

JOHN V. DUCK

ATTORNEY AT LAW

FAIRHOPE, ALA.

October 7, 1960

4430

Re: Peaslee Gaulbert Paint &
Varnish Co., VS George T.
Fowler

Dear Mrs. Duck,

Please find demurrers in the above styled cause.
Please file and send a copy to Mr. Forest Christian of Foley.

Sincerely yours,

John V. Duck
John V. Duck

By: *Edith M. Smith*

JVD:ems

PEASLEE GAULBERT PAINT & VARNISH
COMPANY DIV. OF DEVOE & REYNOLDS
COMPANY, INC., A NEW YORK Corpor-
ation,

PLAINTIFF

VS:

GEORGE T. FOWLER

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA



AT LAW

DEMURRERS

Comes now the defendant in the above styled cause and
demurs to the Bill of Complaint filed herein and for grounds as-
signs the following:

ONE: That the account sued on is not properly itemized.

Defendant demands a trial by jury.


Attorney for Defendant

Attorney for Defendant

FILED

ALICE J. DUCK, CLERK
REGISTER

PEASLEE GAULBERT PAINT & VARNISH
COMPANY DIV. OF DEVOE & REYNOLDS
COMPANY, INC., A NEW YORK COR-
PORATION.

Plaintiff

-VS-

GEORGE T. FOWLER

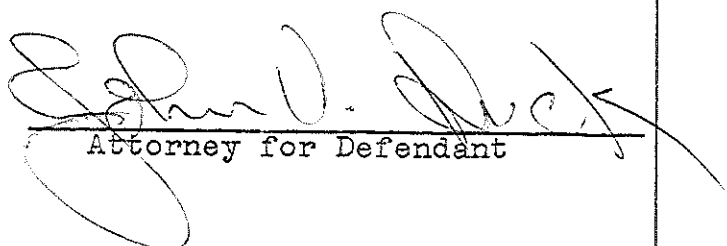
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

Comes now the Defendant in the above styled cause and for
answer to each and every count in the Bill of Complaint assigns
the following:

"Not Guilty".


Attorney for Defendant

PEASLEE GAULBERT PAINT & VARNISH
COMPANY DIV. OF DEVOE & REYNOLDS
COMPANY, INC., A NEW YORK Corpor-
ation,

PLAINTIFF

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

VS:

GEORGE T. FOWLER



DEFENDANT

DEMURRERS

Comes now the defendant in the above styled cause and
demurs to the Bill of Complaint filed herein and for grounds as-
signs the following:

ONE: That the account sued on is not properly itemized.

Defendant demands a trial by jury.


