W. H. FOSTER,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
SINCLAIR REFINING COMPANY, a corporation,	X	
	X	AT LAW
Defendant.	X	

1055

APPLICATION FOR SUBPOENA DUCES TECUM

Comes now the Plaintiff in the above styled cause, by his attorneys, and applies to the Clerk of the Circuit Court of Baldwin County, Alabama, At Law, to issue a subpoena duces tecum directed to Cecil Kilpatrick of Atmore, Alabama, who is not a party of this cause, requiring him to produce and have present at the trial of said cause on March 17, 1960 all Daily Sales Reports (form no. 53) submitted by W. H. Foster, the Plaintiff in this cause, as marketing agent of Sinclair Refining Company to said company during the month of October, 1969 and the monthly report based thereon; all of which said reports are in the possession of the said Cecil Kilpatrick.

Respectfully submitted,

CHASON & STONE

FILED
MAR 11 1960
ALICE J. DUCK, Clerk

By: Marbury J. Stone, Jr.
Attorneys for Plaintiff

FILED
MAR 11 1969
[illegible]

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

Foster vs Sinclair

JURY LIST, SPRING TERM, MARCH 14, 1960

1. [illegible], Louis, Laborer, [illegible]
2. [illegible], Perry H., Farmer, Swapeville
3. Helms, Kenneth B., Civil Service, Elberta
4. Helms, John R., Civil Service, Elberta
5. King, Orphens N., Jr., Clerk, Bay Minette
6. Hirz, Donald, Civil Service, Elberta
7. Hughes, Wayne, Motel Owner, Fairhope
8. Bishop, Earnest E., Meat Packer, Fairhope
9. Cooper, M.C., Carpenter, Robertsdale
10. Cooper, Ted W., Livestock Dealer, Robertsdale
11. Conte, Ferdinand A., Farmer, Loxley
12. Gibson, Loch Fisher, Mechanic, Bay Minette
13. Harrison, John, Laborer, Summerdale
14. Parker, Joe C., Farmer, Bon Secour
15. Gamble, I.Jack, Salesman, Bay Minette
16. Gantt, Ralph E., Farmer, Little River
17. Peavy, Richard V., Building Supt., Foley
18. Pilgrim, A.L., Farmer, Elberta
19. Pilgrim, H.E., Farmer, Elberta
20. Pilgrim, Joseph A., Jr., Farmer, Elberta
21. Reedy, M.L., Postal Clerk, Bay Minette
22. Blunt, Hugh Paul, Brookley Field, Bay Minette
23. Boone, W.R., Farmer, Little River
24. Bryant, Julis Lee, Farmer, Stockton
25. Cheatham, Pelham D., Brookley Field, Bay Minette
26. Childress, Calvin, Farmer, Summerdale
27. Childress, Hobson, Farmer, Silverhill
28. Chestain, Charles, Farmer, Bay Minette
29. Cleverdon, Paul L., Farmer, Summerdale
30. Andress, Herbert E., Farmer, Foley
31. Armstrong, William, Civil Service, Elberta
32. Williams, Bryant, Farmer, Fairhope
33. Wenzel, Emmett C., Merchant, Gulf Shores
34. Walters, Thomas W., Farmer, Bon Secour
35. Craft, Ervin P., Lumber, Daphne
36. Crull, Calvin, Creamery, Fairhope
37. Dean, David E., Farmer, Lottie
38. Fell, Walter, Mechanic, Bon Secour
39. Flowers, Albert T., Farmer, Gulf Shores
40. Ford, W.B., Jr., Type Setter, Foley
41. Loflan, Laurence F., Machinist, Foley
42. Lazzari, Anglo, Farmer, Belforest
43. Lazzari, Joe, Farmer, Daphne
44. Graham, James R., Laborer, Bay Minette
45. Graham, John C., Brookley Field, Bay Minette
46. Grimes, Roy A., Newport, Bay Minette
47. Gulledge, William, Farmer, Robertsdale
48. Gwaltney, John L., Farmer, Robertsdale
49. Vitous, Albert, Farmer, Silverhill

49
15
34
12
22

P XXXXX XXXXX X

D XXXX XXXXX X

No. 4055

W. H. Tower vs. Sinclair Refining Co

JURY LIST - FALL SESSION
SEPTEMBER 12, 1960

1. Boykie, William E., Laborer, Robertsdale
2. Bryant, Woodrow, Farmer, Stockton
3. Emmons, Isaac, Farmer, Silverhill
4. Bauer, John, Farmer, Summerdale
5. Clark, H.L., Brookley Field, Bay Minette
6. Allegri, V.J., Jr., Farmer, Belforest
7. Lovell, M.A., JR, Farmer, Loxley
8. Eiland, Clarence S., Millman, Bay Minette
9. Cooper, Quitman, Bldg. Supply Dealer, Gulf Shores
10. Daring, Rudolph A., Merchant, Foley
11. Davidson, Jerry, Ala. Power Co., Bay Minette
12. Durant, Joe C., Farmer, Bay Minette
13. Durant, Percy N., Merchant, Bay Minette
14. Dutcher, Wilson, Jeweler, Fairhope
15. Dvorak, Joseph, Merchant, Silverhill
16. Dyass, Albert, Merchant, Stapleton
17. Laurendine, Leonard, Farmer, Mag. Spgs.
18. Lyrene, George A., Farmer, Silverhill
19. Malone, T.E., Merchant, Fairhope
20. Mason, Jimmy, Salesman, Fairhope
21. Mathews, Charles H., Furniture, Bay Minette
22. McKenzie, Elroy, JR., Farmer, Fairhope
23. Mitchel, Fred, Jr., Service Station, Stapleton
24. Mosley, A.A., Builder, Stapleton
25. Murphy, William R., Plant Manager, Robertsdale
26. Owen, L.D., Jr., Merchant, Bay Minette
27. Pearson, Donald, Farmer, Robertsdale
28. Roberts, Howard, Civil Service, Stapleton
29. Sirmon, Arthur, Farmer, Belforest
30. Sirmon, A.D., Farmer, Daphne
31. Schroeder, Walter, Painter, Elberta
32. Sheldon, Edward, Brick Layer, Fairhope
33. Stripline, Fred, Television Repair, Robertsdale
34. Straka, Fred, Trucker, Robertsdale
35. Suddith, Jack, Office Manager, Bay Minette
36. Trawick, Walter, Laborer, Bay Minette
37. Vasut, Charles F., Television Repair, Robertsdale
38. Waters, Orville Clyde, Merchant, Bay Minette
39. Sewell, Devore, Businessman, Loxley
40. Lund, Geoffrey, Chemist, Spanish Fort - Daphne
41. Cooper, Nolan, Jr., Farmer, Robertsdale
42. Alexander, W. Silsby, Jr., Plumber, Bay Minette
43. Langston, Shelby, Brookley Field, Bay Minette
44. Crawford, Russell M., Electrician, Bay Minette
45. Howard, Oscar, Merchant, Bay Minette
46. Johnson, Manford, Newport, Bay Minette
47. Walker, W. Kirby, Railroad, Bay Minette
48. Gray, Cane R., Oil Distributor, Bay Minette
49. Wrenn, Walter P., Fleet, Bay Minette
50. Zehner, Charles K., Health Dept., Bay Minette
51. Hunnah, Wendel A., Production, Bay Minette
52. Moorer, Uhle, Newport, Bay Minette
53. Miller, Ernest, Ala. Power Co., Bay Minette
54. McKinney, Fred, A.P.C., Bay Minette
55. McGill, Jake M, Insurance, Bay Minette
56. Lynd, Joe E., Plumber, Bay Minette
57. Knight, Robert W., Clerk, Bay Minette
58. Lyles, O.C., Real Estate, Bay Minette
59. Easley, Ted, Baldwin Pole & Piling Co., Bay Minette

