

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS

Defendant

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

.....

Comes now the Plaintiff in the above styled cause and amends his complaint by adding as party Defendant the following persons: John D. Clark and Henry Shivers individually and jointly so that the case shall be as follows:

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS, individually
and jointly,

Defendants

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 3619

.....

I

The Plaintiff claims of the Defendants FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, due from him by account on the 20th day of March 1958 which sum of money with the interest thereon is still unpaid.

II

The Plaintiff claims of the Defendants FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, for merchandise, goods and chattels sold by the Plaintiff to the Defendants on the 2nd day of February, 14th day of February, 26th day of February, 28th day of February, 11th day of March, 2nd day of April, 30th day of April, 7th day of May, 8th day of May, 13th day of May, 14th day of May, 16th day of May and 23rd day of May, all in 1957, at his request; which sum of money, with the interest thereon, is still unpaid.


Attorney for Plaintiff

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

Defendants

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

Comes now the Plaintiff in the above styled cause and amends his complaint by adding as party Defendant the following persons: John D. Clark and Henry Shivers individually and jointly so that the case shall be as follows:

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

Defendants

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA


AT LAW

NUMBER: _____

I
The Plaintiff claims of the Defendants FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, due from them by account on the 20th day of March 1958 which sum of money with the interest thereon is still unpaid.

II

The Plaintiff claims of the Defendants FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, for merchandise, goods and chattels sold by the Plaintiff to the Defendants on the 2nd day of February, 14th day of February, 20th day of February, 28th day of February, 11th day of March, 2nd day of April, 30th day of April, 7th day of May, 8th day of May, 13th day of May, 14th day of May, 16th day of May and 23rd day of May, all in 1957, at their request; which sum of money, with the interest thereon, is still unpaid.


Attorney for Plaintiff

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

PLAINTIFF

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

DEFENDANTS

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

STATE OF ALABAMA

BALDWIN COUNTY

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, Alabama personally appeared WILSON HAYES, who, being duly sworn, deposes and says: That John D. Clark is justly indebted to the said American Agricultural Chemical Company, a corporation in the sum of FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, which amount is justly due and that the said John D. Clark resides out of the state of Alabama, and that this attachment is not suit out for the purpose of vexing or harassing the said Defendant.

Sworn to and subscribed before me on this the _____ day of _____, 1959.

ALICE J. DUCK, CLERK OF THE CIRCUIT COURT

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

PLAINTIFF

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

DEFENDANTS

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

STATE OF ALABAMA

BALDWIN COUNTY

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, Alabama personally appeared WILSON HAYES, who, being duly sworn, deposes and says: That John D. Clark is justly indebted to the said American Agricultural Chemical Company, a corporation in the sum of FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, which amount is justly due and that the said John D. Clark resides out of the state of Alabama, and that this attachment is not suit out for the purpose of vexing or harassing the said Defendant.

Sworn to and subscribed before me on this the ____ day of

_____, 1959.

ALICE J. DUCK, CLERK OF THE CIRCUIT COURT

THE BALDWIN TIMES

JIMMY FAULKNER
PUBLISHER

Alabama's Best County's Best Newspaper

BAY MINETTE, ALABAMA

AFFIDAVIT OF PUBLICATION

LEGAL NOTICE

BALDWIN COUNTY No. 3619
CIRCUIT COURT
AMERICAN AGRICULTURAL
CHEMICAL CO., INC. Plaintiffs

VS.
JOHN D. CLARK Defendants

Whereas, American Agricultural Chemical Co. Inc. as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 24 day of June 1959, against the estate of the said defendant John D. Clark which Attachment has been levied upon the following described Real Estate as the property of the said defendant, to-wit: $5\frac{1}{2}$ of Sec. 32, 4s, 5 e 320 acres and whereas, it appears that the said John D. Clark Defendant as aforesaid is non-resident of the State of Alabama. Now, therefore, the said John D. Clark wherever he may reside he is hereby notified of the levy and pendency of said Attachment.

Witness my hand, this 13th day of July, 1959.

Alice J. Duck, Clerk 27-3tc

STATE OF ALABAMA.
BALDWIN COUNTY.

