

STANFORD A. WEINER  
Plaintiff

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

VS.

B.W. SHOOK

Defendant

AT LAW  
CASE # 4169

COMPLAINT

Count One

The Plaintiff claims of the Defendant the sum of SIX THOUSAND FIVE HUNDRED SEVENTY-EIGHT and 89/100 dollars, (\$6578.89), due from him for money loaned by the Plaintiff to the Defendant on the dates and amounts as follows:

FEBRUARY 1953 .....	\$ 400.00
May 1953 .....	3100.00
November 1953 .....	1500.00
February 1954 .....	200.00
March 1954 .....	500.00
May 1954 .....	325.00

Total .....\$6,025.00

which sum of money with the interest on the principal balance of SIX THOUSAND TWENTY-FIVE 00/100 dollars, (\$6,025.00) from the 10th. day of May 1959 is still unpaid.

Count Two


The Plaintiff claims of the Defendant the sum of SIX THOUSAND FIVE HUNDRED SEVENTY-EIGHT and 89/100 dollars, (\$6578.89), due from him by account stated between the Plaintiff and Defendant on towit the 15th. day of October 1958, which sum of money together with the interest from the 10th. day of May 1959, on the principal balance of SIX THOUSAND TWENTY - FIVE and 00/100 dollars, (\$6,025.00), is still unpaid.



E.G. RICKARBY, Attorney for  
Plaintiff

The account sued on is evidenced by an itemized and verified statement filed herewith.

Mr. B.W. Shook is living at  
Malbis Courts, P.O. Box # 218  
Daphne, Alabama.



E.G. RICKARBY - ATTORNEY  
AT LAW.

STATE OF Texas }  
 COUNTY OF Bexar } ss.

BEFORE ME, the undersigned Notary Public in and for the County and State aforesaid, personally appeared

Stanford A. Weiner

(Name of person making affidavit)

, who, being by me first duly sworn, on oath states that he is

1. Use when Concern is a corporation.

1. \_\_\_\_\_ of \_\_\_\_\_

(Name of corporation)

a corporation duly incorporated under the laws of the State of \_\_\_\_\_

2. Use when Concern is a partnership.

2. One of the firm of \_\_\_\_\_

(Full name of firm)

consisting of himself and \_\_\_\_\_

(Full names of all other partners)

3. Use when one person owns the business.

3. A Sole Trader doing business as \_\_\_\_\_

Stanford A. Weiner

(Trade name of the business, if any; otherwise own name)

that he has knowledge of the facts herein set forth and is duly authorized to make this affidavit; that the annexed account of { said corporation  
said co-partnership  
affiant } (hereinafter called Claimant) against B. W. Shook

of Daphne, Alabama

(Hereinafter called Debtor)

is, within the knowledge of affiant, just, true and correct; that there is now due from said Debtor the sum of

Six Thousand Five Hundred Seventy Eight and 89/100 - - - - - (\$ 6,578.89)

with interest at six per cent. per annum from May 10, 1959 ~~January 1, 1959~~, and that all just and lawful offsets, payments and credits have been allowed.

Subscribed and sworn to before me this \_\_\_\_\_

day of December \_\_\_\_\_ A. D. 1959

Notary Public, Bexar County, Texas

My commission expires 6-1-62 19\_\_\_\_

(Person making Affidavit sign here)

Mr. B. W. Shook  
Malbis Courts  
P. O. Box 3218  
Daphne, Alabama

In Account with Stanford A. Weiner;

Account for money loaned by Mr. Weiner to Mr. Shook, with  
interest at 6% per annum.