P. XXXX XXXX XXXX XXXX

D XXXX XXXX XXXX XXXX

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

January 4, 1960

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I filed a plea of the general issue today for the Defendant in the case of W. H. Foster, Plaintiff vs. Sinclair Refining Company, Defendant, case number 4055, which is now pending on the law side of the Circuit Court.

The plea which I filed is an unqualified appearance on the part of the Defendant.

I direct your attention to the provisions of Title 7, Section 849 of the 1940 Code of Alabama, which provides in substance that when an attachment is issued without bond and the Defendant makes an unqualified appearance in the case it is your duty to issue notice to the Plaintiff or his attorney of the fact of such appearance. Please give this notice to the Plaintiff or the Plaintiff's attorney at once.

Yours very truly,

J. B. Blackburn

J. B. BLACKBURN

JBB:am

cc: Mr. Norborne C. Stone
Attorney at Law
Bay Minette, Alabama.

W. H. FOSTER, Plaintiff v. SINCLAIR REFINING COMPANY, A CORPORATION, Defendant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW - No. 4055

DEFENDANT'S ANSWERS TO PLAINTIFF'S INTERROGATORIES

NUMBERED 13 THROUGH 16

Comes now the defendant, Sinclair Refining Company, by its Assistant Division Manager, R. L. Brooks, who being duly sworn deposes and says: That he is employed by the defendant in the capacity of Assistant Division Manager and that as such he exercises supervision over the employees named below and is familiar with their duties and responsibilities, and makes the following answers to plaintiff's interrogatories:

13. During the specified time, Oscar Nix was an employee of the defendant.

14. Oscar Nix had no authority to contract with the plaintiff on behalf of the defendant during said period.

15. Hayden S. Smith was an employee of the defendant during said period.

16. Hayden S. Smith had authority to contract with the plaintiff on behalf of the defendant to a limited degree and only as specifically authorized by the defendant's officers and board of directors.

SINCLAIR REFINING COMPANY

BY R. L. Brooks

ASSISTANT DIVISION MANAGER

Subscribed and sworn to before me this 13th day of May, 1960.

NOTARY PUBLIC

W. H. FOSTER, Plaintiff vs. SINCLAIR REFINING COMPANY, a Corporation Defendant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW - No. 4055

DEFENDANT'S ANSWERS TO PLAINTIFF'S INTERROGATORIES NUMBERED 1 THROUGH 12 AND 17 THROUGH 22

Comes now the defendant, Sinclair Refining Company, by its Chief Division Accountant, F. J. Cole, who being duly sworn, deposes and says:

That he is employed by the defendant in the capacity of Chief Division Accountant and as such has in his custody and control and under his supervision all records of defendant concerning its dealings with the plaintiff and that on the basis of such records he makes the following answers to plaintiff's interrogatories:

1. The plaintiff was a "Marketer" for defendant as the term is defined in, and pursuant to an agreement between plaintiff and defendant entitled "Marketer Agreement" dated July 16, 1957, and pursuant to that agreement sold defendant's products prior to November 16, 1959 in the portion of Baldwin County, Alabama specified in said agreement.

2. The plaintiff was a Marketer for defendant from June 1, 1957 until on or about November 16, 1959.

3. No.

4. On or about November 16, 1959.

5. Yes.

6. No. The reports submitted by the plaintiff to the defendant are further referred to in answer to interrogatories Nos. 8 and 18.

7. Yes.

8. The reports requested by this interrogatory are voluminous and will be made available for inspection and copying by plaintiff at the office of defendant's attorney on reasonable notice.

9. Although the aforesaid "Marketer Agreement" provided specific commission rates for the sale of specific products, the plaintiff was authorized to sell any and all of the products marketed by defendant, which are too numerous to mention.

10. The attached Exhibit "A" contains the information called for by this interrogatory.

11, 12. The attached Exhibit "B" contains the information called for by these interrogatories.

13, 14, 15, 16. Answers separately submitted.

17. Yes.

18. The records referred to are voluminous. All records kept by the plaintiff for the defendant will be made available for inspection and copying by the plaintiff at the office of defendant's attorney on reasonable notice.

19. No.

20, 21. No answer required, but see Exhibit "C" attached.

22. No.

SINCLAIR REFINING COMPANY

BY [illegible]
CHIEF DIVISION ACCOUNTANT

Subscribed and sworn
to before me this
10th day of May,
1960.