E. R. Morrisette, Jr. being duly sworn, deposes and says that he is the EDITOR of THE BALDWIN TIMES, a Weekly Newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of

American Agricultural Chemical Co.,
vs. John D. Clark

COST STATEMENT

147 WORDS @ 5 cents \$ 7.35
I hereby certify this is correct, due and unpaid (paid).

E. R. Morrisette Jr.
Editor.

was published in said newspaper for 3 consecutive weeks in the following issues:

Date of 1st publication July 16, 1959 Vol. 71 No. 27

Date of 2nd publication July 23, 1959 Vol. 71 No. 28

Date of 3rd publication July 30, 1959 Vol. 71 No. 29

Date of 4th publication _____, 195____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 3 day of Aug, 1959.

Darrel M. Minton
Notary Public, Baldwin County.

E. R. Morrisette Jr.
Editor.

American Agricultural
Chemical Co. a corp
P. Plaintiff

vs

F.M. Shinn, John D. Clark
and Henry Shivers, individuals,
and jointly:

Comes now the defendant John D.
Clark and demurs to the
P. Plaintiff's Amendment to his Complaint and
for grounds therefor says:

Count III fails to state a cause
of action.

- 2 -

The Plaintiff's Complaint is mul-
tiparous.

3

There is a mingling of Causes
of action.

Witnesses & Provenly

Sub: Albert M. Brantley

AMERICAN AG. CHEM. CO.,
a corporation

Plaintiff

VS

F. M. SHIVERS et al

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 36~~61~~

.....

Comes now the Plaintiff in the above styled cause and demurs to the answer last filed by the Defendant, Henry Shivers and to each and every count thereof separately and severally and assigns the following demurrs separately and severally:

- I. The Defendant states no defense to the Plaintiffs complaint.
- II. The Defendant states no defense known to law.
- III. The answers is multifarious.
- IV. The alleged use of the fertilizer allegedly sold is no defense to the action.
- V. The disposition of the proceeds of the alleged soy bean crop is no defense to the action.

in the defendant's answer upon instant plea

W. L. Hays
Attorney for Plaintiff

*Filed
9-15-57
Circuit Clerk*

AMERICAN AG. CHEM. CO.,
a corporation

Plaintiff

VS

E. M. SHIVERS, et al,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: 36~~19~~

.....

Comes now the Plaintiff in the above styled cause and demurs to the answer last filed by the Defendant, F. M. Shivers, and to each and every count thereof, separately and severally, and assigns the following grounds of demurrer, separately and severally.

I. The Defendant states no defense to the action.

II. The Defendant states no defense known to law.

III. The answer is multifarious.

IV. The alleged use of the fertilizer allegedly sold is no defense to the action.

V. The disposition of the proceeds of the alleged soy bean crop is no defense to the action.

At the defendant returns an informal plea

*Filed
9-15-54
W. L. Hays
Clerk.*

*W. L. Hays
Att. for Plaintiff*

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation,

PLAINTIFF,

VS.

F. M. SHIVERS, JOHN D. CLARKE,
and HENRY SHIVERS,

DEFENDANTS.)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW.

DEMURRER

Comes the Defendant, Henry Shivers, and demurs to the
Complaint as last amended and filed in this action, and to each
part thereof, and assigns as grounds therefor:

I.

That said Complaint fails to state a cause of action.

II.

That said Complaint fails to state what portion of said
account was due by which Defendant; whether the Defendants were
acting as co-partners, or whether each purchased a portion of the
merchandise, goods and chattels for his own or the other Defendants'
uses or use.

