

McMILLIAN MANUFACTURING
COMPANY, A CORPORATION,

PLAINTIFF

VS

C. M. NORTHCUTT

DEFENDANT

)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA,

) AT LAW

) NO. 4026
)
)

Comes now the Defendant and for answer to the Interrogatories heretofore propounded to him as follows:

1. Yes.
2. C. M. Northcutt. The remaining question is not pertinent to this action.
3. a. C. M. Northcutt.
3. b. See answer to question 2.
4. The answer to this question is equally available to the Plaintiff as it is to me.
5. See answer to question 4.
6. By check and by cash. Payments were made to McMillian Manufacturing Company through their agent Loen L. Griffiths.
7. No demand was made to me for these payments since it was considered I had paid in full.
8. See 7.
9. Yes.
10. Yes.
11. Not pertinent to the issue.
11. Not pertinent to the issue.

C. M. Northcutt

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Evelyn Watts, a Notary Public,
in and for said county, in said state, personally appeared C. M. Northcutt,
who is known to me, and who, after being by me first duly and legally
sworn, did depose and say under oath as follows:

That his name is C. M. Northcutt and he signed his name to the foregoing
answers to interrogatories and that he has read over said interrogatories

and the answers thereto and that said answers are true and correct.

L. M. Matthews

Sworn to and subscribed before me this 23 day of May, 1960.

Evelyn Watts
Notary Public, Baldwin County, Alabama

FILED
MAY 23 1960
ALICE J. DUCK, Clerk

402⁶

McMILLIAN MANUFACTURING
COMPANY, A CORPORATION,

PLAINTIFF

VS

C. M. NORTHCUTT

DEFENDANT

ANSWER TO INTERROGATORIES

FILED

MAY 23 1960

ALICE J. DUCK, Clerk

MAYER W. PERLOFF
ATTORNEY AT LAW
408 VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-5412

December 10, 1959

Mrs. Alice Duck
Clerk of Circuit Court
Bay Minnette, Alabama

Dear Mrs. Duck:

I am enclosing herein an amended bill of complaint which I
would appreciate your filing in your Court.

Thank you very much for your kind attention to this matter.

Very truly yours,


Mayer W. Perloff

MWP/sfv

Encl.

MAYER W. PERLOFF
ATTORNEY AT LAW
408 VAN ANTWERP BUILDING
MOBILE 12, ALABAMA
HEMLOCK 3-5412

October 26, 1959

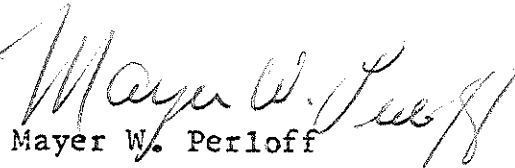
Mrs. Alice Duck
Clerk of Circuit Court
Bay Minnette, Alabama

Dear Mrs. Duck:

Would you please file the enclosed suit in your Court and have the Sheriff make service on the defendant.

Thank you very much for your kind attention to this matter.

Very truly yours,


Mayer W. Perloff

MWP/sfv

Encl.

McMILLIAN MANUFACTURING COMPANY

Plaintiff

vs

C. M. NORTHCUTT

Defendant

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

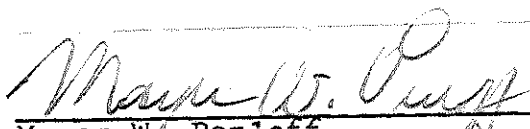
ALABAMA

NO. 4026

COUNT ONE

Plaintiff claim of defendant \$738.00 due under terms of a promissory note executed by defendant on December 31, 1958 under terms of which defendant waived all right to exemption under the Constitution and Laws of Alabama and agreed to pay a reasonable attorney's fee in the event of default which fee plaintiff claims in the amount of \$147.60.

Plaintiff avers that said defendant breached said contract by failure to pay as agreed and declares all future payments due and payable wherefore Plaintiff sues.


Mayer W. Perloff,
Attorney for Plaintiff

Serve Defendant at:

Route 1
Robertsdale, Alabama

SUMMONS AND COMPLAINT

Moore Ptg. Co..