Florence McKie
NOTARY PUBLIC

Notary Public, Fulton County, Georgia
My Commission Expires June 7, 1963

Form 1665 16M 10-58

STATION NET SALES

SINCLAIR REFINING COMPANY

	PRODUCT	CODE	CURRENT MONTH NET SALES GALLONS	CURRENT MONTH ¢ PER GAL.	CURRENT MONTH NET SALES — $	YEAR-TO-DATE NET SALES GALLONS	YEAR-TO-DATE ¢ PER GAL.	YEAR-TO-DATE NET SALES — $
01	H-C Gasoline	1	24550		371481	301378		4529998
02	Power-X Gasoline	2	4557		82549	70868		1299412
04		4						
05	Marine White Gasoline	5						
09	Other Auto Gasoline	9						
10	Naphtha-Solvent	10						
18		18						
20	Kerosene	20	741		12081	8800		147011
21	Tractor Fuels	21						
22	#1 Heating Oil	22						
23	#2-3 Heating Oils	23	5293		82673	47180		751338
24	Diesel Fuels	24						
31	Residual Fuels	31						
32		32						
38	Alcohol Anti-Freeze	38						
39	Permanent Anti-Freeze	39	192		38460	240		49002
40	Triple X Motor Oils	40				150		1998
41	Extra Duty Motor Oils	41	347		34280	2343		232120
42	Opaline Motor Oils	42	122		10430	1216		99130
43	Pennsylvania Motor Oils	43	6		696	301		31514
44	Tenols	44	183		13135	1675		109308
45	Aircraft Oils	45						
46	Other Motor Oils	46	61		2952	1026		74010
47	Auto Oils	47						
49	Industrial Oils	49	273		14840	3547		194144
57		57						
58	Demulsifiers	58						
67	Specialties	67	2		840	19		5693
70	Gear Lubricants	70	86		9613	824		91444
72	Auto Greases	72	65		9393	535		76472
74	Industrial Greases	74				53		4885
76	Waxes	76						
79		79						
80	Sundries	80						
81	Sales-Aid Devices	81						
83	Paints for Resale	83						
87	T-B-A	87						
88	Service Station Services	88						
89	Oil Burners	89						
90	TOTAL	90	36478	1874	683423	440155	1753	7714579

99 SALARY COMMISSION X 3 MONTH 10 YEAR 59 STATION 106 BAY MINETTE, ALA. -T 1

EXHIBIT "A"

FORM 1[illegible] SETO 5-59

MEMORANDUM OF COMMISSIONS

SINCLAIR REFINING COMPANY

NAME W. H. POSTER
SINCLAIR REFINING CO.
LOCATION BAY MINETTE, ALA. [illegible]

FROM 1[illegible]-59
TO 31-22

PRODUCT	Gasoline Class No.	GALLONS	COMMISSIONS (NON-BONUS) ¢/GAL.	COMMISSIONS (NON-BONUS) AMOUNT	COMMISSIONS (BONUS) ¢/GAL.	COMMISSIONS (BONUS) AMOUNT
H-C GASOLINE	1	20589			1 65	339 72
	2	3961	1 0	39 61		
	3					
	4					
	5					
POWER-X GASOLINE	1	2796			1 75	48 93
	2	1761	1 0	17 61		
	3					
	4					
	5					
U.S.M.S. GASOLINE	1					
NAPHTHA-SOLVENT	1				2 0	
KEROSENE	1	741			2 0	14 82
TRACTOR FUEL	1				1 8	
SUPERFLAME LIGHT	1				1 8	
SUPERFLAME MEDIUM	1	5293			1 8	95 27
					EXHIBIT "B"	
DIESEL FUEL	1				1 8	
					EXHIBIT "B"	

PRODUCT	VALUE	COMMISSIONS (NON-BONUS) %	COMMISSIONS (NON-BONUS) AMOUNT	COMMISSIONS (BONUS) %	COMMISSIONS (BONUS) AMOUNT
ANTI-FREEZE	3846			10	38 46
LUBRICATING OILS	76333			12	91 60
SPECIALTIES —REGULAR	840			25	2 10
—OTHER				15	
GREASES	19006			12	22 81
SUNDRIES				5	
B.M.D. COMMISSIONS					
ADD OR (DEDUCT) ADJUSTMENTS OF PRIOR MONTH'S TOTALS					
NET TOTALS			57 22		653 71
NET TOTAL COMMISSIONS — (BONUS AND NON-BONUS)					710 93
LOADING AND TRANSFER ALLOWANCE — PER 1090-A					
P/A					2 70
TOTAL					713 63
AMOUNTS WITHHELD					
CASH SALE SHORTAGE					
STOCK SHORTAGE					
CREDIT VIOLATION					
TOTAL					
ADVANCE PAYMENTS			340 00		
LESS TOTAL DEDUCTIONS					340 00
NET PAYMENT (CHECK ATTACHED)					373 63

SINCLAIR REFINING CO. ATLANTA, GA. NOV 12 1959 TREASURY DEPT.