*Filed 9-15-59
Riney
Clerk*

James A. Shivers
ATTORNEY FOR DEFENDANT, HENRY SHIVERS

710.3619 American Ag-Chem Co
JURY LIST
FALL SESSION, SEPTEMBER 14, 1959 Shivers & Clark

1. Schwartz, Edward J., Farmer, Elberta
2. Thames, Miley, Farmer, Robertsedale
- ~~3. Vines, Mack, Clerk, Bay Minette~~
4. Wallace, William, Farmer, Bay Minette
- ~~5. Weekley, Willard A., Newport, Bay Minette~~
- ~~6. Weeks, Harry J., Nurseryman, Gulf Shores~~
7. Weston, Herbert R., Bookkeeper, Bay Minette
8. Wren, Walter P., Fleet, Bay Minette
- ~~9. Lenz, William, Civil Service, Elberta~~
- ~~10. Little, Frank Eugene, Mechanic, Foley~~
- ~~11. Lunsford, Herbert L., Crower & Shipper, Foley~~
12. Malone, R., Farmer, Seminole
- ~~13. McDaniel, Schuler, Farmer, Robertsedale~~
- ~~14. Mezzaros, Michael A., Retired, Elberta~~
15. Parker, Samuel F., Jr., C.P.A., Foley
16. Parker, Wilburn, Farmer, Rabon
- ~~17. Parker, Willard, Farmer, Gulf Shores~~
- ~~18. Pittman, Henry Durwood, Farmer, Gateswood~~
- ~~19. Pluscht, Peter, Jr., Carpenter, Elberta~~
20. Powell, Brady L., New Port, Bay Minette
- ~~21. Quinley, Lyman, Farmer, Bay Minette~~
- ~~22. Resmondo, Noak, Farmer, Summerdale~~
- ~~23. Rybar, Joe, Farmer, Silverhill~~
- ~~24. Bryant, George E., Farmer, Stockton~~
- ~~25. Hlinka, George, Retired, Elberta~~
- ~~26. Herron, John L., Kemstrand, Bay Minette~~
- ~~27. Herron, William E., Merchant, Bay Minette~~
28. Hobbs, W.D., Farmer, Rosinton
- ~~29. Koehler, Charles G., Jr., Banker, Elberta~~
30. Krauss, Joseph, Retired, Elberta
- ~~31. Johnson, Coy L., Laborer, Bay Minette~~
- ~~32. Jones, Walter, Clerk, Bay Minette~~
- ~~33. Jones, Willie, Farmer, Bay Minette~~
- ~~34. Faulk, Billy, Barber, Robertsedale~~
35. Gullledge, Charles, Farmer, Summerdale
- ~~36. Hammond, Cecil C., Truck Operator, Bay Minette~~

H XXXXX X
D XXXXX X

Baldwin County Circuit Court

Notice is hereby given that under a Writ of Attachment

of said Defendants, described as follows, viz :

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property

[illegible]

The above described Real Estate being in Baldwin County, Alabama.

Given under my hand this 30th day of June 1959

Sheriff of Baldwin County, Alabama

Notice of Levy on Real Estate

American Agricultural Plaintiff,
Chemical Co., Inc.

vs.

John D. Clark Defendant

Baldwin County Circuit Court

To W. R. Stuart Judge of Probate, Baldwin County, Alabama:

Notice is hereby given that under a Writ of Attachment

issued in favor of the Plaintiff in above entitled cause, I have levied on the following described property of said Defendants, described as follows, viz :

S $\frac{1}{2}$ of Sec. 32, 4s, 5e 320 acres

STATE OF ALABAMA, BALDWIN COUNTY

Filed 7-1-59

8:30 AM

Recorded 2-1-59 book 5 page 57

W. R. Stuart
Judge of Probate

The above described Real Estate being in Baldwin County, Alabama.

Given under my hand this 30th day of June 1959

W. R. Stuart
Sheriff of Baldwin County, Alabama

cover now the Plaintiff and amend
the complaint by adding the
following:

(11)

The plaintiff claim of the
Defendant, John D. Clark, 7552 78,
defendant for merchandise goods and chattels
sold by the Plaintiff to the Defendant,
~~through the defendant's agent or employees F. M.~~
~~Shivers and Henry Shivers, on the~~
following dates

2-2-57, 2-20-57, 2-28-57, 3-11-57,
4-2-57, 4-30-57, 5-7-57, 5-8-57,
5-13-57, 5-14-57, 5-16-57, 5-23-57
at his request, which sum of
money, with the interest thereon,
is still unpaid

W. L. Hays

Filed
9-15-59
Circuit Clerk
Clyde

STATE OF ALABAMA

COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon F. M. Shivers 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 the American Agricultural Chemical Company, a corporation.