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 4026

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon C.M. NORTHCUTT

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

C.M. NORTHCUTT

Defendant

by McMILLIAN MANUFACTURING COMPANY

Plaintiff

Witness my hand this 327th day of October 1959

Alice J. Duke, Clerk

No. 4026 Page _____

The State of Alabama
Baldwin County

CIRCUIT COURT

McMILLIAN MANUFACTURING COMPANY
Plaintiffs

vs.

C.M. NORTHCUTT

Defendants

Summons and Complaint

Filed October 27, 1959

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

10/28/59

_____, Sheriff

I have executed this summons

this 11-23 1959

by leaving a copy with

C. M. Northcutt

Sheriff claims 52 miles at
Ten Cents per mile Total \$ 5.20
TAYLOR WILKINS, Sheriff
BY EB DEPUTY SHERIFF

Taylor Wilkins Sheriff
Edw. H. Steadman Deputy Sheriff

Rosinton

McMILLIAN MANUFACTURING COMPANY

Plaintiff

vs

C. M. NORTHCUTT

Defendant

IN THE CIRCUIT COURT

OF BALDWIN COUNTY

ALABAMA

NO. 4026

Comes now the Plaintiff in the above styled cause and amends the complaint heretofore filed herein be causing same to read as follows:

McMILLIAN MANUFACTURING COMPANY

A CORPORATION

Plaintiff

vs

C. M. NORTHCUTT

Defendant

IN THE CIRCUIT COURT

OF BALDWIN COUNTY

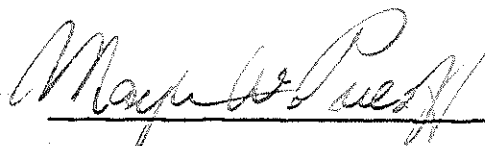
ALABAMA

NO. 4026

COUNT ONE

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Plaintiff avers that said defendant breached said contract by failure to pay as agreed and declares all future payments due and payable wherefore Plaintiff sues.



Mayer W. Perloff
Attorney for Plaintiff

Serve Defendant at:

Attorney's for Defendant

Wilters & Brantley

FILED

DEC 10 1959

ALICE L. DUCK, CLERK
REGISTER

McMILLIAN MANUFACTURING COMPANY § IN THE CIRCUIT COURT
Plaintiff § OF BALDWIN COUNTY, ALABAMA
vs § NO. 4026
C. M. NORTHCUTT §
Defendant §

Comes now the Defendant in the above stlyed cause and files this his
plea in abatement to the Plaintiff's Complaint and for grounds thereof
says:

1.

The Complaint fails to alledge wheather he is an Individual, Partnership,
or Corporation.

WILTERS & BRANTLEY

BY *George J. Wilters*
Attorneys for Defendant

Defendant Demands Trial
by Jury
WILTERS & BRANTLEY

BY *George J. Wilters*
Attorneys for Defendant

Filed
12-3-59

McMILLIAN MANUFACTURING COMPANY

Plaintiff

vs

C. M. NORTHCUTT

Defendant

AT LAW

NO. 4026

Plea and Abatement

FILED

DEC 31 1950

ALICE J. DUCK, CLERK
REGISTER

MC MILLAN MANUFACTURING CO. * IN THE CIRCUIT COURT
Plaintiff * OF BALDWIN COUNTY,
vs * ALABAMA
C. M. NORTHCUTT * AT LA W
Defendant * NO. 4026

PLAINTIFF'S INTERROGATORIES TO DEFENDANT

Now comes the plaintiff in the above styled cause and desiring the testimony of the defendant propounds to the defendant the following interrogatories pursuant to the Statute of the State of Alabama, i.e., Title 7, Section 477, et.seq., Code of Alabama 1940.

1. Are you the defendant in the above entitled cause?
2. If you are an individual then state your correct name, age, present address and business address.
3. (a) Is your name correctly stated in the complaint filed in this cause, (b) If you state your name is not correctly stated in the complaint then state your correct name, age, present address and business address.
4. Please state whether or not you executed a promissory note of the total amount of ONE THOUSAND-ONE HUNDRED-SEVEN (\$1,107.00) DOLLARS, payable in six (6) equal installments of \$184.50 due monthly beginning February 2, 1959, payable to the McMillan Manufacturing Company.
5. If your answer to the preceeding interrogatory is in the affirmative please state what payments, if any, you made on said promissory note.
6. Please state to whom and by what method said payments, if any, were made.
7. If your answer in interrogatory 4 was in the affirmative please state whether or not any demand was made upon you for payment of said promissory note.