STATEMENT OF COMMISSIONS WITHHELD FOR
CREDIT VIOLATIONS - W. H. FOSTER,
BAY MINETTE, ALABAMA

DATE	COMMISSIONS WITHHELD	DISBURSEMENTS	EXPLANATION OF DISBURSEMENTS (Unless otherwise explained, all disbursements were in payment of the named "credit violation" accounts which were assigned to W. H. Foster	
1957				
7-22	$ 70.00			
8-20	50.00			
9-20	100.00			
10-10	126.63			
10-21	80.46			
11-11	138.69			
11-19	142.50			
1958				
1-10	51.30			
1-21	50.00			
2-19	142.38			
3-11	52.27			
3-19	77.38			
4-8	192.82			
4-21	104.88			
5-12	132.12			
5-20	102.50	$ 481.17	Thompson Service Station, Bay Minette, Ala.	
6-20	100.00			
7-10	146.82			
7-21		383.10.....	(C.L. Buxton, Bay Minette, Ala.	$ 14.54
7-22	112.50		(L. A. Cox, Jr. Stockton, Ala.	60.60
8-11	185.14		(Alton Grimes, Bay Minette, Ala.	28.78
8-20	120.00		(Frank Probst, Bay Minette, Ala.	75.67
9-11	142.95		(W. D. Rider, Hurricane,RFD, Ala.	203.51
9-22	100.00			
10-15		312.98	Applied to Past Due TBA account of W. H. Foster	
11-25	122.50			
12-10	192.07			
12-19		76.66	Harry Bryant, Stockton, Ala.	
12-24	125.00			
1959				
1-12	125.00			
1-23	150.00			
2-19		253.79	Thomas E. & Inez V. Givens, Bay Minette,Ala.	
3-25	145.00			
4-13	150.00			
5-25	100.00		(Sam James, Stockton, Ala.	$124.01
7-21		343.01.....	(W. K. Arant, Bay Minette, Ala.	219.00
8-19		9.64	Elmer Pipkin, Bay Minette, Ala.	
10-23	50.00			
11-13	373.63		(Applied to shortage in final audit	
12-11		272.75	(of W. H. Foster Accounts, Nov. 15, 1959.	
12-11		522.68	Paid to W. H. Foster	
12-23	1.00			
3-14-60		1,076.83	Paid into court for account of W.H. Foster	
3-14-60		322.93	Assignment of following accounts tendered to W. H. Foster:	
			F.L. Boyles, Bay Minette, Ala.	$ 48.04
			Elmer Pipkin, Bay Minette, Ala.	8.84
			C.R. & A. R. Turner, Bay Minette, Ala.	266.05
TOTALS	$4,055.54	$4,055.54		

EXHIBIT "C"

4055

W. H. FOSTER,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
	X	
vs.	X	BALDWIN COUNTY, ALABAMA
	X	
SINCLAIR REFINING COMPANY, a corporation,	X	AT LAW No.4055
Defendant.	X	
	X	

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO THE DEFENDANT

Comes now the Plaintiff, W. H. Foster, by his attorneys, and affidavit having been made by Norborne C. Stone, Jr., one of the attorneys of record for the Plaintiff, and propound the following interrogatories to the Defendant, Sinclair Refining Company:

1. Please state whether the Plaintiff in this cause was the marketing agent or marketer for the Defendant Corporation in Bay Minette, Alabama and the immediate vicinity thereof prior to November 15, 1959.

2. If your answer to the first interrogatory is in the affirmative pleasestate the period of time during which the Plaintiff was such marketing agent or marketer.

3. Please state whether or not the Plaintiff is now the marketing agent or marketer of the Defendant Corporation in Bay Minette, Alabama and the immediate vicinity thereof.

4. If your answer to the last interrogatory is in the negative please state when the Plaintiff ceased to be the marketing agent or marketer of the Defendant Corporation or when his authority as such was revoked.

5. Please state whether or not during the time that the Plaintiff was marketing agent or marketer of the Defendant Corporation if he as such submitted to the Defendant Corporation daily reports of sales of the products of the Defendant Corporation sold or marketed by him.

6. Please state whether or not during the time that the Plaintiff was marketing agent or marketer of the Defendant Corporation if he as such submitted to the Defendant Corporation monthly summary

of sales of the products of the Defendant Corporation sold or marketed by him.

7. Were such reports (either daily or monthly) submitted for the month of October, 1959?

8. If your answer to the last interrogatory was in the affirmative please attach copies of such reports (either daily or monthly) for the month of October, 1959.

9. Please name all of the products of the Defendant Corportation which the Plaintiff was authorized to sell or market as marketing agent or marketer of the Defendant Corporation during the time he was acting as such.

10. Please state the total amount of sales of each of the products of the Defendant Corporation made by the Plaintiff during the month of October, 1959.

11. Please state the amount of commissions to which the Plaintiff was entitled on the sale or marketing of the several products of the Defendant Corporation which the Plaintiff was authorized to sell or market during the month of October, 1959.

12. Please state the total amount of commissions due to the Plaintiff under his marketing agreement with the Defendant Corporation on sales made by the Plaintiff during the month of October, 1959.

13. Please state whether Oscar Nix was, during the entire period of time when the Plaintiff was the marketing agent or marketer of the Defendant Corporation, an agent, servant or employee of the Defendant Corporation.

14. If your answer to the last interrogatory was in the affirmative please state whether Oscar Nix had authority to contract with the Plaintiff for and on behalf of the Defendant Corporation.

15. Please state whether Hayden S. Smith was, during the entire period of time when the Plaintiff was the marketing agent or marketer of the Defendant Corporation, an agent, servant or employee of the Defendant Corporation.

16. If your answer to the last interrogatory was in the affirmative please state whether Hayden S. Smith had authority to contract with the Plaintiff for and on behalf of the Defendant Corporation.

17. Please state whether or not the Defendant Corporation has in its possession or under its control the books and records maintained and kept by the Plaintiff during the period of time when he was marketing agent or marketer of the Defendant Corporation.

18. If the answer to the last interrogatory was in the affirmative please attach copies of all of such records to the answers of these interrogatories.

19. Please state whether or not the Defendant Corporation now has any sum of money in its possession representing commissions due to the Plaintiff during the time that he was marketing agent or marketer for the Defendant Corporation and which was withheld from him to cover alleged "credit violations" as the term is employed in the marketing agreement existing between the Plaintiff and the Defendant Corporation during the period of time stated in the answer to interrogatory No. 2.

20. If your answer to the last interrogatory was in the affirmative please state the amount now withheld by the Defendant Corporation.

21. If the answer to interrogatory No. 19 was in the affirmative please attach a statement to the answers to these interrogatories showing the manner in which said sum was ascertained, the time on which each item of the total sum was withheld and the sale by the Plaintiff which allegedly constituted a "credit violation" as the term is employed in the marketing agreement in force and effect between the Plaintiff and Defendant Corporation for the period of time stated in the answer to interrogatory No. 2.

22. If the answer to interrogatory No. 19 is in the negative please state whether the Defendant Corporation has in its possession or under its custody or control any money or sums of money due to the Plaintiff.