Witness my hand, this the 23 day of July, 1958.

Reice J. Duck
CLERK

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS

Defendant

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

--- --

The Plaintiff claims of the Defendant FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, due from him by account on the 20th day of March 1958 which sum of money with the interest thereon is still unpaid.

I

The Plaintiff claims of the Defendant FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS for merchandise, goods and chattels sold to the Defendant during the year 1957 which sum of money with interest thereon is still unpaid.

Filed
July 23, 1958
Reice J. Duck
clerk

W. L. Hays
Attorney for Plaintiff

Ex - Aug. 14, 1958

AMERICAN AGRICULTURAL
CHEMICAL COMPANY, a cor-
poration,

Plaintiff,

vs.

F. M. SHIVERS,

Defendant.

X

X

X

X

X

X

X


IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant in the above styled cause and demurs to that count of the complaint which is numbered "1" and assigns the following separate and several grounds, viz:

1. That said count does not state a cause of action.
2. That said count does not allege that the sum claimed by the Plaintiff is due from the Defendant.
3. That said count does not allege that the merchandise, goods and chattels were sold by the Plaintiff to the Defendant.
4. That said count is vague and indefinite as to when the merchandise, goods and the chattels were sold to the Defendant.


Attorneys for Defendant

Defendant respectfully demands a trial
of this cause by jury.


Attorneys for Defendant

Filed
Aug. 25, 1958
Alice J. Luck,
clerk

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS

Defendant

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

.....

Comes now the Plaintiff in the above styled cause and amends his
complaint to read as follows:

I

The Plaintiff claims of the Defendant FIVE-HUNDRED FIFTY-TWO and
SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, due from him by account on
the 20th day of March 1958 which sum of money with the interest thereon is
still unpaid.

II

The Plaintiff claims of the Defendant FIVE-HUNDRED FIFTY-TWO and
SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, for merchandise, goods and
chattels sold by the Plaintiff to the Defendant on the 2nd day of February,
14th day of February, 26th day of February, 28th day of February, 11th day
of March, 2nd day of April, 30th day of April, 7th day of May, 8th day of
May, 13th day of May, 14th day of May, 16th day of May and the 23rd day of
May, all in 1957, at his request; which sum of money, with the interest
thereon, is still unpaid.

Filed
Sept. 30, 1958
Alice J. Duck
clerk

W. O. Hart
Attorney for Plaintiff

AMERICAN AGRICULTURAL
CHEMICAL COMPANY, a cor-
poration,

Plaintiff,

vs.

F. M. SHIVERS,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant in the above styled cause and for plea to the complaint filed in said cause and to each and every count thereof, separately and severally, says:

1. That the allegations of the complaint are untrue.

2. Not guilty.

3. For further plea to said cause the Defendant alleges that for a period of approximately five years prior to the date set out in the complaint the Defendant had acted as the agent of John D. Clarke in Foley, Alabama, and had bought fertilizer from the Plaintiff for the said John D. Clarke, having the account with the Plaintiff in his own name but the Plaintiff, at the time of each sale of fertilizer, was required to mail one copy of the bill to John D. Clarke and one copy to the State Bank of Elberta where the account of the Defendant and John D. Clarke was kept. At the time of the sale of the fertilizer in March of 1957, which is the basis of the account, the Defendant was no longer employed by the said John D. Clarke in connection with the operation of his farm but Henry Shivers was the agent of the said John D. Clarke at that time for that purpose. That the said Henry Shivers ordered and received the fertilizer which is the basis of the account herein sued on without the knowledge and consent of the Defendant and such account was charged to the Defendant without the knowledge and consent of the Defendant. The Defendant further alleges that at the time the said Henry Shivers purchased such fertilizer a statement of the same was sent to the said John D. Clarke and to the State Bank of Elberta. That such fertilizer was used on the lands of John D. Clarke to raise a bean

crop and later the said John D. Clarke harvested such bean crop and deposited the proceeds therefrom in the State Bank of Elberta and the said John D. Clarke has now received the entire proceeds from said bean crop.