Attorney for Defendant

Attorney for Defendant

FILED
OCT 31 1960
ALICE J. DUCK, CLERK
REGISTER

no 4430
 Source: *Barnt*
 vs.
Gorge J. Fowler

1. ~~Cooper, Grady, Farmer, Elseanor~~
2. ~~Conway, Roscoe, Brookley Field, Bay Minette~~
3. ~~Crotwell, Alfred, Carpenter, Gulf Shores~~
4. ~~Kennedy, J.C., Ins. Agent, Bay Minette~~
5. ~~Kinnard, B.B., Clerk, Bay Minette~~
6. ~~Lazzari, A.V., Jr., Farmer, Belforest~~
7. ~~Lee, Herbert, Florist, Robertsdale~~
8. ~~Leiterman, Atnon, Farmer, Elberta~~
9. ~~Lenz, William, Civil Service, Elberta~~
10. ~~McMillan, Raymond N., Farmer, Stockton~~
11. ~~Mothershed, George J., Farmer, Bay Minette~~
12. ~~Nail, Wilber C., Farmer, Gulf Shores~~
13. ~~Nelson, Clarence A., Merchant, Fairhope~~
14. ~~Nelson, James H., Ship Carpenter, Gulf Shores~~
15. ~~Nix, Herbert, Brookley Field, Bay Minette~~
16. ~~Norsworthy, John C., Clerk, Bay Minette~~
17. ~~Osborne, W.A., Civil Service, Foley~~
18. ~~Page, Glenn A., Insurance, Bay Minette~~
19. ~~Mitchell, White, Clerk, Bay Minette~~
20. ~~Yarbrough, Leon, Forester, Bay Minette~~
21. ~~Bryars, Charles Henry, Jr., Farmer, Stockton~~
22. ~~Gasteel, Jim, Laborer, Elseanor~~
23. ~~Harrison, Bibb, Farmer, Fairhope~~
24. ~~Hedge, Langston, Chemist, Bay Minette~~
25. ~~James, Lonnie, Salesman, Bay Minette~~
26. ~~Golden, David, Jr., Merchant, Foley~~
27. ~~Grantham, Donald R., Farmer, Mag. Spgs.~~
28. ~~Griffith, Jack, Shipyard, Fairhope~~
29. ~~Hammond, Cecil C., Trk. Oper., Bay Minette~~
30. ~~Harris, Guy H., Merchant, Foley~~
31. ~~Ellison, W.V., Farmer, Robertsdale~~
32. ~~Eslava, Paul, Farmer, Mag. Spgs.~~
33. ~~Godwin, Dewey C., Mechanic, Bay Minette~~
34. ~~Day, Gladden, Salesman, Bay Minette~~
35. ~~Gulver, W. Batson, Nurseryman, Bay Minette~~
36. ~~Duffee, Kenneth, Brookley Field, Stockton~~
37. ~~Duck, Davis, Farmer, Bay Minette~~
38. ~~Patterson, Earnest, Farmer, Rosinton~~
39. ~~Prine, Julian C., Ins., Bay Minette~~
40. ~~Rieben, Albert, School Bus Mechanic, Bay Minette~~
41. ~~Rieben, Ray, Paper Mill, Bay Minette~~
42. ~~Simms, R.J., Hardware, Belforest~~
43. ~~Thieme, W.H., Foreman, Foley~~
44. ~~Topp, Henry, Clerk, Foley~~
45. ~~Vines, Mack, Clerk, Bay Minette~~
46. ~~Weeks, Elliot, Mechanic, Mag. Spgs.~~
47. ~~Weeks, Sydney, Farmer, Mag. Spgs.~~
48. ~~Coleman, James A., Restaurant Oper., Gulf Shores~~
49. ~~Boan, Jessie Forest, Farmer, Stapleton~~
50. ~~Bodden, C.A., Ala. Power Co., Bay Minette~~
51. ~~Brantley, E.R., Contractor, Bay Minette~~

50
 12
 38
 17

P. XXXXX XXXXX XXXXX XXXX

D XXXXX XXXXX XXXXX XXXX

SUMMONS

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

You are hereby commanded to summon GEORGE T. FOWLER 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, Alabama, at the place of holding same by PEASLEE GAULBERT PAINT & VARNISH COMPANY DIV. OF DEVOE & RAYNOLDS COMPANY, INC., a New York Corporation.

Witness my hand this the 19 day of September, 1960.

64-9-23-60
* * * * *
Alice L. Duck
Clerk

COMPLAINT

PEASLEE GAULBERT PAINT & VARNISH)
COMPANY DIV. OF DEVOE & RAYNOLDS)
COMPANY, INC., a New York Corpor-)
ation,)

PLAINTIFF)

VS:)

GEORGE T. FOWLER,)

DEFENDANT)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT I:

The plaintiff claims of the defendant SEVEN HUNDRED SIXTY-NINE & 64/100 DOLLARS (\$769.64), due from him by account on, to wit: the 13th day of April, 1960, which sum of money, with interest thereon, is still unpaid.

COUNT II:

The plaintiff claims of the defendant SEVEN HUNDRED SIXTY-NINE & 64/100 DOLLARS (\$769.64), due from him on account stated between the plaintiff and the defendant on, to wit: the 13th day of April, 1960, which sum of money, with interest thereon, is still unpaid.