CHASON & STONE

By: Marbourne C. Stone, Jr.
Attorneys for Plaintiff

STATE OF ALABAMA

BALDWIN COUNTY

Before me, E. Mac Humphries, a Notary Public, in and for said County in said State, personally appeared Norborne C. Stone, Jr., 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 Norborne C. Stone, Jr., and that he is one of the attorneys of record for W. H. Foster, who is the Plaintiff in that certain action now pending in the Circuit Court of Baldwin County, Alabama, wherein Sinclair Refining Company, a corporation, is the Defendant. That the answers to the interrogatories propounded above will be material testimony and evidence for the Plaintiff in the said cause.

Dated this the 24 day of March, 1960.

Norborne C. Stone, Jr.

Sworn to and subscribed before me

this the 24 day of March, 1960.

Notary Public, Baldwin County, Ala.

Received 24 day of March 1960
and on 25 day of March 1960
I served a copy of the within Interrogatories
on J. B. Blackburn

By service on James Owen

TAYLOR WILKINS, Sheriff
By W. A. Tillett D. S.
2-mc

W. H. FOSTER,

Plaintiff,

vs.

SINCLAIR REFINING COMPANY, a corporation,

Defendant.

* * * * * * * * * * * * * * * * * * *

INTERROGATORIES PROPOUNDED BY THE PLAINTIFF TO THE DEFENDANT

* * * * * * * * * * * * * * * * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW No.4055

* * * * * * * * * * * * * * * * *

FILED
MAR 24 1961
ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

To be served on Hon. J. B. Blackburn

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA

March 17, 1960

Mrs. Alice J. Duck
Clerk of the Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

I hand you herewith Treasurer's Voucher No. TA26598, Check No. 131411, drawn by Sinclair Refining Company on the First National Bank, Atlanta, Georgia, payable to me as attorney for $1,076.83. I have endorsed this check to you or to your order.

This check is delivered to you in connection with the defendant's plea of tender in the case of W. H. Foster, plaintiff, v. Sinclair Refining Company, defendant, Case No. 4055, which is now pending on the law side of the Circuit Court of Baldwin County, Alabama.

Very truly yours,

J. B. Blackburn

J. B. BLACKBURN

JBB*MLB
Enclosure

CC: Sinclair Refining Company

W. H. FOSTER, Plaintiff,	)	IN THE CIRCUIT COURT OF
VS.	)	BALDWIN COUNTY, ALABAMA
SINCLAIR REFINING COMPANY, a corporation, Defendant.	)	AT LAW NO. 4055

MOTION TO REQUIRE PRODUCTION OF DOCUMENT

Now comes the defendant, by its attorney, and moves the Court to require the plaintiff, W. H. Foster, who resides in Bay Minette, Alabama, to produce at the trial of this cause on September 14, 1960, an original copy of the marketer agreement between the plaintiff, W. H. Foster, and the defendant, Sinclair Refining Company, a corporation, which agreement is dated July 16, 1957, which agreement contains evidence pertinent to the issues in this cause.

Dated this 13th day of September, 1960.

J. B. Blackburn

Attorney for Defendant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I hereby certify that I delivered a copy of the above and foregoing motion to Norborne C. Stone, one of the attorneys for the plaintiff, on September 13, 1960, at 11:25 o'clock A. M.

Dated this the 13th day of September, 1960.

J. B. Blackburn

Attorney for Defendant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

The above motion having been presented to me, and it appearing that the same should be granted, the prayer of the motion is hereby granted and the plaintiff, W. H. Foster, is hereby required to produce at the trial of this cause on September 14, 1960, an original copy of the marketer agreement between W. H. Foster and Sinclair Refining Company, dated July 16, 1957.

ORDERED AND ADJUDGED on this the 13th day of September, 1960.

Robert M. Hare
Judge

W. H. Foster,
Plaintiff,

vs.

Sinclair Refining Company,
a Maine Corporation,
Defendant

In the Circuit Court of
Baldwin County, Alabama
At Law
No 4055

Amendment to Plea

Now comes the Defendant in the above styled cause and amends the plea heretofore filed in said cause by adding thereto, the following:

4. The defendant for answer to the said complaint, says that it has paid the demand for the recovery of which this suit was brought, before March 18, 1960.

J. B. Blackburn
Attorney for Defendant

Filed 3-18-60
Alice J. Heck
Clerk

21 94 19
272.75
1921.44
5
9605

W. H. FOSTER, Plaintiff, VS. SINCLAIR REFINING COMPANY, a corporation, Defendant.	))))))))))	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW NO. 4055

TO W. H. FOSTER AND TO CHASON AND STONE, HIS ATTORNEYS:

You are hereby notified that the defendant, pursuant to the provisions of Act 375, enacted by the 1955 Legislature of Alabama (Title 7, Section 474(1), 474(18), 1940 Code of Alabama, as amended), desires to and will take the testimony of the plaintiff, W. H. Foster, at the courthouse at Bay Minette, Alabama, at 1:30 o'clock P. M. on Monday, April 11, 1960, before Louise Dusenbury, a Notary Public and Court Reporter of the 28th Judicial Circuit of Alabama.

You are hereby further notified to be present at the time and place aforesaid.

Dated this 7th day of April, 1960.

J. B. Blackburn

Attorney for defendant

STATE OF ALABAMA)
*
BALDWIN COUNTY)

I hereby certify that I mailed a copy of the above and foregoing notice to Norborne C. Stone, Esquire, one of the attorneys for the plaintiff, by first class mail, postage prepaid, properly addressed to him at Bay Minette, Alabama, on this the 7th day of April, 1960.

J. B. Blackburn

Attorney for defendant

FILED
APR 8 1960
ALICE J. DUCK, Clerk

NOTICE

W. H. FOSTER,

Plaintiff,

VS.

SINCLAIR REFINING COMPANY, a corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 4055

FILED
APR 8 1960
ALICE J. DUCK, Clerk

W. H. FOSTER, Plaintiff, VS. SINCLAIR REFINING COMPANY, a corporation, Defendant.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW NO. 4055

PLEA

Now comes the defendant and amends the answer heretofore filed in this cause by adding the following:

2. The defendant, for answer to the complaint, saith that it tendered to the plaintiff the amount due to him, to-wit, $1,076.83, on, to-wit, the 15th day of December, 1959, and on the said date agreed to assign to the plaintiff the accounts due by the following, to-wit:

F. L. Boyles	$ 48.04
Elmer Pipkin	8.84
C. R. and A. R. Turner	266.05

and now brings the said money into court. The defendant is and always has been ready and willing to assign and deliver the above described accounts and offered to do so on the said date, to-wit, December 15, 1959.

