

LEE M. OTTS

ATTORNEY AT LAW

218 BELLEVILLE AVENUE

BREWTON, ALABAMA

UNDERHILL 7-4575

July 29, 1959

P. O. BOX 48

Mrs. Alice J. Duck  
Circuit Clerk  
Bay Minette, Alabama

3924

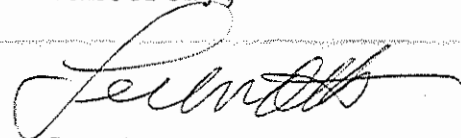
Re: Flint Refrigeration Co., Inc.  
Vs: Mary C. Harden

Dear Mrs. Duck:

Please file the within Summons and Complaint and notify me when defendant is served and of any Answer filed by her.

John came to see me a few days ago. He seems to be doing fine at Fairhope and really enjoys his practice there.

Sincerely,

  
Lee M. Otts

LMO:esc

Enc.

FLINT REFRIGERATION COMPANY,  
INC., A CORPORATION  
BIRMINGHAM, ALABAMA

PLAINTIFF

VS.

MARY C. HARDEN, INDIVIDUALLY,  
AND MARY C. HARDEN, DOING BUSINESS  
AS CANAL COTTAGES & CAFE  
GULF SHORES, ALABAMA

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW, NO. 3924

D E M U R R E R

Now comes the Defendants in the above styled cause separately and severally and demurs to each separate and several count of the Complaint filed herein and for separate and several grounds of demurrer sets down and assigns separately and severally the following:

1. For that said count of said Complaint does not state facts sufficient to state a cause of action against the Defendant.
2. For that the allegations of said count does not show any liability on the part of the Defendant herein to the Plaintiff.
3. For that it does not appear that the Plaintiff is the holder of said promissory note or that said promissory note is the property of the Plaintiff.
4. For that there is a misjoinder of causes of action.
5. For that there is a misjoinder of parties defendant.
6. For that said count fails to allege that said indebtedness is due and unpaid.
7. For aught that appears from the allegations of said Complaint the Defendant is not indebted to the Plaintiff.
8. For that said count joins to separate and distinct causes of action in one and the same count.
9. For that there is a misjoinder of causes of action in that said count joins two or more separate and distinct causes of action in one and the same count.
10. For that said Complaint splits and sets forth one cause of action in two or more separate and several counts.
11. For that allegations of said count are vague, indefinite, and uncertain in that it does not appear from the allegations thereof that the Plaintiff is the holder, payee or assignee of said promissory note.

Defendant demands a trial by Jury.

FILED

AUG 24 1959

ALICE J. DUCK, CLERK  
REGISTER

Mary C. Harden  
MARY C. HARDEN, INDIVIDUALLY AND  
MARY C. HARDEN DOING BUSINESS AS  
CANAL COTTAGES AND CAFE, GULF SHORES,  
ALABAMA.

DOCKET NO. 3924

FLINT REFRIGERATION COMPANY,  
INC., A CORPORATION  
BIRMINGHAM, ALABAMA

PLAINTIFF

VS.

MARY C. HARDEN, INDIVIDUALLY,  
AND MARY C. HARDEN, DOING BUSINESS  
AS CANAL COTTAGES AND CARE  
GULF SHORES, ALABAMA

DEFENDANT

DEMURRER

FILED  
AUG 24 1959

CLERK  
AUG 24 1959

*See later*

FLINT REFRIGERATION COMPANY  
INC., A CORPORATION,  
BIRMINGHAM, ALABAMA,

PLAINTIFF

VS

MARY C. HARDEN, INDIVIDUALLY,  
AND MARY C. HARDEN, d/b/a  
CANAL COTTAGES AND CAFE,  
GULF SHORES, ALABAMA,

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

NO. 3924

Comes now the Defendant in the above styled cause and for answer  
to the Plaintiff's Complaint and each and every count thereof separately  
and severally says:

1.

That she is not guilty of the matters alleged therein.

Wilters & Brantley

BY: *Sam Wilters*  
Attorneys for the Defendant

FILED

DEC 15 1959

ALICE I. DUCK, CLERK  
REGISTER

3924

FLINT REFRIGERATION COMPANY,  
INC., A CORPORATION,  
BIRMINGHAM, ALABAMA,

PLAINTIFF

VS

MARY C. HARDEN, INDIVIDUALLY,  
AND MARY C. HARDEN, d/b/a  
CANAL COTTAGES AND CAFE,  
GULF SHORES, ALABAMA,

DEFENDANT

ANSWER

FILED

per 75-57

ALICE J. DUCK, CLERK  
REGISTER

S U M M O N S

STATE OF ALABAMA )  
BALDWIN COUNTY )

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Mary C. Harden, Individually, and Mary C. Harden, doing business as Canal Cottages & Cafe, Gulf Shores, Alabama, 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 to the complaint of Flint Refrigeration Company, Inc., a Corporation, Birmingham, Alabama.