	<u>INTEREST:</u>	<u>PRINCIPAL:</u>	<u>PAID :</u>
Feb. 1953 (Loan) Int. thereon from March 1, 1953 to Jan. 10, 1959 (10 days, 10 mos., 5 years)	\$ 140.64	\$ 400.00	
May, 1953 (Loan) Int. thereon from June 1, 1953 to Jan. 10, 1959, (10 days, 7 mos., 5 years)	\$1033.46	\$3100.00	
November 1953 (Loan) Interest thereon from Dec. 1, 1953 to Jan. 10, 1959, (10 days, 1 mo., 5 years)	\$ 459.90	\$1500.00	
Feb. 1954 (Loan) Interest thereon from March 1, 1954 to Jan. 10, 1959, (10 days, 10 mos., 4 years)	\$ 70.32	\$ 200.00	
March, 1954 (Loan) Interest thereon from April 1, 1954 to Jan. 10, 1959, (10 days, 8 mos., 4 years)	\$ 140.80	\$ 500.00	
May, 1954 (Loan) Interest thereon from June 1, 1954 to Jan. 10, 1959, (10 days, 6 mos., 4 years)	\$ 88.27	\$ 325.00	
	<u>\$1933.39</u>	<u>\$6025.00</u>	
January 10, 1959			\$1000.00
Int. on Principal bal. from Jan. 10, 1959 to May 10, 1959;	\$ 120.50		
May 10, 1959 Credited to Interest:			<u>\$ 500.00</u> <u>\$1500.00</u>
	<u>\$2053.89</u>		
Balance of Interest added to debt:	<u>\$ 553.89</u>	<u>\$ 553.89</u> <u>\$6578.89</u>	

FILED  
DEC 18 1959  
ALICE J. DUCK, CLERK  
REGISTER

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

No.-----

Circuit Court, Baldwin County

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

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon -----

B. W. SHOOK

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-----

B. W. SHOOK

-----, Defendant---

by STANFORD A. WEINER

-----, Plaintiff---

Witness my hand this 18 day of December 1959

Ernest J. Shook, Clerk

Phone No. WA 89360  
603 Murphy Ave Hope  
No. 14109 Page \_\_\_\_\_

The State of Alabama  
Baldwin County

CIRCUIT COURT

STANFORD A. WEINER

Plaintiffs

vs.

B. W. SHOOK

Defendants

Summons and Complaint

Filed \_\_\_\_\_ 19\_\_\_\_

FILED

DEC 18 1959

ALICE J. DUCK, CLERK  
REGISTER

Clerk

E. G. Rickarby

Plaintiff's Attorney

Defendant's Attorney

~~Finney Bros Hotel~~  
~~Plantation~~  
Defendant lives at

Malbis Courts, P. O. Box  
# 218, Daphne, Alabama

Received In Office

12/18/59 19\_\_\_\_

\_\_\_\_\_, Sheriff

I have executed this summons

this 1/29/60 19\_\_\_\_

by leaving a copy with

B. W. Shook

\_\_\_\_\_, Sheriff

J. W. Dorn, Deputy Sheriff

Coxles

STANFORD A. WEINER,  
Plaintiff,

vs.

B. W. SHOOK,  
Defendant.

X  
X  
X  
X  
X  
X

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW


Comes the Defendant in the above styled cause and moves the Court to set aside the judgment by default that was rendered in favor of the Plaintiff and against the Defendant on March 9, 1960, such judgment being in the sum of Six Thousand Eight Hundred Nineteen Dollars and Eighty-nine Cents (\$6,819.89) and as grounds for said motion says:

1. That said judgment was rendered in excess of the amount sued for.

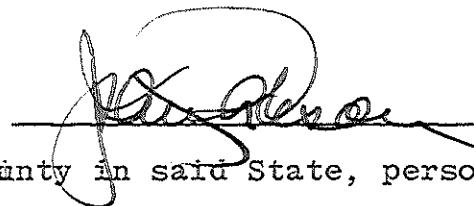
2. That the Plaintiff failed to credit the Defendant with One Thousand Five Hundred Dollars (\$1,500.00) which had been paid by the Defendant to the Plaintiff to apply upon such account.

3. That the Defendant has a meritorious defense to such cause of action which he had not presented because of matters beyond his control.

WHEREFORE, the Defendant prays that this Court will set a day for the hearing of this motion and will give notice of the day set for said hearing to the Plaintiff or his attorney of record, E.G. Rickarby and on the day set for hearing such motion that the judgment by default will be set aside and the cause reinstated on the docket.