COUNT III:

The plaintiff claims of the defendant SEVEN HUNDRED SIXTY-NINE & 64/100 DOLLARS (\$769.64), due from him for merchandise, goods and chattels sold by the plaintiff to the defendant on, to wit: the 13th day of April, 1960, which sum of money, with interest thereon, is still unpaid.

There is attached to the original hereof, an itemized statement of account, verified by the affidavit of a competent witness, sworn to before a notary public, which shows the amount due on this account as of the 4th day of August, 1960.

The defendant's address is:

Fairhope, Alabama

Tracy Oliver
Attorney for Plaintiff

FILED

SEP 19 1960

ALICE L. DUCK, CLERK
REGISTER

AFFIDAVIT TO PROVE OPEN ACCOUNT

STATE OF

KENTUCKY

County of Jefferson

} Sct.

In the matter of account due Peaslee Gaulbert Paint & Varnish Company Div. Of
from George T. Fowler Devoe & Reynolds Company, Inc.

this day came Paul B. Willoughby who, being first duly sworn, deposes
and says that he is Credit Manager of said creditor which is a (1) Corporation under the
laws of state of New York

hereto attached against George T. Fowler and that the account
for Seven hundred sixty-nine 64/100 - - - - - 100 Dollars

is a just demand, and has never to his knowledge or belief been paid, and that there is no
offset or discount against the same, or any usury therein.

And this affiant further states that the account herein claimed is due for the articles mentioned
therein, and that the same were sold and delivered by said claimant to the said George P. Fowler
at this special instance and request, and that he promised to pay the sums therein
charged.

Paul B. Willoughby
SIGNATURE

Paul B. Willoughby

Subscribed and sworn to before me by Paul B. Willoughby
this 14th day of August 1960
My Commission Expires July 6 1963

Arthur P. Smith
NOTARY PUBLIC

(1) If a firm, give full name of other partners. If a corporation, that he is President or Secretary adding on blank line
below under the laws of what state it is originated.

Rayford
M. J. Hill no. 4430
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

PEASLEE GAULBERT PAINT & VARNISH
COMPANY DIV. OF DEVOE & RAYNOLDS
COMPANY, INC., a New York Corp-
oration,

PLAINTIFF

-VS-

GEORGE T. FOWLER,
DEFENDANT

Received 21 day of Sept 1960
and on 23 day of Sept 1960
I served a copy of the within 890
on George T. Fowler

By service on George T. Fowler

TAYLOR WILKINS, Sheriff

By W. C. Vaino, S.

F. hope

Sheriff claims 70 miles at

Ten Cents per mile Total \$ 7.00

TAYLOR WILKINS, Sheriff

BY Garnet
DEPUTY SHERIFF

We the jury
find for the
plaintiff &

Assess damages
of 769.64
CA Bolder
Foreman

FILED
SEP 19 1960
ALFRED DICK, CLERK
REGISTER

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA

AFFIDAVIT ON JUDGMENT

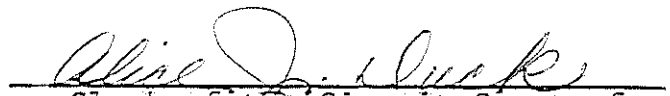
THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

Personally appeared before me, ALICE J. DUCK, Clerk of the Circuit Court in and for said County FOREST A. CHRISTIAN, who being duly sworn, deposes and saith that PEASLEE GAULBERT PAINT AND VARNISH COMPANY on September 12, 1961, A.D., in the Circuit Court of Baldwin County recovered a judgment against GEORGE T. FOWLER for the sum of SEVEN HUNDRED SIXTY-NINE & 64/100 DOLLARS (\$769.64) and the further sum of _____ cost of court, and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that the Fairhope Memorial Gardens, Inc. has or is believed to have in its possession or under its control, money or effects belonging to the defendant, or that has or is believed to be indebted to the defendant, or is to be liable to him on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.



Sworn to and subscribed before me this 1st day of February, 1962.


Clerk of the Circuit Court of
Baldwin County.