WITNESS my hand this the 30 day of July, 1959.

Robert L. Ruck  
Clerk of the Circuit Court

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C O M P L A I N T

FLINT REFRIGERATION COMPANY,  
INC., A CORPORATION  
BIRMINGHAM, ALABAMA

PLAINTIFF

VS.

MARY C. HARDEN, INDIVIDUALLY,  
AND MARY C. HARDEN, DOING BUSINESS  
AS CANAL COTTAGES & CAFE  
GULF SHORES, ALABAMA

DEFENDANT

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. \_\_\_\_\_

COUNT ONE

The Plaintiff claims of the Defendant One Thousand Eight Hundred Fifty (\$1,850.00) Dollars, due by promissory note made by her on the 21st day of June, 1953 and payable ninety (90) days

after date, with interest thereon at six percent (6%) from date.

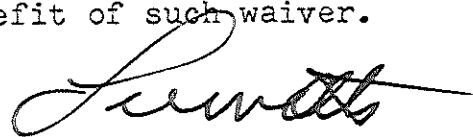
COUNT TWO

The Plaintiff claims of the Defendant the further and additional sum of One Thousand Seven Hundred Forty-eight (\$1,748.00) Dollars, due by promissory note made by her on the 21st day of June, 1953 and payable ninety (90) days after date, with interest thereon at six percent (6%) from date.

COUNT THREE

The Plaintiff claims of the Defendant the further and additional sum of Five Hundred Forty (\$540.00) Dollars as a reasonable attorney's fee for filing suit and making collection of the notes described in Counts One and Two, and the Plaintiff avers that in and by the terms of the said notes the Defendant agreed to pay a reasonable attorney's fee for collection of said notes.

The Plaintiff further avers that in and by the terms of said notes and as a part thereof the Defendant waived in writing, as to these debts, all rights of exemption under the Constitution and Laws of Alabama, or of any other State, as to personal property, and the Plaintiff claims the benefit of such waiver.



Attorney for Plaintiff

Received 30 day of July 1959  
and on 5 day of Aug 1959  
served a copy of the within 2 C.  
on Mary C. Harden  
by service on \_\_\_\_\_

TAYLOR WILKINS, Sheriff

By Mildred Davis

Gulf Shores

Sheriff claims 100 miles at

Ten Cents per mile Total \$ 10.00

TAYLOR WILKINS, Sheriff

BY [Signature]  
DEPUTY SHERIFF

70.3924  
CIRCUIT COURT  
BALDWIN COUNTY,  
ALABAMA

FLINT REFRIGERATION COMPANY,  
INC., A CORPORATION,  
BIRMINGHAM, ALABAMA

VS.

MARY C. HARDEN, INDIVIDUALLY  
AND MARY C. HARDEN, D/B/A  
CANAL COTTAGES & CAFE  
GULF SHORES, ALABAMA

SUMMONS AND COMPLAINT

ORIGINAL

FILED

JUL 30 1959

ALICE J. DUCK, CLERK  
REGISTER

LEE M. OTTS  
ATTORNEY AT LAW  
218 BELLEVILLE AVENUE  
BREWTON, ALABAMA



LEE M. OTTS

ATTORNEY AT LAW

218 BELLEVILLE AVENUE

BREWTON, ALABAMA

September 10, 1960

UNDERHILL 7-4575

P. O. BOX 48

Mrs. Alice J. Duck  
Circuit Clerk  
Bay Minette, Alabama

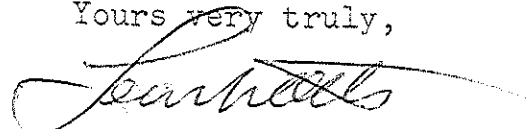
Re: Flint Refrigeration Co.  
vs. Mary C. Harden  
Case No. 3924

Dear Mrs. Duck:

I would appreciate it very much if you would send me a certified copy of the judgment entered in the above case noting thereon the date and place where filed in the Probate Office. I mailed a judgment to Judge Hall on March 17, 1960 and assume that he signed it and turned it over to you for recording shortly thereafter. Please enclose a statement for your charges.

With my very best regards, I am,

Yours very truly,



Lee M. Otts

LMO/p