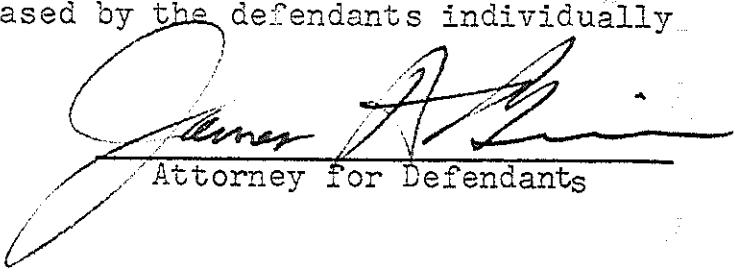
Come the defendants, J. P. Reynolds and M. S. Reynolds,
individually, and demur to the bill of complaint heretofore
filed in this cause, and demur separately and severally to
each count thereof, assigning as grounds therefor:

I.

The complaint fails to state a cause of action.

II.

The complaint fails to state whether the merchandise,
goods and chattels were purchased by the defendants individually
or otherwise.

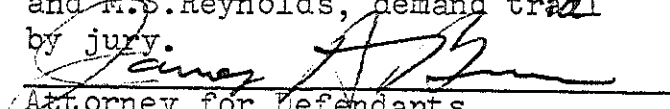

Attorney for Defendants

Filed Aug. 22, 1958

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DEMAND FOR TRIAL BY JURY

The defendants, J.P.Reynolds
and M.S.Reynolds, demand trial
by jury.


Attorney for Defendants

SHERRILL OIL COMPANY
A corporation

Plaintiff

VS.

J.P.REYNOLDS, M.S.REYNOLDS
and CLYDE SAVAGE, individually
and as partners doing business
under the firm name of REYNOLDS
& SAVAGE

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

PLEA OF MISNOMER

Come the defendants, J.P.Reynolds and M.S.Reynolds, in the above cause, appearing specially and only for the purpose of filing this plea, and say that the said Sherrill Oil Company, Plaintiff in this cause, ought not to have and maintain its said action for the said defendants, J. P. Reynolds and M. S. Reynolds say that neither of them have ever been a partner in any partnership doing business under the firm name of Reynolds & Savage.

J. P. Reynolds
M. S. Reynolds

STATE OF ALABAMA
COUNTY OF BALDWIN

Before me, the undersigned a Notary Public, personally appeared J.P.Reynolds and M.S.Reynolds, who being first duly sworn, depose and say that they have read the above plea of misnomer and that the facts stated therein are true.

J. P. Reynolds
M. S. Reynolds

Sworn to and subscribed before me this 19 day of August, 1958.

James A. Allen
NOTARY PUBLIC

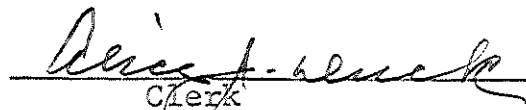
Filed Aug 22, 1958

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon J. P. Reynolds, M. S. Reynolds and Clyde Savage, individually and as partners doing business under the firm name of Reynolds and Savage, to appear within thirty (30) days from the service of this writ, in the Circuit Court to be held for said county at the place of holding the same, then and there to answer the complaint of Sherrill Oil Company, a corporation.

Witness My Hand this 19 day of July, 1958.


Clerk

C O M P L A I N T

SHERRILL OIL COMPANY,
A CORPORATION,

PLAINTIFF,

J. P. REYNOLDS, M. S. REYNOLDS
VS. AND CLYDE SAVAGE, INDIVIDUALLY
AND AS PARTNERS DOING BUSINESS
UNDER THE FIRM NAME OF
REYNOLDS & SAVAGE, DEFENDANTS.

Count 1. The plaintiff claims of the defendants
Nine Hundred Eighty-one and 69/100 Dollars (\$981.69) due from them
by account on, to-wit: March 1, 1956, which sum of money, with the
interest thereon, is still unpaid.

Count 2. The plaintiff further claims of the defendants
Nine Hundred Eighty-one and 69/100 Dollars (\$981.69), due from
them for merchandise, goods and chattels sold by the plaintiff to
the defendants on, to-wit: the 1st day of March, 1956, which sum
of money with the interest thereon is still unpaid.

BROOKS & GARRETT

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BY 
Attorneys for Plaintiff

The plaintiff is a non-resident corporation and we hereby acknowledge ourselves as security for the costs of this suit.

BROOKS & GARRETT

BY

Wm. G. Brooks
Attorneys for plaintiff.

*Executed
Dec 2, 1958*

19 day of July 1958
21 day of July 1958
copy of the within J.P.C.
M.S. Reynolds
J.P. Reynolds
By service on

TAYLOR WILKINS Sheriff
By *Childress* D. S.

Foley

Sheriff claims *144* miles at *22*
Ten Cents per mile Total \$ *2.90*
TAYLOR WILKINS, Sheriff
BY *Childress*
DEPUTY SHERIFF

RECEIVED IN OFFICE
This *21* day of *Jul* 19*58*
HENRY CLAY LOCKE, Sheriff
Washington County, Ala.
D. S.

Clyde Savage
Viniger Bend
Big River
Dr. (Riley) Grimes
Total mileage \$ *17.40*

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

SHERRILL OIL COMPANY, A
CORPORATION,
PLAINTIFF,

VS.

J. P. REYNOLDS, M. S. REYNOLDS
AND CLYDE SAVAGE, INDIVIDUALLY
AND AS PARTNERS DOING BUSINESS
UNDER THE FIRM NAME OF
REYNOLDS & SAVAGE,
DEFENDANTS.

SUMMONS AND COMPLAINT

FILED, July *19*, 1958.

Reice J. ...
Clerk

BROOKS & GARRETT
ATTORNEYS AT LAW
BREWTON, ALABAMA

STATE OF ALABAMA,)
BALDWIN COUNTY.)

I hereby certify that on the *21* day of July, 1958 I served
copies of the within summons and complaint on J. P. Reynolds and M. S.
Reynolds personally, defendants.

Sheriff

EXECUTED

This *21* day of *Jul* 19*58*
by serving a copy of the within
on *Clyde Savage*
HENRY CLAY LOCKE, Sheriff
Washington County, Ala.
D. S.

EXECUTED

By Serving a Copy of the Within
Deputy Sheriff \$ *1.50*
30 Miles @ .10.....\$ *3.00*
Total \$ *4.50*
Signed: HENRY CLAY LOCKE, Sheriff
By *...* Washington County, Ala.