3. The defendant, for answer to the complaint, saith that it tendered to the plaintiff the amount due to him, to-wit, $1,076.83, on, to-wit, the morning of March 17, 1960, and on the said date agreed to assign to the plaintiff the accounts due by the following, to-wit:

F. L. Boyles	$ 48.04
Elmer Pipkin	8.84
C. R. and A. R. Turner	266.05

and now brings the said money into court. The defendant is and always has been ready and willing to assign and deliver the above described accounts and offered to do so on the said date, to-wit, March 17, 1960.

J. B. Blackburn

Attorney for defendant

Filed 3-17-60
Chas. J. Venable
Clerk

Foster

v.

Sinclair

4055

Baldwin County, Ala.

Comes now the Plaintiff in the above styled cause and demurs to Plea "4" heretofore filed by the Defendant and assigns the following separate and several grounds in support thereof:

1. That said plea is immaterial.

2. That the allegations of said plea do not constitute a defense to this suit.

3. The plea fails to allege that any amount of or part of the Plaintiff's claim was paid before the commencement of this suit.

CHASON & STONE

By [signature]

Filed: March 18, 1960

[signature]

W. H. FOSTER, Plaintiff, VS. SINCLAIR REFINING COMPANY, A Maine Corporation, Defendant.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA. AT LAW. NO.4057

Comes now the Plaintiff in the above styled cause and amends his complaint so that the same shall read as follows:

COUNT ONE:

The Plaintiff claims of the Defendant Two Thousand, One Hundred ~~Seventy~~ Ninety Four and ~~56~~ 19/100 (~~$2,174.56~~ 2194.19) DOLLARS due from it by account on, to-wit, the 1st day of November, 1959, which sum of money, with the interest thereon is still unpaid.

CHASON & STONE

BY: _____
Attorneys for Plaintiff

Filed 3-18-60.

W. H. FOSTER, Plaintiff, vs. SINCLAIR REFINING COMPANY, A Maine Corporation, Defendant.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW. NO. 4055.

NOTICE TO PLAINTIFF OF DEFENDANT'S UNQUALIFIED APPEARANCE:

TO: W. H. FOSTER OR TO CHASON AND STONE, ATTORNEYS FOR PLAINTIFF:

You are hereby notified that the Defendant filed an unqualified appearance in this case on January 4, 1960.

This notice is given to you pursuant to the provisions of Title 7, Section 849 of the 1940 Code of Alabama.

Dated this 4th day of January, 1960.

As Clerk of the Circuit Court of
Baldwin County, Alabama,

NOTICE TO PLAINTIFF OF DEFENDANT'S
UNQUALIFIED APPEARANCE:

W. H. FOSTER,

Plaintiff,

vs.

SINCLAIR REFINING COMPANY,
A Maine Corporation,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW. NO. 4055.

Received 4 day of Jan 19[illegible]
and on 4 day of Jan 19[illegible]
I served a copy of the within Notice
on W H Foster

By service on

TAYLOR WILKINS, Sheriff
By W. A. Talbert D.
O-mi

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA: GREETINGS:

You are hereby commanded to summon Cecil Kilpatrick, Atmore, Alabama, at the instance of the Plaintiff in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, At Law, wherein W. H. Foster is the Plaintiff and Sinclair Refining Company, a corporation, is the Defendant, personally to be and appear before the Circuit Court of Baldwin County, Alabama, at the present term thereof to be held at the Courthouse in Bay Minette, Alabama, on to-wit, the 17th day of March, 1960 at 9:00 o'clock A.M. and to bring with him and produce at the time and place aforesaid, to be used as evidence, all Daily Sales Reports (form no. 53) of Sinclair Refining Company submitted by W. H. Foster as marketing agent for said company during the month of October, 1959 and the monthly report based thereon and then and there to testify and the truth to speak concerning all and singular those things of which he may have knowledge or the said instruments of writing doth import of, in said cause aforesaid. And this he shall in nowise omit under penalties of what the law directs, and shall have you then and there this writ with your endorsement thereon in what manner you have executed the same.

WITNESS my hand this 11 day of March, 1960.

Alice J. Duck
Clerk

Received 11 day of March 1960
and on 14 day of March 1960
I served a copy of the within Duces Tecum
on Cecil Kilpatrick

By service on

TAYLOR WILKINS, Sheriff
By Alton Keeen D. S.

Foster
vs
Sinclair

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

W. H. FOSTER,	)	
Plaintiff	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
SINCLAIR REFINING COMPANY, a corporation,	)	AT LAW
Defendant.	)	

MOTION TO REQUIRE THE PRODUCTION OF BOOKS AND WRITINGS

Comes now the Plaintiff in the above styled cause, by his attorneys, and affidavit having been made by Norborne C. Stone, Jr. one of the attorneys of record for the Plaintiff, and moves this Honorable Court to compel by order the Defendant to produce at the trial of the above styled cause on Thursday, March, 19, 1960 all of books, documents or writings in their possession, custody and control which contain evidence pertinent to the issues herein involved and; in particular, to produce all originals and copies of the accounts, memoranda, reports, ledgers, journels and invoices covering the operation by the Plaintiff as the marketing agent of the Defendant in Bay Minette, Alabama for the period of time from June 15, 1959 to November 15, 1959 including, but not being limited to, all "form 43 reports", daily reports, monthly reports and records of sales during said period.

And the Plaintiff further moves this Honorable Court to enter an order setting a day for the hearing of this motion that notice of the filing hereof be given to Hon. J. B. Blackburn, Attorney at Law, Bay Minette, Alabama, the attorney for the Defendant in said cause, of the filing of this motion and of the day set for the hearing of the same.