FILED

FEB 1 1962

ALICE J. DUCK, CLERK
REGISTER

PEASLEE GAULBERT PAINT
AND VARNISH COMPANY,
Plaintiff

VS

GEORGE T. FOWLER,
Defendant

FAIRHOPE MEMORY GARDENS, INC.
Garnishee

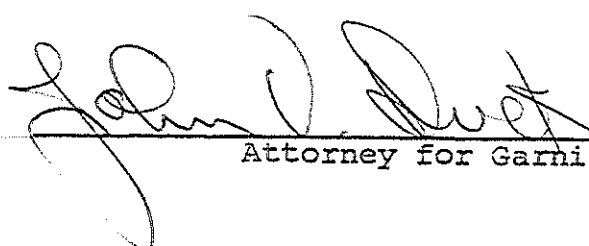
)
)
) IN THE CIRCUIT COURT OF
) BALDWIN COUNTY, ALABAMA

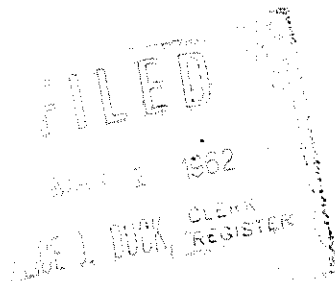
) AT LAW
)
)

ANSWER

Comes now Fairhope Memory Gardens, Inc., and for answer to
the writ of garnishment filed herein says:

That it does not have in its possession or under it's control
any money or effects belonging to the defendant or that it does
not have a contract with the defendant for the payment of money
which may be discharged by the delivery of personal property, or
which is payable in personal property and is not indebted to the
defendant in any way.


Attorney for Garnishee

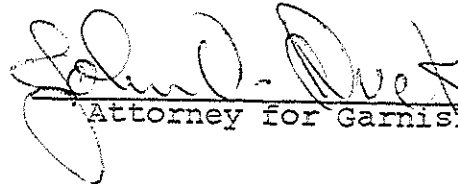


PEASLEE GAULBERT PAINT)	
AND VARNISH COMPANY,)	IN THE CIRCUIT COURT OF
Plaintiff)	BALDWIN COUNTY, ALABAMA
V.)	AT LAW:
GEORGE T. FOWLER,)	
Defendant)	
FAIRHOPE MEMORY GARDENS, INC.)	
Garnishee)	
)	

ANSWER

Comes now FAIRHOPE MEMORY GARDENS, INC., and for answer to the writ of garnishment filed herein sayd:

That it does not have in it's possession or under it's control any money or effects belonging to the defendant or that it does not have a contract with the defendant for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property and is not indebted to the defendant in any way.

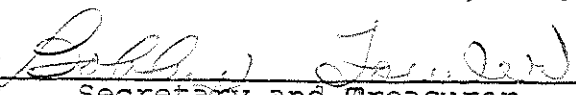

Attorney for Garnishee

STATE OF ALABAMA

BALDWIN COUNTY

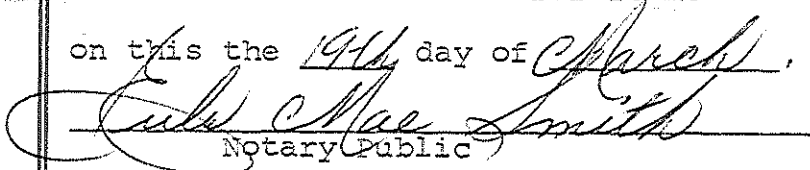
Personally appeared before me, the undersigned authority, BOBBYE FOWLER, who being by me first duly and legally sworn, doth depose and say as follows: My name is BOBBYE FOWLER, I am Secretary-Treasurer of Fairhope Memory Gardens, Inc., a Corporation, and that the matter stated in the foregoing answer is true and correct.

FAIRHOPE MEMORY GARDENS, INC.

By 
Secretary and Treasurer

Sworn to and subscribed before me

on this the 19th day of March, 1962.


Notary Public

FILED

MAR 20 1962

ALICE J. DUCK, CLERK
REGISTER

State of Alabama

BALDWIN COUNTY

TO GEORGE T. FOWLER , Defendant.....:

YOU ARE HEREBY NOTIFIED that a Writ of Garnishment has been issued in the case of.....