Filed
Oct. 20, 1958
Alice J. Duck
clerk

Sharon & Stone
Attorneys for Defendant

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation,

Plaintiff,

vs.

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS, individually
and jointly,

Defendants.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. _____

Comes the Defendant, F. M. Shivers and demurs to the amended Complaint filed in the above styled cause and to each and every count thereof, separately and severally and assigns the following separate and several grounds, viz:

1. That there is a misjoinder of parties Defendant in said cause.
2. That said Complaint attempts to claim damages of the Defendants separately and severally.
3. That Count 1 of the Complaint claims damages of the Defendants but alleges that such damages are due "from him" without alleging which Defendant owes such damages.
4. That said Complaint fails to set out the amount of interest claimed by the Plaintiff.
5. That Count 2 of the Complaint alleges that the merchandise, goods and chattels were sold by the Plaintiff to the Defendants "at his request" without alleging which Defendant requested that such articles be sold to the Defendants.

Filed
Dec. 18, 1958
Alice J. Luck
clerk

James Stone
Attorneys for F. M. Shiver

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, A Corporation,

Plaintiff,

vs.

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

Defendants.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 3619

Comes now the Defendant F. M. Shivers and demurs to Count II of the Complaint as last amended which is filed in the above styled cause and assigns the following separate and several grounds, viz:

1. That said Count does not state a cause of action.
2. That said Count II does not allege that the sum of money claimed by the Plaintiff from the Defendants is "due from them".

Filed
Feb. 18, 1959
Alice J. Clark
clerk

Barbara Stone
Attorneys for Defendant F. M.
Shivers.

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation,

PLAINTIFF,

VS.

F. M. SHIVERS, JOHN D. CLARKE,
and HENRY SHIVERS,

DEFENDANTS.

) IN THE CIRCUIT COURT OF

) BALDWIN COUNTY, ALABAMA

) AT LAW.

Comes now Henry Shivers, one of the Defendants in the above
styled cause, and for answer to the complaint in said cause, says:

1. That the allegations contained therein are not true.
2. Not guilty.

3. For further plea, the Defendant alleges that at the
time of the sale of fertilizer in March, 1957, Defendant was the
agent of John D. Clarke and that Defendant ordered and received
the fertilizer for the use of John D. Clarke; that the fertilizer
was used on the lands of John D. Clarke to raise a Soy Bean Crop
and that John D. Clarke harvested and sold the said soy beans and
deposited the proceeds from the sale of the soy beans in the State
Bank of Elberta and that John D. Clarke has received said pro-
ceeds from the sale of the soy bean crop from the State Bank of
Elberta.

Filed 7-15-57
W. J. H. H. H. H.
Clarke

James A. H.
ATTORNEYS FOR DEFENDANT, HENRY SHIVERS

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

PLAINTIFF

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

DEFENDANTS

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: ~~3384~~ 3619

STATE OF ALABAMA

BALDWIN COUNTY

Before me, ALICE J. DUCK, Clerk of the Circuit Court of Baldwin County, Alabama personally appeared WILSON HAYES, who, being duly sworn, deposes and says: That John D. Clark is justly indebted to the said American Agricultural Chemical Company, a corporation in the sum of FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, which amount is justly due and that the said John D. Clark resides out of the state of Alabama, and that this attachment is not suit out for the purpose of vexing or harassing the said Defendant.

Wilson Hayes

Sworn to and subscribed before me on this the 24 day of

June, 1959.

FILED

JUN 24 1959

ALICE J. DUCK, CLERK
REGISTER

Alice J. Duck
ALICE J. DUCK, CLERK OF THE CIRCUIT COURT

The State of Alabama, {
Baldwin County

No. 3619

CIRCUIT COURT

Term, 19

AMERICAN AGRICULTURAL CHEMICAL CO., INC.

PLAINTIFFS

vs.