8. If your answer to the preceeding interrogatory was in the affirmative please state what your actions were upon demand being made upon you.

9. Have you been informed that your answers to these interrogatories are made under oath?

10. Have you been informed that your answers to these interrogatories may constitute a part of the testimony in this case?

11. State in whose presence you answered the above set forth interrogatories.

12. State if the answers to the preceeding interrogatories are made in your own words.

Mayer W. Perloff

Mayer W. Perloff
Attorney for Plaintiff

STATE OF ALABAMA:
COUNTY OF MOBILE:

Before me, the undersigned authority in and for said county and state, personally appeared Mayer W. Perloff, who is known to me, and who being by me first duly sworn, upon oath deposes and says that he is the attorney for the plaintiff in the above entitled cause, and as such is authorized to make this affidavit; that the answers of the defendant so the foregoing Interrogatories when well and truly made and filed will be material testimony for the plaintiff on the trial of this cause.

Sworn to and subscribed to before
me this 29 day of March, 1960.

Winston L. Gibson
Notary Public

4026

Wm. M. McLean Mfg. Co.

vs

C. M. Northcutt

Received 31 day of March 1961
and on 4 day of April 1961
served a copy of the within Interrogatories
on Walter F. Brantley

By service on Mr. Brantley

TAYLOR WILKINS, Sheriff

By W. A. Talbot, Jr.
omi

FILED

MAR 31 1961

AUGIE L. DUCK, CLERK
REGISTER

so be served on
Walter F. Brantley

McMILLIAN MANUFACTURING
COMPANY, A CORPORATION,

PLAINTIFF

VS

C. M. NORTHCUTT

DEFENDANT

(
IN THE CIRCUIT COURT OF
)
BALDWIN COUNTY, ALABAMA,
)
AT LAW
)
NO. 4026
)
)

Comes now the Defendant in the above styled cause and for answer
to the Plaintiff's Complaint says:

1.

That the matters alleged therein are untrue

Wilters & Brantley

BY: 
Attorney for the Defendant

THE Defendant demands a trial by jury.

Wilters & Brantley

BY: 
Attorneys for the Defendant

FILED

DEC 21 1959

ALICE J. DUCK, Clerk

4026

McMILLIAN MANUFACTURING COMPANY,
A CORPORATION,

PLAINTIFF

VS

C. M. NORTHCUTT

DEFENDANT

ANSWER

FILED
DEC 21 1959
ALICE J. DUCK, Clerk

MCMILLIAN MANUFACTURING CO.,

PLAINTIFF

VS

C. M. NORTHCUTT,

DEFENDANT

)

)

)

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)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 4026

PLEAS

Comes now the Defendant in the above styled cause and amends his pleas to read as follows:

1.

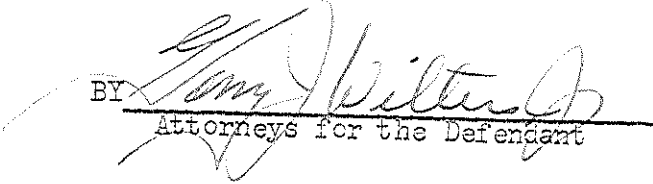
The Allegations of the Complainant are untrue.

2.

There was a partial failure of consideration for the note sued on in this: As consideration for this note, the Plaintiff agreed to place poles for support of a building in such a manner that they would support it. The Plaintiff did place the poles, but failed to do it in a workman like manner in that poles were placed in the ground without sufficient foundation. As a result of this, the poles sank in the ground and the Defendant had to jack up the poles and pour a foundation. This cost the Plaintiff an amount in excess of the balance due on the note.

WILTERS & BRANTLEY

BY


Attorneys for the Defendant

402-1

MC MILLIAN MANUFACTURING CO.,

PLAINTIFF

VS

C. M. NORTHCUTT,

DEFENDANT

PLEAS