Respectfully submitted,

CHASON & STONE

By: Norborne C. Stone, Jr.
Attorneys for Plaintiff

FILED
MAR 9 1960
ALICE L. DUCK, CLERK REGISTER

copy rec

STATE OF ALABAMA

BALDWIN COUNTY

Before me, Blanche White, a Notary Public, in and for said County in said State personally appeared Norborne C. Stone, Jr. 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 Norborne C. Stone, Jr. and he is one of the attorneys for the Plaintiff in that certain cause now pending in the Circuit Court of Baldwin County, Alabama, At Law wherein W. H. Foster is the Plaintiff and Sinclair Refining Company, a corporation, is the Defendant; and that he is informed and believes and upon such information and belief alleges that the Defendant has in its possession and under its control the instruments, reports, memoranda, books and writings noted in the attached motion relative to a transaction or transactions had by and between the Defendant and the Plaintiff during the year 1959 and, in particular, from June 15, 1959 to November 15, 1959, relative to the operation by the Plaintiff as the marketing agent of the Defendant in Bay Minette, Alabama, and that said instruments and writings and books are pertinent to the issues of said cause and are necessary and will be material evidence for the Plaintiff in said cause.

Norborne C. Stone, Jr.

Norborne C. Stone, Jr.

Sworn to and subscribed before me on this the 9th day of March, 1960.

Blanche White

Notary Public, Baldwin County, Alabama.

W. H. FOSTER, Plaintiff, vs. SINCLAIR REFINING COMPANY, A Maine Corporation, Defendant.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW. NO. 4055.

ANSWER:

Now comes the Defendant and for answer to the complaint heretofore filed in the above styled cause saith that the allegations of the complaint are untrue.

J. B. Blackburn

Attorney for Defendant.

Defendant demands a trial of said cause by Jury.

J. B. Blackburn

Attorney for Defendant.

FILED
JAN 4 1960
ALICE J. DUCK, Clerk

ANSWER

W. H. FOSTER,

Plaintiff,

vs.

SINCLAIR REFINING COMPANY,
A Maine Corporation,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW. NO. 4055.

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 Sinclair Refining Company, a Maine Corporation, 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. Foster.

Witness my hand this 1 day of ~~November~~ Dec, 1959.

Clerk

W. H. FOSTER,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
vs.	)	BALDWIN COUNTY, ALABAMA
	)	
SINCLAIR REFINING COMPANY, A Maine Corporation,	)	AT LAW
Defendant.	)	

COUNT ONE:

The Plaintiff claims of the Defendant One Thousand Eight Hundred and Twenty Dollars and Fifty-six Cents ($1,820.56) due from it by account on, to-wit, the 1st day of November, 1959, which sum of money, with the interest thereon is still unpaid.

CHASON & STONE

FILED
DEC 1 1959
ALICE L. DUCK, CLERK REGISTER

By: Attorneys for Plaintiff

W. H. Foster

vs.

Sinclair Refining Co

FILED

DEC 1

ALICE L. DUCK, CLERK
REGISTER

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

ATTACHMENT

The State of Alabama,
Baldwin County.

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, W. H. Foster

hath complained on oath to me, ALICE J. DUCK, Clerk of Circuit Court of Baldwin County, Ala., that Sinclair Refining Company, A Maine Corporation

is justly indebted to the Plaintiff W. H. Foster

in the sum of One thousand eight hundred twenty and 50/100 Dollars, and W. H. Foster having made affidavit and given ~~Bond~~ bond as required by law, in such cases, you are hereby commanded to attach so much of the estate of ~~Sinclair Refining Company, A Maine Corporation~~

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 Within 30 days Monday of _____ 19_____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this ~~17th~~ day of November A. D., 1959.

Alice J. Duck Clerk.

Received _____ day of _____ 19__
and on 19 day of Nov, 1959
I served a copy of the within Attachment
on _____

By service on Oscar Nix
Sales Representative Sinclair
TAYLOR WILKINS, Sheriff
By _____ D. S.

Oscar Nix

No. 40555

ATTACHMENT

W. H. FOSTER

Vs. } ATTACHMENT

SINCLAIR REFINING COMPANY,
A Maine Corporation

Issued ~~11-17~~, 195 9

Printed by Moore Printing Co.

Attached the following described property:
All that parcel of land lying in the E½ of Sec. 16, T 2s, R3e, and in order to reach the big pt. ~~xxxxxxx~~ start at the NE Cor of the SE¼ ~~xxxxx~~ of Sd. Sec, the N alg the E ln of sd. sec 994.5' to ~~the E'ly~~ a pt, hn of the h/w of the Bay Minette and Fort Morgan R.R. th N 9 deg ~~xxxxxxxxxxxx~~ and 44' E 150' alg the Ely in of sd 2/w to a pt at the SW Cor of Standard Oil Co. lot, th due E 100' alg the S ln of Standard Oil Co. lot to POB; for this pt of beg th due E 80' to a pt, th S 9 deg. 44' W and para W/sd r/w 100' to a pt; th due W 80' to a pt; th N 9 deg 44' E para W/sd r/w 100' to the POB: being a lot 80' X 100' Together with improvements thereon

134

ATTACHMENT BOND

Moore Printing Co.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALA.

KNOW ALL MEN BY THESE PRESENTS, That We,_____

_____

....., of the County of Baldwin_____

are held and firmly bound unto _____

_____

in the sum of_____Dollars, to

be paid to the said _____

heirs, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals and dated the_____day of_____, 19 ____

The Condition of this Obligation is such:

That whereas, the above bounden_____

_____ ha___, on the day of the date

hereof, prayed an Attachment at the suit of .....

_____..... against the estate of above named

_____

for the sum of_____Dollars,
and hath obtained the same, returnable to the Circuit Court of Baldwin County:

Now, if the said_____

should prosecute said Attachment to effect, and pay the said Defendant all such damages as_____ may sustain by the wrongful or vexatious suing out said Attachment, then the above obligation to be void; othewise to remain in full force and effect.

And we and each of us hereby waive all rights of claims of exemption we or either of us have now, or may hereafter have, under the Constitution and Laws of the State of Alabama.

Signed, Sealed, and delivered the date above written.

..... (Seal)

..... (Seal)

..... (Seal)

..... (Seal)

Approved, this_____day of_____, 19 ____

....., Clerk

ATTACHMENT AFFIDAVIT

Moore Printing Co.

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT AT BAY MINETTE, ALABAMA

Before me, Alice J. Duck, Clerk of the Circuit Court in and for said County, personally appeared W. H. Foster who, being duly sworn, on oath saith that Sinclair Refining Company, a Maine corporation, is justly indebted to W. H. Foster in the sum of One Thousand Eight Hundred Twenty and 56/100 Dollars, which said amount is justly due after allowing all just offsets and discounts, and that the said Sinclair Refining Company is a non-resident of the State of Alabama, being a Maine corporation

and that this Attachment is not sued out for the purpose of vexing or harassing the Defendant, or other improper motive.

W. H. Foster

Subscribed and sworn to before me this 17th day of November, 1959

Alice J. Duck

No. 4055 Page

STATE OF ALABAMA
Baldwin County

CIRCUIT COURT
At Bay Minette, Ala.

TO

ATTACHMENT BOND AND AFFIDAVIT

Filed this the day of , 19 , Clerk

Attorney

The Baldwin Times

"Baldwin's Only All County Newspaper"

BAY MINETTE, ALABAMA

J. H. FAULKNER, Publisher
E. R. MORRISSETTE, Jr., Editor-Manager

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA,
BALDWIN COUNTY.

E. R. Morrissette, 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

H. H. Foster vs. Sinclair Refining Co.

COST STATEMENT

315 WORDS @ 5 cents _ _ _ $ 15.75

I hereby certify this is correct, due and unpaid (paid).

E. R. Morrissette Jr.
Editor.

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

Date of 1st publication December 10, 1959 Vol. 71 No. 48

Date of 2nd publication December 17, 1959 Vol. 71 No. 49

Date of 3rd publication December 24, 1959 Vol. 71 No. 50

Date of 4th publication _____, 19____ Vol. _____ No. _____

Subscribed and sworn before the undersigned this 30 day of Dec, 1959

Dorothy Martin
Notary Public, Baldwin County.

E. R. Morrissette Jr.
Editor.

ATTACHMENT

The State of Alabama,
Baldwin County.

Pl Dft Eq 46

TO ANY SHERIFF OF THE STATE OF ALABAMA:

WHEREAS, W. H. Foster

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

Sinclair Refining Company, A Maine Corporation

is justly indebted to the Plaintiff W. H. Foster

in the sum of One thousand eight hundred twenty and 50/100 Dollars, and

W. H. Foster having made affidavit and given ~~bond~~ no bond

as required by law, in such cases, you are hereby commanded to attach so much of the estate of

~~Sinclair Refining Company, A Maine Corporation~~

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 Within 30 days Monday of _____ 19_____ next; when and where you must make known to said Court how you have executed this Writ.

WITNESS, my hand, this ~~17th~~ day of November A. D., 19 59.

Alice J. Duck Clerk.

~~We the Jury Rule in favor of The Plaintiff to wit Amount of Suit less inventory Shortage. Plus interest~~

W K Walker

~~in the amount of $2194.19 less 272.75~~

We the Jury find for the Plaintiff in the Amount of $2017.49

W K Walker

No. 4055

ATTACHMENT

W. H. FOSTER

Vs. } ATTACHMENT

SINCLAIR REFINING COMPANY,
A Maine Corporation

Issued 11-17, 1959

Printed by Moore Printing Co.

W. H. FOSTER,

Plaintiff,

vs.

SINCLAIR REFINING COMPANY,
A Corporation,

Defendant

* * * * * * * * * * * * * * * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * * ** * * * * * * * * * * * *

MOTION TO REQUIRE THE PRODUCTION
OF BOOKS AND WRITINGS
(With affidavit attached)

* * * * * * * * * * * * * * * * * *

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

W. H. FOSTER

VS.

SINCLAIR REFINING COMPANY
A MAINE CORP

IN THE CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA

AT LAW NO 4055

I, Alice J. Duck, Clerk of the Circuit Court , in and for the above named county and state do hereby certify that I have this day mailed to THE SINCLAIR REFINING COMPANY, 55 Marietta Street N. W., Atlanta, Georgia by Certified Mail, return receipt requested, a copy of the Bill of Complaint and order of publication in the cause as styled above.

Witness my hand this 8th day of December 1959.

Alice J. Duck

Clerk Circuit Court

W. H. FOSTER

VS.

SINCLAIR REFINING COMPANY
A MAINE CORP

IN THE CIRCUIT COURT OF

BALDWIN COUNTY ALABAMA

AT LAW NO 4055

I, Alice J. Duck, Clerk of the Circuit Court , in and for the above named county and state do hereby certify that I have this day mailed to THE SINCLAIR REFINING COMPANY, 55 Marietta Street N. W., Atlanta, Georgia by Certified Mail, return receipt requested, a copy of the Bill of Complaint and order of publication in the cause as styled above.

Witness my hand this 8th day of December 1959.

Clerk Circuit Court

Guardian Ad Litem

[illegible]

All that parcel of land lying in the E½ of Sec. 16 Twp 2s,R3e, and in order to reach the beg pt. start at the NE Cor of the SE¼ of sd sec, the N alg the E ln of sd sec 994.5' to a pt; th due W 226.5' to the E'ly ln of the R/W of the Bay Minette [illegible] Warren R.R. th N 9 deg [illegible] due E [illegible] Standard Oil Co. lot to POB: fr this pt of beg th due E80' to a pt; th S 9 deg 44' W and para W/sd r/w 100' to a pt; th due W 80' to a pt; th N 9 deg 44'E para w/sd r/w 100' to the POB; being a lot 80'X100'. Together with improvememts [illegible]

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver *ONLY* to addressee ☐ Show address where delivered

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

Sinclair Oil

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

J. M. Shoge

DATE DELIVERED

DEC 9 1959

ADDRESS WHERE DELIVERED *(only if requested in item #1)*

C55—16—71548-4 GPO

4033

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

JAN 9 2 PM 1959 GA.

POSTMARK OF DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

RETURN TO

REGISTERED NO.	NAME OF SENDER Alice J. Duck, Clerk
CERTIFIED NO. 194763	STREET AND NO. OR P. O. BOX Box 239
INSURED NO.	CITY, ZONE AND STATE Bay Minette, Alabama

POD Form 3811 Jan. 1958

C55—16—71548-4