..... PEASLEE GAULBERT PAINT & VARNISH CO , Plaintiff.....,

versus GEORGE T. FOWLER , Defendant.....,

now pending in the Circuit Court of Baldwin County, Alabama, Law Side, in which.....

..... FAIRHOPE MEMORIAL GARDENS, INC.

has been named as Garnishee.....

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal on this the 1st
day of February , 19~~6~~62.......... Alice J. Husk
Clerk of the Circuit Court.

E. J. - 2-16-62

280

NOTICE
TO DEFENDANT OF GARNISHMENT

BY
CLERK OF CIRCUIT COURT
BALDWIN COUNTY, ALABAMA

TO

GEORGE T. FOWLER,
Defendant

PEASLEE GAULBERT PAINT & VARNISH CO.
Plaintiff.....

VS.

GEORGE T. FOWLER

Defendant.....

Forest A. Christian, Attorney

Serv 2-16-62

Received 14 day of Feb 1962
and on 14 day of Feb 1962
served a copy of the within
on W. D. Wilkins
By service on W. D. Wilkins
Peaslee Gaulbert Paint & Varnish Co.

TAYLOR WILKINS, Sheriff

BY W. D. Wilkins S.

Sheriff claims 20 miles at
Ten Cents per mile Total \$ 2.00
TAYLOR WILKINS, Sheriff
BY Harner
DEPUTY SHERIFF

FILED

FEB 16

ANGEL L. DUCK

CLERK

REGISTRAR

2-16-62

WRIT ON JUDGMENT

THE STATE OF ALABAMA,)

BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETING:

Whereas FOREST A. CHRISTIAN has made affidavit as required by law that PEASLEE GAULBERT PAINT AND VARNISH COMPANY at the September 12, 1961 Term, A.D., of the Circuit Court of Baldwin County recovered a judgment against GEORGE T. FOWLER for the sum of SEVEN HUNDRED SIXTY-NINE & 64/100 DOLLARS (\$769.64), and the further sum of

DOLLARS, cost of suit; and that he believes the process of garnishment is necessary to obtain satisfaction of said judgment, and that Fairhope Memorial Gardens, Inc. has, or is believed to have in its possession or under its control, money or effects belonging to the defendant, or that has or is believed to be indebted to the defendant, or to be liable to him on a contract for the delivery of personal property, or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

These are therefore to command you, that you summon the said FAIRHOPE MEMORIAL GARDENS, INC. to be and appear at the next Term of Circuit Court of Baldwin County to be holden for said county, within thirty days after the service of this writ of garnishment, then and there to answer on oath, whether at the time of the service of this writ, or at the time of making its answer, it has in its possession, or under its control any money or effects belonging to the defendant; and whether it is indebted to said defendant, or is liable to him on any contract for the payment of money or the delivery of personal property or on a contract for the payment of money which may be discharged by the delivery of personal property, or which is payable in personal property.

WITNESS, Alice J. Duck, Clerk of said Court at office, this 1st day of February, A.D., 1962.

Alice J. Duck
Clerk

Ex-216-62

4430 1/2
WRIT ON JUDGMENT

PEASLEE GAULBERT PAINT AND VARNISH
COMPANY

PLAINTIFF

-VS-

GEORGE T. FOWLER

DEFENDANT

FAIRHOPE MEMORIAL GARDENS, INC.

GARNISHEE

Received 1 day of Feb 1912
and on 16 day of Feb 1912
I served a copy of the within writ
on Fairhope Memorial
Gardens Inc.
By service on George T. Fowler
Manager

TAYLOR WILKINS Sheriff
By W. C. Burnett
T. Hoge

FILED
FEB 15 1912
ALICE J. JOCK, CLERK
REGISTER

Sheriff claims 7.00 miles at
Ten Cents per mile Total \$ 7.00
TAYLOR WILKINS, Sheriff
BY Burnett
DEPUTY SHERIFF

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA