

CRAFT CO. INC.
A Corporation,

Plaintiff

-VS-

VULCAN SERVICE CO.
A Corporation and
EBSCO INDUSTRIES, INC.,
a Corporation, jointly.

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW.

3906

BILL OF COMPLAINT

Count One:

The Plaintiff claims of the Defendants, the sum of FOUR HUNDRED FIFTY NINE and 20/100 (\$459.20) DOLLARS, due from them by account on the 24th day of July, 1958, which sum of money with the interest thereon, is still unpaid.

FILED
JUL 18 1959

MAICE J. DUCK, Clerk

John W. Duck
Attorney for Plaintiff

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,

Baldwin County.

Circuit Court, Baldwin County

No.-----

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon VULCAN SERVICE CO. a corporation, and
EBSCO INDUSTRIES, INC., a corporation, jointly.

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against VULCAN SERVICE CO
a corporation, and EBSCO INDUSTRIES, INC. a corp. Defendant
jointly.

by

CRAFT COMPANY, INC., a corporation, Plaintiff

Witness my hand this 18 day of July 1959

Oliver J. Duck, Clerk

EX 7-31-59

No. 2906 Page _____

The State of Alabama

Baldwin County

CIRCUIT COURT

CRAFT CO. INC.

A Corporation

Plaintiffs

vs.

VULCAN SERVICE CO. a corp.

& EBSCO INDUSTRIES, INC. a corp.

Jointly

Defendants

Summons and Complaint

Filed

FILED

JUL 18 1959

ALICE J. DUCK, Clerk

Clerk

Plaintiff's Attorney

Defendant's Attorney

Cour

Mr. Charlton
Defendant lives at
1st Ave. North at 13th
St. Birmingham 3, Alabama

Received In Office

19

Sheriff

I have executed this summons

Existed this the _____ day of _____ 1959

only leaving a copy with _____

by leaving a copy of within with _____

of said case

HOLT A. McDOWELL, Sheriff

Jefferson County, Alabama

J. M. Cousins D.S.

TRAVELING EXPENSE \$1.00

J. M. Cousins D.S.

Sheriff

Deputy Sheriff

CRAFT CO., INC.,) IN THE CIRCUIT COURT
a Corporation,)
Plaintiff) OF BALDWIN COUNTY,
VS.) ALABAMA.
VULCAN SERVICE CO.,) AT LAW
a Corporation and EBSCO)
INDUSTRIES, INC., A) NO. _____
Corporation, jointly,)
Defendants)

DEMURRER

Comes now the plaintiff in the above styled cause and demurs to the plea in abatement filed to its amended complaint, and to each ground thereof assigned the following grounds separately and severally:

1. Said plea is vague and indefinite.
2. Said plea failed to state a defense to the plaintiff's complaint.
3. Said plea fails to state sufficient facts to abate the plaintiff's action.
4. Said plea fails to state any legal grounds for abating the plaintiff's action.
5. Said plea fails to allege the work and labor done was not done in Baldwin County, Alabama.
6. Said plea fails to allege that the work and labor done, which is the basis of the plaintiff's claim, was not done in Baldwin County, Alabama.

WILKINS, STEPHENSON & BYRD

By: Robert L. Byrd, Jr.
ROBERT L. BYRD, JR.

CERTIFICATE

I, ROBERT L. BYRD, JR., one of the attorneys of record for the plaintiff in the above styled cause do hereby certify that I have served a copy of the above and foregoing demurrer on the Honorable J. B. Blackburn, Attorney of record for the defendants in the above styled cause, by mailing a copy of same to him at Bay Minette, Alabama by U.S. Mail postage pre-paid.

This 3rd day of February, 1960.

FILED

FEB 3 1960

ALICE L. DUCK, CLERK
REGISTER

CRAFT CO., INC.,	:	IN THE CIRCUIT COURT
a Corporation,	:	
Plaintiff	:	OF BALDWIN COUNTY,
VS	:	ALABAMA
VULCAN SERVICE CO.,	:	AT LAW
a Corporation and EBSCO	:	
INDUSTRIES, INC., a	:	NO. _____
Corporation, jointly,	:	
Defendants	:	

D E M U R R E R

Comes now the plaintiff in the above styled cause and demurs to the plea in abatement filed in the above styled cause and to each ground threrof, assigning the following grounds, separately and severally:

1. Said plea is vague and indefinite.
2. Said plea failed to state a defense to the plaintiff's complaint.
3. Said plea fails to state sufficient facts to abate the plaintiff's action.
4. Said plea fails to state any legal grounds for abating the plaintiff's action.
5. Said plea fails to allege the work and labor done was not done in Baldwin County, Alabama.
6. Said plea fails to allege that the work and labor done, which is the basis of the plaintiff's claim, was not done in Baldwin County, Alabama.
7. Said plea fails to allege sufficient facts to avoid the effect of Title 7, Section 55 of the Alabama Code of 1940.
8. Said plea is insufficient under the provisions of Title 7, Section 55 of the Alabama Code of 1940.