ATTACHMENT

JOHN D. CLARK

DEFENDANTS

WHEREAS, AMERICAN AGRICULTURAL CHEMICAL CO. INC.

as Plaintiff in said cause, has obtained an Attachment out of this Court, issued the 24
day of June 19 59, against the estate of the said defendant

JOHN D. CLARK

which Attachment has been levied upon the following described

REAL ESTATE

as the property of the said defendant, to-wit:

S $\frac{1}{2}$ of Sec. 32, 4s, 5 e 320 acres

and whereas, it appears that the said

John D. Clark

Defendant as aforesaid 15 non-resident of the State of Alabama

NOW, THEREFORE, the said John D. Clark

wherever he may reside he is hereby notified of the levy and pendency of said Attachment.

Witness my hand, this day of July 19 59

Clerk

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff -

-vs-

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS,

Defendants -

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY,
ALABAMA

AT LAW

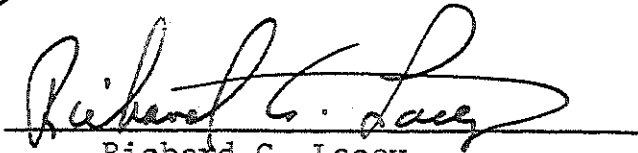
DEMURRER

Comes the defendants in the above styled cause and offers
the following grounds of demurrer to plaintiffs' amended
complaint:

1. That it does not appear from the amended complaint that
defendants are jointly liable.
2. That it does not appear from the amended complaint that
defendants are individually liable.
3. That the amended complaint is multifarious.

Filed
June 25, 1959
Alice J. Luck
clerk


James A. Brice


Richard C. Lacey

Attorneys for Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

Comes now the Defendant, John D. Clarke, and for answer to the Plaintiff's Complaint and to each and every count thereof separately and severally says:

1.

Not guilty.

2.

That he does not owe the Plaintiff the amount sued for nor any amount.

FILED

SEP 4 1959

ALICE J. DUCK, CLERK
REGISTER

Walters & Brantley

BY:

Attorneys for the Defendant,
John D. Clarke.

THE STATE OF ALABAMA,

Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, WILSON HAYES

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that

JOHN D. CLARK

is justly indebted to the Plaintiff AMERICAN AGRICULTURAL CHEMICAL COMPANY, a corporation

in the sum of FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT/100ths (\$552.78) Dollars, and

_____ having made affidavit and given bond
as required by law, in such cases, you are hereby commanded to attach so much of the estate of

JOHN D. CLARK

as will be of value sufficient to satisfy said debt and costs, according to the complaint; and such estate, so attached unless replevied, so to secure, that the same may be liable to further proceedings thereon to be had by the Circuit Court of Baldwin County, Ala., at a term thereof, to be held at the Court House of said County, on _____ Monday of _____ 19 _____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this 24 day of June A. D., 1959

Clerk.

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS

Defendant

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

--- --

Comes now the Plaintiff in the above styled cause and amends his complaint by adding as party Defendant the following persons: John D. Clark and Henry Shivers individually and jointly so that the case shall be as follows:

AMERICAN AGRICULTURAL CHEMICAL
COMPANY, a corporation

Plaintiff

VS

F. M. SHIVERS, JOHN D. CLARK
and HENRY SHIVERS, individually
and jointly,

Defendants

IN THE CIRCUIT COURT

BALDWIN COUNTY, ALABAMA

AT LAW

NUMBER: _____

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I

The Plaintiff claims of the Defendants FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, due from him by account on the 20th day of March 1958 which sum of money with the interest thereon is still unpaid.

II

The Plaintiff claims of the Defendants FIVE-HUNDRED FIFTY-TWO and SEVENTY-EIGHT ONE-HUNDREDTHS (\$552.78) DOLLARS, for merchandise, goods and chattels sold by the Plaintiff to the Defendants on the 2nd day of February, 14th day of February, 26th day of February, 28th day of February, 11th day of March, 2nd day of April, 30th day of April, 7th day of May, 8th day of May, 13th day of May, 14th day of May, 16th day of May and 23rd day of May, all in 1957, at his request; which sum of money, with the interest thereon, is still unpaid.

Filed
Dec. 17, 1958
W. J. Duck
Clark.

Ex. Dec. 31, 1958

W. J. Duck
Attorney for Plaintiff