

W. H. PHILLIPS AND JOHN A.
PHILLIPS, doing business as
PHILLIPS PRODUCE COMPANY, A
Partnership,

Plaintiffs

vs.

J. R. MATTHEWS, individually
and doing business as
MATTHEWS FURNITURE COMPANY,

Respondent.

X

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

3831

AMENDED COMPLAINT

Comes now the Plaintiffs in the above styled cause, by their attorneys, and amend the complaint heretofore filed in this cause so that the same shall read as follows:

COUNT ONE

The Plaintiffs claim of the Defendant Three Hundred Fifty Dollars (\$350.00) due by promissory note made by him on the 18th day of April, 1958, and payable on October 18, 1958, with interest thereon.

The Plaintiffs further allege that in and by the terms of said note the Defendant agreed to pay all costs of collecting, or securing, or attempting to collect or secure this note, including a reasonable attorney's fee, whether the same be collected or secured by suit or otherwise and the Plaintiffs further claim of the Defendant the sum of Seventy Dollars (\$70.00) as such reasonable attorney's fee as provided in said note.

The Plaintiffs further allege that in and by the terms of said note that the Defendant waived as to this debt, or any renewal thereof, all right to exemption under the Constitution and laws of Alabama, or any other State, as to personal property and the Plaintiffs do hereby claim the benefit of such waiver.

CHASON & STONE

By: 

Attorneys for Plaintiffs

There is deposited herewith the sum of fifteen dollars (\$15.00) as security for costs of this suit.

Defendant's address: Robertsdale, Alabama

FILED

OCT 23 1959

107

ALICE J. DUCK, Clerk

383 1

W. H. PHILLIPS and JOHN A.
PHILLIPS, doing business as
PHILLIPS PRODUCE COMPANY, A
PARTNERSHIP,

Plaintiffs,

vs.

J. R. MATTHEWS, Individually
and doing business as MATTHEWS
FURNITURE COMPANY,

Respondent.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

AMENDED COMPLAINT

FILED

OCT 23 1959

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

383 1

W. H. PHILLIPS and JOHN A.
PHILLIPS, doing business as
PHILLIPS PRODUCE COMPANY, A
PARTNERSHIP,

Plaintiffs,

vs.

J. R. MATTHEWS, Individually
and doing business as MATTHEWS
FURNITURE COMPANY,

Respondent.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

AMENDED COMPLAINT

* * * * *

FILED

OCT 22 1959

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

W. H. PHILLIPS AND JOHN A.
PHILLIPS, doing business as
PHILLIPS PRODUCE COMPANY, A
Partnership,

PLAINTIFF

VS

J. R. MATTHEWS, individually
and doing business as
MATTHEWS FURNITURE COMPANY,

DEFENDANT

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

Comes now the Defendant and demurs to the Plaintiff's Complaint and
for grounds thereof says as follows;

1.

The Complaint fails to state a cause of action.

2.

The Complaint fails to allege whether or not the promissory note sued
on is due and payable.

3.

The Complaint fails to allege a due date on the note sued on.

Wilters & Brantley

BY:

Robert M. Brantley
Attorneys for Defendant

FILED

1933

ALICE J. BUCK, CLERK
REGISTER

3831

W. H. PHILLIPS AND JOHN A.
PHILLIPS, d/b/a PHILLIPS
PRODUCE COMPANY, A PARTNER-
SHIP,

PLAINTIFFS

vs

J. R. MATTHEWS, individually
and d/b/a MATTHEWS FURN. CO.,

DEFENDANTS

DEMURRERS

FILED

JUNE 6-59

ALICE J. DUCK, CLERK
REGISTER

W. H. PHILLIPS AND JOHN A)	
PHILLIPS, d/b/a PHILLIPS)	
PRODUCE COMPANY, a partnership,.)	IN THE CIRCUIT COURT OF
)	
PLAINTIFFS)	BALDWIN COUNTY, ALABAMA,
)	
VS.)	AT LAW
)	
J. R. MATTHEWS, individually)	
)	
and d/b/a MATTHEWS FURNITURE)	
COMPANY,)	
)	
DEFENDANT)	

Comes now the Defendant in the above styled cause and for answer to the Plaintiff's Amended Complaint files the following Pleas:

1.

~~Not guilty.~~

The Allegations are untrue

2.

The Defendant has paid the debt or demand for the recovery of which the suit was brought; before this action was commenced.

3.

The note sued on is without consideration.

FILED

OCT 29 1959

ALICE J. DUCK, Clerk

Wiltens & Brantley

BY:

Robert M. Brantley
Attorney for the Defendant

3831

W. H. PHILLIPS AND JOHN A.
PHILLIPS, d/b/a PHILLIPS
PRODUCE COMPANY, a partner-
ship,

PLAINTIFFS

VS.

J. R. MATTHEWS, individually,
and d/b/a MATTHEWS FURNITURE
COMPANY,

DEFENDANT

PLEAS

FILED

OCT 29 1959

ALICE J. DUCK, Clerk

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 J. R. Matthews, individually and doing business as Matthews Furn. Co., 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 W. H. Phillips and John A. Phillips, doing business as Phillips Produce Company, a partnership.

Witness my hand on this the 7 day of May, 1959.

W. H. Phillips
Clerk

Ed. May 11, 1959

W. H. PHILLIPS and JOHN A.
PHILLIPS, doing business as
PHILLIPS PRODUCE COMPANY, a
partnership,

Plaintiffs,

vs.

J. R. MATTHEWS, individually
and doing business as MATTHEWS
FURN. CO.,

Defendant.

X
X
X
X
X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE

The Plaintiffs claim of the Defendant Three Hundred and Fifty Dollars (\$350.00) due by promissory note made by him on the 18th day of April, 1958, with interest thereon.

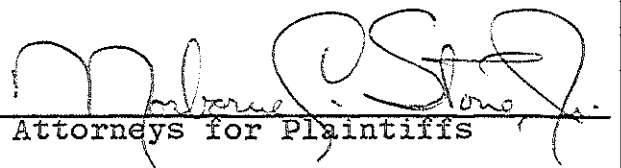
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ney's fee as provided in said note.

The Plaintiffs further allege that in and by the terms of said note that the Defendant waived as to this debt, or any renewal thereof, all right to exemption under the Constitution and laws of Alabama, or any other State, as to personal property and the Plaintiffs do hereby claim the benefit of such waiver.

CHASON & STONE

By:


Attorneys for Plaintiffs

There is deposited herewith the sum of Fifteen Dollars (\$15.00) as security for costs of this suit.

Defendant's address: Robertsdale, Alabama

3831

W. H. PHILLIPS and JOHN A. PHILLIPS
doing business as PHILLIPS PRODUCE
COMPANY, a partnership,

Plaintiffs,

vs.

J. R. MATTHEWS, individually and
doing business as MATTHEWS FURN.
CO.,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

SUMMONS AND BILL OF COMPLAINT

FILED

MAY 7 1959

ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

Received 8 day of May 1959

and on 11 day of May 1959

I served a copy of the within Doc

on J. R. Matthews

By service on _____

TAYLOR WILKINS, Sheriff

By Edleigh Stedman, S.

Sheriff claims 50 miles at

Ten Cents per mile Total \$ 5.00

TAYLOR WILKINS, Sheriff

BY Edleigh Stedman
DEPUTY SHERIFF

Reberville, Ala