  
Defendant

STATE OF ALABAMA  
BALDWIN COUNTY

Before me, , a Notary Public, in and for said County in said State, personally appeared B. W. Shook 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 he is the Defendant in the above styled cause and he

signed the foregoing motion and the matters and facts alleged therein are true and correct.

P. W. Shook

Sworn to and subscribed before me  
on this the 1<sup>st</sup> day of April, 1960.

[Signature]  
Notary Public, Baldwin County, Alabama

FILED

APR 1 1960

ALICE J. DUCK, Clerk

The above and foregoing motion having been presented to me, such motion is now set for hearing at 10:00 A. M. on Thursday, April 7, 1960, and the Clerk of this Court is hereby directed to send a copy of such motion and of this order setting the same for hearing to E. G. Rickarby, Attorney at Law, Fairhope, Alabama, as the attorney of record for Plaintiff in said cause.

Done this 1<sup>st</sup> day of April, 1960.

FILED

APR 1 1960

ALICE J. DUCK, Clerk

Hubert M. Steele  
Judge

STANFORD A. WEINER,

Plaintiff,

VS.

B. W. SHOOK,

Defendant

\* \* \* \* \*

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

\* \* \* \* \*

MOTION TO SET ASIDE

\* \* \* \* \*

FILED

APR 1 1960

ALICE J. DUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA



SUMMONS AND COMPLAINT

MOORE PRINTING COMPANY - BAY MINETTE, ALA.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No 4109-----

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

TO ANY SHERIFF OF THE STATE OF ALABAMA

You Are Commanded to Summon B. W. SHOOK

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 -----

-----B. W. SHOOK-----, Defendant-----

by -----STANFORD A. WEINER-----

-----, Plaintiff-----

Witness my hand this 18th day of December 1959.

Stanford A. Weiner, Clerk

STATE of ALABAMA

Baldwin County

CIRCUIT COURT

XXXXXX

STANFORD A. WEINER

Plaintiffs

vs.

B. W. SHOOK

Defendants

Branch

Summons and Complaint

Filed 12-18-59 19

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

, 19

Sheriff.

I have executed this summons

this 29 Jan 1960  
by leaving a copy with

B. W. Shook

Sheriff.

Deputy Sheriff.

O m.

E. G. RICKARBY

392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

P. O. BOX 71

December 14, 1959

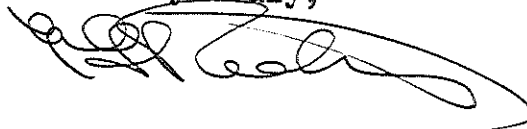
Honorable Taylor Wilkins  
Sheriff  
Bay Minette, Alabama

Dear Mr. Wilkins:

Re: Weiner vs. Shook  
File #4578

Next time you have a deputy going South have him deliver this paper to Mr. Shook, who stays there at the Malbis Courts. He is a boarder there and has been there for a good many years.

Yours very truly,



EGR/bs  
cc: Client

LAW OFFICES  
**E. G. RICKARBY**  
392 FAIRHOPE AVENUE  
FAIRHOPE, ALABAMA

P. O. BOX 71

March 7, 1960

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

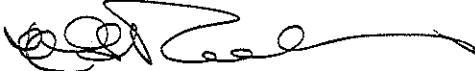
Dear Mrs. Duck:

Re: Weiner  
Vs: Shook  
File: 4578

4109

In the above mentioned case service was had on January 29, 1960. Request judgment by default be entered up for \$6,819.89 which in-cludes interest at 6% on the \$6,025.00 for eight months, from 10 May, 1959, through 10 January, 1960.

Yours very truly,

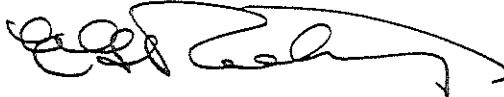


EGR/bs  
cc: dup. Client

Mrs. Duck:

Make up a Certificate of Judgment in this case, send it down to the Probate Court for record and have Mr. D'Olive charge that to my account.

Yours very truly,



EGR/bs