WILKINS, STEPHENSON & BYRD

By: 
Robert L. Byrd, Jr.

MAY 18 1960

CRAFT CO., INC.,)	
A Corporation,)	
)	IN THE CIRCUIT COURT OF
Plaintiff,)	BALDWIN COUNTY, ALABAMA
VS.)	
)	AT LAW
VULCAN SERVICE CO., A)	
Corporation, and EBSCO)	
INDUSTRIES, INC., A)	
Corporation, jointly,)	
Defendants.)	

PLEA IN ABATEMENT

Come now the defendants, Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, jointly, and Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, separately and severally, for the sole and limited purpose of filing this Plea in Abatement, and show unto the Court the following in abatement of plaintiff's amended complaint heretofore filed in the above entitled cause and of each count thereof, separately and severally:

1. The defendant, Vulcan Service Co., a corporation, heretofore organized and existing under the laws of Delaware, was dissolved on January 31, 1958, and its corporate existence terminated. The conduct and activities heretofore engaged in by Vulcan Service Co., a corporation, were then undertaken by Vulcan Service Co., the trade name of a division of EBSCO Industries, Inc., a corporation. Neither the defendant, Vulcan Service Co., a corporation, nor Vulcan Service Co., a division of EBSCO Industries, Inc., is now or was on July 18, 1959, doing business by agent, or otherwise, in Baldwin County of the State of Alabama.

2. The defendant, EBSCO Industries, Inc., is a corporation organized and existing under the laws of the State of Delaware and is not now, and was not on July 18, 1959, doing business by agent, or otherwise, in Baldwin County in the State of Alabama.

3. The defendants, Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, are not now and were not on July 18, 1959, doing business jointly by agent, or otherwise, in Baldwin County in the State of Alabama.

4. The aforesaid action should properly have been brought in Jefferson County in the State of Alabama, where the defendant, EBSCO Industries, Inc., a corporation, is now and was on July 18, 1959, doing business by agent.

5. The address of Vulcan Service Co., a corporation, at the time of its said dissolution was Birmingham, Alabama, and the address of EBSCO Industries, Inc., a corporation, is Birmingham, Alabama.

WHEREFORE, the defendants, Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, jointly, and Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, separately and severally, move the Court to abate the above styled action and to dismiss the amended complaint and each count thereof heretofore filed therein.

J. B. Blackburn
Attorney for defendants

J. B. Blackburn
Bay Minette, Alabama

White, Bradley, Arant, All & Rose
2100 Comer Building
Birmingham, Alabama

STATE OF ALABAMA)
 *
JEFFERSON COUNTY)

Before me, the undersigned authority, within and for said County in said State, personally appeared A. L. Lee, who, after being by me duly/legally sworn, deposes and says: That he is Vice President in charge of Sales Regions of the defendant EBSCO Industries, Inc., a corporation; that he is authorized to make this affidavit, and that the facts/~~therein stated~~ ^{in the foregoing Plea} are true and correct.

A. L. Lee

Sworn to and subscribed before me on this the 18th day of May, 1960.

Margie M. Dault

Notary Public, Jefferson County, Alabama

FILED

MAY 24 1960

159B

WILLIAM L. DUCK, Clerk

PLEA IN ABATEMENT

3906

CRAFT CO., a corporation,

Plaintiff,

VS.

VULCAN SERVICE CO., a corporation,
and EBS CO INDUSTRIES, INC., a
corporation, jointly,

Defendants.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED

MAY 24 1960

ALLI E. J. DUCK, Clerk



WILKINS, STEPHENSON & BYRD
ATTORNEYS AT LAW
709 MERCHANTS NATIONAL BANK BUILDING
MOBILE, ALABAMA

ROBERT B. WILKINS
SAMUEL R. STEPHENSON
ROBERT L. BYRD, JR.

February 3, 1960

HEMLOCK 8-2478

Mrs. Alice J. Duck, Clerk
Circuit Court, Baldwin County
Bay Minette, Alabama

Re: Craft Co., Inc., a Corporation, Plaintiff
Vs.
Vulcan Service Co., a Corporation and Ebsco
Industries, Inc., a corporation, jointly,
Defendants

Dear Mrs. Duck:

Please find enclosed demurrers to the plea in abatement
filed by the defendant to the amended complaint in the
above styled cause.

I would appreciate your having these submitted for me
without prejudicing the right of the defendant to argue
same orally or by a written memorandum if he so desires.
I, also, am enclosing a letter which I would appreciate
your bringing to the Judge's attention prior to his ruling
on this matter.

Yours very truly,

WILKINS, STEPHENSON & BYRD


Robert L. Byrd, Jr.

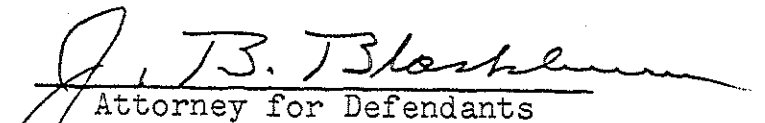
RLB:sh
encl.

cc: Hon. J. D. Blackburn

3. The defendants, Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, are not now and were not on July 18, 1959, doing business jointly by agent, or otherwise, in Baldwin County in the State of Alabama.

4. The aforesaid action should properly have been brought in Jefferson County in the State of Alabama, where the defendant, EBSCO Industries, Inc., a corporation, is now and was on July 18, 1959, doing business by agent.

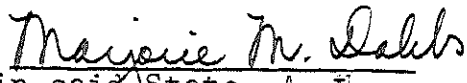
WHEREFORE, the defendants, Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, jointly, and Vulcan Service Co., a corporation, and EBSCO Industries, Inc., a corporation, separately and severally, move the court to abate the above styled action and to dismiss the complaint and each count thereof heretofore filed therein.


Attorney for Defendants

J. B. BLACKBURN
Bay Minette, Alabama


WHITE, BRADLEY, ARANT, ALL & ROSE
2100 Comer Building
Birmingham, Alabama

STATE OF ALABAMA)
COUNTY OF JEFFERSON;

Personally appeared before me, 
a Notary Public in and for said County, in said State, A. E.
Lee, who, being known by me, and being first duly sworn,
deposes and says that he is Vice President in charge of Sales
Regions of the defendant EBSCO Industries, Inc.; that he is
authorized to make this affidavit; and that the facts therein
stated are true and correct.



Sworn to and subscribed before me
this 11th day of August, 1959.


Notary Public

FILED
AUG 14 1959

ALICE J. DUCK, Clerk

NO.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CRAFT CO., INC., A
Corporation,
Plaintiff

vs.

VULCAN SERVICE CO., A
Corporation and EBSCO
INDUSTRIES, INC., A
Corporation, jointly,
Defendants.

PLEA IN ABATEMENT

WHITE, BRADLEY, ARANT, ALL & ROSE
2100 COMER BUILDING
BIRMINGHAM, ALABAMA



The defendants, separately and severally, hereby demand a trial by jury in this cause.

J. B. Blackburn
Attorney for Defendants

FILED
AUG 14 1959

ALICE J. DUCK, Clerk

NO. 3906

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

CRAFT CO., INC., A
Corporation,

Plaintiff

vs.

VULCAN SERVICE CO., A
Corporation and EBSCO
INDUSTRIES, INC., A
Corporation, jointly,

Defendants.

PLEA IN ABATEMENT

J. B. BLACKBURN
BAY MINETTE, ALABAMA

WHITE, BRADLEY, ARANT, ALL & ROSE
2100 COMER BUILDING
BIRMINGHAM, ALABAMA

FILED

AUG 14 1959

ALICE J. DUCK, Clerk

CRAFT CO., INC.)	IN THE CIRCUIT COURT OF
a corporation,)	BALDWIN COUNTY, ALABAMA.
Plaintiff)	
VS.)	AT LAW
VULCAN SERVICE CO.)	
A corporation and)	
EBSCO INDUSTRIES, INC.,)	
a corporation, jointly.)	
Defendant)	

AMENDMENT TO
BILL OF COMPLAINT

Comes now the plaintiff in the above styled cause, and amends its complaint heretofore filed by the addition of Counts two and three as follows:

COUNT TWO

The plaintiff claims of the defendant \$459.20 due from him for work and labor done by the plaintiff for the defendant on, to-wit, July 24, 1958, at its request which sum of money with the interest thereon is still due and unpaid.

COUNT THREE

The plaintiff claims of the defendant the sum of \$459.20 for merchandise, goods and chattels sold by the plaintiff to the defendant on, to-wit, July 24, 1958, at its request, which sum of money with interest thereon is still due and unpaid.

WILKINS, STEPHENSON & BYRD

By: Robert L. Byrd
Attorneys for plaintiff

